



**CPS**

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

2010-2011

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# Foreword by the Director of Public Prosecutions

Violence against Women and Girls (VAWG<sup>1</sup>) continues to be a top priority for the Crown Prosecution Service (CPS). In 2010-11 we began to focus more on the quality of our prosecutions and supported Areas in the move to more local accountability and transparency. During this period I started my visits to all Areas in England and Wales and included in my discussions the local work on VAWG.

In 2010-11 we introduced the CPS Core Quality Standards - a set of publicly facing core quality standards laying down the quality of service that the public are entitled to expect from those who prosecute on their behalf. The standards are important to victims, witnesses and defendants who depend on prosecutors to carry out their duties to a high standard. In assessing compliance with these standards we included specific assessment of a sample of rape cases. In January 2011 we went further by introducing a specific VAWG assurance system, wherein Areas report on a range of VAWG crimes to the Chief Operating Officer and myself on a six monthly basis, including a detailed qualitative assessment of a quarter of their rape cases. Our first set of reports in April 2011 identified three local key actions for each Area to address.

2010-11 was a challenging year for VAWG. We identified a number of issues where change was needed and we have ensured it is happening. In November 2010 a domestic violence rape case involving a woman who was convicted for attempting to pervert the course of justice following her 'falsely retracting' allegations that her husband had raped her on several occasions led to us re-examining our guidance, consulting widely with the public and experts in the field, leading to new guidance being issued in 2011.

In domestic violence we also worked closely with external community groups in identifying key prosecution issues, especially linked to ensuring use of evidence other than that of the victim, addressing victim retractions and cases involving young defendants and victims. Our new Stalking and Harassment Guidance helped increase harassment prosecutions. We also increased the number of restraining orders and prosecutions for breach of a non-molestation order.

In 2010-11 the attrition rates stayed steady against a rise of 11% in the volume of VAWG<sup>2</sup> defendants prosecuted and the volume of those successfully convicted<sup>3</sup>. Of 95,257 defendants prosecuted, 68,154 were convicted.

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<sup>1</sup> This report will use the new cross-government terminology of Violence against Women and Girls (VAWG) throughout instead of Violence against Women (VAW) as in previous reports.

<sup>2</sup> Prosecution outcomes were monitored for domestic violence, rape and sexual offences.

<sup>3</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. 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. Convictions are measured from charge to conviction, caveats for data are included in each section of the report.

In 2011-12 we hope that the VAWG assurance in each Area will help Chief Crown Prosecutors identify any further changes they need to make, to continue to improve both the quantity and quality of prosecutions. I would like to take this opportunity to thank Areas, and the work with local community groups, for their commitment to these improvements.

**Keir Starmer QC**  
**Director of Public Prosecutions**  
**November 2011**

# Executive Summary

We have changed the format of the 2010-11 VAWG report to reflect the move within the CPS to focus more on the quality of our prosecutions, moving away from assessing our prosecution outcomes solely by attrition rates. We no longer set targets, but focus more on the trend in prosecution performance locally in each Area, compared with the national average, alongside the quality of prosecutions. This report focuses more on an analysis of the key prosecution issues in each VAWG strand of crimes - domestic violence, rape, sexual offences, human trafficking, prostitution, forced marriage, honour based violence, female genital mutilation, child abuse and pornography. A number of case studies are used to illustrate some good practice from Areas.

In line with government policy, we publish the underlying data used in our reports. The underlying data for this report can be found on the CPS website, in the Publications section under [Equality and Diversity](#).

## VAWG

VAWG continues to be a top priority for the CPS, as part of the cross government commitment to tackling VAWG, overseen by the Inter-Ministerial Group, including the Solicitor General and Attorney General representing the CPS.

Since the introduction of the CPS VAWG strategy we have seen the volume of VAWG prosecutions rise year on year, from 68,930 in 2006-07 to 95,257 this year, a rise of 38%. Not only are we prosecuting more cases, but we are prosecuting those cases successfully - the volume of convictions rising by 52%, from 44,836 to 68,154. The proportion of charged defendants convicted has risen from 65% to 72% during that time.

In 2010-11 alone there has been an 11% rise in the volume of both prosecutions and convictions. This is against an overall drop in the volume of cases heard at magistrates' courts of 3.6% - where the majority of VAWG crimes are heard.

The Core Quality Standards were introduced in 2010-11, including a new VAWG validation measure and assessment of a sample of rape cases. In January 2011 a specific qualitative VAWG Assurance system was set up – Areas report bi-annually to the Director of Public Prosecutions (DPP) on their VAWG performance, including detailed assessment of approximately 25% of their rape cases. The focus has moved from a centralist to a local assessment, with specified actions.

Areas are supported by local VAWG coordinators, who advise on VAWG prosecutions. They work with local community groups through Hate Crime Scrutiny Panels and Community Involvement Panels, which were streamlined and rationalised in 2011 to establish Local Scrutiny and Involvement Panels. Victim issues identified through CPS in 2010-11 were integrated into work across government through the cross-government VAWG action plans and implementation of the Stern rape review.

## Domestic violence

- There was a 65% increase in the volume of domestic violence prosecutions from 2005-6<sup>4</sup> to 2010-11, with a corresponding 99% increase in volume of defendants convicted;
- Attrition rates have fallen in the same period; with the proportion of successful outcomes rising from 60% to 72%;
- In the last year (2010-11) the proportion of defendants convicted has stayed steady at 72%, against an 11% increase in both the volume of defendants prosecuted (82,187) and convicted (59,101);
- Case studies from a number of Areas illustrate the importance of using other evidence in domestic violence cases, such as 999 tapes and photographs and providing support for victims to help reduce victim retractions, improve prosecutions and victim safety;
- In 2010-11, 30% of defendants were under 24 years of age, of which 3,363 defendants were recorded as Under 18;
- In 2010-11, domestic violence between young people was raised by stakeholders as an area of concern and research was developed in 2011 to take a closer look at prosecutions involving under 18 defendants and victims. Initial findings will be reported in late 2011.

## Harassment

- CPS Stalking and Harassment Guidance was published in September 2010;
- The CPS has worked with the police to address harassment issues, including holding a joint conference;
- Prosecutions commenced for 10,238 harassment offences in 2010-11, of which 6,245 (61%) were domestic violence related;
- 5,922 breach of restraining order offences started prosecution, of which 4,055 (68%) were related to domestic violence;
- 5,281 breaches of non-molestation orders started prosecution.

## Rape

- The official national rape statistics from the [Ministry of Justice](#) indicate that in the calendar year of 2010 there were 3,071 defendants, on a principal<sup>5</sup> offence basis, prosecuted for rape at the magistrates' courts, with 3,013 committed to the Crown Court for trial. In 2010 there were 1,058 offenders convicted of rape, resulting in a prosecution to conviction ratio in 2010 of 34 per cent;

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<sup>4</sup> Monitoring of domestic violence data started in 2004, but data was more robust from 2005-06.

<sup>5</sup> MoJ information: Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the Principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the 'Principal offence'.

- MoJ data from 2008<sup>6</sup> indicated that of the rape cases heard at Crown Court in 2008 and matched to an outcome in 2008 or 2009 (i.e. completed trials):
  - 58% were convicted of an offence (42% were not guilty);
    - of which 33% were convicted of rape;
    - a further 14% were convicted of another sexual offence;
    - 5% were convicted of a violent offence, a further 5% of another indictable offence and 1% of a summary offence.
- Since 2007-08<sup>7</sup>, CPS performance management data has illustrated an increase of 20% in the volume of prosecutions and 22% in the volume of defendants convicted;
- In 2010-11 there was a slight fall in the proportion of defendants convicted after charge<sup>8</sup> against a ten per cent increase in the volume of defendants prosecuted and a nine per cent increase in volume of those convicted;
- Unsuccessful outcomes due to victim issues fell from 16.5% in 2009-10 to 14% in 2010-11;
- From July 2010 a sample of rape cases were included in quarterly assessment of Core Quality Standards;
- From January 2011, a sample of approximately 25% of rape cases in each Area were assessed in more detail as part of the VAW Assurance system;
- By March 2011, 890 rape specialist prosecutors were trained in the merits-based approach to deal with rape prosecutions;
- A number of case studies are provided illustrating improvements in rape prosecutions through the merits-based approach, the use of pre-trial witness interviews, provision of information for rape victims; the introduction of Rape and Serious Sexual Offences (RASSO) Units and local support for victims through Independent Sexual Violence Advisers (ISVAs);
- Guidance on charging perverting the course of justice in cases involving complainants in rape and/or domestic violence cases was published in July 2011.

## Sexual offences (excluding rape)

- In 2010-11 there was a slight fall in the proportion of defendants convicted after charge, against an eleven per cent increase in the volume of defendants prosecuted and a nine per cent increase in volume of those convicted.

## Forced marriage, honour-based violence and female genital mutilation

- From April 2010 trained specialist prosecutors dealt with forced marriage and honour-based violence in each Area, with cases flagged and monitored for the first time<sup>9</sup>;

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<sup>6</sup> The most recent data on convictions for all prosecuted rape cases is provided from the MoJ's report: *"Providing anonymity to those accused of rape: An assessment of evidence"*.

