

**Crown Prosecution Service**  
Delivering justice



**VIOLENCE AGAINST WOMEN AND GIRLS REPORT  
TENTH EDITION**

2016–17

INCLUDES DATA ON MEN AND BOYS

Revised edition

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# Foreword by the Director of Public Prosecutions



This is the tenth year of our publication of an annual Violence against Women and Girls (VAWG) crime report. We are committed to publishing the analysis and assessment of our performance each year, to assist in improving the effectiveness of our VAWG prosecutions. Over this ten year period VAWG convictions have risen from 51,974 to 84,565 – a 63% rise.

We have worked in partnership across the Criminal Justice System, and with our stakeholders, to encourage victims to report these crimes and prosecutions of domestic abuse, rape and sexual offences now account for one in five of the CPS' total caseload. In 2007–08, prosecutions related to VAWG accounted for 7.1% of the CPS's total caseload; in 2016-17, this rose to 19.3%

In 2016–17, tackling VAWG continued to be a priority for the CPS. We prosecuted and convicted more defendants for sexual offences (including rape and child sexual abuse) than ever before. More than 13,500 defendants were convicted – 1,670 (14%) more than in the previous year and more than a third

of these convictions were for sexual abuse of children. For the first time the data on the age of rape victims is robust enough to publish, indicating that more than half of victims are under 24 years of age, and nearly one in five aged 14–17 years. We are addressing the targeting of young people through our work on child sexual abuse, as well as making use of new offences to deal with the increase in the extreme nature of sexual abuse, such as 'possession of extreme pornographic images portraying rape', the streaming of indecent images of children and the 'possession of a paedophile manual'.

The volume of rape defendants prosecuted and convicted following an initial allegation of rape reached the highest level ever, with a steady conviction rate. In the coming year we are committed to contributing to a cross-government 'Deep Dive' exercise to identify ways to further reduce attrition rates in cases of serious sexual offences. Specifically within the CPS we aim to further improve performance through revised guidance and training, for both prosecutors and advocates. We are developing training on acquaintance rape involving intoxicated individuals as well as a psychological evidence toolkit for prosecutors

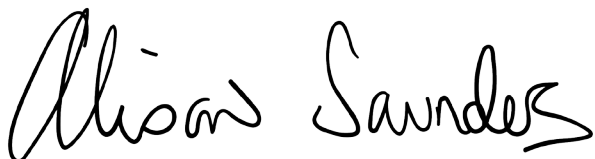
Our prosecution of cases involving social media has increased, not only for sexual offences but also for domestic abuse, stalking and harassment. We prosecuted more than 460 offences of disclosing private images without consent (so-called 'revenge pornography'). There have been prosecutions of more than 300 offences of coercive and controlling behaviour, since the law was introduced last year, with many involving control of victims through the internet, tracking software and social media platforms. We have also prosecuted a higher proportion of domestic abuse-related offences of indecent or grossly offensive communications.

During the year we met with groups supporting male victims of crimes identified as 'VAWG' offending and published a public statement on CPS support for men and boys - part of our overall strategic approach to secure justice for *all*. We outlined our commitments to update our legal guidance, training and case studies for prosecutors to include details of the experience of male victims, as well as help challenge myths and stereotypes and provide details of specific support services available for men.

In 2016–17 we recognised that the overall volume of domestic abuse prosecutions had fallen from 100,930 in the previous year to 93,590, following fewer cases being referred by the police. We are working closely with our police colleagues, locally and nationally, to ensure that we address the fall in volume and take forward appropriate cases. We have raised the issue through the Ministerial Domestic Abuse Working Group, Her Majesty's Inspectorate of Constabulary and the Home Office National Oversight Group to ensure it is addressed at the highest level. By the end of the year the conviction rate rose to 75.7%. We are also working more widely across the Criminal Justice System in developing a domestic abuse best practice model for use in all courts and will provide further training to all of our prosecutors in 2017–18.

I would like to thank stakeholders in our VAWG External Consultation Group and the Community Accountability Forum who have continued to provide their national support and expert advice during 2016–17. In addition, thanks to our dedicated Area VAWG Coordinators, staff in our Rape and Serious Sexual Offence Units and all CPS staff who deal with these cases, as well as the organisations that have supported our local scrutiny panels.

As ever, there is still more to be done in the coming year. We will continue to build on our achievements, implementing changes from the lessons we have learned and working with our partners to ensure an even better service for the victims of these crimes and our society as a whole.

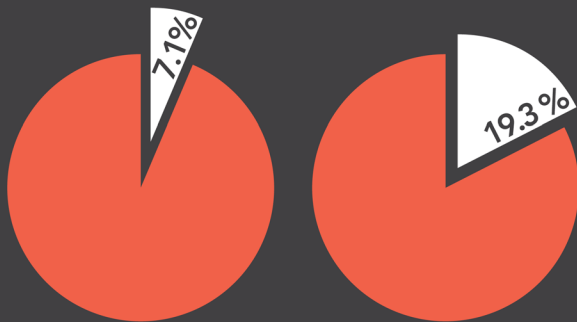
A handwritten signature in black ink that reads "Alison Saunders". The signature is written in a cursive, flowing style.

**Alison Saunders CB**

**Director of Public Prosecutions**

**November 2017**

# 10 YEARS AT A GLANCE



2007-08

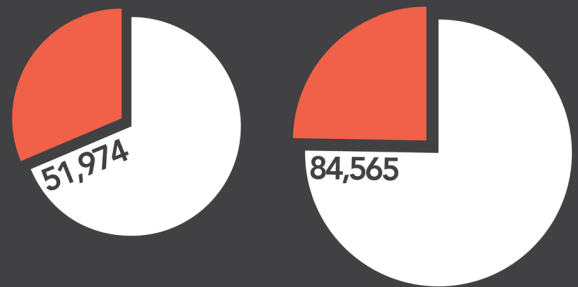
2016-17

VAWG crimes\* Other

In 2007-08, VAWG crimes accounted for 7.1% of the CPS' total caseload. In 2016-17, this rose to 19.3%; now almost **one in five cases are VAWG related**.

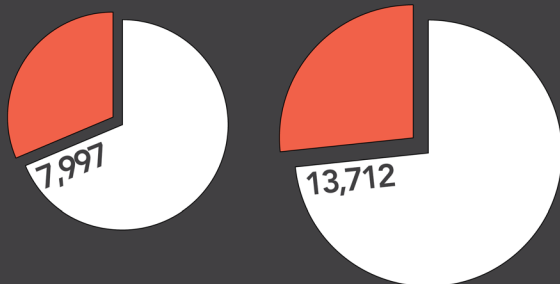
Conviction Unsuccessful

There has been a 48.8% rise in prosecutions for **VAWG crimes** since 2007-08, and a corresponding 62.7% rise in convictions.



2007-08

2016-17



2007-08

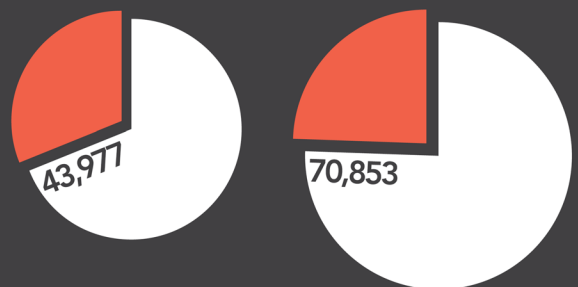
2016-17

Conviction Unsuccessful

In 2016-17 there were 5,715 more convictions for **sexual offences including rape and child sexual abuse** than in 2007-08. A 71.5% increase over 10 years.

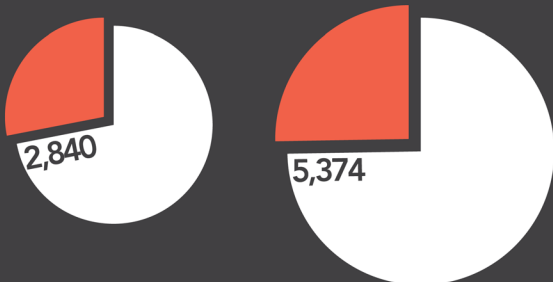
Conviction Unsuccessful

This year there were 26,876 more convictions for **domestic abuse** related offences than 2007-08.



2007-08

2016-17



2007-08

2016-17

Conviction Unsuccessful

The CPS commenced 3,241 more prosecutions for **child sexual abuse** in 2016-17 than in 2007-08, securing 2,534 convictions – a rise of 89.2%.

\*VAWG crimes' includes domestic abuse, rape and serious sexual offences

# Violence against Women and Girls Crime report

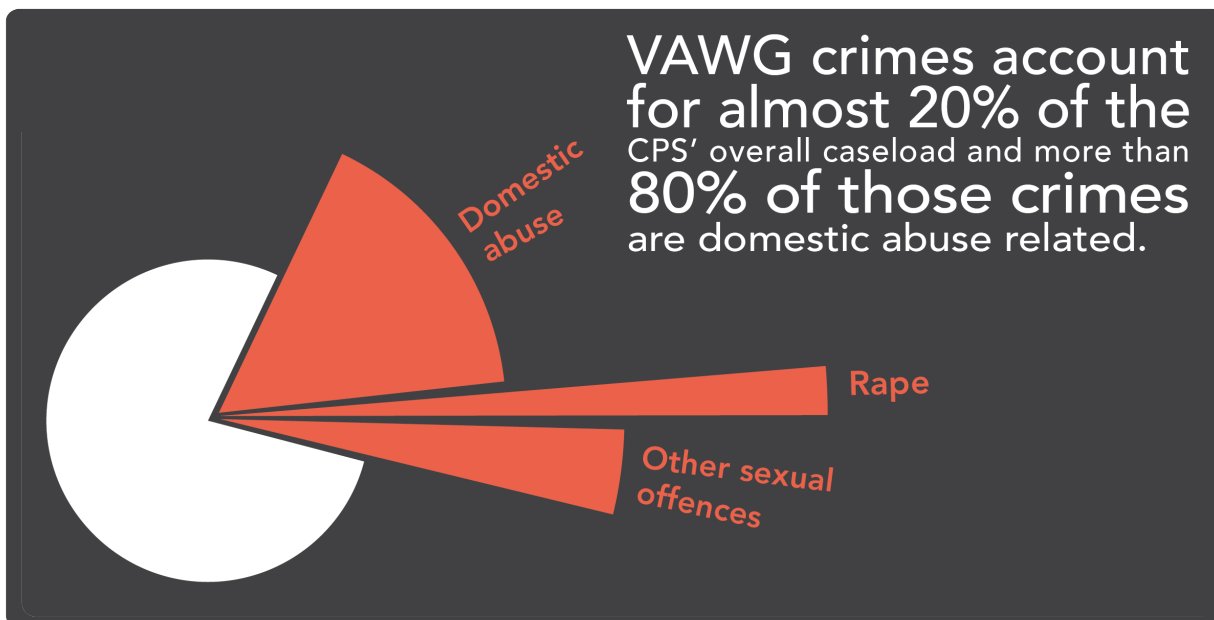
The Violence against Women and Girls (VAWG) report for 2016–17 is the tenth edition published by the CPS. It is an analysis of the key prosecution issues in each VAWG strand – domestic abuse (DA), stalking, harassment, rape<sup>1</sup>, sexual offences, forced marriage, so-called ‘honour-based’ violence, female genital mutilation, child abuse, human trafficking for sexual exploitation, prostitution and pornography.

VAWG work continued to be a key priority within the CPS National and Area business plans in 2016–17. In line with the four pillars of the overall CPS Business Plan, we focus on: success of our people; continuing improvement; high quality casework and public confidence.

The CPS VAWG strategy is part of the overarching cross-government VAWG strategic framework, based on the United Nations conventions that the UK has signed and ratified. The report provides an assessment of prosecution performance on crimes that have been grouped together under the heading ‘VAWG’, as they have been identified as being committed primarily, but not exclusively, by men against women within a pattern of coercion, power or control. However, these offences can also be targeted at men and boys and, in 2017, a [public statement was published on our approach and support for male victims](#). The linked [VAWG data report](#) includes *total data on all perpetrators and victims, irrespective of gender*. It outlines further information on gender and explains the overall VAWG approach.<sup>2</sup>

This report provides key data, commentary and case studies in separate sections for each of the VAWG strands.

**Please note that the data details and analysis are provided in the [VAWG data report](#). This data report also provides further details on CPS activity and next steps.**



<sup>1</sup>A ‘rape’ flag is applied to CPS files from the start of a case, following an initial allegation of rape. 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.

<sup>2</sup>This report provides outcomes by defendant and cannot provide separate information on outcomes based on victims or offences. To that end, data cannot be provided separately for the outcome of cases faced by female and male victims; nor is it possible to correlate the gender of the defendant with the gender of the victim.

## VAWG subset

[Please link to page A4 of the data report for detailed data and analysis](#)

The 'VAWG subset' specifically groups together DA, rape and sexual offences. It is recognised that there will be some overlap of flagged data<sup>3</sup> for DA, rape and sexual offences, but this is not significant in volume.

Prosecutions of DA, rape<sup>4</sup> and sexual offences now account for almost one in five of the CPS' total caseload, up from 7.1% in 2007–08. Over the ten year period, since the first VAWG report, there has also been a 63% rise in convictions.

Similar to previous years, the majority of prosecutions of crimes grouped under VAWG, for performance management purposes, are DA at 83.4%, rape at 4.6%, with a rise in the proportion of sexual offences, excluding rape, at 12.0%. In 2016–17, the slight fall in VAWG volumes prosecuted and convicted was due, primarily, to a fall in police referrals of DA defendants. The fall in referrals was identified at the end of 2015–16 and impacted on CPS cases progressing to prosecution during 2016–17. Actions to address this are outlined in the DA section.

- Between 2007–08 and 2016–17, conviction volumes have risen from 51,974 to 84,565 – a rise of 32,591 convictions – a 63% rise over this ten year period.
- In 2016–17 the volume of 'VAWG'<sup>5</sup> referrals from the police fell from 124,737 in 2015–16, the highest volume recorded, to 117,444 in 2016–17 – a fall of 7,293 referrals (5.8%).
- The volume of 'VAWG' crime prosecutions completed<sup>6</sup> fell from 117,568 in 2015–16, the highest volume recorded, to 112,270 in 2016–17 – a fall of 5,298 defendants (4.5%).
- The volume of convictions fell from 87,275 in 2015–16, the highest volume recorded, to 84,565 in 2016–17 – a fall of 2,710 convictions (3.1%). The conviction rate increased from 74.2% to 75.3%.

[Further information on VAWG issues and detailed data analysis is provided in the data report pages A1–A6](#)

## Domestic abuse

[For detailed domestic abuse \(DA\) data and analysis please link to the DA section of the data report pages A7–A12](#)

In 2016–17 a DA 'Deep Dive' exercise developed and tested a best practice framework for use across all Magistrates' Courts. The National Criminal Justice Board will evaluate outcomes in 2017–18 to consider rolling out nationally, with a revision of the Specialist DA Court resource manual.

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<sup>3</sup>Defendant data is flagged in the CPS data system for domestic abuse and rape.

<sup>4</sup>A 'rape' flag is applied to CPS files from the start of a case, following an initial allegation of rape. 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.

<sup>5</sup>CPS records do not include details of pre-charge decisions regarding sexual offences (excluding rape) and therefore cannot provide data on police referrals. 'VAWG' police referrals in this text include only DA and rape.

<sup>6</sup>Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2016–17 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2016–17.



Two new mandatory DA e-learning modules on evidence-led prosecutions and controlling or coercive behaviour were developed in 2016–17 for all prosecutors in 2017–18.

The fall in police referrals of DA, identified at the end of 2015–16, has had an impact on the volumes of prosecutions and convictions in 2016–17. We have worked closely with the National Police Lead on DA and Her Majesty's Inspectorate of Constabulary to identify the reasons for the fall and are addressing ways to ensure referrals are made appropriately. We are sharing our learning with the police on offences related to coercion or control and are providing them with an aide memoire based on our DA e-learning modules. In addition, we have raised the issue through the Ministerial Level DA Working Group and the Home Office National DA Oversight Group to ensure it is addressed at the highest level. Details are outlined in the DA data section (link below).

The CPS will work with other government departments in 2017–18 in the development of the Domestic Violence and Abuse Bill to bring more perpetrators to justice as well as further protect victims of abuse.

**The DA 'Deep Dive' exercise is assessing the use of police body worn videos to provide effective evidence to help prosecutions.**

The daughter of a victim rang the police when her mother was stabbed by her father. When the police arrived at the scene the victim was in the street and refused to engage with the police and made no statement. The daughter also refused to make a statement. Other family members present refused to comment. At the scene the defendant made two significant comments "I stabbed her" and "I didn't wanna kill her but she provoked me." The second comment was captured on body worn video. He had blood on his clothes and hands and there was a blood stained knife found at the scene. The defendant was interviewed and made no comment. The case was prosecuted entirely on the basis of circumstantial evidence. The 999 recording was subject to a hearsay application. The body worn video was evidenced, including the admission. In addition medical statements and forensic evidence were used. The defendant initially pleaded not guilty but changed his plea at the pre-trial review. He was sentenced to 9.5 years' imprisonment.

- Between 2007-08 and 2016–17, conviction volumes have risen from 43,977 to 70,853 – a rise of 26,876 convictions – a 61% rise over this ten year period.
- In 2016–17, the volume of DA referrals from the police fell from 117,882 in 2015–16 to 110,833 – a fall of 7,049 referrals (6.0%), with a corresponding fall of 3.3% in suspects charged.
- The volume of DA prosecutions completed fell from 100,930 in 2015–16 to 93,590 in 2016–17 – a fall of 7,340 defendants (7.3%).
- The volume of convictions fell from 75,235 in 2015–16 to 70,853 in 2016–17 – a fall of 4,382 convictions (5.8%). The conviction rate increased from 74.5% in 2015–16 to 75.7%, the highest rate ever recorded.
- Since the introduction of the offence of controlling or coercive behaviour 309 offences have been charged and reached a first hearing.

[Link to the DA section of the data report pages A7–A12 for details of CPS activity, next steps and detailed data analysis](#)



The following case is an example of the cases we are now prosecuting under the Controlling or Coercive behaviour offence.

A defendant was sentenced to 20 months' imprisonment and an indefinite restraining order after pleading guilty to an offence of controlling or coercive behaviour which included violence. The victim attended court for the sentence with the specialist support of an Independent Domestic Violence Advisor and provided a strong Victim Personal Statement.

She had been in a relationship with the defendant for three years, during which he controlled her, demanding money for alcohol, gambling and for another woman. He called her names, including 'fat' and 'unattractive' as well as racial slurs. He tracked her phone, insisted on her sending pictures to prove where she was and show her location on messaging services. He assaulted her and demanded sex.



## Stalking and harassment<sup>7</sup>

[For detailed stalking and harassment data and analysis please link to the stalking and harassment section of the data report pages A13–A15](#)

[Ministry of Justice data is provided in Annex 2 pages B9–B10](#)

CPS social media guidelines were published in October 2016 containing a section on stalking. The CPS stalking and harassment working group revised training for prosecutors for implementation in 2017-18. Overall there was a fall in stalking and harassment prosecutions and a rise in prosecution of breaches of restraining orders. In response to Her Majesty's Inspectorate of Police/Her Majesty's Crown Prosecution Service Inspectorate (HMIC/HMCPSI) thematic inspection of stalking and harassment, in 2017–18 we will revise our joint police/CPS stalking protocol, update our legal guidance on restraining orders and acceptance of pleas. We will also ensure training is undertaken by all prosecutors.

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<sup>7</sup>Note CPS stalking and harassment data is only available from the offence-based data system and therefore cannot include data on police referrals, charging, outcomes and victims.

- Prosecutions were commenced for 11,889 stalking and harassment offences in 2016–17; this was a fall of 1,097 offences (8.4%) from 2015–16 when 12,986 prosecutions were commenced. 71.0% were DA-related, a slight rise from 69.9% in 2015–16.
- There were 959 prosecutions commenced under the newer stalking offences (a fall from 1,102 in 2015–16). Of these 64.8% were DA-related, a fall from 67.6% in 2015–16.
- 16,614 prosecutions commenced for breaches of restraining order offences, a rise of 8.0% from 15,384 in 2015-6 and the highest ever recorded volume. 86.2% of these were DA-related, a rise from 85.7% in the previous year.
- 6,505 breaches of non-molestation orders started prosecution, compared with 6,672 in the previous year, a fall of 2.5%. 94.8% of these were DA-related, a slight rise from 93.6% in 2015–16.

[Link to the Stalking and Harassment section of the data report pages A13–A15 for details of CPS activity, next steps and detailed data analysis](#)

**The following case study illustrated the effective use of s.4A Protection against Harassment Act – stalking involving serious alarm or distress.**

A police officer was convicted of s.4A Protection against Harassment Act and given a restraining order for stalking a partner, who was also a police officer, causing serious anxiety and distress. The defendant pretended that he was being stalked by a fictitious ex-girlfriend. He spun a web of lies designed to destroy the victim’s self-confidence and mental well-being. The forensic computer evidence established that the ex-girlfriend did not exist and that the emails from her were, in fact, sent from the defendant’s Internet Protocol (IP) address. He sent emails implying that the ex-girlfriend had been in the house or had somehow been listening to their conversations. The messages soon took on a sinister, overtly sexual, tone and content with undermining and insulting words about the victim, who became so paranoid and scared that she was frightened to even walk to her car alone. Police were able to trace and obtain statements from two previous girlfriends in Scotland to show that this was repeat behaviour. He was sentenced to 18 months’ imprisonment.

## Rape<sup>8</sup>

### CPS and Ministry of Justice Data Explained

[For detailed rape data and analysis please link to the rape section of the data report pages A16–A22](#)

[Ministry of Justice data is provided in Annex 2 pages B11–B12](#)

The Ministry of Justice provides the official National Statistics<sup>9</sup> on rape while CPS data is primarily collected for case management purposes.

It should be noted that there are important differences as to how rape offences are recorded between the different data systems. These differences include: MoJ data is on a calendar year basis, rather than financial year; data on offenders convicted for rape only includes cases where the final

<sup>8</sup>Many victims of sexual offences, including rape, are children and therefore also flagged as child abuse – so there is an overlap of rape, sexual offences and child sexual abuse data.

<sup>9</sup>The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

conviction was for a specific offence of rape. Cases initially charged as rape resulting in a conviction for an alternative charge such as a serious sexual assault, will be recorded by MoJ for the alternative offence. It is not possible to separately identify such cases in MoJ figures.

CPS data below differs, as 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 flag is applied to CPS files from the start of the case following an initial allegation of rape. 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. This is for case management purposes to ensure that the principles of the rape and sexual offence policy are considered throughout the life of all relevant cases. The differences in recording leads to CPS reporting a higher number of prosecutions than recorded in MoJ data. The CPS method of recording has been used consistently in the annual VAWG report.

Further detail in respect of MoJ data and the differences between the datasets is provided in [Annex 2](#).

The table below provides a summary of MoJ<sup>10</sup> and CPS data together, for ease of comparison.

<b>Descriptions used by MoJ:</b>	<b>Published statistics:</b>		<b>Descriptions used by CPS:</b>
Cases of Rape:	MoJ: 2016	CPS: 2016–17	CPS records flagged as rape:
Proceeded against	3716	5190	Prosecutions completed
Convicted for rape	1352	2991	Conviction for rape, an alternative or lesser offence

### Key CPS Issues

In 2016–17 a co-ordinated programme of work was implemented by the Police and CPS Joint National Rape Steering Group, led by the Director of Public Prosecutions and National Policing Leads, and supported by a joint Delivery Board. A comprehensive programme of training for specialist lawyers was delivered by all CPS Areas.

This led to a rise in the volume of prosecutions and convictions, in cases initially flagged as rape, reaching the highest volumes ever recorded by CPS. There was a slight fall in police referrals and charged defendants which the CPS will continue to monitor in order to assess their appropriateness and address any issues across the criminal justice system.

For the first time, the data on the age of victims is robust enough to publish, indicating more than half of victims are under 24 years of age, nearly one in five aged 14-17 years. This information together with the child abuse data, the information on the use social media and prosecution of new offences on pornography helps in our understanding of key emerging prosecution issues, the increase in the extreme nature of sexual abuse and the targeting of young victims.

### CPS Data

- Between 2007-08 and 2016–17, convictions have risen from 2,021 to 2,991, a rise of 970 convictions, and the highest volume since records began – a 48% rise over this ten year period.

<sup>10</sup>The MoJ figures given relate to defendants for whom these offences were the principal offences for which they were dealt with.

- In 2016–17, the volume of rape referrals from the police fell from 6,855 in 2015–16 to 6,611 – a fall of 244 referrals (3.6%), with a corresponding fall of 6.1% in suspects charged. MoJ do not hold data on referrals from the police.
- The completed rape prosecutions rose from 4,643 in 2015–16 to 5,190 in 2016–17 – the highest volume ever recorded – a rise of 547 prosecutions (11.8%). 45.0% of rape flagged prosecutions in 2016–17 were perpetrated against child victims. Note MoJ data indicated that 3,716 defendants were proceeded against for a principal offence of rape in 2016 - not the highest volume ever.
- The data on the age of rape victims indicates that over 3,000 (52.3%) of rape victims with recorded age were under 24 years of age – 24.7% were aged 18-24 years (1,425); 18.3% were 14-17 years (1,059); 7.5% 10-13 years (435 victims) and 1.8% (103 victims) under ten years old.
- Convictions for rape rose from 2,689 in 2015–16 to 2,991 in 2016–17 – the highest volume ever recorded – an increase of 302 convictions (11.2%). The CPS conviction rate stayed steady at 57.6% in 2016–17, compared with 57.9% in 2015–16. Data from the MoJ shows that 1,352 offenders were convicted specifically for rape, the highest volume ever.<sup>11 12</sup>
- From CPS data 2016–17, 5,045 (98.9%) of cases initially flagged as rape were finally prosecuted for the principal offence categories of ‘sexual offences, including rape’ or more serious<sup>13</sup> principal offences of ‘homicides’ or ‘offences against the person’. Of these, 4,240 were for sexual offences including rape; 17 for homicide and 788 for offences against the person.

[Link to the Rape section of the data report pages A16–A22 for details of CPS activity, next steps and detailed data analysis](#)

**The following case study outlines a domestic abuse rape case where consent was challenged.**

A defendant forced vaginal sexual intercourse on his partner after an incident of domestic abuse. He bit the victim’s upper thigh, tried to strangle her and threatened to tie her up. She stated that she knew he would not let her go unless she submitted to his demands and replied “yes” when he asked if they could have sex. The defendant argued consent. At trial the victim’s attendance was secured by way of witness summons, following a retraction statement and she gave evidence to the court that she did not believe that she had been raped as she ‘agreed’ to have sex with the defendant. Robust prosecution and skilful re-examination of the victim outlined the legal case of rape and consent. The defendant was subsequently convicted of Rape and Actual Bodily Harm. He was sentenced to eight years’ imprisonment.

<sup>11</sup>The MoJ conviction ratio for 2016 was 36%. MoJ conviction ratios are calculated as the number of convictions as a proportion of the number of proceedings. This gives a measure of the relative number of defendants who are found guilty within a given year for a certain offence, when compared with the number who are prosecuted that year for the same offence. As trials can span more than one year, offenders found guilty in a calendar year are not always the same defendants who were prosecuted in that year. Further, defendants may be found guilty of a different offence to that offence for which they were originally prosecuted.

<sup>12</sup>To contextualise the difference in conviction ratios/rates between MoJ and CPS, it is useful to compare CPS figures with a MoJ analysis from 2013, which assessed the proportion of defendants prosecuted for rape offences in 2009 ultimately convicted of any offence between 2009 and 2011. This analysis indicated that, of those initially prosecuted for rape, 56% were convicted for any offence, including 33% who were convicted for rape. The proportion convicted for any offence was more comparable to the CPS conviction rates in 2008–09 of 57.7%; 2009–10 of 59.4% and 2010–11 of 58.6%.

<sup>13</sup>CPS 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. The order of ‘seriousness’ of the top three key principal offences is: homicide; offences against the person; sexual offences.

## Sexual offences (excluding rape)<sup>14 15</sup>

[For detailed data and analysis of sexual offences \(excluding rape\) please link to the sexual offences section of the data report pages A23–A25](#)

Special measures were introduced through the Youth Justice and Criminal Evidence Act 1999 to support vulnerable or intimidated victims to give their best evidence. Section 28 allows for cross-examination to happen earlier than the trial-stage helping improve memory recall because evidence is given closer to the time of the offence. It can also be less distressing as victims would not have to give evidence in person at court.

In 2016-17, following a pilot of Section 28 for children under 16 across three Crown Courts (Liverpool, Leeds and Kingston), the CPS supported other criminal justice agencies to evaluate the pilot's impact and take steps for national rollout. In January 2017, the CPS also supported the pilot being extended to include vulnerable witnesses under 18 and will work to extend it even further for cases involving rape, serious sexual assault and modern slavery.

In 2016–17 the volume of prosecutions and convictions rose to the highest volumes ever recorded, with the highest conviction rate ever.

- Between 2007-08 and 2016–17, conviction volumes have risen from 5,976 to 10,721, a rise of 4,745 convictions, and the highest volume since records began – a 79% rise over this ten year period.
- In 2016–17, the volume of sexual offences' prosecutions completed, excluding rape, rose from 11,995 in 2015–16 to 13,490 – a rise of 1,495 defendants (12.5%); reaching the highest volume ever recorded. 37.5% of sexual offences prosecuted in 2016–17 were perpetrated against child victims.
- The volume of convictions rose from 9,351 in 2015–16 to 10,721 in 2016–17 – a rise of 1,370 (14.7%). The conviction rate increased from 78.0% in 2015–16 to 79.5% – the highest volume and rate ever recorded.

[Link to the SO section of the data report pages A23–A25 for details of CPS activity, next steps and detailed data analysis](#)

**This case study illustrates a complex sexual offences cases involving social media.**

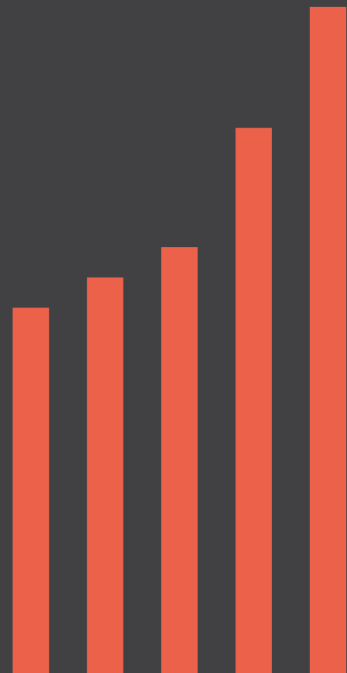
A man was prosecuted for 30 incidents where he was posing as a teenage girl and sending images across the internet to young boys to get them to send pictures of themselves and inciting them to commit sexual acts on their younger siblings and the family pets. The offences started when he was a youth and spanned various countries across the globe. He was sentenced to eight years in total to reflect his age at the time but also capture the seriousness of the criminality. He was given an indefinite Sexual Harm Prevention Order (SHPO) and placed on the Sexual Offenders Register.

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<sup>14</sup>Sexual offences excluding rape may range from offences of non-consensual sexual touching to serious sexual assaults. It is recognised that many victims of sexual offences, including rape, are children and therefore flagged as child abuse – so there is an overlap of rape, sexual offences and child sexual abuse data.

<sup>15</sup>CPS records do not include details of pre-charge decisions regarding sexual offences (excluding rape) and therefore cannot provide data on police referrals or charged defendants.

The CPS prosecuted  
**13,490**  
sexual offences cases  
in 2016-17 and secured  
**conviction in  
79.5% of them**  
- the highest volume and  
proportion ever.



## So-called ‘honour-based’ violence, forced marriage, and female genital mutilation<sup>16</sup>

[For detailed data and analysis of so-called 'honour-based' violence and forced marriage, please link to the HBV/FM section of the data report pages A26–A28](#)

### So-called ‘honour-based’ violence

The first ever joint police/CPS investigation and prosecution protocol for so-called ‘honour-based’ violence (HBV) and forced marriage (FM) was published in 2016. An HBV and FM action plan was developed for implementation in 2017–18 and a working group of specialist organisations was set up to oversee its delivery. Actions include updating the CPS Legal Guidance; revising the list of CPS Area HBV and FM Leads; providing training and the development of a CPS communications strategy around these crimes.

There was a fall in HBV and FM referrals, charged defendants and prosecutions in 2016–17, with a steady volume of convictions. The action plans aim to improve prosecution outcomes in 2017–18.

- The volume of referrals from the police of HBV related offences fell from 216 in 2015–16 to 200 in 2016–17, with a corresponding fall from 145 to 136 in the volume of defendants charged.
- The volume of prosecutions completed fell from 182 in 2015–16 to 171 in 2016–17.
- The volume of convictions stayed steady – 91 in 2015–16 and 90 in 2016–17. The conviction rate increased from 50.0% to 52.6%.

[Link to the HBV section of the data report pages A26–A28 for details of CPS activity, next steps and detailed data analysis](#)

<sup>16</sup>The small number of cases indicates the need for caution in interpreting data in relation to these offences.

**This case study is an example of an honour-based violence case.**

Two defendants were sentenced for honour-based violence involving a non-recent case of child neglect with both physical and emotional abuse, inside the UK and in their country of origin. The 17 year old victim had been abused and controlled by his father for becoming too 'westernised'. The abuse dated back to when the victim was around ten years of age with another family member also playing a leading role in punishing the victim for conforming to a western society. One of the more recent assaults and threats of violence related to the victim having formed a relationship with a white British female. The victim was significantly underweight and under the Child and Adolescent Mental Health Services (CAMHS) for depression (including thoughts of self-harm and suicide). One defendant received nine months' imprisonment and the other a 12 month community order, 20 days rehabilitation activity requirement (RAR) and 80 hours unpaid work. Restraining orders were also granted.

### Forced marriage

**A case study of forced marriage carried out by family members.**

The father and brother of a forced marriage victim were convicted of common assault and a forced marriage protection order was put in place, with the victim moved to safe location. The victim refused to attend court for fear of being kidnapped by the family so a witness summons was sought and she attended, with support and screens. Both defendants were convicted after trial; one was sentenced to 12 month community order (80 hours unpaid work) and the other to 12 month community order (curfew 8pm–6am for one month). Both paid the victim surcharge and compensation and also received indefinite restraining orders.

- The volume of forced marriage referrals from the police fell from 90 in 2015–16 to 56 in 2016–17, with a corresponding fall in the volume of defendants charged from 57 to 36.
- The volume of prosecutions completed fell from 53 in 2015–16 to 44 in 2016–17.
- The volume of convictions stayed steady at 32, as in 2015–16. The conviction rate increased from 60.4% in 2015–16 to 72.7% in 2016–17.

[Link to the FM section of the data report pages A26–A28 for details of CPS activity, next steps and detailed data analysis](#)

**This case study illustrates a successful prosecution for a breach of a Forced Marriage Protection Order.**

The victim took out a Forced Marriage Protection Order against her father, the defendant, as she believed he was going to force her to marry someone, after he found out she was in a relationship with someone from another religion. The victim and her boyfriend received a series of threatening text messages and phone calls from the defendant after this order was made, over a four week period. The defendant admitted sending the messages and breaching the order claiming he had not read the order properly. The defendant pleaded guilty at the first hearing and was sentenced to 18 weeks' imprisonment suspended for two years, a 20 day RAR and 120 hours of unpaid work. A restraining order was imposed preventing the defendant from also contacting the victim's boyfriend directly or indirectly for two years.



## Female Genital Mutilation

- Lead Female Genital Mutilation (FGM) prosecutors for each CPS Area provided early investigative advice to police following any FGM reports and were involved in local training and safeguarding events, to support community engagement.
- Whilst mandatory reporting by front line professionals has not resulted in a significant increase in cases being investigated and referred for prosecution, they have led to safeguarding measures being put in place with families and/or FGM Protection Orders being granted as preventative measures.

[Link to the FGM section of the data report page A29 for details of CPS activity and next steps](#)

## Child abuse<sup>17</sup>

[For detailed data and analysis of child abuse please link to the child abuse section of the data report pages A30–A33](#)

The CPS continued to play a central role in the Home Office-led cross government strategy to respond to sexual violence against children. This included engaging with a young witness initiative to expedite cases involving child witnesses under the age of 10 years. The CPS was also involved with the Centre of Expertise on Child Sexual Abuse and Exploitation.<sup>18</sup>

The CPS network of child sexual abuse (CSA) specialists was reinvigorated to act a source of expertise for colleagues dealing with CSA cases, both locally and nationally. Guidelines on prosecuting indecent images of children were updated in 2016.

Child abuse referrals and defendants charged rose in 2016–17. Child abuse and CSA prosecutions and convictions reached the highest volumes ever.

- Between 2007-08 and 2016–17, CSA conviction volumes have risen from 2,840 to 5,374, a rise of 2,534 convictions, and the highest volume since records began – an 89% rise over this ten year period.
- In 2016–17, the volume of child abuse referrals from the police increased from 13,282 in 2015–16 to 13,310 – an increase of 28 referrals (0.2%). 8,974 (67.4% of referrals) were charged, a rise of 85 from 2015–16, the highest volume ever recorded.
- The volume of prosecutions completed rose from 11,130 in 2015–16 to 11,793 in 2016–17 – a rise of 663 (6.0%), the highest volume ever recorded.
- The volume of convictions rose from 8,439 in 2015–16 to 8,999 in 2016–17 – a rise of 560 (6.6%) – the highest volume ever recorded.
- CSA offence prosecutions completed in 2016–17 rose from 6,217 to 7,181 – a rise of 964 (15.5%) and the highest volume ever recorded.

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<sup>17</sup>There is an overlap of rape, sexual offence and child sexual abuse data due to the volume of rape and sexual offences against children.

<sup>18</sup>The Centre of Expertise was set up by Barnardo's and the London Metropolitan University Child and Woman Abuse Study Unit.

- The volume of CSA convictions rose from 4,643 in 2015–16 to 5,374 in 2016–17 – a rise of 731 (15.7%) – the highest volume ever recorded. The conviction rate stayed steady at 74.8%.

[Link to the child abuse section of the data report pages A30–A33 for details of CPS activity, next steps and detailed data](#)

This case study illustrates a successful prosecution from abroad, using a remote video link, to convict a perpetrator of severe child abuse, including child sexual abuse that was carried out over many years.

From 2004 until 2012, a defendant subjected all of his children to a campaign of physical violence and, in the case of two of the children, sexual abuse. The sexual abuse included repeated rape of one of his sons, who was then eight years old, over a period of several months, as well as repeated sexual assaults upon him and his brother who was then seven years old. The mother (who was also assaulted) was previously unwilling to report any offence because of the shame in her community of reporting another member to the authorities. However she and her children fled the country and in 2016 she was approached by the police abroad and reported the offences for the first time. They were granted special measures to give their evidence by remote link. The public gallery was closed to all except the press when the children gave evidence. He was sentenced to 22 years' imprisonment.

7,181 cases of child sexual abuse were prosecuted by the CPS in 2016–17, 15.5% more than in 2015–16, while the conviction rate remained steady at 74.8%.



## Human trafficking and modern slavery

[For detailed data and analysis of human trafficking and modern slavery, please link to the HT and MS section of the VAWG data report pages A34–A38](#)

The CPS worked with a range of investigative, prosecutorial and governmental partners to improve the domestic and international response to trafficking and modern slavery. The CPS International Justice and Organised Crime Division provided capacity building support in priority countries

(including the 2016–17 deployment of a Criminal Justice Advisor to Nigeria). Prosecutors assisted international colleagues to enforce assets on behalf of the CPS, through asset sharing agreements, as well as helping them develop their own capacity for asset recovery. This is important in ensuring that assets are confiscated to support reparation orders for victims.

The volume of police referrals rose, with a steady volume of defendants charged and prosecuted. The volume of convictions fell slightly.

- The volume of human trafficking police referrals rose from 246 in 2015–16 to 271 in 2016–17 – the highest volume ever recorded, with a steady volume of defendants charged (188).
- The volume of human trafficking prosecutions completed in 2016–17 stayed steady at 295, as in 2015–16.
- The volume of human trafficking convictions fell from 192 in 2015–16 to 181 in 2016–17. The conviction rate fell from 65.1% to 61.4%.

[Link to the human trafficking and modern slavery section of the data report pages A34–A38 for details of CPS activity, next steps and detailed data](#)

**This case study is an example of human trafficking for sexual exploitation.**

Three defendants forced a group of Hungarian women to work as prostitutes. The women were trafficked to the UK with the promise of legitimate jobs. Their identity documents were taken and they were forced into sex work. Two of the women had up to ten customers every day, while a third was ordered to have sex with men at car washes. The victims, who were aged between 19 and 24, came from poor backgrounds and spoke little or no English. One of the defendants convinced two of the women that he was in a romantic relationship with them in order to manipulate them. The defendants were convicted – one was sentenced to over 13 years' imprisonment; the second to over eight years for human trafficking and forcing prostitution and the third was sentenced to over three years for controlling of prostitution for gain.

## Prostitution

[For detailed data and analysis of prostitution please link to the prostitution section of the VAWG data report pages A39–A40](#)

The CPS focuses on the prosecution of those who force others into prostitution, exploit, abuse and harm them. Our joint approach with the police, with the support of other agencies, is to help those involved in prostitution to develop routes out.

- The volume of prostitution related offences<sup>19</sup> related to the control of prostitution stayed steady in 2016–17 (99 from 100 in 2015–16) against a fall in prosecutions for brothel keeping (90 from 111) and kerb crawling (148 from 153).
- Prosecution of street offences fell to 127 in 2016–17 from 163 in 2015–16.

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<sup>19</sup>Note CPS prostitution data is only available from the offence-based data system and therefore cannot include data on police referrals, charging and outcomes.

[Link to the prostitution section of the data report pages A39–A40 for details of CPS activity, next steps and detailed data](#)

This case study is an example of the way perpetrators target vulnerable young girls, pretending they are in love to sexually exploit them.

A 17 year old young girl was groomed by two men, preying on her vulnerability due to a traumatic childhood. One of the men pretended to love her and she fell in love with him. For a period of six months the two men groomed her, coerced her, incited her and controlled her into selling sex. Over time they supplied her with drugs and threatened to harm her or those about whom she cared. They involved her in criminal activity, burgling houses and stealing - as a result she came to the attention of the police. The defendants were found guilty and each sentenced to 11 years' imprisonment.

## Pornography and obscenity<sup>20</sup>

[For detailed data and analysis of pornography and obscenity please link to the pornography and obscenity section of the data report pages A41–A43](#)

The CPS published revised guidelines for prosecuting indecent images of children (IIOC) in 2016 to streamline and rationalise the use of images in prosecutions. This has allowed prosecutions to proceed more efficiently with fewer offences per defendant prosecuted, but allowing the court sufficient sentencing power to cover the gravity of the offending.

There was a rise in obscenity offences prosecuted, with a higher proportion of indecent or grossly offensive prosecutions related to domestic abuse. Prosecutions for so-called 'rape pornography' and so-called 'revenge pornography' increased.

- In 2016–17 there was a fall in the prosecution of child abuse image offences<sup>21</sup> from 22,545 in 2015–16 to 20,803. These included prosecutions commenced for 14,691 offences of sexual exploitation of children through photographs, a fall from 16,672 in 2015–16 (a fall of 11.9%).
- There was a rise in obscenity offences prosecuted from 6,940 in 2015–16 to 8,049 in 2016–17 (16%).
- There were 24 prosecutions of rape pornography in 2016–17, a rise from three in 2015–16.
- There were 465 prosecutions commenced of the offence of disclosing private sexual images without consent (so-called revenge pornography) a rise from 206 in the previous year.
- There were fourteen prosecutions commenced of the offence of possession of a paedophile manual, a rise from one in the previous year.

[Link to the pornography and obscenity section of the data report pages A41–A43 for details of CPS activity, next steps and detailed data](#)

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<sup>20</sup>As in previous footnote for pornography and obscenity offences.

<sup>21</sup>CPS is not deprioritising prosecution of these offences, rather we are able to use fewer offences per defendant prosecution, following the revised guidelines relating to the streamlining of images in prosecutions.

**The following case is an example of the cases we are now prosecuting under the offence of possession of a paedophile manual.**

An offender's computer and mobile phone were examined by the police following the conviction for other offences. Police examination found a 170 page paedophile manual detailing how to have a sexual relationship with a child, including advice on how not to get caught by law enforcement agencies. He pleaded guilty to possession of the paedophile manual and other sexual offences and was given two years' custody as part of a total sentence of six years and an extended licence of four years. The court also imposed a lifetime Sexual Harm Prevention Order.