<sup>7</sup> CPS monitoring of rape cases started later than domestic violence.

<sup>8</sup> CPS data on successful rape prosecutions include not only cases initially charged and flagged as rape, but also cases where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes only and is not official national statistics – see rape section for further details of caveats.

<sup>9</sup> As with any new monitoring system, time is needed for the embedding in of its accurate use. The quality and accuracy of the data therefore needs to be considered with caution during this first year.

- In 2010-11, 41 defendants were prosecuted for forced marriage and 234 for honour-based violence (HBV) crimes, with approximately half convicted;
- Areas carried out a range of initiatives to improve prosecutions, including HBV scrutiny panels; working with schools and the voluntary sector; holding local conferences and pro-actively building cases using other evidence such as CCTV, phone messages and texts;
- The CPS Guidance on Female Genital Mutilation was developed in 2010-11, consulted on in 2011 and published in September 2011.

## Child abuse

- In 2010-11 there was a slight fall in the volume of child abuse homicide offence prosecutions<sup>10</sup>, with an increase in successful outcomes;
- There was an increase in the volume of offences against the person and sexual offence prosecutions;
- The successful outcomes for offences against the person slightly increased, with a slight fall for sexual offence successful outcomes;
- The CPS is working across the criminal justice system and across government to address child abuse issues;
- Case studies from Areas illustrate prosecution of historical child abuse, live and internet child abuse.

## Human trafficking and prostitution

- The CPS Human Trafficking Public Policy Statement was developed in 2010 -11 and published with revised guidance for prosecutors in June 2011.
- The CPS has contributed to the new UK human trafficking strategy published in July 2011;
- The CPS now flag and monitor all cases of trafficking which commenced in April 2010<sup>11</sup>, 103 cases were recorded in 2010-11;
- Policy and legal guidance on exploitation of prostitution was published in June 2011, which included changes to legislation related to kerb crawling, control of prostitution and payment for sexual services;
- Case studies include examples of specialist ISVAs supporting sex workers.

## Pornography

- In 2010-11 there was a rise in the prosecution of child abuse images, including prosecutions commenced on 17,400 offences of sexual exploitation of children through photographs;
- There was a rise in obscenity offences prosecuted related to the use of technology and the internet;
- Case studies illustrate prosecutions of paedophiles and grooming of girls.

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<sup>10</sup> See glossary for definition

<sup>11</sup> See glossary for offences flagged. As with any new monitoring system, time is needed for the embedding in of its accurate use. The quality and accuracy of the data therefore needs to be considered with caution during this first year.

# Introduction

This CPS VAWG Crime Report is the fourth edition published by the CPS. This year the format of the report has changed to reflect a more qualitative assessment of prosecution performance and support for victims, building on the previous quantitative assessments outlined in previous VAWG reports.

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

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

The report provides data and commentary in separate sections on each of the VAWG strands, including a number of case studies and good practice. Key issues that were identified in 2010-11 have been highlighted within each section and may differ according to strands. The CPS collects data<sup>12</sup> to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007<sup>13</sup>.

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

## Cross-government plans

In November 2010 the government prioritised work on VAWG through the publication of a cross government VAWG narrative and in March 2011 VAWG action plans, including CPS plans for 2011-12. The government's response to the Stern rape review was also published in March 2011, including CPS actions on rape, as outlined later in this report.

The Solicitor General is a member of the Violence against Women and Girls (VAWG) Inter-Ministerial Group overseeing the implementation of these plans.

## VAWG within the CPS

In 2010-11 the VAWG strategic three year work plan came to an end and VAWG work was mainstreamed into the CPS' business plans, where it maintains its priority

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<sup>12</sup> Data on VAWG crimes have been drawn from CPS Case Management System (CMS) and associated Management Information System (MIS), which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

<sup>13</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.

within the Service and will continue to be reported on annually. A separate report will be published with a review of the CPS VAWG strategy 2008-11.

At a national level the VAWG External Consultation Group (ECG), involving key VAWG expert groups, continued to advise the VAWG programme until January 2011. From 2011 it became a subgroup of the wider Community Accountability Forum.

Findings from consultation on VAWG stakeholder confidence and satisfaction were published by the CPS in July 2010 and fed into work with the VAWG ECG and Areas. Future assessment of stakeholder satisfaction will be part of the work of local panels, outlined below.

The Equality and Diversity Unit continued to hold overall responsibility for VAWG and include improvements in VAWG as part of core equality objectives for the organisation. The CPS Strategy and Policy Directorate indicated their ongoing commitment to VAWG through identifiable policy leads for domestic violence, rape, forced marriage and honour based violence, trafficking, prostitution and high tech crimes.

Stalking and harassment guidance was introduced in September 2010.

Perverting the course of justice interim guidance was introduced in February 2011, with final guidance published in July 2011.

The CPS Public Policy Statement on Human Trafficking was consulted on in 2010-11 and published in June 2011. New guidance on the exploitation of prostitution was also published in June 2011. New FGM legal guidance, demonstrating commitment to securing prosecutions for this offence, was developed in 2010-11, consulted on in 2011 and published in September 2011.

Internationally the VAWG strategy manager was involved in the UN expert panel in Trinidad in September 2010 on the development of an international model for VAWG strategies. The post also advised the EU Agency for Fundamental Rights (FRA) in the development of a Europe wide VAWG survey of VAWG victims, planned for 2011-12.

## Victim issues

The CPS worked across the Criminal Justice System (CJS) from 2009 to develop methodologies to measure the support, safety and satisfaction of VAWG victims. Three strands of work were developed:

- The CPS worked with the Home Office in developing further VAWG victim questions in the revision of the British Crime Survey.
- The Ministry of Justice (MoJ) is scoping out what the evidence gaps are in relation to the knowledge of victims and witnesses, and will be considering victims of domestic violence and sexual offences as part of this. CPS and Home Office VAWG leads will be involved in discussions as this work develops.

- A report from the Women's National Commission was commissioned to assess the views of VAWG victims through a range of focus groups<sup>14</sup>, on their support, safety and satisfaction with the Criminal Justice System. The recommendations from this report were incorporated across government during 2010-11 through the development of the cross-government VAWG action plans, the Stern working group and the Rape Monitoring Group.

Within the work of the Witness Care Units, support systems for a range of communities were addressed. Copies of the Women's Aid Gold Book of victim support agencies were distributed to all Witness Care Units.

## VAWG performance

In 2010-11 the Core Quality Standard Monitoring (CQSM) framework was introduced generally across the CPS which included a new VAWG validation measure that assessed unsuccessful outcomes for domestic violence, sexual offences and rape, as well as volume of rape prosecutions. The system no longer measures performance against targets instead it looks at Area trends against the national average, coupled with more detailed assessments of the quality of rape cases.

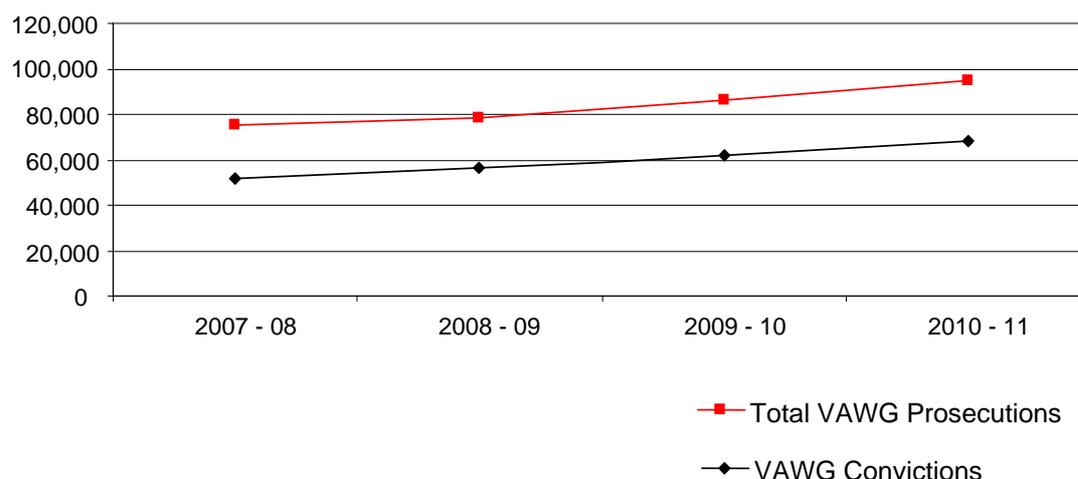
In January 2011, a specific qualitative VAWG Assurance system was established, for Groups to provide an assurance of their overall VAWG performance including detailed assessment of domestic violence, rape and sexual offence prosecutions on a six monthly basis. Areas receive feedback on their assurance reports from the VAW team and DPP and must draw up three action points following each bi-annual assessment. The assurance process also includes a requirement to conduct a more detailed assessment of approximately 25% of rape cases. Details of rape CQSM and rape case assurance are reported in the rape section of this report.