**The following case studies illustrate the range of ways in which exploitative sexual images are used – they cover indecent images of children including sexual abuse of babies; heterosexual and same sex disclosing of private images without consent.**

A defendant was convicted of sexually abusing his baby daughter, recording her abuse and sharing it on the internet with others. He denied taking the images but experts identified bedrooms in the house, clothing and items such as the defendant's watch, which proved it was him who had taken the photos. Electronic items were seized from the defendant's address including images of sexual abuse of babies, from new born through to girls aged nine years. He was convicted and sentenced to 13 years' imprisonment plus one year extended licence and Sexual Harm Prevention Order.

Another defendant assaulted and abused his partner on numerous occasions, over a period of months. He forced her to allow him to take a photograph of her semi-clothed and give him her social media account passwords. When she separated from him he posted the image of her and doctored it, advertising both her and her mother as prostitutes. He also sent doctored pornographic images with the victim's features superimposed on them to her parents. The lawyer prosecuting the case identified that it was a controlling and coercive (C&C) relationship and added that charge and an offensive communications charge. The defendant pleaded guilty to the C&C count including posting the images of the victim and her mother. He was sentenced to two years' imprisonment with a five year restraining order.

In a third case, a couple separated after a short sexual relationship, during which the victim had shared naked pictures of herself with the defendant. The defendant then sent one of the pictures to the victim's work colleagues by email and made threats to send further pictures and text messages with a sexual content. The victim was particularly distressed as this was her first same sex relationship and she had not come out to her friends, family or colleagues. The nature of the employment of both parties meant the case attracted media attention and the case involved very sensitive handling and applications at court to ensure the victim was not named or identified in media reporting. The defendant received a 12 month community order and a restraining order.

In 2016-17 the CPS commenced  
**465 and 309**  
prosecutions for the new  
offences of 'disclosing  
private sexual images  
without consent'  
and 'controlling or  
coercive behaviour',  
respectively.



[Please link to the data report for the performance data for all VAWG prosecutions and good practice](#)

Please link to Annex 1 for Areas and police force data, Annex 2 for MoJ data and Glossaries for terms and acronyms:

[Annex 1 Area data](#)

[Annex 2 MoJ data](#)

[Glossaries of terms and acronyms](#)

# **VIOLENCE AGAINST WOMEN AND GIRLS DATA REPORT**

The VAWG data report provides detailed data analysis on each of the VAWG strands.



# VAWG data report

## Introduction

The VAWG data report provides an assessment of prosecution performance in domestic abuse (DA), stalking, harassment, rape<sup>1</sup>, sexual offences, forced marriage, so-called ‘honour-based’ violence, female genital mutilation, child abuse, human trafficking for sexual exploitation, prostitution and pornography. These crimes have been grouped together under the heading ‘VAWG’, recognising that they have been committed primarily, but not exclusively, by men against women; with a disproportionate volume of female victims. There is a gendered pattern of power, coercion or control. However, these offences can be targeted at men and boys and in 2017 a [public statement was published on our approach and support for male victims](#). Legal guidance and training for prosecutors will be updated to include details of the experience of male victims, to help challenge myths and stereotypes and provide details of support services for male victims. In addition work is underway to improve the recording of the gender of victims in order to provide better data around the prevalence of victims, by gender.

The CPS is committed to securing justice for *all* victims of crimes grouped together as ‘VAWG’. To that end, we are inclusive in our approach. All our VAWG policies are applied fairly and equitably to all perpetrators and victims of crime – irrespective of their gender.

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<sup>2</sup> 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 CPS VAWG strategy is part of the overarching cross-government VAWG strategic framework, based on the United Nations conventions that the UK has signed and ratified. In March 2016, a cross government strategy – [Ending Violence against Women and Girls 2016–2020](#) – was launched outlining actions the Government is taking forward. The implementation of these actions, including those for CPS, will continue to be overseen by the VAWG Inter-Ministerial Group. We have committed to bringing more perpetrators to justice and improving the support for victims through reviewing our guidance, training, best practice and performance across VAWG strands and engaging with stakeholders. The [CPS VAWG strategy](#) has been updated for 2017–2020.

This data report is therefore an analysis of the key prosecution issues in each VAWG crime strand – detailed above. The data that forms the basis of the report is derived from the CPS’ Case Management System (CMS), CPS’ Witness Management System (WMS) and its associated Management Information System (MIS). The data are held within three separate databases within the MIS<sup>3</sup>, based on defendants, offences and victims or witnesses. Data cannot be correlated

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<sup>1</sup>A ‘rape’ flag is applied to CPS files from the start of a case, following an initial allegation of rape. 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.

<sup>2</sup>In 2003, the UN published reference: <http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf>

<sup>3</sup>As with any large scale recording system, data is subject to possible errors in data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

between the separate databases<sup>4</sup>. The report includes *total data on all perpetrators and victims, irrespective of gender*. Where possible, data is broken down, in the body of the report, by gender as well as overall volumes and proportions.

DA, rape, forced marriage, honour-based violence, child abuse and human trafficking cases are identified by flags applied to defendants in the CMS and reported through MIS. This data is recorded on a suspect (pre-charge) or defendant (post-charge) basis and therefore provides data on police referrals and charged defendants as well as outcomes. In addition, it provides equality profiles of defendants<sup>5</sup>. We analyse the outcomes of prosecutions using the defendant database and therefore this report annex reflects that throughout. Further detail is provided in each section on the proportion of defendants prosecuted by gender where available.

Stalking, harassment, sexual offences, prostitution, pornography and obscenity data can only be provided using the offences data recorded in the CMS and reported through the MIS. This data comprises the number of offences in which a prosecution commenced at Magistrates' Courts, and does not include any information on the number of referrals from the police, charged by CPS and the prosecution outcomes<sup>6</sup>. In addition data on victim profiles is not available for these offences.

The CPS Witness Management System (WMS) is a bespoke case management system designed by and for specialist Witness Care Unit (WCU) staff to effectively manage their cases. The WMS records victim and witness data and, where recorded, the system includes data reporting equality profiles of victims (and witnesses). The WMS can only provide data on the *volumes* of victims associated with prosecution proceedings, by gender (where available), rather than the *outcome* of those prosecutions. It does not include any data which reports the volumes of alleged victims associated with pre-charge proceedings and therefore cannot include data on police referrals and CPS charging.

The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007<sup>7</sup>. The purpose of this report is to provide an assessment of performance based on the best available data from the CPS Management Information System.

Further information and deeper analysis of the prevalence of DA, rape, sexual offences, child abuse and stalking is available in the [Crime Survey of England and Wales \(CSEW\)](#).

Equality profiles of defendants, by gender, ethnicity and age are assessed and reported on in this annex. Data on the equality profiles of victims are reported where available and we continue to look for ways in which to improve the victim related data held in the CJS. In line with government policy, we publish the underlying data used in our reports. The underlying data for this report<sup>8</sup> can be found on the CPS website, in the Publications section under [Underlying Data/Violence Against Women](#).

[Link to Glossary of terms and acronyms.](#)

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<sup>4</sup>This report provides outcomes by defendant and cannot provide separate information on outcomes based on victims or offences. To that end, data cannot be provided separately for the outcome of cases faced by female and male victims; nor is it possible to correlate the gender of the defendant with the gender of the victim.

<sup>5</sup>Equality profiles of defendants include data on their gender, age and ethnicity.

<sup>6</sup>Sexual offence data (excluding rape) is an exception as it is derived from the principal offence category of 'sexual offences' by excluding rape flagged defendants and can therefore provide outcome of prosecutions.

<sup>7</sup>The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

<sup>8</sup>Data is reported throughout this report; any additional underlying data is provided in the annex available on the CPS website – link provided.

## VAWG Governance

A Chief Crown Prosecutor acts as a national CPS VAWG Champion, linking across Headquarters and all CPS Areas, as well as chairing the External Consultation Group (see below). National CPS VAWG strategy managers, in the Operations Directorate of CPS Headquarters, oversee the VAWG work across CPS Areas. They oversee the delivery of the VAWG strategy, especially through the VAWG assurance scheme outlined below. The national VAWG leads publish quarterly CPS VAWG newsletters, outlining updates of work across all VAWG strands.

In 2016–17 CPS Area VAWG Coordinators continued to lead VAWG prosecutions locally and worked with Area Inclusion and Community Engagement Managers (ICEMs) in the running of Local Scrutiny and Involvement Panels (LSIPs). All Areas have panels covering VAWG issues – predominantly addressing DA and rape prosecutions. In 2016–17 some specifically focused on performance data, coercion and control cases, FM and HBV, ethnicity or mental health issues.

The VAWG Coordinators work with their Chief Crown Prosecutors in providing bi-annual reports on performance directly to the DPP through the VAWG assurance scheme. They meet bi-annually as a network – roundtable meetings were held in September 2016 and April 2017 to discuss the implementation of actions at a local level. VAWG sections have been set up within the CPS casework and knowledge hubs of the internal website to ensure that prosecutors have practical assistance related to casework preparation as well as good practice examples, links to local leads, legal guidance, toolkits and VAWG newsletters.

In 2016–17 at a national level the CPS VAWG External Consultation Group (ECG), as a subgroup of the wider CPS Community Accountability Forum, involved key VAWG expert groups to advise the CPS VAWG team. Locally stakeholders provide feedback and offer advice through CPS LSIPs.

## VAWG Assurance Scheme

In 2016–17, CPS Areas continued to monitor their performance using the VAWG assurance scheme, assessing a broad range of measures, including consideration of trends in performance on caseloads and conviction rates in comparison to the national average for DA, rape and sexual offences. Where possible, 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 CPS Areas provide commentary on their overall performance and identify actions to address improvements. CPS Areas also provide details of their work across all other VAWG strands. Areas receive feedback on their assurance reports from the DPP and the central VAWG team and are required to draw up and deliver at least three action points following each bi-annual assessment.

## Social Media

The CPS published revised guidelines on social media in October 2016 to include a new section on VAWG, following consultation. The new section addressed prosecution of VAWG offences involving the use of the internet, social media platforms, emails, text messages, smart-phone apps, spyware and GPS tracking software. It specifically included cyber-stalking, disclosing private sexual images without consent and controlling or coercive behaviour. The CPS also addressed the emerging trend of potentially grossly offensive communications, containing images of women with very serious injuries, being raped or being subjected to sadistic acts of violence. Advice has been added to the guidelines about the use of false online profiles and websites which are being set up in the victim's name, with false and damaging information. Details of prosecutions are included in the [Pornography and Obscenity](#) section of this report.

On 3 April 2017, s.67 of the Serious Crime Act 2015 was brought into force. It is now a criminal offence for anyone aged 18 or over to intentionally communicate with a child under 16, where the person acts for a sexual purpose and the communication is sexual or intended to elicit a sexual response. The offence applies to online and offline communication, including social media.

The CPS VAWG approach looks at the whole pattern and picture of offending, recognising the power and control dynamics based on gender, which are so often at play in these cases. It ensures we can also address appropriate support to victims.

## VAWG performance data

For performance management purposes, the CPS has grouped together a sub-set of offences – DA, rape<sup>9</sup> and sexual offences. Data for the sub-set of ‘VAWG’ crimes is included within this section of the report, with the caveats as outlined in the introduction. As in previous years, the majority of prosecutions of crimes grouped under VAWG for performance management purposes are DA (83.4%<sup>10</sup>), with rape at 4.6%<sup>11</sup>, with a rise in the proportion of sexual offences, excluding rape, at 12.0%<sup>12</sup>.

The data provided below relates to *all* ‘VAWG’ defendants and victims, irrespective of gender, with details of gender where available.

- In 2016–17, there was a fall in police referrals<sup>13</sup> compared to the previous year from 124,737 to 117,444. However this fall is assessed against a rise in the proportion of cases charged from 69% in the previous year to 70.7%, resulting in 83,084 defendants charged.
- The volume of VAWG cases, as a proportion of the total CPS caseload, is assessed as the ‘VAWG caseload’. The VAWG caseload rose in 2016–17, reaching the highest level ever recorded, at 19.3%. This is up from 7.1% in 2007–08.

**Table 1: VAWG caseload as % of total caseload, 2010–11 to 2016–17**

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
CPS NATIONAL	9.9%	10.2%	10.3%	12.5%	16.3%	18.6%	19.3%

- The volume of VAWG crime prosecutions completed<sup>14</sup> fell from 117,568 in 2015–16 to 112,270 in 2016–18. This represents a fall of 5,298 or 4.5%.
- The volumes of convictions fell from 87,275 in 2015–16 to 84,565 in 2016–17, with a 75.3% conviction rate.

<sup>9</sup> A ‘rape’ flag is applied to CPS files from the start of a case, following an initial allegation of rape. 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.

<sup>10</sup> A fall of 2.5% from the previous year.

<sup>11</sup> A rise of 0.7% from the previous year.

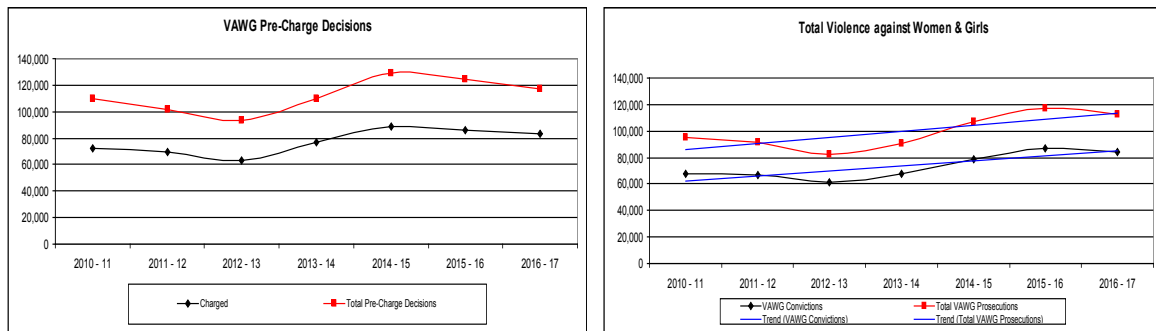
<sup>12</sup> A rise of 1.8% from the previous year.

<sup>13</sup> Police referrals do not include sexual offences, excluding rape.

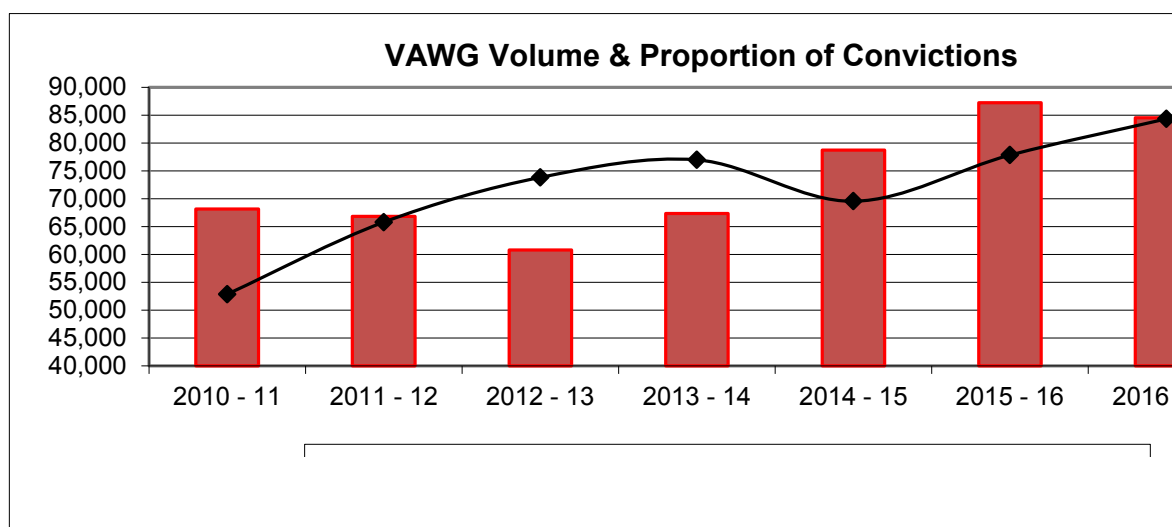
<sup>14</sup> Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2016–17 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2016–17.

**Graph 1 (left): Volume of pre-charge decisions**

**Graph 2 (right): Volume and trend of convictions and charged defendants 2010–11 to 2016–17 and prosecutions for VAWG crimes 2010–11 to 2016–17**



**Graph 3: Conviction volumes and rates for VAWG crimes, 2010–11 to 2016–17**



- 67.0% of successful outcomes were due to guilty pleas and out of all VAWG prosecutions contested at trial (excluding mixed pleas<sup>15</sup>), 51.4% were convicted.
- 27,705 prosecutions were unsuccessful – 15.8% due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence).
- Out of all unsuccessful outcomes, 47.0% were due to victim issues<sup>16</sup>; however out of *all* VAWG cases prosecuted, the proportion that was unsuccessful due to victim issues has fallen from 12.1% in 2015–16 to 11.6% in 2016–17.

The underlying data is provided in the linked annex at [Underlying Data/Violence Against Women](#). The CPS Area and police force data is at [Annex 1](#).

<sup>15</sup>Exclusive of mixed pleas’ are defendant cases where only ‘not guilty’ pleas are entered to all charges and a trial ensues.

<sup>16</sup>Victim issues include victim retractions, victim non-attendance and where the ‘evidence of the victim does not support the case’.

## Equalities issues

### Gender<sup>17</sup>

- Of the 112,270 defendants prosecuted, 103,960 defendants were male, 8,152 were female and in 158 cases the gender of the defendant was not recorded. Where the gender of the defendant was recorded, 92.7% were male and 7.3% were female<sup>18</sup>.
- Data from the Witness Management System showed that 104,698 victims were recorded<sup>19</sup>. Of all victims 68,196 were female, 13,818 were male and in 22,684 cases the gender of the victim was not recorded. 78.3% of victim gender was recorded in 2016–17 – a fall from 82.1% in 2015–16. This is not robust enough to calculate proportions by gender accurately. In 2017–18 measures will be considered to ensure more robust recording of gender.

### Ethnicity

- In 2015–16, 70.9 % of VAWG crime defendants<sup>20</sup> were categorised as White, of which 65.3% were identified as White British. 5.7% of defendants were identified as Asian, and 6.3% were identified as Black<sup>21</sup>. Just under half of victim ethnicity was not recorded (45.7%), so this data is not robust enough to be reported on within this report.

### Age

- From those defendants where age was recorded<sup>22</sup>, the majority of defendants were aged 25-59 (74.2%) and 18-24 (19.2%). 22.1% of defendants (24,780) were 24 years old or under, with 3,059 (2.7%) of defendants being 14-17 years old and 226 (0.2%) aged 10-13.
- From those victims where age was recorded<sup>23</sup>, the majority were aged 25-59 (67.6%) and 18-24 (21.1%). 27.3% of victims (25,679) were under 24 years old, with 4,264 (4.5%) of victims being 14-17 years old, 1,244 (1.3%) aged 10-13 and 336 under 10 (0.4%).

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<sup>17</sup>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.

<sup>18</sup>The figure is similar if calculated out of total, including unrecorded gender (92.6% male defendants and 7.3% female defendants).

<sup>19</sup>The victim data includes DA and rape, but data for victims related to sexual offences, excluding rape, is not available from the data systems.

<sup>20</sup>Ethnicity data on defendants is collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories.

<sup>21</sup>6.1% of defendants did not state an ethnicity on arrest and 8.1% of defendants' ethnicity was not provided to the CPS by the police.

<sup>22</sup>99.7% of defendant ages were recorded in 2016–17 – a rise from 99.6% in 2015–16.

<sup>23</sup>90.0% of victim ages were recorded in 2015–16 – a rise from 82.7% in 2015–16.

# Domestic Abuse

## Introduction

In 2016–17 CPS worked across the CJS in developing and testing best practice for use across all Magistrates' Court systems. Two new mandatory DA e-learning modules were developed for training of prosecutors. There was an increase in the prosecution of the offences of controlling or coercive behaviour and disclosing private sexual images without consent in DA cases.

The fall in police referrals of DA identified in 2015–16 has had an impact on the volumes of prosecutions and convictions in 2016–17. We worked closely with the police and Her Majesty's Inspectorate of Constabulary (HMIC) to identify the reasons for the fall and are addressing ways to ensure referrals are made appropriately.

Data provided below relates to *all* DA defendants and victims, irrespective of gender, with details of gender where available.

## Summary of CPS activity

- Exploration into the drop in police referrals of DA suspects has been carried out in collaboration with the police locally through all police forces and our CPS VAWG Coordinators as well as nationally with the National Police Chiefs' Council lead on DA, police Regional DA leads and HMIC. The possible reasons impacting on progression of cases and victim involvement may include difficulties and changes in data capture and delays in police responses and arrests. The HMIC is addressing a number of these issues through their inspection and will report later in 2017.
- We are working closely with our police colleagues to address the fall and take forward appropriate cases, through the National Police Regional DA leads. We are sharing our learning with the police on coercive or controlling (C&C) offences and are providing them with an aide memoire based on our DA e-learning modules, addressing C&C behaviour and evidence-led prosecutions.
- In addition, together with the National Police Chiefs' Council lead on DA, we have raised the issue through the Ministerial Level Domestic Abuse Working Group and the Home Office National DA Oversight Group to ensure it is addressed at the highest level.
- A DA 'Deep Dive' was undertaken in 2016–17 for the National Criminal Justice Board to identify and test a best practice framework for use in Magistrates' Courts to improve performance and service to victims of DA. The components of the framework were tested in Bradford, Highbury and Nottingham. This included consideration of different models for early listing and 'clustering' of DA cases to understand any impact on outcomes.
- The 'Deep Dive' exercise has also informed a revision to the Specialist Domestic Abuse Courts (SDACs) resource manual which is intended to be the gold standard for accredited SDACs.
- Two new mandatory DA e-learning modules on evidence-led prosecutions and controlling or coercive behaviour were developed in 2016–17 for mandatory training of prosecutors. The Prosecution Domestic Abuse e-Learning Modules were refreshed for new prosecutors.



Throughout the year, CPS prosecutors were also involved in training Independent Domestic Violence Advisors (IDVAs) to further improve their understanding of the prosecution process.

- Early analysis of the implementation of s.76 of the Serious Crime Act 2015: Controlling or Coercive Behaviour in an Intimate or Family Relationship was carried out in spring 2016. A further review was carried out in April 2017. Both reviews confirmed appropriate application by prosecutors of the legal guidance. It was noted however that the majority of victims of controlling or coercive behaviour were waiting until a violent act had occurred before they made a report to the police.
- We shared learning from the cases we reviewed with the police and have developed a bespoke e-learning course which all prosecutors had to complete before July 2017.
- A Revised Out-Of-Court Disposal (OOCDD) Framework pilot that began in November 2014 concluded in October 2015. The forces were granted an exemption to the DPP's guidance on conditional cautions which allowed them to use this disposal in place of a simple caution, when it was an appropriate course of action. The findings are being analysed by Ministry of Justice (MoJ) and partners.
- In September 2016 the DPP's guidance on charging was amended to make clear that where prosecutors, outside the pilot Areas, felt that a conditional caution was an exceptionally appropriate course of action for DA cases, this could be authorised with the agreement of the VAWG strategy team.
- A Justice Select Committee was held in 2016 on Restorative Justice and their findings, including their potential use in DA cases, were published in July 2016. The MOJ is leading discussions to create a cross-government position paper which will outline the criteria for any potential use, including safety issues and risk assessments.
- A number of local initiatives have been identified as good practice throughout 2016–17, for example:
  - CPS Area LSIPs addressed DA case issues including coercive or controlling behaviour, ethnicity and Black and Minority Ethnic (BAME) victims.
  - Many CPS Areas work closely with IDVAs, e.g. CPS Cymru-Wales and CPS North West held specific IDVA engagement sessions.
  - The majority of CPS Areas ensured DA cases in Magistrates' and Crown Court were prosecuted by specialist trained lawyers; where trials were unavoidably conducted by agents, Areas instructed selected experienced agents. CPS West Midlands insisted that trial advocates consulted with managers before they spoke with victims or witnesses on any case progression proposals.
  - DA courts in CPS Mersey Cheshire worked closely operationally (for example discussing summonses and risk on individual cases) as well as at a strategic level, with good performance.
  - Some CPS Areas endeavoured to list DA cases for trial with 14 days of the first hearing which reduced victim attrition.
  - In CPS North West the Divisional Court reaffirmed the CPS approach to the use of *res gestae*<sup>24</sup> in DA cases when challenged.
  - CPS North West has also introduced a specific court to hear all DA custody cases, enabling specialist prosecutors, police officers and support agencies to attend.

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<sup>24</sup>See glossary for definition.

## Next steps

- The CPS will work with government departments in 2017–18 in the development of the Domestic Violence and Abuse Bill to bring perpetrators to justice as well as further protect victims of abuse.
- CPS will continue to work closely with the police locally and nationally to ensure appropriate referrals are made by the police to CPS and address the fall in referrals where needed.
- The National Criminal Justice Board will evaluate outcomes from the ‘Deep Dive’ in 2017–18 to consider rolling out nationally, with a revision of the SDAC resource manual.
- Legal guidance, training and case studies for prosecutors will be updated to include details of the experience of male victims to help challenge myths and stereotypes and provide details of support services for male victims. In addition work is underway to improve the recording of the gender of victims.

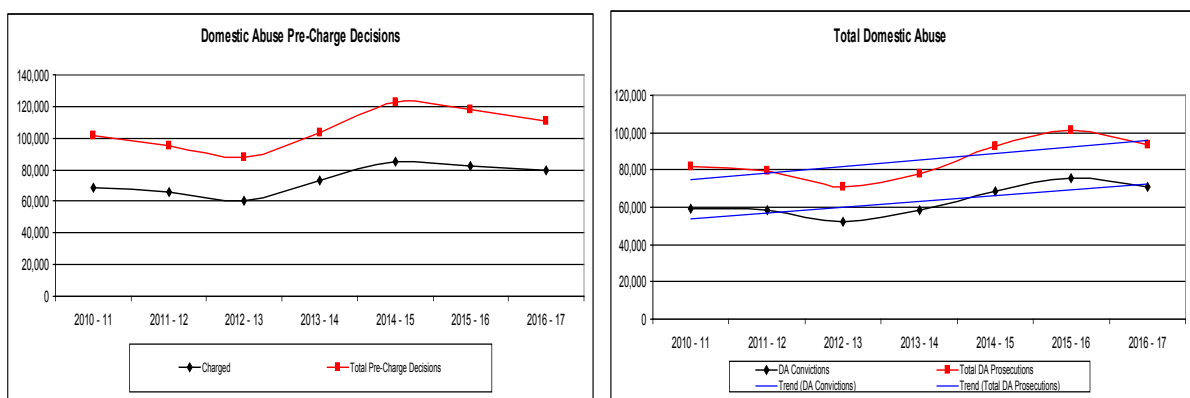
## DA data

Data provided below relates to all DA defendants and victims, irrespective of gender, with further details of gender where available.

- The volume of DA referrals from the police fell from 117,882 in 2015–16 to 110,833 in 2016–17 – a fall of 7,049 referrals (6.0%). Of these 71.7% were charged (up from 69.7% in the previous year) resulting in 79,413 defendants charged (a fall of 3.3% from 2015–16).
- The average number of days to charge in 2016–17 reached 6.7 days, from 4.6 days in the previous year.

**Graph 4 (left): Volume of Police DA referrals**

**Graph 5 (right): DA prosecution and conviction and charged defendants, 2010–11 to 2016–17 volumes 2010–11 to 2016–17**



- The proportion of DA cases<sup>25</sup> has stayed steady – 16% in 2015–16 and 16.1% in 2016–17.

<sup>25</sup> DA caseload is the volume of DA cases as a percentage of all court prosecutions.

**Table 2: DA caseload as % of total caseload 2009–10 to 2016–17**

	2009–10	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
CPS NATIONAL	7.5%	8.6%	8.9%	8.9%	10.7%	14.1%	16.0%	16.1%

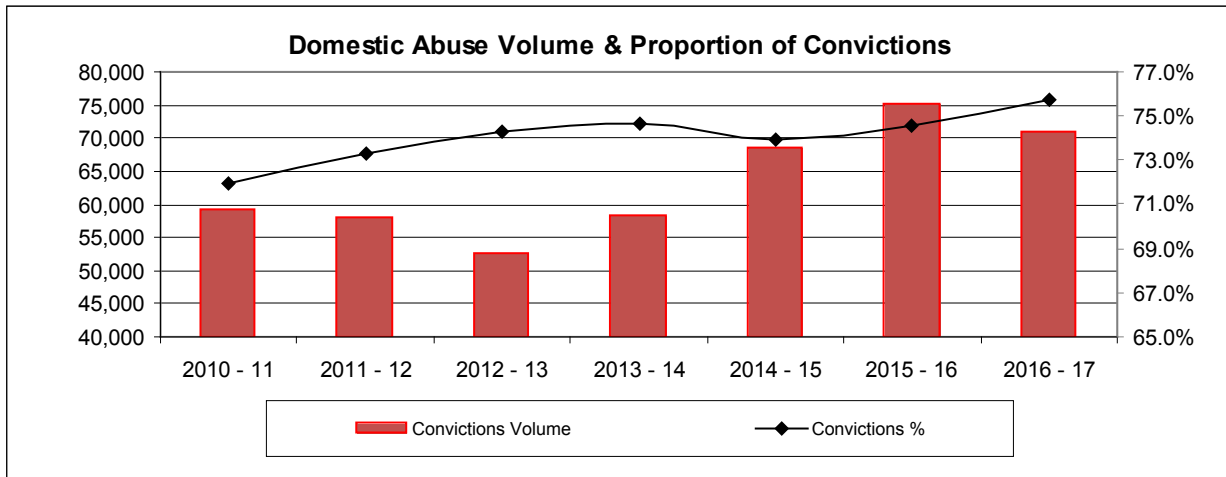
- The volume of prosecutions<sup>26</sup> completed fell from 100,930 in 2015–16 to 93,590 in 2016–17 – a fall of 7,340 defendants (7.3%). 1.7% of DA prosecutions were also flagged as rape and 3.5% were also flagged as child abuse.
- The volume of convictions fell from 75,235 in 2015–16 to 70,853 in 2016–17 – a fall of 4,382 convictions (5.8%). The conviction rate increased from 74.5% in 2015–16 to 75.7% in 2016–17, the highest rate ever recorded.

**Table 3: Completed DA prosecutions by outcome 2010–11 to 2016–17**

	2010–11		2011–12		2012–13		2013–14		2014–15		2015–16		2016–17	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	59,101	71.9	58,138	73.3	52,549	74.3	58,276	74.6	68,601	73.9	75,235	74.5	70,853	75.7
Unsuccessful	23,086	28.1	21,130	26.7	18,153	25.7	19,795	25.4	24,178	26.1	25,695	25.5	22,737	24.3
<b>Total</b>	<b>82,187</b>		<b>79,268</b>		<b>70,702</b>		<b>78,071</b>		<b>92,779</b>		<b>100,930</b>		<b>93,590</b>	

- Between 2007-08 and 2016–17, conviction volumes have risen from 43,977 to 70,853 – a rise of 26,876 convictions – a 61% rise over this ten year period. Over the same period, conviction rates have risen from 68.9% to 75.7% - just under 7 percentage points (ppt).

**Graph 6: DA volume and proportion of convictions, 2010–11 to 2016–17**



- In 2016–17, 81,934 cases (87.5% of all DA cases prosecuted) were concluded within the Magistrates’ Court. Of these, 76.1% were convicted.

<sup>26</sup>Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2016-17 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2016–17.

- 72.9% of the 11,656 defendants prosecuted in Crown Courts were convicted.
- In 2016–17, there was a rise in guilty pleas, out of all DA cases prosecuted, reaching 68.7% (90.7% of all successful outcomes). There was also a rise to 53.0 % convictions out of all DA prosecutions contested at trial (excluding mixed pleas<sup>27</sup>).
- Prosecutions dropped have fallen to the lowest level recorded at 17.1% of all prosecuted DA cases, from 18.2% in the previous year.
- Unsuccessful outcomes that were due to victim issues<sup>28</sup> rose from 52.5% in 2015–16 to 54.0%. This was mainly due to a slight rise in victim non-attendance (from 25.5% in 28.3%).
- However, out of *all* DA cases prosecuted, the proportion that were unsuccessful due to victim issues<sup>29</sup> remained steady at 13.1% compared to 13.4% in the previous year. Support for victims through the court process is important in reducing retractions and work with IDVAs or equivalent local support services are key to improved prosecutions.
- Since the introduction of the offence of controlling or coercive behaviour, 309 offences have been charged and reached a first hearing. 7.4% of these offences were flagged as rape.<sup>30</sup>

The underlying data is provided in the linked annex at [Underlying Data/Violence Against Women](#). The CPS Area and police force data is at [Annex 1](#).

## Equalities issues

### Gender

- Of the 93,590 defendants prosecuted, 85,280 defendants were male, 7,656 were female and in 114 cases the gender was not recorded<sup>31</sup>. In 2016–17, where the gender of the defendant was recorded, 91.8% were male and 8.2% female<sup>32</sup>, a slight rise in female defendants from 7.9% in the previous year.
- For victim data, from the Witness Management System, 97,497 victims were recorded. Of all victims, 63,539 were female, 13,064 were male and in 20,894 cases the gender was not recorded. The recording of victim gender fell slightly from 82.6% in 2015–16 to 78.6% and is therefore not robust enough to calculate proportions by gender accurately. In 2017–18 measures will be considered to ensure more robust recording of gender.

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<sup>27</sup>Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

<sup>28</sup>Victim issues include victim retractions, victim non-attendance and where the 'evidence of the victim does not support the case'.

<sup>29</sup>As in previous footnote.

<sup>30</sup>A 'rape' flag is applied to CPS files from the start of a case, following an initial allegation of rape. 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.

<sup>31</sup>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.

<sup>32</sup>The figure is similar if calculated out of total, including unrecorded gender (91.7% male defendants and 8.2% female defendants).

## Ethnicity

- In 2016–17, 72.5% of DA defendants were categorised as White (a fall from 76.4% in 2015–16<sup>33</sup>), with 67.0% being identified as belonging to the White British category. 6.2% of defendants were identified as Black, the same as the previous year and 5.7% were identified as Asian, a slight rise of 0.1ppt from the previous year<sup>34</sup>.
- Just under half of victim ethnicity is still not recorded and therefore the data is not included in this report.

## Age

- From those defendants where age was recorded<sup>35</sup>, the majority of defendants were aged 25-59 (75.9%) and 18-24 (19.6%). 22.1% of defendants (20,648) were aged 24 and under, with 2,266 (2.4%) of defendants being 14-17 years old and 123 (0.1%) aged 10-13.
- From those victims where age was recorded<sup>36</sup>, the majority were aged 25-59 (69.0%) and 18-24 (20.8%). 25.6% of victims (22,657) were 24 years old and under, with 3,205 (3.6%) of victims being 14-17 years old, 809 (0.9%) aged 10-13 and 233 under 10 (0.3%).

## Relationships

- Recording of the relationship between the perpetrator and victim is not yet robust enough to assess. The recording within the CPS database fell from 57.6% in 2015–16 to 54.2% in 2016–17. In 2017–18 measures will be considered to ensure better recording of relationships.

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<sup>33</sup>The fall reflected the increase in ethnicity 'not recorded' rather than any substantial change in the volume of BAME defendants.

<sup>34</sup>5.0% of defendants did not state an ethnicity on arrest (a rise since 2015–16 of 1.2ppt) and 7.6% of defendants' ethnicity was not provided to the CPS by the police (a rise since 2015–16 of 2.2 ppt).

<sup>35</sup>99.7% of defendant ages were recorded in 2016–17 – similar to 99.6% in 2015–16.

<sup>36</sup>90.7% of victim ages were recorded in 2016–17 – a rise from 83.3% in 2015–16.

# Stalking and harassment

## Introduction

The CPS performance data shows that there has been an overall fall in prosecutions commenced in relation to stalking, harassment and breaches of non-molestation orders (NMOs) in 2016–17, compared with 2015–16. There was a rise in prosecutions commenced for breaches of restraining orders. There was a higher proportion of DA-related harassment offences, breaches of NMOs and breaches of restraining orders on conviction commencing prosecutions in 2016–17.

Following the HMIC/HMCPsi thematic inspection on stalking and harassment in 2016–17 the CPS is committed to improving performance in 2017–18 through updating guidance, training, monitoring and consultation with victims' groups.

## Summary of CPS activity

- The CPS stalking and harassment working group, consisting of cross-government CJS specialist and third sector agency representatives, revised stalking training for prosecutors.
- CPS social media guidelines were published in October 2016 containing a section on stalking and harassment.
- Six CPS Areas were inspected by HMIC/HMCPsi in 2016–17, with a report published in July 2017, outlining issues for improvement in the coming year.
- The CPS worked collaboratively with the MoJ in their consideration of the stalking and harassment sentencing penalties within the Policing and Crime Bill, resulting in the maximum sentence for stalking being increased from 5 to 10 years. The Police and Crime Act 2017 received Royal Assent on 31 January 2017.
- In December 2016, the Home Secretary announced her intention to introduce new stalking protection orders which will help protect victims, at the earliest possible stage, particularly prior to prosecution.
- A number of local initiatives have been identified as good practice throughout 2016–17:
  - CPS Cymru/Wales carried out a stalking deep-dive exercise and CPS Mersey and Cheshire dip sampled stalking cases during 2016–17.
  - Following the HMCPsi inspection, local specialist training is planned in CPS Cymru/Wales, Mersey and Cheshire, North East, North West and South East.
  - Joint action plans with the police have been/are being developed in CPS North West and CPS South West; CPS North West is also holding a scrutiny panel.

## Next steps

- Reinvigoration of the CPS Area leads on stalking and harassment.
- Holding a webinar/face-to-face meeting with the CPS Area leads to share the results of the HMIC/HMCPsi thematic inspection of stalking and harassment and the actions to take forward improvements.

- Implementation of the recommendations from the HMIC/HMCPSI thematic inspection of stalking and harassment, including:
  - working with the police to update and improve the joint Police/CPS protocol;
  - working across government (including with specialist NGOs) to develop a cross-government definition of stalking, so there is clear recognition of what constitutes a case of stalking;
  - consulting with victims' groups more effectively at a local and national level;
  - revising the stalking and harassment legal guidance to improve the distinction between stalking and harassment, to add in sentencing changes and include more case studies;
  - revising the legal guidance on restraining orders and acceptability of pleas;
  - delivering mandatory training for prosecutors.
- Legal guidance, training and case studies for prosecutors will be updated to include details of the experience of male victims to help challenge myths and stereotypes and provide any details of support services for male victims.
- Consideration will be given to supporting the development of a stalking 'app' by academics.

## Stalking and harassment data

In 2016–17:<sup>37</sup>

- Prosecutions were commenced for 11,889 stalking and harassment offences in 2016–17; this was a fall of 1,097 offences (8.4%) from 2015–16 when 12,986 prosecutions were commenced. 71.0% were DA related.
- Prosecutions commenced in respect of 9,276 offences charged for harassment without violence – a fall from 10,073 in 2015–16. 72.1% of these offences were DA related.
- 1,654 prosecutions were commenced for harassment putting people in fear of violence – a slight fall from 1,811 in 2015–16. 68.3% of these offences were DA related.
- There were 959 prosecutions commenced under the stalking offences – a fall from 2015–16 when 1,102 prosecutions commenced;
  - 510 of these offences were with fear/alarm/distress (a slight fall from 643 in the previous year). 68.6% were DA related;
  - 449 of these offences involved fear of violence/serious alarm or distress (a slight fall from 459 in the previous year). 66.3% of fear of violence and 59.0% of those with serious alarm or distress were DA related.
- 16,614 breaches of restraining order offences started prosecution, a rise of 8.0% from 15,384 in 2015–16. 86.2% were DA related; the highest volume ever recorded:
  - of these, 15,937 were breaches of restraining orders that were made on conviction, a rise of 7.2% from 2015–16. 86.3% were DA related;
  - of all the breaches, 677 were breaches of restraining orders that were made on acquittal, a rise of 29.9% from 2015–16. 82.9% were DA related.

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<sup>37</sup>Note CPS stalking and harassment data is only available from the offence-based data system and therefore cannot include data on police referrals, charging and outcomes.

- 6,505 breaches of NMOs started prosecution, compared with 6,672 in the previous year, a fall of 2.5%. 94.8% were DA related.
- Offence data is not available by gender of defendant or victim.
- The national official statistics from the MoJ on defendants prosecuted and convicted for the calendar year 2016 are provided in [Annex 2](#). The data outlines the prosecution outcomes by defendant. It reflected the pattern of CPS data overall, with fewer prosecutions of stalking and harassment offences and fewer convictions. More restraining orders on conviction were issued, but fewer on acquittal. There were more prosecutions and convictions of breaches of restraining orders on conviction and acquittal.

**Table 4: Stalking and Harassment offences charged and reaching a first hearing in Magistrates' Courts – Total Volume and Percentage of total flagged as DA 2011–12 to 2016–17.**

		2011–12		2012 - 13		2013–14		2014–15		2015–16		2016–17	
		Vol	% DA	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	5,323	81.4	5,563	79.3	6,498	85.9	7,013	89.7	6,672	93.6	6,505	94.8
PHA <sup>38</sup> 1997 {2(1) and (2)}	Harassment without violence	7,713	61.1	7,159	58.9	8,303	63.3	9,180	68.0	10,073	70.9	9,276	72.1
PHA 1997 {4(1) and (4)}	Harassment - put in fear of violence	1,632	64.7	1,398	55.4	1,489	63.9	1,839	66.6	1,811	65.7	1,654	68.3
PHA 1997 {2A(1) and (4)}	Stalking with fear / alarm / distress	-	-	72	72.2	529	72.6	676	69.7	643	70.9	510	68.6
PHA 1997 {4A(1)(a)(b)(i) and (5)}	Stalking involving fear of violence	-	-	9	88.9	65	75.4	133	73.7	128	67.2	83	66.3
PHA 1997 {4A(1)(a)(b)(ii) and (5)}	Stalking involving serious alarm / distress	-	-	10	70.0	149	55.7	294	66.0	331	61.3	366	59.0
PHA 1997 {5(5) and (6)}	Harassment - breach of a restraining order on conviction	8,447	73.0	9,962	71.8	11,329	77.3	13,126	82.2	14,863	85.8	15,937	86.3
PHA 1997 {5(5) and (6)}	Harassment - breach of a restraining order after acquittal	286	70.6	313	70.3	322	76.1	433	77.6	521	85.2	677	82.9

<sup>38</sup>PHA – Protection from Harassment Act.



# Rape

## Introduction

In 2016–17 a co-ordinated programme of work was implemented by the Police and CPS Joint National Rape Steering Group, led by the DPP and national policing leads and supported by a joint Delivery Board. A comprehensive programme of training for specialist lawyers was delivered by all CPS Areas as recommended in the previous joint CPS Police National Rape Action Plan.

This led to the rise in the volume of prosecutions and convictions, reaching the highest volumes ever recorded. There was a slight fall in police referrals and charged defendants which CPS will continue to work with the police to monitor and assess their appropriateness, addressing any issues across the CJS.

## Summary of CPS activity

- During 2016–17, the Police and CPS Joint National Rape Steering Group, supported by a joint Delivery Board continued to implement a co-ordinated programme of work including:
  - standardised casework processes;
  - national file quality standard for rape cases;
  - strengthening the requirements and training support for CPS advocates and advocates from the external bar, through liaison with the Bar Council and Criminal Bar Association;
  - improved scrutiny of pre-charge casework volumes and timeliness of decision making;
  - a pilot in collaboration with key partners to develop streamlined and effective use of medical forensic evidence in rape cases;
  - work with key partners to improve joint handling of disclosure relating to third party protocol in rape cases.
- During 2016–17 the national forum of RASSO Heads met on a bi-monthly basis to share and consult on best practice, lessons learned and to inform the delivery of recommendations from both internal and external reviews. The Director of Legal Services and the Director's Senior Legal Adviser have delivered RASSO workshops in Areas to support effective prosecutions.
- CPS RASSO staff were supported with a comprehensive training package and welfare support programme. The training consisted of face to face workshops, e-learning and podcasts across a range of relevant topics including consent, myths and stereotypes, understanding victim vulnerabilities and offender tactics.
- By the end of 2016–17 a significant recruitment exercise was completed to ensure that RASSO units were equipped to meet the substantial increase in the volume of case referrals from the police. Rotation principles, for specialist staff moving between RASSO units and Crown Court or Magistrates' Court units were also developed.
- In 2016–17 the CPS implemented an Internal Quality Assurance regime to quality assure decision-making by RASSO lawyers and ensure compliance with CPS policies and guidance.
- During 2016 membership of the Rape and Child Sexual Abuse Panel was renewed. Only specialist in-house advocates or counsel who have been selected to join the Panel, are instructed to appear in court on behalf of the CPS in these cases.