In 2010-11, across VAWG prosecutions covering domestic violence, rape and sexual offences, there has been an 11% rise in the volume of cases prosecuted compared with the previous year, reaching 95,257 defendants, which may indicate that more victims are continuing to report such violence to the police and in turn more cases are charged by the CPS for prosecution. This increase should be viewed against the drop in volume within all cases heard at magistrates' courts of 3.6% - the majority of VAWG crimes are heard in these courts. The volume of cases successfully prosecuted also increased by 11% reaching 68,154, with the proportion staying steady at 72% of all VAW cases prosecuted. Graph 1 illustrates the trend over the last four years.

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<sup>14</sup> Information from 26 focus groups consulting just under 400 victims was used as the basis of this research.

**Graph1: Volume of VAWG prosecutions and convictions**



As in previous years the majority of crimes grouped under VAWG for performance management purposes are domestic violence – in 2010-11 amounting to 86.3%, with rape at 4.4% and sexual offences, excluding rape, at 9.3%, both similar to 2009-10.

## Equalities issues

### Gender

In 2010-11, 94% of VAWG defendants were men, similar to previous years. The recording of victim gender improved up to 87% in 2010-11. From those with recorded gender, the proportion of women victims was lower by one per cent in 2010-11, compared with 2009-10, at 84%.

### Ethnicity

In 2010-11, 75% of VAWG crime defendants<sup>15</sup> were identified as belonging to the White British category and 79% were categorised as White (as in the previous year). 6% of defendants were identified as Asian, and a further 6% were identified as Black, similar figures to the previous year<sup>16</sup>. Over half of victim ethnicity was not recorded, so is not reported on within this report.

### Age

The majority of defendants were aged 25-59 (67%) and 18-24 (25%). It was of concern to note that 29% of defendants (28,054) were under 24, with 3,947 (just over 4%) of defendants being 14-17 years old and 380 (0.4%) aged 10-13. Recording of victim age has improved up to 76%, but is not robust enough to include in this report.

<sup>15</sup> Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories.

<sup>16</sup> Just over 2% of defendants did not state an ethnicity on arrest and just under 4% of defendant's ethnicity was not provided to the CPS by the police – both slightly improved recording from the previous year.

## National lessons

The DPP visited many Areas in 2010-11. His visits included overseeing this VAWG work. The feedback from the visits, alongside cases in the public domain that have highlighted issues, and the beginning of the qualitative assurance through the new VAWG assurance system outlined below, have all begun to indicate where further improvements can be made.

One of the highest profile VAWG cases in 2010-11 was that involving a woman convicted for attempting to pervert the course of justice following her 'falsely retracting' allegations that her husband had raped her on several occasions. This case not only led to new guidance on dealing with such cases but, together with other cases where lessons were identified, illustrated many of the interconnecting VAWG victim issues that are so crucial in all VAWG crimes. So many VAWG victim issues are similar – their support from police to court; the importance of communication with victims and their support agencies throughout the case and the use of other evidence where available to reduce the pressure and trauma for victims of the court process.

Such cases have also illustrated the overlap between many domestic violence and rape cases, with many victims being raped within their existing or previous relationships. The report explores improvements to address these issues in the section covering rape prosecutions.

## Area VAWG work

In 2010-11 the CPS moved from a centralist to a more local performance governance structure. The capability of CPS Groups<sup>17</sup> was developed to ensure better local implementation and to ensure that improvements in efficiency and quality continued and were embedded in local systems.

Area VAWG Coordinators continued to play a key role in local implementation of VAWG policies and procedures. In October 2010 a seminar was held for Coordinators to train them on the new VAWG Assurance system and new stalking and harassment guidance as well as explore multiagency working, good practice in rape cases and victim issues.

Over the past few years a number of Areas have held specific VAWG/DV/Rape panels as part of their Hate Crime Scrutiny Panels (HCSPs). They have involved local community experts to advise on improvements in VAWG prosecutions. HCSP's and Community Involvement Panels (CIP's) were streamlined and rationalised in 2011 to establish Local Scrutiny and Involvement Panels (LSIPs).

The report aims to also share good practice in identifying Area case studies within the VAWG strands.

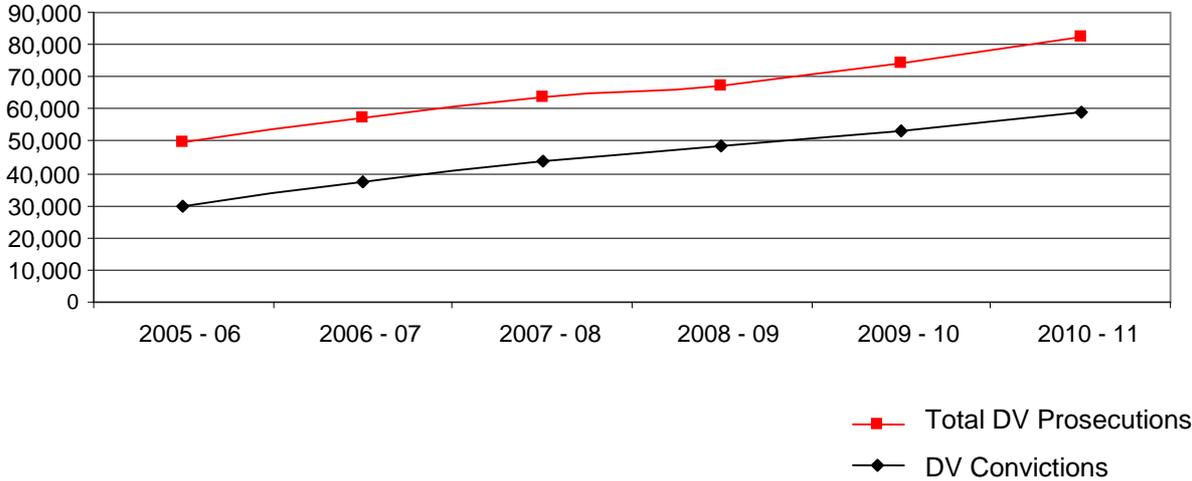
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<sup>17</sup> In 2010-11 there were 13 CPS Groups and 42 Areas; in 2011 the 13 Groups became 13 Areas, with 42 police districts. As this report covers 2010-11 it will refer to the 13 Groups and 42 Areas as operating at that time.

# Domestic Violence

In 2010-11, more cases of domestic violence were prosecuted with more successful outcomes. Graph 2 illustrates the upward trend of both prosecutions and convictions over the past six years.

**Graph 2: Volume of domestic violence prosecutions and convictions**



Over 101,000 cases were forwarded to the CPS by the police for charging decisions<sup>18</sup> in 2010-11 of which 63% were charged. This indicated an 11% increase in volume of cases forwarded; 12% increase in volume charged, a similar proportion, compared with the previous year.

In 2010-11, offences against the person were the most numerous category, representing 68% of domestic violence crimes. Criminal damage and public order accounted for a further 13% and 7% respectively, as in 2009-10<sup>19</sup>.

As shown below in Table 1, the volume of defendants prosecuted has increased over the last year by 11% reaching 82,187, with the volume of successful prosecutions, from charge to conviction, also increasing by 11% reaching 59,101. The proportion of successful outcomes stayed steady, at 72%.

**Table 1: Completed domestic violence prosecutions by outcome**

	2005-06		2006-07		2007-08		2008-09		2009-10		2010-11	
	Volume	%										
Convictions	29,719	59.7	37,383	65.2	43,977	68.9	48,465	72.2	53,347	72.0	59,101	71.9
Unsuccessful	20,063	40.3	19,978	34.8	19,842	31.1	18,629	27.8	20,766	28.0	23,086	28.1
<b>Total</b>	<b>49,782</b>		<b>57,361</b>		<b>63,819</b>		<b>67,094</b>		<b>74,113</b>		<b>82,187</b>	

<sup>18</sup> Note the charging numbers covers those cases forwarded to CPS during 2010-11 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, finalised during 2010-11.

<sup>19</sup> See Glossary for CPS definitions of 'principal offence' and the different categories.

The volume of defendants pleading guilty increased by 11% reaching 53,460, with the proportion remaining steady at 65% and convictions after trial at 7%. More guilty pleas help, not only in speeding up the cases and reducing the time spent on preparing a trial, but also reducing pressure on the victim as s/he will not have to attend court to give evidence. An increase in guilty pleas is significant as a summary guilty plea in magistrates' courts cost 16% of the cost of a trial, reflecting notional efficiency savings made by increased guilty pleas.

## Specialist DV Courts

Specialist domestic violence courts (SDVCs) have improved the outcomes in domestic violence cases over the last few years. The CPS is part of a cross-government National Steering Group with the Home Office and Ministry of Justice overseeing the accreditation of SDVCs. By late 2010 there were 143 SDVCs with support for victims through Independent DV Advisers (IDVAs) and assessment of high risk victims through Multi-Agency Risk Assessment Conferences (MARACs). With the planned closures of magistrates' courts from April 2011, the National SDVC Steering Group developed guidance for SDVCs to ensure the transfer of specialist services to new arrangements.