- The CPS was also part of the National Rape Monitoring Group, chaired by HMIC. In November 2016, CPS rape data from 2010–11 to 2015–16 was released with that of the police and MoJ for every police force area. The data was provided to Police and Crime Commissioners and local CJS agencies to analyse and scrutinise how rape is dealt with in their local area and address further improvements.
- An internal audit of five RASSO units, undertaken by the Government Internal Audit Agency, led to recommendations for improvement in the areas of organisation and structure, skills, training and support which are being addressed in 2017–18.
- A number of local initiatives have been identified as good practice throughout 2016–17, for example:
  - CPS Area Rape LSIPs addressed technology, communication with victims, support from ISVAs and cases within domestic abuse scenarios.
  - In rape cases some CPS Areas held Case Management Hearings or provided lawyers with individual feedback on their decisions. This improved the quality of decision-making.
  - CPSD, CPS North East and CPS North West developed clear escalation policies with the police to deal with non-compliance with their action plans. They also used IQA and spot reviews. This has improved timeliness and in turn maintained good performance.
  - CPS London developed the outline of a toolkit to address myths and stereotypes using expert evidence and built relationships through the local ISVA group.
  - CPS North West successfully used live links to obtain evidence from witnesses abroad.

## Next steps

- The CPS will be contributing to a cross-government ‘Deep Dive’ exercise to identify ways to reduce attrition rates in cases of serious sexual offences.
- The CPS will work with the Criminal Bar Association and Bar Council to ensure that essential CPS training required for the accreditation of external advocates is delivered.
- Training on the handling of vulnerable witnesses will be delivered to all advocates dealing with serious sexual offences by the end of 2018.
- A new face-to-face training course is being developed to support prosecution of acquaintance rape cases involving intoxicated victims.
- Specialist Youth Training will be delivered in 2017–18 to all RASSO prosecutors including a specific section on RASSO youth cases.
- Training on protecting victims of sexual offences by restricting evidence or questions about their previous sexual history (s.41 YJCEA 1999) will also be delivered.
- The legal guidance will be updated to include details of the experience of male victims to help challenge myths and stereotypes and provide details of support services for male victims. In addition work is underway to improve the recording of the gender of victims.
- The CPS will work with a leading consultant forensic psychiatrist to develop a psychological evidence toolkit for prosecutors.

- There will be further development of the knowledge hub on the internal CPS Intranet site, for prosecutors to share casework examples and provide them with additional reference material to assist in case building.

## Rape data

CPS data on successful rape prosecutions includes 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 flag is applied to CPS files from the start of the case following an initial allegation of rape. 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. This is for case management purposes to ensure that the principles of the rape and sexual offence policy are considered throughout the life of all relevant cases, The accuracy of flagging of cases stayed steady at 98.4% in 2016–17 compared with 98.8% in 2015–16.

Data provided below relates to *all* rape defendants and victims, irrespective of gender, with further details of gender where available. Data reported here will overlap with that in the Child Abuse section of the report related to child sexual abuse as 45.0% of rape flagged prosecutions were perpetrated against children.

The Ministry of Justice provides the official National Statistics<sup>39</sup> on rape while CPS data is primarily collected for case management purposes to ensure that the principles of the rape and sexual offence policy are considered throughout the life of all relevant cases. It should be noted that there are important differences as to how rape offences are recorded between the different data systems. These differences include: MoJ data is on a calendar year basis, rather than financial year; data on offenders convicted for rape only includes cases where the final conviction was for a specific offence of rape. Cases initially charged as rape resulting in a conviction for an alternative charge such as a serious sexual assault, will be recorded for the alternative offence. It is not possible to separately identify such cases in MoJ figures. The differences in recording leads to CPS reporting a higher number of prosecutions than recorded in MoJ data.

Further detail in respect of MoJ data and the differences between the datasets is provided in [Annex 2 page B11](#).

- The volume of rape referrals from the police fell from 6,855 in 2015–16 to 6,611 – a fall of 244 referrals (3.6%).
- The average number of days to charge in 2016–17 reached 67.3 days, from 52.7 days in the previous year<sup>40</sup>. However the number of cases submitted to the CPS for a pre-charge decision, where no advice had been given for a period between 28 days and 3 months, fell from 307 in April 2016 to 125 in March 2017. The number of cases submitted to the CPS for a pre-charge decision where no advice had been given for a period in excess of 3 months fell from 40 to one. This indicated that where CPS alone has responsibility for the delay in the charging process, improvements have been achieved.

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<sup>39</sup>The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

<sup>40</sup>This data reports on the average number of calendar days that has elapsed since the first decision was sought by the police, to the date in which the last decision was made to charge. The data will include cases where the police were required to submit further evidence prior to a decision to charge.

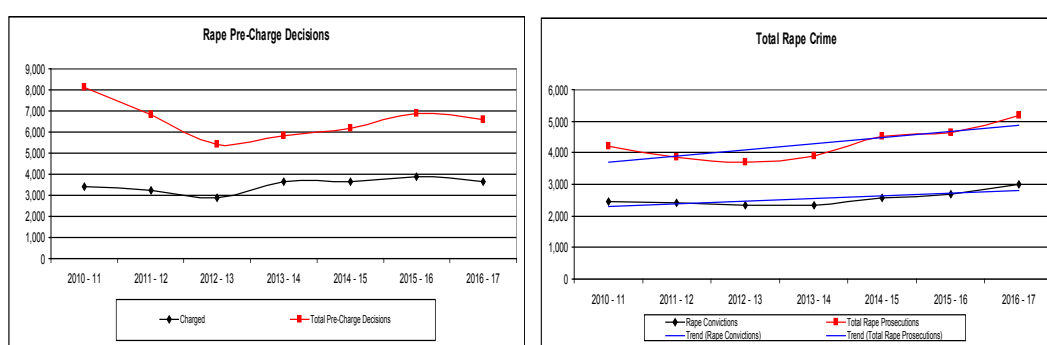
- 3,671 defendants were charged, a fall in volume of 239 charged defendants (6.1%) from 3,910 in 2015–16. Of all police referrals, 55.5% were charged compared with 57.0% in 2015–16.
- The proportion of rape flagged cases, as a percentage of all indictable-only prosecutions, has risen year on year to 15.6% in 2016–17 from 13.2% in 2015–16.

**Table 5: Rape caseload as % of total Crown Court indictable only outcomes 2010–11 to 2016–17.**

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
CPS NATIONAL	10.0%	9.9%	9.8%	11.1%	12.8%	13.2%	15.6%

**Graph 7 (left): Volume of Police rape referrals**

**Graph 8 (right): Rape prosecution and conviction and charged defendants, 2010–11 to 2016–17 volumes 2010–11 to 2016–17**



**Table 6: Completed rape prosecutions by outcome**

	2010 - 11		2011 - 12		2012 - 13		2013–14		2014–15		2015–16		2016–17	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	2,465	58.6	2,414	62.5	2,333	63.2	2,348	60.3	2,581	56.9	2,689	57.9	2,991	57.6
Unsuccessful	1,743	41.4	1,450	37.5	1,359	36.8	1,543	39.7	1,955	43.1	1,954	42.1	2,199	42.4
<b>Total</b>	<b>4,208</b>		<b>3,864</b>		<b>3,692</b>		<b>3,891</b>		<b>4,536</b>		<b>4,643</b>		<b>5,190</b>	

- In 2016–17<sup>41</sup> the number of prosecutions completed rose from 4,643 in 2015–16 to 5,190 – the highest volume ever recorded and a rise of 547 defendants (11.8%).
- The volume of convictions rose from 2,689 convictions in 2015–16 to 2,991 in 2016–17<sup>42</sup> – a rise of 302 (11.2%). This was the highest volume of convictions ever recorded.
- The CPS rape conviction rate<sup>43</sup> stayed steady at 57.6% in 2016-17 from 57.9% in 2015-16. This should be assessed against the significant rise in the volume of rape prosecutions and convictions.

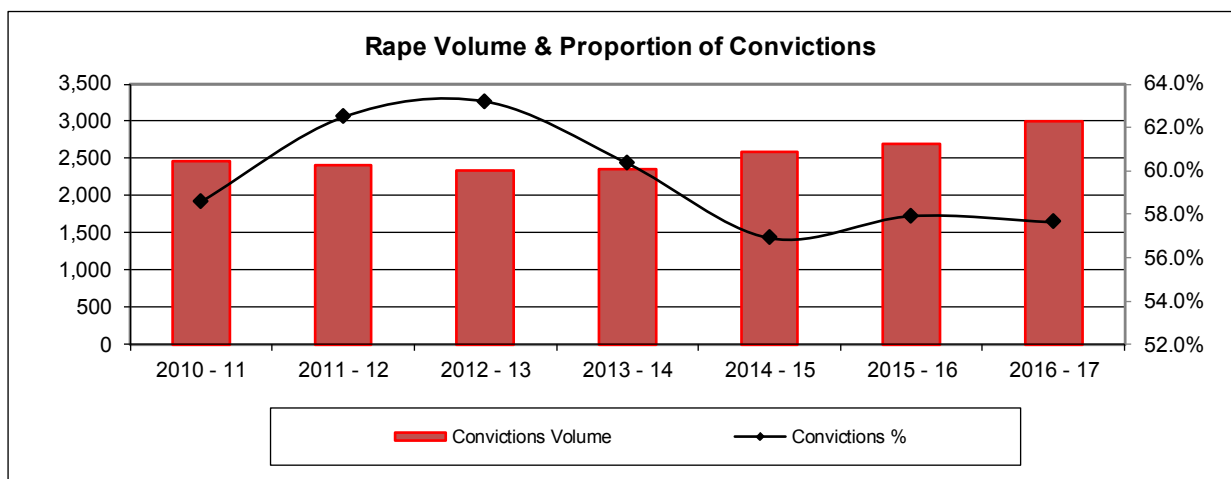
<sup>41</sup>Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2016–17 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2016–17.

<sup>42</sup>Data on conviction outcomes is not currently broken down by gender of defendants.

<sup>43</sup>Outcomes from charge to conviction; see details at start of data section.

- Out of all the rape flagged defendants, 31% were also flagged as domestic abuse with 58.3% of defendants being convicted; 45.0% were also flagged as child abuse with 67.7% convicted.
- Of the 309 offences of controlling or coercive behaviour charged and reached a first hearing, 23 were flagged as rape cases (7.4%). There was at least one offence in every CPS Area.
- Between 2007-08<sup>44</sup> and 2016-17, conviction volumes have risen from 2,021 to 2,991, a rise of 970 convictions, and the highest volume since records began – a 48% rise over this nine year period.
- Graph 9 illustrates the trend of CPS convictions, following an initial allegation of rape, over the past seven years. The rise in conviction rate from 2011-12, reaching the highest rate in 2012-13, coincided with a fall in conviction volumes to the lowest level since 2009-10.
- From CPS data 2016-17, 5,045 (98.9%) of cases initially flagged as rape were finally prosecuted for the principal offence<sup>45</sup> categories of ‘sexual offences, including rape’ or more serious principal offences of ‘homicides’ or ‘offences against the person’. Of these, 4,240 were for sexual offences including rape; 17 for homicide and 788 for offences against the person.

**Graph 9: Rape conviction rates 2010-11 to 2016-17**



- There were 33.3% guilty pleas out of all rape cases prosecuted (57.7% of all successful outcomes), a fall from 35.0% in 2015-16. 46.3% out of all rape prosecutions contested at trial (excluding mixed pleas<sup>46</sup>) were successful, a rise from 45.6% in 2015-16.
- Prosecutions dropped have fallen to the lowest level recorded, at 12.4% of all prosecuted rape cases, from 13.1% in the previous year.

<sup>44</sup>Recording of rape data started later than that of DA.

<sup>45</sup>See glossary for the 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.

<sup>46</sup>‘Exclusive of mixed pleas’ are defendant cases where only ‘not guilty’ pleas are entered to all charges and a trial ensues.

- Out of all unsuccessful outcomes, those due to victim issues<sup>47</sup> remained steady at 16.8% in 2016–17 (compared with 17.1% in 2015–16); of which 9.5% was due to victim retraction. Out of *all* rape flagged cases prosecuted, the proportion that was unsuccessful due to victim issues has stayed steady at 7.1% in 2016–17 (7.2% in 2015–16).
- Out of all unsuccessful outcomes in rape flagged cases, the proportion due to jury acquittals<sup>48</sup> has risen slightly from 61.4% in 2015–16 to 62.3% in 2016–17.

The underlying data is provided in the linked annex at [Underlying Data/Violence Against Women](#). The CPS Area and police force data is at [Annex 1](#).

## Equalities issues

### Gender

- Of the 5,190 defendants prosecuted, 5,118 defendants were male, 64 were female, and the gender was not recorded for eight defendants<sup>49</sup>. Where the gender of the defendant was recorded, 98.8% were male and 1.2% female<sup>50</sup>, similar to that recorded over the past five years.
- For victim data, from the Witness Management System, 7,201 victims were recorded. Of all victims 4,657 were female, 754 were male and the gender was not recorded for 1,790 victims. The recording of victim gender at 75.1%, although improved since 2015–16, is not robust enough to include gender proportions in this report. The volumes of both genders rose. In 2017–18 measures will be considered to ensure more robust recording of gender.

### Ethnicity

- In 2016–17, 56.4% of defendants were categorised as White, of which 50.9% were identified as belonging to the White British category, 1.2ppt less than in the previous year<sup>51</sup>. 5.8% of defendants were identified as Asian – a fall of 1.5ppt from 2015–16, and 9.7% were identified as Black – a rise of 0.4ppt<sup>52</sup>. 61.3% of victim ethnicity is still not recorded, although improved from 2015–16; therefore the data is not included in this report.

### Age

- From those defendants where age was recorded<sup>53</sup>, the majority of defendants were aged 25-59 (59.9%) and 18-24 (21.3%). 29.6% of defendants (1,526) were aged 24 and under, with 371(7.2%) of defendants being 14-17 years old and 54 (1%) aged 10-13.

<sup>47</sup>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.

<sup>48</sup>All 'unsuccessful reasons due to acquittals' outlined in previous reports prior to 2014–15 included 'Jury acquittals' and 'dismissed after full summary trial' – this rose to 63.6% in 2016–17 from 62.9% in 2015–16

<sup>49</sup>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.

<sup>50</sup>The figure is similar if calculated out of total, including unrecorded gender (98.5% male defendants and 1.4% female defendants).

<sup>51</sup>The fall reflected the increase in ethnicity 'not recorded' rather than any substantial change in the volume of BAME defendants.

<sup>52</sup>12.4% of ethnicity was not provided by the police in 2016–17 and 12.5% not stated by the defendant.

<sup>53</sup>99.5% of defendant ages were recorded in 2016–17 – a rise from 99.1% in 2015–16.

- For the first time the age of victims was robust enough to provide the proportions of victims by age. From those victims where age was recorded<sup>54</sup>, the largest groupings of victims were aged 25-59 (45.9%) and 18-24 (24.7%). 52.3% of victims (3,022) were aged 24 and under, with 1,059 (18.3%) of victims being 14-17 years old, 435 (7.5%) aged 10-13 and 103 (1.8%) under 10. Out of all the male victims there was a greater proportion under 14 years compared with female victims. Of all the female victims there was a greater proportion aged 14-24<sup>55</sup>, compared with male victims.

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<sup>54</sup>80.2% of victim ages were recorded in 2016–17, a rise from 73.0% in 2015–16.

<sup>55</sup>Of all victims with recorded age and gender.

# Sexual offences (excluding rape)

## Introduction

In 2016–17, the volume of prosecutions and convictions of sexual offences (excluding rape) rose to the highest volumes ever recorded, with the highest conviction rate.

## Summary of CPS activity

- During 2016 the use of pre-trial recorded cross-examination was piloted in Leeds, Liverpool and Kingston Crown Courts. This latest special measure, available under the Youth Evidence and Criminal Evidence Act 1999, is for particularly vulnerable victims<sup>56</sup>. This is especially helpful for victims of sexual offences who often find cross examination distressing. The recording is carried out as soon as possible after the alleged offence and shown as evidence at the trial, which reduces the stress and trauma for young or vulnerable victims.
- The CPS is engaging with CJS partners to build on this work undertaken during 2016. The Government is committed to rolling out such arrangements across England and Wales during 2017–18.
- CPS Area Sexual Offence LSIPs included addressing communication with victims and clearance of the public gallery.

## Next steps

- The CPS is engaging with CJS partners to build on work undertaken during 2016 on the use of pre-trial recorded cross-examination of victims.
- Legal guidance for prosecutors and the knowledge hub will be updated as in the Rape section of the report.

## Sexual offences (excluding rape) data

CPS records do not include data relating to pre-charge decisions regarding sexual offences (excluding rape), as the principal offence category of ‘sexual offences’, which includes rape and all sexual offences, is only allocated to cases at the conclusion of prosecution proceedings<sup>57</sup>. Data provided below relates to *all* defendants of sexual offences (excluding rape), with further details of gender where available<sup>58</sup>. Data reported here will overlap with that in the Child Abuse section of the report related to child sexual abuse, as 37.5% of sexual offences are perpetrated against child victims.

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<sup>56</sup>‘Particularly vulnerable victims’ include 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; or have a physical disability or a physical disorder and the quality of their evidence is likely to be diminished as a result.

<sup>57</sup>CPS sexual offences data (excluding rape) is derived from the principal offence category ‘sexual offences’ by excluding the rape flagged defendants. There is no separate monitoring flag for ‘sexual offences’ that is applied, either when the CPS receives a request to make a pre-charge decision or at receipt of the charged case file. The principal offence is allocated only at the conclusion of a prosecution proceeding, based on the most serious offence the defendant is charged with at the time of finalisation.

<sup>58</sup>Data on victims is extracted from the Witness Management Service which includes no record of the victims of sexual offences, other than rape, as that information is compiled only at defendant level.



- The volume of sexual offences' prosecutions completed, excluding rape, rose from 11,995 in 2015–16 to 13,490 in 2016–17 – a rise of 1,495 defendants (12.5%) – reaching the highest volume ever recorded.
- Out of all the sexual offence defendants, excluding rape, 37.5% were also flagged as child abuse, with 78.3% convicted.
- The proportion of CPS caseload attributed to sexual offences (excluding rape) rose from 1.9%<sup>59</sup> in 2015–16 to 2.3% in 2016–17.

**Table 7: Sexual offences (excluding rape) caseload as % of total caseload**

	2009–10	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
CPS NATIONAL	0.8%	0.9%	0.9%	1.0%	1.2%	1.5%	1.9%	2.3%

**Table 8: Completed sexual offence prosecutions by outcome**

	2010 - 11		2011 - 12		2012 - 13		2013–14		2014–15		2015–16		2016–17	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	6,588	74.3	6,308	75.7	5,971	76.8	6,756	79.0	7,591	77.5	9,351	78.0	10,721	79.5
Unsuccessful	2,274	25.7	2,026	24.3	1,800	23.2	1,798	21.0	2,198	22.5	2,644	22.0	2,769	20.5
<b>Total</b>	<b>8,862</b>		<b>8,334</b>		<b>7,771</b>		<b>8,554</b>		<b>9,789</b>		<b>11,995</b>		<b>13,490</b>	

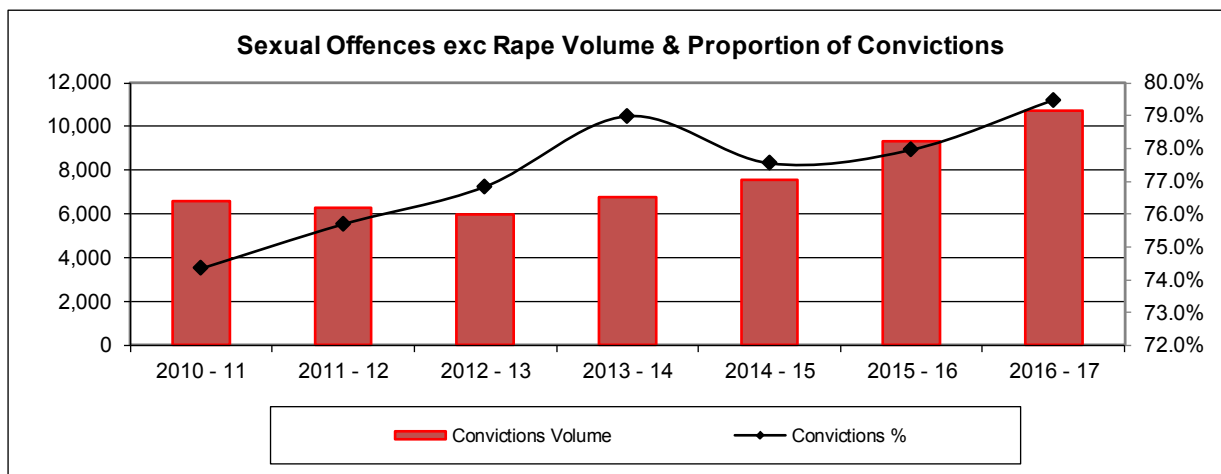
- The volume of convictions rose from 9,351, in 2015–16 to 10,721 in 2016–17 – a rise of 1,370 (14.7%). The conviction rate increased from 78.0% in 2015–16 to 79.5% – the highest volume and rate ever recorded.
- There were 68.2% guilty pleas out of all sexual offence prosecutions, excluding rape, (85.8% of all successful outcomes), a rise from 66.0% since 2015–16. 49.4% out of all prosecutions contested at trial (excluding mixed pleas<sup>60</sup>) were successful, also a rise from 48.8% since 2015–16.
- Prosecutions dropped have fallen to the lowest level recorded at 8.4% of all prosecuted cases, from 8.9% in the previous year.
- Out of all unsuccessful outcomes, those due to victim issues remained steady at 14.3% in 2016–17 (compared with 14.6% in 2015–16); of which 8.3% was due to victim retraction.
- Out of all unsuccessful outcomes in sexual offences prosecutions, excluding rape, the proportion due to jury acquittals<sup>61</sup> has fallen slightly from 45.0% in 2015–16 to 43.0% in 2016–17.