## From charge to court

In domestic violence cases, there must be full and early consultation with police to build the case together, by exploring all avenues of investigation and evidence gathering to inform the charging decisions. Detailed information on the perpetrator is collected to assess whether there is a potential to join cases together and/or apply for 'bad character' evidence to be presented. For domestic violence cases, other evidence is gathered wherever possible so progression of cases can be considered, irrespective of the victim giving evidence.

Domestic violence usually occurs within the home, so the victim is often the only witness, but wherever possible we proceed on the basis of other evidence, such as photographs and the use of 999 tapes in particular to help to increase the prospect of a successful prosecution.

## Using other evidence

### **Change of plea**

In a case in London of battery, the victim did not attend on the day of the trial. The trial advocate opened the case outlining the reliance of 999 tape contents as *res gestae*, the officers' evidence regarding the demeanour of the complainant and the accounts of the defendant in interview. The defendant subsequently changed his plea to guilty before the end of the prosecution case.

In 2010-11, Suffolk and Norfolk Areas illustrated some particularly excellent work in domestic violence cases. There seems to be a link between using this evidence gathered early at the scene and success. In Suffolk the conviction rate for domestic violence in 2010-11 was 86 per cent; in Norfolk 81 per cent, compared with the 72 per cent national average.

### **999 tapes**

In a Suffolk case, the victim was giving the defendant, an ex-boyfriend, a lift in her car when, during the course of the journey, he became angry and punched the windscreen causing it to crack. The victim telephoned the police when she arrived home. The officer who attended her home saw the damage to the windscreen. He noted the victim was visibly upset and arrested the defendant. The defendant denied the offence claiming that the windscreen had been damaged by a pigeon. The defendant's knuckles were seen to be injured.

At the first hearing some two weeks later, the defendant pleaded not guilty and suggested that a withdrawal statement had been made by the victim. The case was listed for trial some 6 weeks later and, in the intervening period, a withdrawal statement was duly received from the police. However, the police had a copy of the 999 tape, which included in the background an admission to the offence by the defendant. When that was served on the defendant, he promptly changed his plea to guilty.

### **999 tapes**

In Norfolk, 999 tapes are a routine part of the evidence used in domestic violence cases. All 999 calls are recorded by the police on to a digital hard drive, called a red box recorder. The police send the CPS charging lawyer the 999 call attached to an email, together with a CD on which it is recorded. The process of locating the 999 recording and downloading it takes about 10 minutes. The success of this approach was demonstrated by a case where the defendant was convicted when the 999 tape was played at court and the victim could clearly be heard in a distressed state in the background.

### **Photos**

Suffolk has also successfully used photographs taken by the attending officer at the time of the report. In one case they were used to prove the presence of reddening to a complainant's neck, providing corroboration to the claim of her being choked. In the end this was critical because by the time the scene of crime photographs were taken, the reddening had faded.

## Retractions

One of the main problems in domestic violence cases relates to victim retraction due to the close and often intimate relationship between the defendant and victim. Over 7,500 domestic violence cases failed in 2010-11 because the victim either failed to attend court or retracted their evidence; that is 1 in 3 of all failed cases. That compares with a general figure of about 10 per cent for all prosecutions.

The proportion of unsuccessful outcomes due to victim issues<sup>20</sup>, out of *all* cases prosecuted, has remained constant at around 14% over the last three years. Support for victims through the court process is key in reducing retractions and work to improve this is outlined below.

If victims retract, then consideration is given to how the cases may still progress by using other evidence, by making a hearsay application (under sections 114 or 116 of the Criminal Justice Act 2003) or, as a last resort by summoning a victim to appear.

### Hearsay application

There was a successful prosecution, involving a hearsay application under s.114(1)(d). This section of the legislation allows hearsay if the court is satisfied that it is in the interests of justice for it to be admissible – it is rarely granted under this section. The defendant was charged with common assault on his partner who he had punched in the face at their home, causing bruising. She had withdrawn her support for a prosecution on the basis that she did not want him prosecuted. A witness summons was granted but she did not attend. Photographs of the injury were available and scene officers gave details of her injuries and her demeanour. The victim had told police that her husband often came home drunk and assaulted her. She had been so frightened that she had put a mattress in a cupboard where she would hide and sleep. Photographs had been taken of this area which supported her account. The hearsay application was granted in light of all the supporting evidence and the magistrates convicted the defendant.

## Summonses

Our guidance is clear, a summons should only be considered once it has been determined that the victim will not give evidence, even with the help of special measures and other support; the case cannot proceed without the participation of the victim; and the safety of the victim and any children will not be jeopardised by the case continuing. Summoning victims to court is seen as the last resort and this has been reinforced within the service in 2011-12 by the Director.

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<sup>20</sup> Unsuccessful cases due to victim retraction; non-attendance or where the victim's evidence does not support the case.

Historically we have issued witness summons' to bring reluctant witnesses to court. Used appropriately, these can be very effective, not least because they remove from the victim the choice of whether to go to court (and with it a pressure point often exploited by perpetrators) and instead impose on them a duty to attend.

## Support Services for victims

Risk assessments carried out by support services and the police help inform prosecutor decisions on bail and safety of victims during the criminal justice process.

Support services such as Independent Domestic Violence Advisers (IDVAs) have been shown to ensure further safety for victims and improve prosecutions. In 2010-11, research from Coordinated Action Against Domestic Abuse (CAADA) showed that 91 per cent of victims supported by IDVAs through the criminal justice process experienced physical abuse; in 67 per cent of cases this abuse was serious including strangling or choking. Half of the victims who went to court feared for their lives and a quarter that their children were going to be harmed. Such support is therefore crucial to victim safety.

The CPS commissioned CAADA to carry out further analysis of their 2010 survey of 1,247 victims. Not only was there a successful outcome in 73 per cent of the domestic violence cases where an IDVA supported the victim but also 66 per cent of all victims supported, regardless of the outcome of the case, reported a cessation or reduction of domestic violence as a result.

### **IDVA**

A case was charged as a serious assault by the defendant on his wife, having threatening her with a knife; their teenage son was present and witnessed the incident. The victim initially did not wish to proceed with the case and was against prosecution. A lot of careful work between the CPS lawyer, Witness Care Unit and the IDVA maintained the victim's support for the prosecution, resulting in a guilty plea on the day of trial.

Refuges have also played lead roles in supporting victims –

### **Women's refuge**

A case with a long history of domestic violence was prosecuted in London. The defendant was regularly verbally and physically abusive towards the victim, his wife. She was pushed down stairs when pregnant, threatened with a knife and beaten on a regular basis. He would beat her up to have sex with her, and it was always violent. She was beaten and raped in the presence of their child. The reviewing lawyer decided that despite a withdrawal statement made by the victim it would be in the public interest to proceed to trial with this case; historic rapes were added to the indictment. The victim was in a women's refuge and police/CPS managed to secure her attendance at court without the necessity of a witness summons through the support of the refuge. The defendant was convicted and sentenced to 16 years' imprisonment.

## Special measures

To support victims attending court, an application may be made for 'special measures' for vulnerable or intimidated victims<sup>21</sup>. Special measures can include giving evidence from behind a screen or giving evidence by live video link. In 2011-12 the CPS is undertaking research on this issue to identify any improvements needed.

### Special measures

In one domestic violence case in Merseyside, special measures were granted where the complainant had been supportive throughout, but had become very distressed on the day of the trial. This ensured that the complainant gave evidence and the defendant was convicted of common assault and recalled on license, with an indeterminate restraining order.

## Domestic violence harassment

The next main section of this report outlines the new stalking and harassment guidance for prosecutors launched in 2010 and the general data on harassment offences<sup>22</sup>. Here the harassment offences, in which a prosecution started, in domestic violence cases are outlined, in 2010-11:

- There were 8,039 offences charged under S2 Prevention of Harassment Act (PHA) 1997 (compared with 7,365 in 2009-10) of which 4,822 (60%) were flagged as domestic violence (compared with 4,219 in 2009-10);
- There were 2,199 offences charged under S4 PHA 1997 putting people in fear of violence (compared with 2,131 in 2009-10) of which 1,423 (65%) were flagged as domestic violence cases (compared with 1,343 in 2009-10) .

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<sup>21</sup> 'Vulnerable' witnesses are defined in section 16 of the Youth Justice and Criminal Evidence Act 1999 as witnesses aged under 18; witnesses who have a mental disorder within the meaning of the Mental Health Act 1983; witnesses significantly impaired in relation to intelligence and social functioning (includes learning disability); and witnesses who have a physical disability or who suffer from a physical disorder that the court considers may diminish the quality of their evidence.

'Intimidated' witnesses are defined in section 17 of the YJCEA 1999 as those suffering from fear or distress in relation to testifying in their case. Complainants in sexual assault cases are intimidated witnesses. Victims of domestic violence, racially motivated crime and repeat victimisation; the families of homicide victims; and witnesses who self-neglect/self-harm or who are elderly and frail are also intimidated witnesses. Victims and witnesses in sexual offences will be considered eligible for special measures unless they inform the court that they do not want to be eligible.

<sup>22</sup> The caveats in relation to offence data are:

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

## Sentencing

Prosecutors can highlight domestic violence as an aggravating feature for sentencing, as well as guiding the court in relation to ancillary orders available (such as anti-social behaviour orders, exclusion orders or restraining orders) and draw attention to relevant cases.

In September 2009 the law on restraining orders was extended to all criminal offences on conviction, and in certain circumstances on acquittal. Since then, restraining orders have been imposed in many domestic violence cases (as outlined in some of the case studies above). CPS data indicates that in 2010-11, a prosecution commenced in 4,055 offences of breach of a restraining order in domestic violence cases<sup>23</sup> - 68% of all breaches of restraining orders. This was an increase from 1,790 breaches of orders in which a prosecution started in 2009-10, or 61% of all breaches of restraining orders.

Breaches of civil orders offences were also prosecuted. 5,281 breaches of non-molestation orders offences started prosecutions<sup>24</sup> – a rise from 5,024 in 2009-10.

### **Breach of a restraining order**

In one case in Sussex, the defendant was charged with breach of a restraining order issued by a Magistrates' Court in another area of England, preventing contact with his ex-partner, with whom he had several children. That order was entered as part of the sentence in another domestic abuse case involving the same victim. The breach consisted of numerous text messages, including through friends, many of which were abusive. In addition, the defendant drove to the victim's home, rang her buzzer, and drove by. He was successfully prosecuted for breach and sentenced to a total of 60 days in custody. The Court also made him subject of a much broader restraining order than the previous one.

## Equalities issues

### **Gender**

In 2010-11, as in the previous year, the majority of defendants were men, at 93%. The recording of victim gender improved up to 88% in 2010-11. From those with recorded gender, the proportion of women victims was lower by one per cent in 2010-11, compared with 2009-10, at 84%.

### **Ethnicity**

In 2010-11, 76% of domestic violence defendants were identified as belonging to the White British category and just over 80% were categorised as White (as in the previous year). 5% of defendants were identified as Asian, and a further 6% were

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<sup>23</sup> Under Section 5 Protection from Harassment Act 1997 as amended by Section 12 Domestic Violence Crime & Victims Act 2004.

<sup>24</sup> Under Section 42A Family Law Act 1996 as amended by Section 1 Domestic Violence Crime & Victims Act 2004

identified as Black, similar figures to the previous year<sup>25</sup>. Although victim ethnicity recording has improved, just under half is still not recorded and therefore the data is not included in this report.

## **Age**

The majority of defendants were aged 25-59 (68%) and 18-24 (26%). It was of concern to note that 30% of defendants (24,667) were under 24, with 3,144 (just under 4%) of defendants being 14-17 years old and 219 (0.3%) aged 10-13<sup>26</sup>. Recording of victim age has improved up to 77%, but is not robust enough to include in this report.

Research from NSPCC in 2009 has shown that exploitation and violence in teenage relationships are more common than previously thought. So, for example over 75 per cent of girls with an older partner (in particular a "much older" one) reported that they had experienced physical violence.

CPS victim data is not robust enough to identify under 18 victims. In addition, CPS data systems can only cross reference data on defendants and victims through analysing cases where the youth and child abuse flags have been applied.<sup>27</sup> To explore cases involving teenage relationships further, CPS data was analysed in these flagged cases. From this CPS data, in 2010-11 there were 2,948 young defendants<sup>28</sup> prosecuted of which 85 were against young victims<sup>29</sup>. In relation to young victims, there were 2,489 defendants prosecuted with Under 18 victims.

Overall prosecutions were successful for 76% of all youth defendant prosecuted; rising to 78% for those with Under 18 victims. Of all defendants with Under 18 victims, 72% were successful. Further research is planned in 2010-11.

### **Relationship abuse between young people\***

A relationship of two under 18's ended when the victim started seeing someone else. During the relationship the defendant used to shout at the victim in public and pull her around by her hair, when they split up the defendant became more controlling. He used to wait for her outside school to check what she was wearing, who she was talking to and used to ask her friends if she was going out with someone else. He would ask the victim what happened in the relationship, why it went wrong and why she left him. On one occasion the defendant got angry when the victim wouldn't talk to him and pushed the victim, she fell on the floor. Whilst she was on the floor he sat on top of her and put his hands around her throat so she couldn't breath.

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<sup>25</sup> Just under 2% of defendants did not state an ethnicity on arrest and just over 3% of defendant's ethnicity was not provided to the CPS by the police – both slightly improved recording from the previous year.

<sup>26</sup> 88% of under 18 defendants were identified as youth offender, persistent young offender or prolific priority persistent young offender.

<sup>27</sup> In domestic violence cases, prosecutors are asked to identify under 18 defendants as youth offender, persistent young offender or prolific priority persistent young offender and under 18 victims by adding a 'child abuse' flag.

<sup>28</sup> Identified as youth offender, persistent young offender or prolific priority persistent young offender.

<sup>29</sup> Identified through application of a 'child abuse' flag.

There were other occasions when the defendant threatened the victim, sometimes with a blade, and punched the victim. He also sent her texts and messages on Facebook, saying he was going to kill her. She was very scared of what he might do. She had never spoken to anyone about the assaults and hidden all the injuries she had with make up or clothing so that her parents would not know.

The victim eventually told a friend about how the defendant had been treating her, her friend convinced her to call the police. This was the first relationship she had had so she thought the behaviour of her boyfriend might be normal.

The police assessed this case to be a high risk case of domestic violence.

The defendant pleaded guilty to battery, ABH and threats to kill. He was sentenced to a youth rehabilitation order for 2 years, and a restraining order not to approach the victim.

*\*In view of the age of the defendant and victim, some details in the case study have been slightly altered to protect identities.*

# Harassment

In 2010-11:

- A prosecution commenced in respect of 8,039 offences charged under S2 PHA 1997 for harassment – a rise from 7,365 in 2009-10;
- 2,199 prosecutions were commenced under S4 PHA 1997 – putting people in fear of violence – a rise from 2,131 in 2009-10;
- 5,922 breach of restraining order offences started prosecution<sup>30</sup> - a rise from 2,944 in 2009-10; and
- 5,281 breaches of non-molestation orders offences started prosecutions<sup>31</sup> – a rise from 5,024 in 2009-10.

The domestic violence section above outlines specific related harassment prosecutions.

The CPS works across government in consultation with voluntary groups to help deliver the joint action on Stalking and Harassment under the Cross Government VAWG Action Plan to end violence.

The CPS launched Legal Guidance on Stalking and Harassment in September 2010. The key change to the guidance has been to emphasise the existence and widespread nature of ‘stalking’ as a particular category of harassment, and to identify the various ways in which stalking can take place. These include ‘cyberstalking’, through the use of electronic media; group (or collective) stalking; and stalking through third parties (known as ‘stalking by proxy’). By so doing, this assists prosecutors in recognising certain behaviours which, although low-level in isolation, may well be part of an ongoing and escalating stalking situation, and therefore call for a more targeted CJS response.

In November 2010 the CPS participated in a high-profile multi-agency event delivering training on cyberstalking and harassment case building to the police and CPS Single Points of Contact for harassment (SPOCs).

## **Cyberstalking**

In March 2011 a defendant made legal history as the first man to be jailed in Britain for using an internet blog to stalk a woman. The defendant compiled up to 35 website blogs in which he insulted the victim after she ended their month-long relationship.

The defendant began bombarding the victim with calls, emails, texts and messages over Facebook begging to be taken back. She threatened to call police and tightened security on the social networking site and got the defendant removed from her contact details.

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<sup>30</sup> Under Section 5 Protection from Harassment Act 1997 as amended by Section 12 Domestic Violence Crime & Victims Act 2004

<sup>31</sup> Under Section 42A Family Law Act 1996 as amended by Section 1 Domestic Violence Crime & Victims Act 2004

When she deactivated her Facebook account, the defendant set up a series of blogs posting messages about her “warning all men” and listing links to his other websites giving his account of their affair.

In 2010 the defendant avoided jail but was banned under a lifetime restraining order from mentioning the victim on any websites after he admitted harassment.

Two months later, he was arrested again after he posted another entry on his blog detailing the court case and after the conclusion of the case he set up a new obsessive website with various pages.

The defendant was jailed for 18 weeks after he admitted breaking a restraining order.