<sup>59</sup>Sexual offence caseload as a percentage of all CPS prosecutions.

<sup>60</sup>'Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

<sup>61</sup>All 'unsuccessful reasons due to acquittals' outlined in reports prior to 2014–15 included 'Jury acquittals' and 'dismissed after full summary trial' – this fell from 53.9% in 2015–16 to 52.3% in 2016–17.

**Graph 10: Sexual offences (excluding rape) volumes 2010–11 to 2016–17**



The underlying data is provided in the linked annex at [Underlying Data/Violence Against Women](#). The CPS Area and police force data is at [Annex 1](#).

## Equalities issues

Data on victims is extracted from the Witness Management Service which does not record data relating to the victims of sexual offences, other than rape.

### Gender

- Of the 13,490 defendants prosecuted, 13,022 defendants were male, 432 were female and the gender was not recorded for 36 defendants. Where the gender of the defendant was recorded, 96.8% of defendants were male and 3.2% female<sup>62</sup>, a slight rise in female defendants compared with the previous five years.

### Ethnicity

- In 2016–17, 59.1% of defendants prosecuted for a sexual offence were identified as belonging to the White British category and 65.2% were categorised as White (similar to 2015–16)<sup>63</sup>. 5.9% of defendants were identified as Asian (0.7ppt fewer than the previous year) and 5.6% were identified as Black (the same as in the previous year).

### Age

- From those defendants where age was recorded<sup>64</sup>, the majority of defendants were aged 25–59 (67.6%) and 18-24 (15.9%). Just under a fifth of defendants (2,606) were aged 24 and under, with 3.1% of defendants (422) being 14-17 years old and 0.4% (49) aged 10–13 years old.

<sup>62</sup>The figure is similar if calculated out of total, including unrecorded gender (97.2% male defendants and 2.7% female defendants).

<sup>63</sup>Just over 11% of defendants did not state an ethnicity on arrest and just under 10% of defendants' ethnicity was not provided to the CPS by the police – the former a rise since 2015–16; in total a rise of 0.7% not recorded.

<sup>64</sup>99.7% of defendant ages were recorded in 2016–17 – a rise from 99.3% in 2015–16.

# So-called ‘honour-based’ violence, forced marriage, and Female Genital Mutilation

## So-called ‘honour-based violence’ and forced marriage

### Introduction

The first-ever joint police/CPS investigation and prosecution protocol for so-called ‘honour-based’ violence (HBV) and forced marriage (FM) was published in 2016. An HBV and FM action plan was developed for implementation in 2017–18 and a working group of specialist organisations was set up to oversee its delivery.

There was a fall in HBV and FM referrals, charged defendants and prosecutions in 2016–17, with a steady volume of convictions. The action plan aims to improve prosecution outcomes in 2017–18 and the support provided to victims and witnesses.

### Summary of CPS activity on so-called ‘honour-based’ violence and forced marriage

- The Director of Public Prosecutions (DPP) held a workshop in October 2016 with third sector experts to discuss the delivery of a HBV/FM action plan. A working group was set up to oversee the delivery of this, actions include: updating the CPS Legal Guidance; revising the list of CPS Area HBV and FM Leads; providing training and the development of a CPS communications strategy to support the prosecution of these crimes.
- The CPS worked in partnership with the National Police Chiefs Council (NPCC) lead to develop a joint investigation and prosecution protocol for HBV and FM as recommended in the HMIC report<sup>65</sup> inspection into the police response to HBV, FM and FGM. It was published in December 2016.
- A number of local initiatives have been identified as good practice throughout 2016–17, for example:
  - In CPS Cymru/Wales the quarterly HBV leadership group addressed implementation of the HBV/FM protocol as well as the lack of referrals.
  - CPS East Midlands held an LSIP to discuss the challenges of prosecuting abuse within BAME communities, the impact of cultural/societal expectations on them, their vulnerabilities, the influence of faith communities and the CPS safeguarding responsibilities.
  - CPS North West are working with their HBV/FM Scrutiny Board to prepare a local protocol which will include screenshots to access CPS policy, local authority and police training materials and will be used by professionals as a guide to action to be taken.
  - In February 2017 CPS West Midlands participated in a HBV/FM conference led by the Office for Police and Crime Commissioner (PCC).

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<sup>65</sup>[The Depths of Dishonour: Hidden voices and shameful crimes.](#)

## Next steps

- The HBV/FM action plan has been updated for 2017–18 to include updating legal guidance and training, including information on other Harmful Practices.
- Legal guidance, training and case studies for prosecutors will be updated to include details of the experience of male victims to help challenge myths and stereotypes and provide details of any support services for male victims.
- The working group will monitor the delivery of the action plan including the impact of the HBV and FM protocol through a quarterly return from CPS Areas and through the bi-Annual VAWG Assurance scheme.

## So-called ‘honour-based’ violence data

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

The data below relates to all cases flagged as so-called ‘honour-based’ violence. It relates to *all* defendants and victims, irrespective of gender, with further details of gender where available. The small number of cases indicates the need for caution in interpreting this data in relation to these offences.

- The volume of referrals from the police of flagged HBV-related offences fell from 216 in 2015–16 to 200 in 2016–17. 136 were charged (68.0%), a fall from 145 in 2015–16. More than 90% were flagged as DA.

**Table 9: Completed so-called ‘honour-based’ violence prosecutions by outcome, 2011–12 to 2016–17**

	2011–12		2012 - 13		2013–14		2014–15		2015–16		2016–17	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	86	50.0	126	63.0	123	59.7	129	57.3%	91	50.0	90	52.6%
Unsuccessful	86	50.0	74	37.0	83	40.3	96	42.7%	91	50.0	81	47.4%
<b>Total</b>	<b>172</b>		<b>200</b>		<b>206</b>		<b>225</b>		<b>182</b>		<b>171</b>	

- The volume of prosecutions completed fell from 182 in 2015–16 to 171 in 2016–17. Of the 171 defendants prosecuted, 147 defendants were male (86.0%) and 23 defendants were female (13.5%), with the gender of one defendant not recorded.
- 171 victims were recorded in the Witness Management System. Of all victims, 93 were female, 36 were male and the gender of 42 victims was not recorded. 75.4% of victim gender was recorded in 2016–17 – a fall from the previous year of 82.0%. This is not robust enough to include gender proportions in this report.
- The volume of conviction stayed steady – 91 in 2015–16 and 90 in 2016–17. 52.6% of prosecutions resulted in a conviction, a slight rise from 50.0% in 2015–16.
- Prosecutions dropped fell from 66 in 2015–16 to 61 in 2016–17.

- There was a similar number of unsuccessful outcomes due to victim issues (42 in 2015–16 and 41 in 2016–17).

## Forced marriage data

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

Data provided below relates to *all* defendants and victims, irrespective of gender, with further details of gender where available. The small number of cases indicates the need for caution in interpreting this data in relation to these offences.

- The volume of FM referrals from the police fell from 90 in 2015–16 to 56 in 2016–17. 36 of these referrals were charged, a fall from 56 in 2015–16. All cases of FM were flagged as FM and DA in 2016–17<sup>66</sup>.
- The volume of prosecutions completed fell from 53 in 2015–16 to 44 in 2016–17.
- There were 41 male defendants and three female; there were 29 female victims and five male (with unrecorded gender for ten victims).

**Table 10: Completed forced marriage prosecutions by outcome, 2011–12 to 2016–17**

	2011 - 12		2012 - 13		2013–14		2014–15		2015–16		2016–17	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	23	54.8%	29	70.7%	32	71.1%	29	63.0%	32	60.4%	32	72.7%
Unsuccessful	19	45.2%	12	29.3%	13	28.9%	17	37.0%	21	39.6%	12	27.3%
<b>Total</b>	<b>42</b>		<b>41</b>		<b>45</b>		<b>46</b>		<b>53</b>		<b>44</b>	

- 32 prosecutions<sup>67</sup> were successful (the same as in 2015–16), with a rise in conviction rate from 60.4% in 2015–16 to 72.7% in 2016–17.
- Prosecutions dropped fell from 15 cases in 2015–16 to ten in 2016–17.
- Out of all unsuccessful outcomes, those due to victim issues fell from 14 cases in 2015–16 to six cases in 2016–17.
- There was only one defendant prosecuted for the specific offence of forced marriage under s.121 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- There were eight defendants prosecuted for a breach of a Forced Marriage Protection Order (FMPO).

<sup>66</sup>Forced marriage cases are flagged as both FM and DA when the defendant is within the family, as defined under the DA definition. Some cases previously have included defendants from outside the family and such cases would only be flagged as FM.

<sup>67</sup>Data on conviction outcomes is not broken down currently by gender of defendants.

# Female Genital Mutilation

## Summary of CPS activity on FGM

- There are lead FGM prosecutors for each CPS Area who provided early investigative advice to the police following reports and were involved in local training and safeguarding events, to support community engagement.
- Whilst mandatory reporting by front line professionals has not resulted in a significant increase in cases being investigated and referred for prosecution, they have led to safeguarding measures being put in place with families and/or FGM Protection Orders being granted as preventative measures. These provisions are being used effectively to support safeguarding of girls identified as being at risk.
- We have strong links with health professionals – Royal College Midwives and Royal College of Gynaecologists – to ensure we reflect medical expert opinion and we provide input into medical guidelines. The FGM policy lead has given a number of presentations at public health events to explain the law and to reinforce the role they play in reporting.
- A number of local initiatives have been identified as good practice throughout 2016–17, for example:
  - CPS Cymru/Wales organised a stand at Cardiff airport during holiday times , with the support of the airport and Uk Border Forces. Awareness events were organised at ‘check-in’ to raise awareness of FGM, with excellent feedback from travellers including midwives and teachers.
  - CPS Cymru/Wales also developed a video with youth groups, health services and BAME women’s groups winning a Midwifery award in 2017.
  - CPS East Midlands organised FGM events with partners.
  - CPS North West devised a local protocol with professionals and NGOs.
  - CPS North West also presented at community engagement events at Lancashire Police HQ “Out of the Shadows”; contributed to panel member sessions and supported presentations by the PCC.
  - CPS North East met with paediatricians to discuss the law and some of the challenges faced by them in children they encounter.
  - CPS Mersey Cheshire presented at an NHS-funded conference on FGM held in Cheshire.

## Next steps

- The national joint CPS and Police protocol will be revised in 2017–18 to reflect:
  - notification and monitoring arrangements;
  - victim protection measures, including safeguarding and anonymity;
  - requirement for expert examination and evidence; and
  - FGM Protection Orders.
- Legal and policy guidance on the approach to be taken in cases of female genital cosmetic surgery are being developed.

# Child abuse

## Introduction

In 2016–17 CPS worked with CJS partners to address improvements in the prosecutions of child abuse cases, including child sexual abuse (CSA). This led to the highest volumes of child abuse referrals and defendants charged. Child abuse and child sexual abuse prosecutions and convictions reached the highest volumes ever recorded.

## Summary of CPS activity

- The CPS continued to play a central role in the Home Office-led cross government strategy to respond to sexual violence against children. This included:
  - Engaging with government stakeholders on the development of a strategy to safeguard vulnerable 16 and 17 year olds.
  - Supporting the young witness initiative to expedite cases involving child witnesses under the age of 10 years.
- The CPS network of child sexual abuse specialists, comprising of representatives from each CPS Area and specialist divisions, served as a source of expertise, guidance and good practice for colleagues dealing with child sexual abuse cases, both locally and nationally.
- During 2016 membership of the Rape and Child Sexual Abuse Panel was renewed. Only specialist in-house advocates or counsel who have been selected to join the Panel, are instructed to appear in court on behalf of the CPS in these cases.
- The CPS published revised guidelines for prosecuting indecent images of children (IIOC). Updates were also provided on Section 176 of the Policing and Crime Act 2017, revising the definition of child sexual exploitation. Both are outlined in the pornography section of this report.
- The CPS is part of the Home Office Board to oversee the activity and progress of the Centre of Expertise (COE) on Child Sexual Abuse and Exploitation<sup>68</sup>. In spring 2017, CPS was involved in workshops scoping the scale and nature of abuse and exploring options for gathering information and data across government and NGOs.
- The CPS is a core participant in five strands of the Independent Inquiry into Child Sexual Abuse. We have provided material and witness statements and engage with it on a regular basis.
- The National Child Sexual Abuse Review Panel<sup>69</sup> is a joint Police and CPS initiative. The panel considers whether an allegation of child sexual abuse should be reinvestigated by the police, or whether the prosecution decision should be reviewed by the CPS. Between 1 April 2016 and 31 March 2017, 51 referrals were received.

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<sup>68</sup>The COE was set up by Barnardo's and Metropolitan University Child and Woman Sexual Abuse Unit,

<sup>69</sup>The Child Sexual Abuse Review Panel looks again at cases where a person is concerned that they have made previous allegations of being a victim of a sexual offence when they were under the age of 18, and the police or CPS decided that no action should be taken at the time, but the person is not satisfied that the original allegations were dealt with appropriately.

- Prosecutors have been encouraged to consider all available charges when considering a prosecution of gangs, including those which might be available under the Modern Slavery Act 2015. These may be particularly appropriate where there has been deliberate targeting, recruitment and significant exploitation of young and vulnerable people.
- A number of local initiatives have been identified as good practice throughout 2016–17, for example:
  - Child sexual exploitation partnerships were set up in CPS Cymru/Wales and CPS North West.
  - CPS London is involved in the development of the Children’s House<sup>70</sup>, for opening in 2018.

## Next steps

- The internal CSA group will continue to meet on a quarterly basis bringing together CPS area leads to discuss best practice and emerging issues, such as internet vigilantes.
- A stakeholder forum on child sexual abuse will be considered which will include addressing issues related to boys as well as girls.
- The legal guidance on child sexual abuse will be updated in 2017 to include:
  - internet vigilantes and child sexual abuse cases, which arise out of the on-line grooming of children;
  - sexual communications with a child;
  - amendments to the definition of Child Sexual Exploitation to include streaming or otherwise transmitting an image of a child.
- Work is also underway looking at the introduction of the streamlined forensic approach to low level IIOC offences and the sharing of best practice.
- The Sentencing Council has published overarching principles and offence specific guidelines for sexual offences: *Sentencing Children and Young People*. These came into effect from June 2017.
- The CPS will continue to work with the Centre of Expertise to further explore child sexual abuse and exploitation issues to help further improve prosecutions.
- Any updates of legal guidance, training and case studies for prosecutors will include details of the experience of male victims to help challenge myths and stereotypes and provide details of any support services for male victims.
- A Youth RASSO module has been distributed to CPS Areas for training of RASSO staff in relation to specific issues involving Youths in RASSO cases.

## Child abuse data

Prosecutors are required to flag all cases of child abuse; with those of CSA being identified according to any sexual offence flagged as child abuse. Recent reports of sexual abuse that occurred in the past,

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<sup>70</sup>Led by NHS England using funding obtained by MOPAC from the Home Office Transformation Fund.



when the victim was under 18 years of age, are recorded as child sexual abuse, regardless of the age of the victim at the time the report is made.

Data provided below relates to *all* child abuse defendants and victims, irrespective of gender, with further details of gender where available. Child sexual abuse data reported here will overlap with that in the Rape and Sexual Offence sections.

- The volume of child abuse referrals from the police increased from 13,282 in 2015–16 to 13,310 in 2016–17 – an increase of 28 referrals and the highest level ever recorded.
- 8,974 of these referrals were charged, the highest volume recorded, a rise of 85 defendants from 8,889 in 2015–16. 67.4% of referrals were charged, a slight rise from 66.9% in the previous year.
- The volume of prosecutions completed rose from 11,130 in 2015–16 to 11,793 in 2016–17 – a rise of 663 (6.0%), reaching the highest volume recorded.
- The volume of convictions in overall child abuse rose from 8,439 in 2015–16 to 8,999 in 2016–17 – the highest volume ever recorded and a rise of 560 (6.6%) from the previous year. 76.3% of prosecutions resulted in a conviction in 2015–16 a rise of 0.5ppt from the previous year and the highest rate recorded.
- There were 37 homicides flagged as child abuse with 89.2% conviction rate; there were 3,213 offences against the persons flagged as child abuse with 72.6% conviction rate.
- Child sexual abuse offence prosecutions<sup>71</sup> completed in 2016–17 rose from 6,217 to 7,181 – a rise in volume of 964 (15.5%). Convictions rose from 4,643 to 5,374, also the highest volume ever recorded and a rise of 731 (15.7%), alongside a steady conviction rate of 74.8% in 2016–17.
- 2,122 (29.6%) of child sexual abuse offence prosecutions were flagged as both child abuse and rape. Of these prosecutions, a conviction was obtained in 1,412 cases – the highest volume ever recorded and representing a 66.5% conviction rate.
- Of the child sexual abuse offence prosecutions where the rape flag was not applied, (5,059 or 70.4%), a conviction was obtained in 3,962 cases – the highest volume ever recorded and representing a 78.3% conviction rate.

**Table 10a: Child abuse prosecutions – Total child abuse**

	2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15		2015-16		2016-17	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	6,855	74.2%	6,444	75.1%	5,755	76.1%	6,096	76.2%	7,469	74.4%	8,439	75.8%	8,999	76.3%
Unsuccessful	2,380	25.8%	2,137	24.9%	1,803	23.9%	1,902	23.8%	2,576	25.6%	2,691	24.2%	2,794	23.7%
<b>Total</b>	<b>9,235</b>		<b>8,581</b>		<b>7,558</b>		<b>7,998</b>		<b>10,045</b>		<b>11,130</b>		<b>11,793</b>	

<sup>71</sup>Information is available from the Case Management System (CMS) to show the number of prosecuted defendants, flagged as child abuse, and whose principal offence was categorised as sexual offences.

**Table 10b: Child abuse prosecutions – Sexual Offences**

	2010 - 11		2011 - 12		2012 - 13		2013–14		2014–15		2015–16		2016–17	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	3,551	74.1%	3,530	75.8%	3,070	75.8%	3,344	76.5%	3,975	73.8%	4,643	74.7%	5,374	74.8%
Unsuccessful	1,243	25.9%	1,125	24.2%	981	24.2%	1,027	23.5%	1,412	26.2%	1,574	25.3%	1,807	25.2%
<b>Total</b>	<b>4,794</b>		<b>4,655</b>		<b>4,051</b>		<b>4,371</b>		<b>5,387</b>		<b>6,217</b>		<b>7,181</b>	

- The defendant was male in:
  - 90.6% of child abuse prosecutions (0.2% of defendants did not have gender recorded)
  - 56.8% of homicide prosecutions (21 out of 37) – the gender of all defendants was recorded;
  - 73.2% of offences against the person (2,346 out of 3,205 defendants where gender was recorded – 99.8% recorded); and
  - 98.1% of sexual offences (7,026 out of 7,163 defendants where gender was recorded – 99.7% recorded). There were more male defendants than in 2015–16.
- Victim data<sup>72</sup>, from the Witness Management System showed that 13,034 victims of child abuse were recorded – 7,441 were female and 2,559 were male (there were 3,034 victims where gender was not recorded). The recording of victim gender (at 76.7%) is not robust enough to include gender proportions in this report.

<sup>72</sup>Gender of victims is only available for child abuse victims overall and not broken down into homicide, offences against the person and sexual abuse.

# Human trafficking and modern slavery

## Introduction

The CPS is working with a range of investigative, prosecutorial and governmental partners to improve the domestic and international response to modern slavery in support of the Prime Minister's Modern Slavery Task Force.

The CPS International Justice and Organised Crime Division provide capacity building support in priority countries (including the 2016–17 deployment of a Criminal Justice Advisor to Nigeria). The CPS Proceeds of Crime Division restrains, confiscates and realises the assets of those convicted of modern slavery offences. Prosecutors assist international colleagues to enforce assets on behalf of the CPS, through asset sharing agreements, as well as helping them develop their own capacity for asset recovery. This is important in ensuring that assets are confiscated to support reparation orders for victims.

In 2016–17 the volume of referrals rose to the highest ever recorded, with a steady volume of charged defendants and completed prosecutions. The volume and rate of convictions fell slightly.

## Summary of CPS activity

- A network of over 30 Specialist Prosecutors, based overseas, continued to help improve mutual legal assistance and extradition co-operation. They worked with authorities in those countries to improve their local capability to counter serious crime affecting the UK.
- The CPS criminal justice advisors, based overseas on Organised Immigration Crime Taskforce, assisted with casework and investigations, effectively disrupting trafficking cases.
- The CPS continues to provide resources on modern slavery to support prosecutors and share good practice on the CPS online knowledge hub.
- The CPS participated in 18 national and local law enforcement training events during 2016–17 to improve the knowledge of powers and legislation, share best practice and help drive up case referrals.
- Police and prosecutors also worked closely with law enforcement and prosecutors overseas in Joint Investigation Teams (JITs) which resulted in prosecutions not only in the UK, but also in other countries – often the source countries – which will not be reflected in CPS data.
- The CPS continued to work closely with prosecutors, officials and national policing leads from Northern Ireland and Scotland to ensure a consistent approach and a more robust UK prosecution response in these cases. The UK participated in a significant number of joint investigations for trafficking within the EU.
- Slavery and Trafficking Prevention Orders and Risk Orders, which were introduced in the Modern Slavery Act, were used increasingly and effectively against convicted defendants. They were extended in some cases to restrictions overseas where defendants continued to pose risks on deportation.

- A number of local initiatives have been identified as good practice throughout 2016–17, for example:
  - CPS Cymru-Wales is part of the Wales leadership group linking to the NCA and Home Office. CPS Cymru-Wales also chairs the Modern Slavery training group.
  - CPS East Midlands successfully prosecuted a large scale human trafficking case with multiple victims.

## Next steps

- National mandatory training on modern slavery for designated prosecutors working in Complex Casework Units is being developed, to build further resilience.
- A national Police/CPS Modern Slavery Joint Investigation Team meeting is being held in September 2017 involving Europol, Eurojust and Romanian Authorities.
- Legal guidance, training and case studies for prosecutors will be updated to include details of the experience of male victims to help challenge myths and stereotypes and provide details of support services for male victims.
- The CPS has a significant role to play in supporting victims who are giving evidence in trials, many of whom have extreme vulnerabilities. Pre-recorded cross-examination of victims of trafficking and slavery (s.28 YJCEA 1999) is to be piloted in three pilot sites of Liverpool, Leeds and Kingston from September 2017.