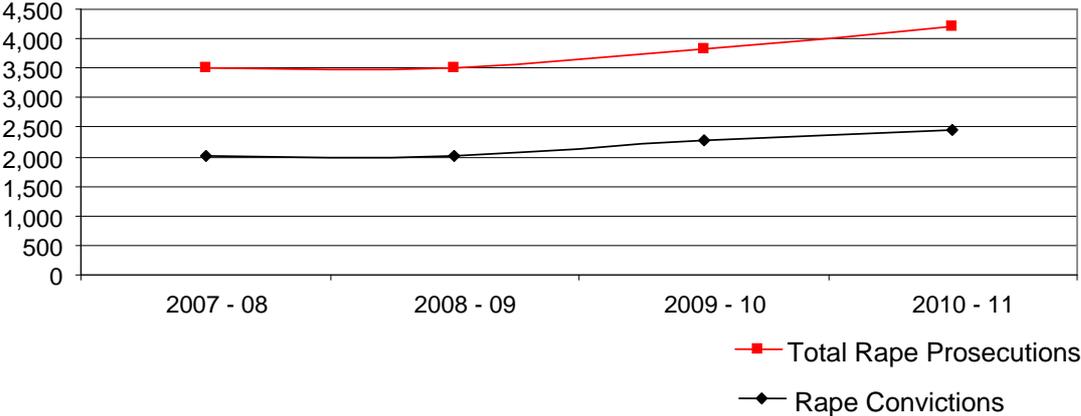
A number of Areas have worked closely with the police on harassment. For example Greater Manchester developed Service Level Agreements with the police on a range of VAW issues from domestic violence, stalking and harassment to forced marriage and honour based crime.

In April 2011 three Stalking Charities: Protection Against Stalking, Suzy Lamplugh Trust and the Network for Surviving Stalking joined forces with the support of the police to raise awareness about the serial nature of stalking.

# Rape

In 2010-11, more cases of rape were prosecuted with more successful outcomes. Graph 3 illustrates the upward trend of CPS rape prosecutions and convictions over the past four years.

**Graph 3: Volume of rape prosecutions and convictions**



CPS data on successful rape prosecutions include not only cases initially charged and flagged as rape<sup>32</sup>, but also cases where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the Ministry of Justice (MoJ) data on convictions of cases charged and convicted for rape. The MoJ data is provided as the official national statistics on rape to contextualise the CPS performance data. This is for a calendar, rather than financial, year and only includes cases where the final conviction was for rape.

## MoJ official national statistics

Information available from the Ministry of Justice shows that in 2010 there were 3,071 defendants, on a principal<sup>33</sup> offence basis, prosecuted for rape at the magistrates' courts, with 3,013 committed to the Crown Court for trial. In 2010 there were 1,058 offenders convicted of rape, resulting in a prosecution to conviction ratio in 2010 of 34 per cent. This ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another offence.

From information available in the MoJs report "*Providing anonymity to those accused of rape: An assessment of evidence*" details are provided on the outcomes of

<sup>32</sup> The flag is applied from the onset of the case; this flag will remain in place even if the rape charge is subsequently amended.

<sup>33</sup> MoJ Information: Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the Principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the 'Principal offence'.

prosecutions for rape in 2008. Of the rape cases heard at Crown Court in 2008 and matched to an outcome in 2008 or 2009 (i.e. completed trials):

- 58% were convicted of an offence (42% were not guilty);
  - of which 33% were convicted of rape;
  - a further 14% were convicted of another sexual offence;
  - 5% were convicted of a violent offence, a further 5% of another indictable offence and 1% of a summary offence.

As part of their consultation on “*Improvements to the Ministry of Justice statistics*”, the MoJ proposed to resolve key conceptual issues which have been raised by users when examining current Ministry of Justice statistical publications, including issues relating to:

- conviction rates; and
- the measurement of the number of crimes where an outcome is reached.

Information on prosecutions and convictions is published quarterly by the Ministry of Justice, however, detail offence level data, e.g. rape, is only published annually for the complete calendar year, to ensure that all data has been received and validation processes have been completed.

## CPS performance management data

From CPS case management data, there was a six percent increase in volume of cases forwarded to the CPS by the police for charging reaching 8,130 in 2010-11, of which the proportion charged increased slightly to reach 37%. However accuracy of flagging of cases has fluctuated over the year, reaching 94% by the end of 2010-11.

From CPS data, 3,867 (97%) of cases initially flagged as rape were finally prosecuted for the principal offence<sup>34</sup> categories of ‘sexual offences. including rape’. or more serious principal offences of ‘homicides’ or ‘offences against the person’. Of these 3,604 were for sexual offences including rape; seven for homicide and 256 for offences against the person.

From CPS case management data, as in table 2, the volume of defendants prosecuted has increased over the last year by 10% to 4,208, with successful prosecutions<sup>35</sup> increasing in volume by 9% to 2,465. However, the proportion of convictions out of all cases prosecuted has fallen slightly from 59.4% in 2009-10 to 58.6% 2010-11. Although convictions after trial rose slightly, jury acquittals have increased – out of all reasons for unsuccessful outcomes, those resulting from acquittals rose from just under 45% in 2009-10 to just under 48% in 2010-11. The rise in jury acquittals tends to suggest that more work may be needed with partners to address public awareness and challenge myths and stereotypes, which have traditionally led to high jury acquittal rates in sexual cases.

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<sup>34</sup> See Glossary for CPS definitions of ‘principal offence’ and the different categories. The principal offence category data recorded by the CPS in the Case Management System are understated when compared to overall prosecution volumes in the same period. Outcomes which resulted in an administrative finalisation or incomplete proceedings, where a principal offence category is not allocated, have been excluded.

<sup>35</sup> Outcomes from charge to conviction.

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

	2007-08		2008-09		2009-10		2010-11	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	2,021	57.7	2,018	57.7	2,270	59.4	2,465	58.6
Unsuccessful	1,482	42.3	1,477	42.3	1,549	40.6	1,743	41.4
<b>Total</b>	<b>3,503</b>		<b>3,495</b>		<b>3,819</b>		<b>4,208</b>	

Of all unsuccessful outcomes, those due to victim issues fell to just under 14% from 16.5% in the previous year. This is thought to reflect the improved support for victims over the last few years, with retractions falling from just under nine per cent in 2007-08 to just under six per cent in 2010-11. The proportion of unsuccessful outcomes due to victim issues<sup>36</sup>, out of *all* cases prosecuted, has fallen from 6.7% in 2009-10 to 5.8% in 2010-11.

## Qualitative assessment of rape cases

From July 2010, a new Core Quality Standards assessment was carried out for a sample of all prosecuted cases<sup>37</sup>, of which 3 files per unit<sup>38</sup> per year are rape cases (two are self assessment and one carried out by a peer assessor). Data has been assessed from October 2010 to March 2011– allowing a prior three-month bedding in to the process. 12 core standards are assessed with a total of 34 commitments, covering the provision of advice, charging decisions, bail, case preparation, case presentation, victim and witness issues, decision explanations and assistance to the court.

Comparison of the assessments within CQSM of rape cases with all cases indicates a similar overall response to all commitments<sup>39</sup>. However individual commitment scores indicate some differences, which are used to inform the Service about issues to address. From October 2010- March 2011 10,391 cases were assessed overall of which 773 were rape cases (7% of all assessed cases). Rape prosecutions were assessed as better than average for ‘ensuring everything possible was carried out to prevent unsuccessful outcomes’. They are also slightly better in explaining decisions including high standard and timely Direct Communication with Victim (DCV) letters, which is a positive indication, in the light of the focus at Area level on these issues. However some findings required improvements, e.g. ‘ensuring sufficient instructions to advocates’. These findings will be used at Area level to inform where improvements can be made in the quality of prosecutions.

From January 2011, Areas also started a more detailed qualitative assurance process for approximately a quarter of their cases. VAWG Coordinators at a local level assess early consultation with the police; allocation of cases to rape specialists;

<sup>36</sup> Unsuccessful cases due to victim retraction; non-attendance or where the victim’s evidence does not support the case.

<sup>37</sup> It is recommended that, where available, the typical monthly sample of six files are sampled consisting of: one early advice file; one out of court disposal; one finalised guilty plea; one finalised trial case and two live trial cases.

<sup>38</sup> Approximately 175 units dealt with rape cases in 2010-11.

<sup>39</sup> A weighted score is calculated for the level of commitments being met; for all cases the score is 0.84 for rape cases 0.83.

incidence of no further action being taken; instructions to, conference with and reports from counsel and victim issues such as special measures, the opportunity to interview witnesses before trial, and DCV letters. In April 2011 the coordinators provided the first assessment of cases to the Chief Operating Officer and DPP to help identify issues in every Area where they will focus future improvements.

### **Improved quality of rape prosecutions**

In a rape case from Essex, early consultation with the police, a pre-trial witness interview between the victim and the area's rape coordinator, and an early special measures meeting contributed to a successful prosecution that resulted in a conviction. The trial for rape and assault by penetration was conducted 'in-house' by a CPS Senior Crown Advocate.

The defendant and the complainant were at a family party. They were well known to each other as the defendant was a close friend of the complainant's brothers. The complainant fell asleep on the sofa and was left to sleep as the family left or went to bed. The complainant woke from a deep sleep to find the defendant penetrating her vagina with his fingers and then with his penis. He then got up and left the premises.

The defendant was arrested and interviewed and said that sexual intercourse had occurred but that it was consensual and they fell asleep together. Challenging this, the prosecution was successful and the defendant was sentenced to four and a half years' imprisonment and to sign on the Sex Offenders Register for life.

Other good practice to be shared within the CPS includes a bespoke rape victim leaflet and after-care booklet in Kent alongside a forum for rape victims. A number of Areas, such as Sussex and Thames Valley developed their own template for use in DCV letters, with advice from local specialist groups. West Mercia developed a specific letter from the CPS to victims (designed with ISVAs) identifying the CPS team and offering a conference to meet counsel and discuss special measures which is followed up by the local police liaison officer.

## **Rape and serious sexual offences (RASSO) units**

An evaluation of three RASSO units, in West Yorkshire, Merseyside and Hampshire, was carried out in 2010-11 with the support of the Association of Chief Police Officers (ACPO), culminating in a report for Chief Crown Prosecutors to assist them decide on the best way of handling rape cases locally. The CPS also supported the ACPO Rape Support Programme in its evaluation of police forces' specialist RASSO units.

### **RASSO units; unity team**

The joint police and CPS Unity rape team in Merseyside introduced a new way of working between rape investigators and prosecutors and has already seen a rise in conviction rates for attacks specifically against sex workers in Liverpool, thanks to detectives working closely with outreach workers at Armistead Street, an organisation funded by Liverpool Primary Care Trust which provides support and advice to the city's sex workers.

## **From charge to court**

The DPP announced a series of measures designed to strengthen rape prosecutions in December 2010. These included reinforcing of the 'merits-based' approach to rape prosecutions which requires prosecutors to deal effectively with myths and stereotypes, such as those related to consent or alcohol consumption, when deciding whether or not there is a realistic prospect of conviction and to ignore any prejudices society might hold.

### **Merits based approach**

A West Yorkshire case illustrated the importance of prosecutors applying the 'merits-based' approach. The defendant raped a drunken girl after a night out in a town centre. This was a good example of pursuing a case where the complainant was drunk and had a patchy recollection of events. The issue was consent - the defendant claimed he thought she was a prostitute. The evidence from head cams was invaluable for showing distress and injuries of the victim when reported to police. He was convicted following a rape trial and sentenced to an indeterminate sentence for the protection of the public.

A case, from Northumbria, addressed consent issues in the light of the evidence of intoxication. The prosecution referred to R v Bree (a case in which the Court of Appeal provided guidance on the issue of capacity to consent when drunk). The defendant offered to drive home a drunk woman and raped her on the journey. The following morning she woke with bruising in her genital area, reported this to the police and was referred to a specialist rape service. Initially the defendant claimed that all sexual activity was consensual and pleaded not guilty, but changed his plea to guilty before trial.

The DPP also made a commitment to improving the quality of communications with rape victims. In a letter addressed to all rape specialist prosecutors he reminded them of recent guidance on appropriate and effective communication following the discontinuance of a case, introduced as part of the CPS response to the Stern Review.

## Perverting the course of justice

The DPP announced that DPP approval would be required for any charge of perverting the course of justice against a person who had retracted an allegation of rape.

He also announced a consultation process with interested parties, including charities and special interest groups with expertise in this area, to help to inform new legal guidance on the issue - "*Legal guidance on Perverting the course of justice – Charging in cases involving rape and/or domestic violence allegations*", that was published in July 2011. The guidance makes a clear distinction between a false allegation, the retraction of a complaint and a double retraction (where a victim takes back a retraction of the original complaint). It provides examples of reasons why someone might retract a true allegation and emphasises the need to sensitively explore these issues.

In July 2011 the need for DPP approval in perverting the course of justice cases was extended to include those involving a retracted allegation of rape *or domestic violence*.

## Trained rape specialist prosecutors and members of the Bar

All rape prosecutions are handled within the CPS by trained specialist rape prosecutors, whose work was recognised by Baroness Stern while researching her report on how the criminal justice system handles rape cases. By March 2011, 894 specialists had undergone RASSO training, delivered in accordance with an action in the CPS VAWG Action Plan 2008-11. A number of Areas hold Rape Scrutiny Panels.

### **Vulnerable victims**

Two cases illustrate improved prosecutions of cases with vulnerable victims. The first case was a stranger rape of a 20 year old woman who has a diagnosis of schizophrenia and complex personality based difficulties. Her evidence was facilitated by a registered intermediary. The jury took less than 50 minutes to find the defendant guilty of rape. He was sentenced to 7 years' imprisonment.

The second case involved the joint trial of two offences from different boroughs. The basis of the prosecution case was that the defendant specifically targeted vulnerable victims - one had learning difficulties and occasionally had sex for money with other men; the second was a sex worker.

Both could be viewed as having credibility issues if common myths and stereotypes were applied. The defendant was convicted after trial.

There were a number of requests for CPS accreditation of courses run externally for members of the Bar during 2010-11. These generally include CPS input, including, on a number of occasions, a session delivered by the CPS Principal Legal Advisor, on the 'merits-based approach' to prosecuting rape. As well as appealing to members of the self-employed Bar (who must attend an accredited course every four years in order to qualify to prosecute rape), these courses also attract some CPS prosecutors wishing to extend their skills and knowledge beyond the training they have received in-house.

## Support services for victims

Support for rape victims through Independent Sexual Violence Advisors (ISVAs) has proved key in some of the most complex cases.

### **Support from ISVAs with specialist RASSO units**

A specialist ISVA working in Merseyside with sex workers has helped improve the prosecution of rape cases involving sex workers and their safety. By March 2011, after only three months, four dangerous defendants were in prison responsible for attacking at least ten women.

In one of the cases a defendant was prosecuted for rape of a sex worker in September 2010 and, using a new scheme called 'Ugly Mugs', the police identified a previous victim of sexual assault and false imprisonment. An earlier rape case from 2006 had found the defendant not guilty, following victim intimidation. However the victim in the earlier case agreed to go to court to give 'evidence of similar fact' or 'bad character'. The defendant pleaded guilty to rape and although he did not admit the sexual assault and false imprisonment the ISVA fed back information to that victim who was satisfied with the outcome. All three sex working women have now exited street sex work, two are completely drug free (one in second stage rehabilitation) and one is on a methadone reduction programme. The defendant will be on the sex offenders' register for life.

The CPS continued to work closely with its partner agencies in 2010-11. This included with the Department of Health National Support Team – Response to Sexual Violence - assisting areas to develop Sexual Assault Referral Centres (SARCs) or, where they already exist, to ensure the provision of key elements. In addition the CPS worked as part of the Rape Monitoring Group designing a suite of measures to support police forces and CPS areas in assessing their performance in relation to rape.

## Equalities issues

### **Gender**

In 2010-11, as in the previous year, the majority of defendants were men, at 99%. The recording of victim gender improved up to 72% in 2010-11, but is not robust enough to include in this report.

## **Ethnicity**

In 2010-11, 60% of rape crime defendants were identified as belonging to the White British category and just over 66% were categorised as White (one per cent higher than the previous year). 8% of defendants were identified as Asian, and a further 13% were identified as Black, similar figures to the previous year<sup>40</sup>. Just under 74% of victim ethnicity is not recorded, therefore the data is not included in this report.

## **Age**

The majority of defendants were aged 25-59 (60%) and 18-24 (22%). It was of concern to note that nearly a third of defendants (1,290) were under 24, with 319 (just under 8%) of defendants being 14-17 years old and 48 (just over 1%) aged 10-13. Recording of victim age has improved up to 65%, but is not robust enough to include in this report.

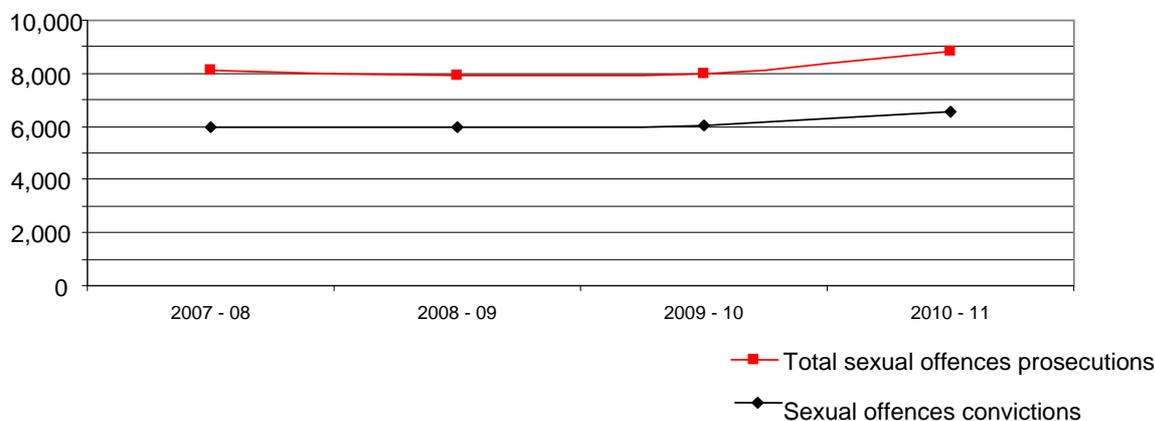
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<sup>40</sup> Just over 5% of defendants did not state an ethnicity on arrest and just under 4% of defendant's ethnicity was not provided to the CPS by the police – both slightly improved recording from the previous year.