## Human trafficking and modern slavery data

The small number of cases indicates the need for caution in interpreting this data in relation to these offences.

- The volume of human trafficking referrals from the police rose from 246 in 2015–16 to 271 in 2016–17, the highest volume ever recorded. 188 (69.4%), of these referrals were charged; similar to the previous year where 189 referrals were charged, however a fall from 76.8% charged.
- The volume of human trafficking prosecutions completed in 2016–17 stayed steady at 295 as in 2015–16.
- Of the 295 defendants prosecuted, 251 defendants were male, 44 defendants were female. All gender of defendants was recorded. 85.1% were male and 14.9% female. The majority of defendants (68.8%) were aged 25-59 years.
- In respect of data extracted from the WMS, 232 victims were recorded. Of all victims, 91 were female, 47 were male and the gender of 94 was not recorded. The recording of victim gender at 59.5% was not robust enough to include gender proportions in this report. Data from the National Referral Mechanism is provided below to add further information on the gender patterns of potential victims.
- The volume of human trafficking convictions fell from 192 in 2015–16 to 181 in 2016–17. The conviction rate fell from 65.1% to 61.4% over the same period.
- Convictions after contest (exclusive of mixed pleas) fell from 62.0% in 2015–16 to 56.0%.

- 65 cases (22.0%) were unsuccessful due to a prosecution being dropped. There was a rise in unsuccessful outcomes due to victim issues (from 31.1% in 2015–16 to 43.9% in 2016–17).
- As cases often involve multi-defendants and numerous victims, any spikes in casework trends could be attributed to one or two substantial cases involving significant numbers of defendants/victims.

**Table 12: Completed human trafficking prosecutions by outcome**

	2010 - 11		2011 - 12		2012 - 13		2013–14		2014–15		2015–16		2016–17	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	73	70.9%	94	66.2%	99	71.2%	155	68.6%	130	69.5%	192	65.1%	181	61.4%
Unsuccessful	30	29.1%	48	33.8%	40	28.8%	71	31.4%	57	30.5%	103	34.9%	114	38.6%
<b>Total</b>	<b>103</b>		<b>142</b>		<b>139</b>		<b>226</b>		<b>187</b>		<b>295</b>		<b>295</b>	

- Table 13 below outlines human trafficking offences<sup>73</sup>, for which prosecutions were commenced, from 2010–11 to 2016–17. In 2016–17, in total there were 46 offences of labour exploitation<sup>74</sup>, similar to 49 the previous year and 162 offences of trafficking for sexual exploitation, ss.57, 58, 59, 59a, Sexual Offences Act 2003, a fall from 248 in the previous year. However the other offences in the table are linked to either labour exploitation or sexual exploitation.<sup>75</sup>

<sup>73</sup>The table does not include conspiracy to commit any of the offences.

<sup>74</sup>Under s.71 Coroner's and Justice Act 2009 and s.1 Modern Slavery Act 2015

<sup>75</sup>Perpetrators may also be 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 representative of the actual offending and carry more serious penalties.

**Table 13: Human trafficking offences**

	2010– 11	2011– 12	2012– 13	2013– 14	2014– 15	2015– 16	2016– 17
Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 { 4 } Trafficking for labour and other exploitation	21	37	26	32	60	68	29
Coroners and Justice Act 2009 { 71 } To hold another in slavery or servitude or require them to perform forced or compulsory labour	0	15	20	18	31	40	23
Modern Slavery Act 2015 { 1 } Slavery, servitude and forced or compulsory labour	0	0	0	0	0	9	23
Modern Slavery Act 2015 { 2 } Human trafficking	0	0	0	0	0	5	73
Modern Slavery Act 2015 { 4 } Committing an offence with intent to commit trafficking offence	0	0	0	0	0	0	0
Sexual Offences Act 2003 { 57 } Trafficking into the UK for sexual exploitation	41	45	24	26	41	70	17
Sexual Offences Act 2003 { 58 } Trafficking within the UK for sexual exploitation	55	61	16	94	31	72	105
Sexual Offences Act 2003 { 59 } Trafficking out of the UK for sexual exploitation	0	7	3	8	0	9	5
Sexual Offences Act 2003 { 59A } Trafficking into, out of and within the UK for sexual exploitation <sup>76</sup>	0	0	0	12	13	97	35
<b>TOTAL HUMAN TRAFFICKING OFFENCES</b>	<b>117</b>	<b>165</b>	<b>89</b>	<b>190</b>	<b>176</b>	<b>370</b>	<b>312</b>

- For trends in trafficking, CPS also has access to the National Referral Mechanism (NRM) published data, based on potential victims<sup>77</sup> referred to them. Data is available through the [National Crime Agency website](#). This data also allows exploration of the gender of potential victims.

The NRM in England and Wales received slightly more referrals of cases in 2016 with 1,844 female victims compared with 1,773 male victims. The data indicates differences in gender and trends under different types of claimed exploitation of trafficking and modern slavery:

- From 2015 to 2016, labour exploitation of men and boys rose from 931 to 1254 potential victims (a rise of 34.7%).
  - From 2015 to 2016, sexual exploitation of women and girls rose from 946 to 1164 potential victims (a rise of 23.0%); domestic servitude of women and girls fell from 314 to 310 potential victims (a fall of 1.3%).<sup>78</sup>
  - Of 1,705 potential female victims, 86.5% were victims of sexual exploitation or domestic servitude.<sup>79</sup>
  - Of the 1,450 potential male victims 86.5% were victims of labour exploitation.<sup>80</sup>
- Intelligence on the increasing numbers of potential victims referred through the NRM reveals that this is not necessarily reflective of an increase in the threat posed by Modern Slavery to

<sup>76</sup>S.59A Sexual Offences Act 2003 replaced ss.57, 58, 59 SOA 2003 in 2013–14.

<sup>77</sup>NRM Data refers to potential victims, not persons who have received a positive conclusive grounds decision that they are a victim of trafficking.

<sup>78</sup>Note there was a greater rise in the % of potential male victims of labour exploitation in 2016 (from the previous year) than potential female victims for sexual exploitation and domestic servitude – but the overall volumes were lower (1254 potential male victims of labour exploitation and 1474 potential female victims of sexual exploitation and domestic servitude).

<sup>79</sup>Of 1,705 potential female victims – i.e.1,844 excluding 139 of unknown exploitation or organ harvesting.

<sup>80</sup>Of 1,450 potential male victims – i.e.1,773 excluding 323 of unknown exploitation.

the UK, but that there is better identification of victims referred. A large number of trafficking referrals into the NRM claim exploitation outside of the UK and therefore fall outside of our jurisdiction to prosecute.

# Prostitution

## Introduction

The CPS charging practice is to tackle those who recruit others into prostitution for their own gain or someone else's, by charging offences of causing, inciting or controlling prostitution for gain, or trafficking for sexual exploitation. In addition to attracting significant sentences, these offences also provide opportunities for seizure of assets through Proceeds of Crime Act orders and the application of Trafficking Prevention Orders.

For those offences which are summary only – loitering and soliciting, kerb crawling, paying for sexual services and advertising prostitution, the police retain the discretion not to arrest or report those suspected of committing an offence, or they can charge the offence without reference to a prosecutor, regardless of whether the suspect intends to plead guilty or not guilty.

In 2016–17 the CPS prosecuted those who force others into prostitution, who exploit, abuse and harm them and our joint approach with the police, with the support of other agencies, was to help those involved in prostitution to develop routes out.

## Summary of CPS activity

- The CPS continues to work closely with the NPCC Sex Workers Working Group in development of National Policing Sex Workers Strategy with the aim of addressing strategic enforcement but also protecting vulnerable sex workers.
- During 2016–17 the VAWG External Consultation Group was consulted on revised legal guidance on prostitution.
- A number of local initiatives have been identified as good practice throughout 2016–17, for example:
  - CPS Cymru/Wales is part of the Sex Worker Support group, they are involved in the Welsh government framework and in research in Swansea.

## Next steps

- The revised Prostitution legal guidance will be published in 2017–18.
- Legal guidance, training and case studies for prosecutors will be updated to include details of the experience of male victims to help challenge myths and stereotypes and provide details of support services for male victims.

## Prostitution data<sup>81</sup>

- In 2016–17 there were 99 prosecutions commenced for controlling prostitution compared to 100 in the previous year. The number of kerb crawling prosecutions commenced fell from 153 to 148. Brothel keeping offences fell from 111 to 90. Prosecutions commenced for

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<sup>81</sup>Note CPS prostitution data is only available from the offence-based data system and therefore cannot include data on police referrals, charging and outcomes. Offence data is also not available by gender of defendant or victim.



offences of advertising prostitution (through distribution of cards in public places) fell from 37 to 25.

- The number of prosecutions started that related to street prostitution fell from 163 to 127.

**Table 14: VAWG crime prosecutions: prostitution offences, 2010–11 to 2016–17**

A Control of prostitution	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Sexual offences act (2003) {52}	24	19	11	9	25	13	7
Sexual offences act (2003) {53}	87	61	39	49	58	87	92
<b>TOTAL</b>	<b>111</b>	<b>80</b>	<b>50</b>	<b>58</b>	<b>83</b>	<b>100</b>	<b>99</b>

B Brothel keeping	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Sexual offences act 1956 {33}	48	35	31	19	19	28	24
Sexual offences act 1956 {33A of and schedule 2}	106	92	54	31	72	75	63
Sexual offences act 1956 {34}	0	1	2	0	1	1	1
Sexual offences act {35(1)}	3	3	1	2	2	2	1
Sexual offences act {36}	0	2	1	3	2	3	0
Sexual Offences Act 2003 {53A }	40	7	8	0	3	2	1
<b>TOTAL</b>	<b>197</b>	<b>140</b>	<b>97</b>	<b>55</b>	<b>99</b>	<b>111</b>	<b>90</b>

C Kerb crawling	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Sexual offences act 1985 {1(1)(a)}	161	7	2	0	0	0	0
Sexual offences act 1985 {1(1)(b)}	5	0	0	0	0	0	0
Sexual offences act 1985 {2(1)}	38	2	1	0	0	1	0
Sexual offences act 2003 {51A}	123	305	230	237	227	152	148
<b>TOTAL</b>	<b>327</b>	<b>314</b>	<b>233</b>	<b>237</b>	<b>227</b>	<b>153</b>	<b>148</b>

D Advertising prostitution	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Criminal Justice and Police Act 2001 {46}	331	149	80	91	37	37	25

E Street Prostitution	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Street Offences Act 1959 {1}	586	484	396	553	456	163	127

# Pornography and obscenity

## Introduction

In 2016–17 offences related to child sexual abuse were streamlined to improve the efficiency of prosecutions. There was a rise in obscenity offences prosecuted, with a higher proportion of indecent or grossly offensive prosecutions related to domestic abuse. Prosecutions for disclosing private sexual images without consent and possession of an extreme pornographic image portraying rape/assault by penetration increased.

## Summary of CPS activity

- The CPS published revised guidelines for prosecuting indecent images of children (IIOC) using the new Streamlined Forensic Reports, which in addition to improving the timelines of charging decisions, removed the need for lawyers and judges to view the images of children in certain cases, prior to sentence.
- Section 176 of the Policing and Crime Act 2017 revised the definition of Child Sexual Exploitation set out in s.51 Sexual Offences Act 2003 to include situations where indecent images of a child are ‘streamed or otherwise transmitted’ as well as where they are recorded, making the offences more robust in the light of technological changes.
- S.67 of the Serious Crime Act 2015 (Sexual Communication with a Child) came into force on 3 April 2017. This is an either-way offence carrying a maximum sentence of 2 years' imprisonment. The Act inserted a new section 15A (1) and (2) into the Sexual Offences Act 2003. The communication, by e-mail, text message, written note or verbally, has to be sexual or intended to encourage the child to make a communication that is sexual. The circumstances must be that the adult does not reasonably believe the child to be aged 16 years or over.

## Next steps

- Any update of legal guidance, training and case studies for prosecutors will include details of the experience of male victims to help challenge myths and stereotypes and provide details of any support services for male victims.

## Pornography and obscenity data<sup>82</sup>

- From 1 April 2016 the CPS, police and judiciary jointly adopted a new approach to the prosecution of indecent image offences in relation to certain offenders. The police use the Child Abuse Image Database (CAID) and provide a Streamline Forensic Report (SFR) setting out examples of images from each sentencing category (typically three). This still allows the Judge sufficient sentencing powers and information about the offending. It enables low risk cases to be progressed more quickly, meaning more offenders can be prosecuted in shorter time. Revised CPS legal guidance on IIOC was published in July 2016.

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<sup>82</sup>Note CPS pornography and obscenity data is only available from the offence-based data system and therefore cannot include data on police referrals, charging and outcomes.

- The number of offences fell from 22,545 in 2015–16 to 20,803 in 2016–17, a fall of 7.7%. The CPS is not de-prioritising prosecution of these offences, rather we are able to use fewer offences per defendant prosecution, following the revised guidelines relating to the streamlining of images in prosecutions. There was a rise in the prosecutions commenced of the offence of the possession of a prohibited photograph of a child.
- Offence data is not available by gender of defendant or victim.

**Table 15: Child abuse image offences, 2010–11 to 2016–17**

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child	4,543	3,885	3,849	4,265	4,820	5,248	5,141
Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child <sup>83</sup>	21	179	394	534	631	625	971
<b>Sexual exploitation of children through photographs of which:</b>	<b>16,851</b>	<b>15,599</b>	<b>14,694</b>	<b>15,574</b>	<b>16,129</b>	<b>16,672</b>	<b>14,691</b>
• Protection of Children Act 1978 (1 (1)(a)) - Making an indecent photograph of a child	15,768	14,570	13,596	14,443	14,518	14,930	13,324
• Protection of Children Act 1978 (1 (1)(b)) - Distributing an indecent photograph of a child	670	695	803	907	1,318	1,422	1,155
• Protection of Children Act 1978 (1 (1)(c)) - Showing indecent photographs of children	410	333	294	224	292	319	209
• Protection of Children Act 1978 (1(1)(d)) – publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children	3	1	1	0	1	1	3

Table 16 below outlines CPS data on obscenity offences. There was a rise of 16.0% in obscenity offences prosecuted from 6,940 in 2015–16 to 8,049 in 2016–17.

**Table 16: Obscenity offences, 2010–11 to 2016–17**

	2010–11	2011–12	2012 - 13	2013–14	2014–15	2015–16	2016–17
Malicious Communications Act 1988 Sections (1 (1)(a) & (1)(b)) - Indecent or grossly offensive material	1,273	1,301	1,250	1,210	1,586	2,094	2,634
Obscene publications Act 1959 (2 (1) ) - Obscene publications	71	76	34	33	88	26	36
Communications Act 2003 (127 (1)(a), (1)(b) & (3))Grossly offensive or indecent communications	1,869	1,924	1,909	1,190	1,680	2,026	2,227

<sup>83</sup>s.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.

Communications Act 2003 (127 (2)(a), (2)(b), (2)(c) and (3)) - Causing annoyance, inconvenience or needless anxiety to another person	1,037	1,181	1,003	936	864	848	734
Criminal Justice and Immigration Act 2008 (63) - Possession of extreme pornographic images <sup>84</sup>	1,165	1,319	1,312	1,395	1,564	1,737	1,929
Criminal Justice and Immigration Act 2008 (63(1), (7A)) - Possess an extreme pornographic image portraying rape/assault by penetration						3	24
Criminal Justice and Courts Act 2015 { 33(1) and (9) } - Disclose private sexual photographs and films with intent to cause distress						206	465

- The majority of offences under the Malicious Communications Act 1988 (indecent or grossly offensive material) and Communication Act 2003 (grossly offensive or indecent communications) were DA-related (53.2% and 65.4% respectively).

## Disclosing Private Sexual Images without Consent

- There were 465 offences starting prosecution in 2016–17 of the criminal offence of disclosing private sexual photographs and films without the consent of an individual who appears in them, with intent to cause that individual distress. This was a rise from 205 in 2015–16. These cases involving so-called 'revenge pornography' may be considered under the social media legal guidelines<sup>85</sup> which have been updated to reflect this new offence. The offence carries a maximum prison sentence of two years on conviction.

## Possession of an extreme pornographic image portraying rape/assault by penetration

- There were 24 prosecutions commenced in relation to Criminal Justice and Immigration Act 2008 {63(1), (7A)}, the offence of possession of an extreme pornographic image portraying rape/assault by penetration in 2016–17; a rise from three in 2015–16. The offence was implemented in April 2015.

## Paedophile manuals

- From May 2015 s.69 of the Serious Crime Act 2015 created a new offence of possession of a paedophile manual, which is any item that contains advice or guidance about abusing children sexually, including grooming. 14 offences commenced prosecution in 2016–17, compared with one in the previous year.

<sup>84</sup> Only a sub-section of s.63 data was reported in previous VAWG Crime Reports 2007-08 to 2010–11 – data was amended since then to incorporate all offences under s.63.

<sup>85</sup> 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.

## **ANNEX 1**

## **PROSECUTIONS BY CPS AREA AND POLICE FORCE AREA**

Annex 1 provides detailed data by CPS Area and police force areas on domestic abuse, rape and sexual offences.

## **ANNEX 2**

## **MINISTRY OF JUSTICE DATA ON STALKING, HARASSMENT, RESTRAINING ORDERS AND RAPE NATIONAL STATISTICS**

Annex 2 provides the MoJ data on stalking, harassment, restraining orders and Rape National Statistics to contextualise CPS data.

## **GLOSSARIES**

## **GLOSSARY OF TERMS AND ACRONYMS**

The Glossaries provide definitions of terms used within the report and acronyms.

## Annex 1: Prosecutions by Area

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 the BTP.

### VAWG prosecutions by CPS Area:

	2016–17				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
Cymru Wales	5,598	75.6%	1,811	24.4%	<b>7,409</b>
East of England	5,902	78.6%	1,607	21.4%	<b>7,509</b>
East Midlands	6,682	77.8%	1,908	22.2%	<b>8,590</b>
London	11,383	66.0%	5,871	34.0%	<b>17,254</b>
Merseyside & Cheshire	5,157	81.0%	1,213	19.0%	<b>6,370</b>
North East	4,609	74.3%	1,595	25.7%	<b>6,204</b>
North West	8,951	79.4%	2,323	20.6%	<b>11,274</b>
South East	5,068	74.6%	1,729	25.4%	<b>6,797</b>
South West	4,454	76.9%	1,341	23.1%	<b>5,795</b>
Thames & Chiltern	4,649	71.7%	1,836	28.3%	<b>6,485</b>
Wessex	3,984	83.6%	783	16.4%	<b>4,767</b>
West Midlands	9,341	74.6%	3,177	25.4%	<b>12,518</b>
Yorkshire & Humberside	8,787	77.8%	2,511	22.2%	<b>11,298</b>
<b>Total</b>	<b>84,565</b>	<b>75.3%</b>	<b>27,705</b>	<b>24.7%</b>	<b>112,270</b>

	VAWG prosecutions by police force areas 2016–17				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	2,229	76.4%	690	23.6%	2,919
Bedfordshire	649	72.8%	243	27.2%	892
British Transport Police	316	78.8%	85	21.2%	401
Cambridgeshire	1,095	79.2%	288	20.8%	1,383
Cheshire	2,083	79.8%	527	20.2%	2,610
Cleveland	1,128	75.4%	369	24.6%	1,497
Cumbria	855	85.1%	150	14.9%	1,005
Derbyshire	1,575	79.5%	407	20.5%	1,982
Devon & Cornwall	1,666	78.6%	454	21.4%	2,120
Dorset	1,102	84.8%	197	15.2%	1,299
Durham	990	80.7%	237	19.3%	1,227
Dyfed-Powys	600	78.9%	160	21.1%	760
Essex	2,572	76.7%	780	23.3%	3,352
Gloucestershire	564	73.9%	199	26.1%	763
Greater Manchester	5,609	79.0%	1,489	21.0%	7,098
Gwent	819	80.5%	199	19.5%	1,018
Hampshire	2,036	82.5%	433	17.5%	2,469
Hertfordshire	1,353	74.4%	466	25.6%	1,819
Humberside	1,573	82.5%	333	17.5%	1,906
Kent	2,390	74.5%	820	25.5%	3,210
Lancashire	2,503	78.6%	683	21.4%	3,186
Leicestershire	1,192	79.6%	305	20.4%	1,497
Lincolnshire	1,102	79.6%	283	20.4%	1,385
London Police	11,360	65.9%	5,871	34.1%	17,231
Merseyside	3,065	81.7%	686	18.3%	3,751
Norfolk	1,309	80.4%	319	19.6%	1,628
Northamptonshire	970	77.2%	287	22.8%	1,257
Northumbria	2,487	71.6%	987	28.4%	3,474
North Wales	1,244	78.2%	347	21.8%	1,591
North Yorkshire	916	78.8%	247	21.2%	1,163
Nottinghamshire	1,833	74.5%	628	25.5%	2,461
South Wales	2,927	72.6%	1,107	27.4%	4,034
South Yorkshire	1,886	73.7%	673	26.3%	2,559
Staffordshire	1,820	73.0%	674	27.0%	2,494
Suffolk	934	81.0%	219	19.0%	1,153
Surrey	1,100	73.4%	398	26.6%	1,498
Sussex	1,570	75.4%	512	24.6%	2,082
Thames Valley	2,643	70.2%	1,124	29.8%	3,767
Warwickshire	625	78.7%	169	21.3%	794
West Mercia	1,722	78.7%	467	21.3%	2,189
West Midlands	4,867	73.2%	1,780	26.8%	6,647
West Yorkshire	4,413	77.8%	1,259	22.2%	5,672
Wiltshire	867	84.9%	154	15.1%	1,021
<b>Total</b>	<b>84,559</b>	<b>75.3%</b>	<b>27,705</b>	<b>24.7%</b>	<b>112,264</b>

DA prosecutions by CPS Area:

	2016-17				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
Cymru Wales	4,832	75.9%	1,534	24.1%	<b>6,366</b>
East of England	4,972	78.8%	1,341	21.2%	<b>6,313</b>
East Midlands	5,646	77.6%	1,629	22.4%	<b>7,275</b>
London	9,377	65.6%	4,909	34.4%	<b>14,286</b>
Merseyside & Cheshire	4,471	82.1%	972	17.9%	<b>5,443</b>
North East	3,866	74.7%	1,312	25.3%	<b>5,178</b>
North West	7,484	80.1%	1,857	19.9%	<b>9,341</b>
South East	4,218	75.9%	1,340	24.1%	<b>5,558</b>
South West	3,607	76.6%	1,100	23.4%	<b>4,707</b>
Thames & Chiltern	3,838	72.1%	1,482	27.9%	<b>5,320</b>
Wessex	3,299	83.9%	633	16.1%	<b>3,932</b>
West Midlands	7,715	75.2%	2,548	24.8%	<b>10,263</b>
Yorkshire & Humberside	7,528	78.4%	2,080	21.6%	<b>9,608</b>
<b>Total</b>	<b>70,853</b>	<b>75.7%</b>	<b>22,737</b>	<b>24.3%</b>	<b>93,590</b>



	DA prosecutions by police force areas 2016-17				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	1,842	76.2%	576	23.8%	2,418
Bedfordshire	533	73.7%	190	26.3%	723
British Transport Police	139	85.3%	24	14.7%	163
Cambridgeshire	898	79.0%	239	21.0%	1,137
Cheshire	1,813	81.3%	418	18.7%	2,231
Cleveland	935	75.4%	305	24.6%	1,240
Cumbria	702	85.2%	122	14.8%	824
Derbyshire	1,342	79.5%	346	20.5%	1,688
Devon & Cornwall	1,301	78.2%	362	21.8%	1,663
Dorset	969	85.2%	168	14.8%	1,137
Durham	826	81.2%	191	18.8%	1,017
Dyfed-Powys	522	81.7%	117	18.3%	639
Essex	2,226	76.8%	673	23.2%	2,899
Gloucestershire	472	74.1%	165	25.9%	637
Greater Manchester	4,731	80.1%	1,174	19.9%	5,905
Gwent	704	81.3%	162	18.7%	866
Hampshire	1,630	82.7%	342	17.3%	1,972
Hertfordshire	1,117	74.1%	390	25.9%	1,507
Humberside	1,348	84.4%	250	15.6%	1,598
Kent	2,099	75.0%	698	25.0%	2,797
Lancashire	2,062	78.6%	561	21.4%	2,623
Leicestershire	995	80.6%	240	19.4%	1,235
Lincolnshire	939	78.7%	254	21.3%	1,193
London Police	9,360	65.6%	4,910	34.4%	14,270
Merseyside	2,651	82.7%	555	17.3%	3,206
Norfolk	1,059	80.8%	252	19.2%	1,311
Northamptonshire	774	76.6%	236	23.4%	1,010
Northumbria	2,104	72.1%	814	27.9%	2,918
North Wales	1,017	77.8%	291	22.2%	1,308
North Yorkshire	726	79.2%	191	20.8%	917
Nottinghamshire	1,591	74.2%	554	25.8%	2,145
South Wales	2,584	72.8%	965	27.2%	3,549
South Yorkshire	1,617	74.0%	568	26.0%	2,185
Staffordshire	1,506	73.2%	552	26.8%	2,058
Suffolk	798	81.9%	176	18.1%	974
Surrey	895	74.3%	310	25.7%	1,205
Sussex	1,224	78.5%	335	21.5%	1,559
Thames Valley	2,182	70.8%	898	29.2%	3,080
Warwickshire	512	79.3%	134	20.7%	646
West Mercia	1,352	79.4%	351	20.6%	1,703
West Midlands	4,203	73.9%	1,484	26.1%	5,687
West Yorkshire	3,836	78.2%	1,071	21.8%	4,907
Wiltshire	717	85.4%	123	14.6%	840
<b>Total</b>	<b>70,853</b>	<b>75.7%</b>	<b>22,737</b>	<b>24.3%</b>	<b>93,590</b>

### Rape prosecutions by CPS Area:

	2016–17				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
Cymru Wales	139	55.4%	112	44.6%	251
East of England	169	61.5%	106	38.5%	275
East Midlands	208	65.0%	112	35.0%	320
London	463	54.7%	383	45.3%	846
Merseyside & Cheshire	138	56.8%	105	43.2%	243
North East	156	54.7%	129	45.3%	285
North West	370	61.6%	231	38.4%	601
South East	232	52.7%	208	47.3%	440
South West	181	61.1%	115	38.9%	296
Thames & Chiltern	162	53.5%	141	46.5%	303
Wessex	133	72.3%	51	27.7%	184
West Midlands	345	53.6%	299	46.4%	644
Yorkshire & Humberside	295	58.8%	207	41.2%	502
<b>Total</b>	<b>2,991</b>	<b>57.6%</b>	<b>2,199</b>	<b>42.4%</b>	<b>5,190</b>

	Rape prosecutions by police force areas 2016–17				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	86	59.3%	59	40.7%	145
Bedfordshire	16	42.1%	22	57.9%	38
British Transport Police	2	50.0%	2	50.0%	4
Cambridgeshire	29	61.7%	18	38.3%	47
Cheshire	60	54.5%	50	45.5%	110
Cleveland	40	59.7%	27	40.3%	67
Cumbria	29	76.3%	9	23.7%	38
Derbyshire	49	68.1%	23	31.9%	72
Devon & Cornwall	78	67.8%	37	32.2%	115
Dorset	16	69.6%	7	30.4%	23
Durham	40	63.5%	23	36.5%	63
Dyfed-Powys	12	35.3%	22	64.7%	34
Essex	67	59.8%	45	40.2%	112
Gloucestershire	18	47.4%	20	52.6%	38
Greater Manchester	222	58.7%	156	41.3%	378
Gwent	18	54.5%	15	45.5%	33
Hampshire	76	71.0%	31	29.0%	107
Hertfordshire	42	64.6%	23	35.4%	65
Humberside	50	52.6%	45	47.4%	95
Kent	79	55.6%	63	44.4%	142
Lancashire	121	64.7%	66	35.3%	187
Leicestershire	33	53.2%	29	46.8%	62
Lincolnshire	32	76.2%	10	23.8%	42
London Police	462	54.7%	382	45.3%	844
Merseyside	78	58.6%	55	41.4%	133
Norfolk	46	61.3%	29	38.7%	75
Northamptonshire	37	67.3%	18	32.7%	55
Northumbria	75	48.7%	79	51.3%	154
North Wales	43	61.4%	27	38.6%	70
North Yorkshire	31	66.0%	16	34.0%	47
Nottinghamshire	54	62.8%	32	37.2%	86
South Wales	66	57.9%	48	42.1%	114
South Yorkshire	62	52.5%	56	47.5%	118
Staffordshire	55	43.7%	71	56.3%	126
Suffolk	27	65.9%	14	34.1%	41
Surrey	48	51.1%	46	48.9%	94
Sussex	105	51.7%	98	48.3%	203
Thames Valley	107	52.5%	97	47.5%	204
Warwickshire	29	54.7%	24	45.3%	53
West Mercia	85	63.0%	50	37.0%	135
West Midlands	174	53.2%	153	46.8%	327
West Yorkshire	153	63.2%	89	36.8%	242
Wiltshire	39	75.0%	13	25.0%	52
<b>Total</b>	<b>2,991</b>	<b>57.6%</b>	<b>2,199</b>	<b>42.4%</b>	<b>5,190</b>

### Sexual offence prosecutions by CPS Area:

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 the BTP.

	2016–17				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
Cymru Wales	627	79.2%	165	20.8%	792
East of England	761	82.6%	160	17.4%	921
East Midlands	828	83.2%	167	16.8%	995
London	1,543	72.7%	579	27.3%	2,122
Merseyside & Cheshire	548	80.1%	136	19.9%	684
North East	587	79.2%	154	20.8%	741
North West	1,097	82.4%	235	17.6%	1,332
South East	618	77.3%	181	22.7%	799
South West	666	84.1%	126	15.9%	792
Thames & Chiltern	649	75.3%	213	24.7%	862
Wessex	552	84.8%	99	15.2%	651
West Midlands	1,281	79.5%	330	20.5%	1,611
Yorkshire & Humberside	964	81.1%	224	18.9%	1,188
<b>Total</b>	<b>10,721</b>	<b>79.5%</b>	<b>2,769</b>	<b>20.5%</b>	<b>13,490</b>

	Sexual offence prosecutions by police force areas 2016–17				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	301	84.6%	55	15.4%	356
Bedfordshire	100	76.3%	31	23.7%	131
British Transport Police	175	74.8%	59	25.2%	234
Cambridgeshire	168	84.4%	31	15.6%	199
Cheshire	210	78.1%	59	21.9%	269
Cleveland	153	80.5%	37	19.5%	190
Cumbria	124	86.7%	19	13.3%	143
Derbyshire	184	82.9%	38	17.1%	222
Devon & Cornwall	287	83.9%	55	16.1%	342
Dorset	117	84.2%	22	15.8%	139
Durham	124	84.4%	23	15.6%	147
Dyfed-Powys	66	75.9%	21	24.1%	87
Essex	279	81.8%	62	18.2%	341
Gloucestershire	74	84.1%	14	15.9%	88
Greater Manchester	656	80.5%	159	19.5%	815
Gwent	97	81.5%	22	18.5%	119
Hampshire	330	84.6%	60	15.4%	390
Hertfordshire	194	78.5%	53	21.5%	247
Humberside	175	82.2%	38	17.8%	213
Kent	212	78.2%	59	21.8%	271
Lancashire	320	85.1%	56	14.9%	376
Leicestershire	164	82.0%	36	18.0%	200
Lincolnshire	131	87.3%	19	12.7%	150
London Police	1,538	72.6%	579	27.4%	2,117
Merseyside	336	81.6%	76	18.4%	412
Norfolk	204	84.3%	38	15.7%	242
Northamptonshire	159	82.8%	33	17.2%	192
Northumbria	308	76.6%	94	23.4%	402
North Wales	184	86.4%	29	13.6%	213
North Yorkshire	159	79.9%	40	20.1%	199
Nottinghamshire	188	81.7%	42	18.3%	230
South Wales	277	74.7%	94	25.3%	371
South Yorkshire	207	80.9%	49	19.1%	256
Staffordshire	259	83.5%	51	16.5%	310
Suffolk	109	79.0%	29	21.0%	138
Surrey	157	78.9%	42	21.1%	199
Sussex	241	75.3%	79	24.7%	320
Thames Valley	354	73.3%	129	26.7%	483
Warwickshire	84	88.4%	11	11.6%	95
West Mercia	285	81.2%	66	18.8%	351
West Midlands	490	77.4%	143	22.6%	633
West Yorkshire	424	81.1%	99	18.9%	523
Wiltshire	111	86.0%	18	14.0%	129
<b>Total</b>	<b>10,715</b>	<b>79.5%</b>	<b>2,769</b>	<b>20.5%</b>	<b>13,484</b>

# Annex 2: Ministry of Justice data

## Stalking and harassment, restraining orders and breaches

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 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.
- MoJ statistics on restraining orders relate only to where defendants were issued restraining orders in relation to their principal offence.
- MoJ statistics on breaches of restraining orders relate only to defendants prosecuted for such a breach as their principal offence. CPS data includes all offences starting a prosecution, not just those where the restraining order or breach relates to a principal offence.
- MoJ offenders prosecuted data covers cases completed in Magistrates' Court in 2016, and therefore includes both completed and live cases in the Crown Court.
- MoJ offenders convicted data covers those convicted in 2016, who may have been prosecuted in previous years.
- MoJ conviction ratio is the number of defendants convicted divided by the number of defendants prosecuted (there may be some convictions in 2016 for cases that were prosecuted prior to 2016; and there will be some prosecutions in this data that are not yet completed at the Crown Court).

## Stalking and Harassment

In 2016, the MoJ figures<sup>1, 2, 3, 4</sup> for England and Wales show that 6,678 defendants were prosecuted for s.2 of the Protection of Harassment Act 1997 (s.2 PHA) offences of harassment without violence,

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<sup>1</sup>The figures given relate to defendants 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 - although this does not apply to the number of restraining orders issued since this takes into account those given as secondary or tertiary disposals for the principal offence.

<sup>2</sup>Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes, and their inevitable limitations, are taken into account when those data are used.

<sup>3</sup>The number of defendants found guilty in a particular year may differ from the group proceeded against if the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

<sup>4</sup>Due to updates following quality assurance in the latest year, including the reclassification of some offences, pre-2016 results may not match those previously published.

compared with 7,243 in 2015. The conviction ratio<sup>5</sup> has increased slightly since 2015, from 76% to 80% in 2016.

912 defendants were prosecuted for s.4 PHA offences of harassment – putting people in fear of violence in 2016, compared with 1,176 in 2015; with 699 convicted, compared with 835 convicted in 2015. The conviction ratio rose from 71% to 77%.

348 defendants were prosecuted for the s.2A PHA offences of pursuing a course of conduct which amounts to stalking with fear/alarm/distress in 2016, compared with 481 in 2015. 239 were convicted, compared with 335 convicted in 2015. The conviction ratio decreased slightly, from 70% to 69%.

38 defendants were prosecuted in 2016 under the s.4A PHA offences of stalking involving fear of violence, compared with 74 in 2015; with 25 convicted, compared with 45 in 2015. There was a rise in the conviction ratio to 66% compared with 61% in the previous year.

212 defendants were prosecuted in 2016 under the s.4A offences of stalking involving serious alarm or distress compared with 225 in 2015; with 148 convicted, compared with 149 in 2015. There was a rise in the conviction ratio to 70% compared with 66% in the previous year.

## Restraining orders and breaches

MoJ figures<sup>6, 7, 8, 9, 10</sup> show that in 2016, 23,132 restraining orders were issued on conviction in England and Wales (compared with 20,693 in 2015) and 2,117 were issued on acquittal (compared with 2,328 in 2015).

During 2016, there were 9,921 defendants prosecuted for breaches of restraining orders that had been imposed on conviction, with 8,953 convicted. This was an increase from 9,292 prosecutions and 8,395 convictions in 2015.

There were also 358 defendants prosecuted for breaches of restraining orders issued following the acquittal of the defendant, with 277 convicted. This was an increase from 302 prosecutions and 236 convictions in 2015.

There was a 90% conviction ratio<sup>11</sup> across all prosecutions for breaches of restraining orders this year, remaining stable compared to 2015.

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<sup>5</sup>Conviction ratios are calculated as the number of convictions as a proportion of the number of proceedings. This gives a measure of the relative number of defendants who are found guilty within a given year for a certain offence, when compared with the number who are prosecuted that year for the same offence. As trials can span more than one year, offenders found guilty in a calendar year are not always the same defendants who were prosecuted in that year. Further, defendants may be found guilty of a different offence to that offence for which they were originally prosecuted.

<sup>6</sup>See Footnote 1

<sup>7</sup>See Footnote 2

<sup>8</sup>See Footnote 3

<sup>9</sup>See Footnote 4

<sup>10</sup>There are a small proportion defendants with an unknown gender post 2010, therefore the total number of defendants does not exactly equal male plus female defendants following this date.

<sup>11</sup>See Footnote 5

## MoJ Rape National Statistics

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

- CPS data is for the financial year; MoJ data for the calendar year.
- CPS data is for completed prosecutions in 2016–17; MoJ defendants prosecuted data covers cases completed in Magistrates' Court in 2016, 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 offenders convicted covers only those convicted of rape in 2016, who may have been prosecuted in previous years. This difference in recording leads to CPS reporting a higher number of prosecutions than that recorded in the MoJ data.
- CPS conviction rate is the proportion of convictions out of completed rape flagged prosecutions in 2016–17; MoJ conviction ratio is the number of offenders convicted of rape in 2016 divided by the number of defendants prosecuted for rape in the same year (as defined in footnote 5).

National Statistics from the MoJ include the [official statistics on defendants prosecuted for rape](#). These figures show that in the calendar year 2016 there were 3,716 defendants, on a principal offence basis,<sup>12, 13, 14, 15, 16</sup> prosecuted for rape at Magistrates' Courts in England and Wales, with 3,510 cases sent to the Crown Court for trial. This is slightly lower than in 2015 when 3,851 defendants were prosecuted. In 2016 there were 1,352 offenders convicted of rape in England and Wales, with a conviction ratio of 36%<sup>17</sup>. These figures are slightly higher than in 2015, when 1,297 were convicted; with a conviction ratio of 34%. This ratio only compares numbers prosecuted for a principal offence of rape with numbers convicted of rape; some of those prosecuted for rape may go on to be convicted of other offences at the Crown Court<sup>18</sup>. MoJ prosecution data is where the hearing has been completed in the Magistrates' Court in 2016, and therefore includes both completed and live cases in the Crown Court. Almost 100% of defendants prosecuted and offenders convicted for rape were male<sup>19</sup>.

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

<sup>13</sup>See Footnote 2

<sup>14</sup>See Footnote 3

<sup>15</sup>See footnote 4

<sup>16</sup>Rape figures here include offences of rape and attempted rape, against males and females, for consistency with the rest of this report.

<sup>17</sup>See Footnote 5

<sup>18</sup>To contextualise the difference in conviction ratios/rates between MoJ and CPS, it is useful to compare CPS figures with a MoJ analysis from 2013, which assessed the proportion of defendants prosecuted for rape offences in 2009 ultimately convicted of any offence between 2009 and 2011. This analysis indicated that, of those initially prosecuted for rape, 56% were convicted for any offence, including 33% who were convicted for rape. The proportion convicted for any offence was more comparable to the CPS conviction rates in 2008–09 of 57.7%; 2009–10 of 59.4% and 2010–11 of 58.6%.

<sup>19</sup>The figures for those defendants with recorded gender are rounded up to 100%, noting that a very small number were women defendants.



## Timeliness from charge to trial

Overall data on the timeliness of rape cases from charge to completion, across England and Wales, has been provided from the MoJ from 2010–16. This revised data now includes cases over ten years and therefore has been updated since the CPS 2015–16 VAWG report.

From the MoJ data, the timeliness from charge to completion appears to have risen slightly over the last few years.

	2010	2011	2012	2013	2014	2015	2016
MoJ data – Median <sup>20</sup> time in days from charge to completion <sup>21</sup>	213	226	225	225	238	258	259

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<sup>20</sup>The median is the value 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.

<sup>21</sup>The figures in this table have been revised to incorporate a new methodology that was put into place in 2016, and therefore do not match previous versions prior to this year. The new methodology now includes cases that take longer than 10 years from the offence to completion which had previously been excluded.

# 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.<sup>22</sup>

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 included:

- 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*

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<sup>22</sup>Working Together to Safeguard Children – A guide to interagency working to safeguard and promote the welfare of children, 2015. <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

*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. However this is not an exhaustive list and may also be extended to uncles, aunts, cousins et.*

*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 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.

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

So-called 'Honour-based' violence:

The definition of so-called '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".

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 so-called 'honour-based' violence. Cases would be prosecuted for the specific offence committed, e.g. common assault, GBH, harassment, kidnap, rape, threats to kill, murder.

Harmful practices:

Harmful practices are forms of violence which have been committed primarily against women and girls, in certain communities and societies, without their 'consent', with a view to keeping women in submission, according to the norms of their communities. As with all forms of violence against women and girls, harmful traditional practices constitute a violation of human rights.

Human trafficking:

The flag for human trafficking is applied to:

- Offences flagged are Sexual Offences Act 2003 (ss.57, 58, 59 and 59A),
- Asylum and Immigration [Treatment of Claimants] Act 2004 ss. 4(1), (2) and (3); and
- Coroners and Justice Act 2009 s.71
- Modern Slavery Act 2015 s.1 and s.2

The flag is applied at the outset 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:

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

Rape:

Any defendant charged with one or more of the following offences:

- s.1 Sexual Offences Act 1956
- s.5 Sexual Offences Act 1956
  - An attempt to commit one of the above offences under the Criminal Attempts Act 1981
- s.1 Sexual Offences Act 2003
- s.5 Sexual Offences Act 2003
- s.30(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 rape.

### 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 is 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, manslaughter, infanticide, child destruction, 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 (5<sup>th</sup> Edition) provides that the police may charge any Summary only offence (one that can only be dealt with in the Magistrates' Court) irrespective of plea and any either way offence (can be tried in either the Magistrates' Court or Crown Court) where a guilty plea is anticipated and it is suitable for sentence in the Magistrates' Court subject to certain exceptions such as DA, 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.

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.

No prosecution: Whose 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.
Contests inclusive of mixed pleas 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
Contests exclusive of mixed pleas Not Guilty and Contest:	(a) The Defendant enters only not guilty pleas, AND (b) a trial takes place
Unsuccessful outcomes:	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.
Convictions:	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:

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:

- (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:

Any rule of law under which in criminal proceedings a statement is admissible as evidence of any matter stated if:

- (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
CAMHS	Child and Adolescent Mental Health Services
CJA	Criminal Justice Act
CJS	Criminal Justice System
COE	Centre of Expertise
CMS	Case Management System
CPS	Crown Prosecution Service
CPSD	Crown Prosecution Service Direct
CSA	Child Sexual Abuse
CSE	Child Sexual Exploitation
DPP	Director of Public Prosecutions
DA	Domestic Abuse
ECG	External Consultation Group
FM	Forced Marriage
FGM	Female Genital Mutilation
HBV	so-called 'Honour-Based' Violence
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
HMIC	Her Majesty's Inspectorate of Constabulary
HO	Home Office
ICEM	Inclusion and Community Engagement managers
IDVA	Independent Domestic Abuse Adviser
IQA	Individual Quality Assessment
ISVA	Independent Sexual Violence Adviser
MIS	Management Information System
MoJ	Ministry of Justice
NCA	National Crime Agency
NMO	Non-Molestation Order
NPCC	National Police Chiefs' Council
NRM	National Referral Mechanism
PHA	Protection of Harassment Act
PPT (ppt)	Percentage point
RAR	Rehabilitation Activity Requirement
RASSO	Rape and Serious Sexual Offences
SDVC	Specialist Domestic Abuse Court
SHPO	Sexual Harm Prevention Order
SOA	Sexual Offences Act
SO	Sexual Offences
TSJ	Transforming Summary Justice
LSIP	Local Scrutiny and Involvement Panels
WCU	Witness Care Unit
WMS	Witness Management System
VAWG	Violence against Women and Girls