# Sexual offences (excluding rape)

There has been an upward trend of prosecutions and convictions of sexual offences, excluding rape, during the past four years, as illustrated in Graph 4 below.

**Graph 4: The volume of sexual offence prosecutions and convictions**



From CPS data, as in Table 3, the volume of defendants prosecuted has increased over the last year by 11% reaching 8,862, with successful prosecutions<sup>41</sup> increasing by 9% reaching 6,588, their proportion falling slightly to 74% of sexual offence prosecutions.

**Table 3: Completed sexual offence prosecutions by outcome**

	2007-08		2008-09		2009-10		2010-11	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	5,976	73.5	5,955	75.1	6,060	76.0	6,588	74.3
Unsuccessful	2,154	26.5	1,979	24.9	1,912	24.0	2,274	25.7
<b>Total</b>	<b>8,130</b>		<b>7,934</b>		<b>7,972</b>		<b>8,862</b>	

## Equalities issues<sup>42</sup>

### Gender

In 2010-11, the majority of defendants were men, at 97%, one per cent more than in 2009-10.

### Ethnicity

In 2010-11, 68% of sexual offence crime defendants were identified as belonging to the White British category and just under 74% were categorised as White (similar to

<sup>41</sup> Outcomes from charge to conviction

<sup>42</sup> Data on victims is extracted from the Witness Management Service but includes no record of the victims of sexual offences other than rape, as the information is compiled only at defendant level.

the previous year). 8% of defendants were identified as Asian, and a further 6% were identified as Black, similar figures to the previous year<sup>43</sup>.

### **Age**

The majority of defendants were aged 25-59 (65%) and 18-24 (17%).

Similar to rape data, it was of concern to note that nearly a quarter of defendants (2,097) were under 24, with just under 6% of defendants (484) being 14-17 years old and just over 1% (113) aged 10-13.

A number of Areas are including all sexual offences (SO) in their local work on rape. For example, Thames Valley includes SO in their interagency steering group to provide more scrutiny of adverse outcomes and inclusion of actions in the rape action plan. Locally the CPS is also involved in a sexual offences investigation master class.

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<sup>43</sup> Just under 6% of defendants did not state an ethnicity on arrest and just under 4% of defendant's ethnicity was not provided to the CPS by the police – similar to the previous year.

# Forced marriage, honour based violence and female genital mutilation

## Forced marriage and honour based violence

In April 2010 the CPS began flagging prosecutions of forced marriage and honour-based violence to monitor prosecutions. Performance is considered under the new VAWG assurance regime by Groups and reported to the Chief Operating Officer and action taken where necessary.

In 2010-11 there were 41 cases of forced marriage (FM) prosecuted, with just under 50% successful. For honour-based violence (HBV) cases, 234 cases were prosecuted, of which 52% were successful. As with any new monitoring system, time is needed for the embedding in of its accurate use. The quality and accuracy of the data therefore needs to be considered with caution during this first year.

The CPS has selected specialist FM and HBV prosecutors who have been trained in measures to improve victim safety and victim involvement in prosecutions. The training was greatly enhanced by input from specialist agencies supporting victims of forced marriage. Legal guidance was published in March 2010 to assist prosecutors when charging and prosecuting cases involving FM and HBV.

Multi-agency working is a key component of CPS work. At a national level we work in partnership with the Home Office, Her Majesty's Courts Service<sup>44</sup>, the Ministry of Justice and an expert panel of key voluntary agencies, in raising awareness and assisting victims of HBV/FM.

A number of Groups/Areas have focussed on improving community involvement – for example, Eastern have an HBV scrutiny panel; Merseyside and Cheshire worked with local community groups and schools and Hampshire developed an HBV strategic group involving police, health and voluntary sector groups. However some Areas recognise no or low reporting of these crimes and therefore aim to work with local communities. For example South West are liaising with local community groups to identify any reporting barriers.

### **Community engagement; FM and HBV**

Merseyside and Cheshire held two FM and HBV conferences in 2010-11. Following issues raised by young women in local schools they also set up a multi-agency FM Steering Group, developed a FM protocol and training programme and developed a leaflet to signpost community members and practitioners to appropriate support services. This work led to the Police investigating their first Forced Marriage case, making successful applications for their first Forced Marriage Protection Orders, and contacting the CPS for information and charging advice.

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<sup>44</sup> From 1 April 2011, Her Majesty's Courts Service and the Tribunals Service integrated to form Her Majesty's Courts and Tribunals Service.

In 2011 a representative from the CPS was the keynote speaker at the first HBV/FM conference in the USA in New York. In March 2011 the CPS gave a presentation via video conference to Canadian police and Crown prosecutors, on the prosecutions of HBV cases in the UK.

### **Witness safety**

In December 2010, five defendants were sentenced in Cardiff for kidnap and unlawful imprisonment in an honour-based crime. A daughter and her partner moved to Wales from the West Midlands to escape her family who disapproved of the relationship. The daughter's family traced her there and kidnapped her partner, imprisoning him in the West Midlands, physically attacking him and threatening to kill him and his family outside the UK. . The case was identified as an 'honour crime' as it was clear that the defendants had committed these offences in the belief that they were protecting the 'family honour'.

Both victims/witnesses were provided with witness protection and granted special measures to give their evidence by video link. The case required the reviewing lawyer to handle of a large amount of evidence including phone and CCTV evidence, and also required sensitivity and awareness of the issues raised by so called 'honour-based' cases.

The father was given five years' imprisonment and the other family members two and a half.

Lancashire, Manchester and London all dealt with a number of forced marriage and HBV cases. Sussex dealt well with a number of forced marriage cases. Thames Valley, South Yorkshire and West Midlands also dealt with a number of HBV cases. Areas recognised the importance of working closely with Black and Minority Ethnic (BME) support groups to ensure the safety for the victims as well as their attendance at court.

### **Honour based violence; working with support groups**

A single mother was a victim of common assault and threatening behaviour from a defendant claiming she 'brought dishonour' to her community because she was not married. He was convicted to unpaid work in the community for the threatening behaviour and a five-year restraining order banning him from contacting the victim in any way.

The Crown Advocate commented on the victim's bravery afterwards in the local press and called on others in the community to come forward for protection. Throughout the case the CPS worked closely with a BME support group and is now looking at ways to work with them to build confidence in the criminal justice system within the Area's diverse communities.

West Midlands illustrated some good practice in prosecuting HBV cases. In appropriate cases supporting evidence was sought widely such as CCTV, phone contacts, text messaging, cell site, fingerprints. The cases covered a spectrum from homicide to common assault and arson to criminal damage.

**Pro-active case building** - Just before midnight a group of young men entered a terraced house and used home made petrol bombs to set light to the hallway and stairs. The fire quickly took hold and the occupants, who were upstairs in bed, began escaping by jumping from an upstairs window. The opening of the window created a fireball which swept up the stairs and trapped the youngest child aged 6years in a bedroom. Although she was rescued, she suffered 85% burns and died. This happened because a 16 year old boy from the household had formed a friendship with a 15 year old girl and her family disapproved.

Two of the youths left the country shortly afterwards, one remains at large and the other was arrested and prosecuted. Evidence in the case was circumstantial and complex. It consisted of extensive cell site analysis linked with phone contacts between the men believed to be responsible, together with petrol constituent analysis, a brief CCTV from a nearby garage and a fingerprint on a milk bottle containing petrol residue. Following a successful prosecution the defendant was sentenced to 11 years' imprisonment.

The majority of cases involved a relationship that was not approved of by the victim's family. In most cases there was a willingness of the victim and their family to support the case through the courts – this may follow from the raising of awareness within the community. West Midlands has engaged with local communities, held conferences, published leaflets and involved BME women's groups in the VAWG Scrutiny Panels. The local Equality and Diversity and Community Engagement Manager (EDCEM) has ensured local prosecutors link with community specialists.

### **Honour based violence**

An Asian victim left her Asian boyfriend and formed a relationship with a Black man. Her family disapproved. She had been the subject of domestic violence whilst in the relationship with her Asian boyfriend. Both she and her new boyfriend were subject of threats to kill at their new address, reinforced by the presence of a knife. The defendant was sentenced to 8 weeks' imprisonment for common assault, 36 weeks' imprisonment for threats to kill; both suspended for 12 months; with concurrent 12 month supervision and attendance at a special offender programme of 120 hours. The case was reserved to the sentencing judge to be referred back in the event of any breach.

## **Female Genital Mutilation**

Legal Guidance on Female Genital Mutilation (FGM) was developed during 2010-11 to assist prosecutors in understanding the background and challenges when prosecuting cases involving FGM and published in September 2011. The newly drafted Legal Guidance defines FGM, and refers to the challenges a prosecutor may face in bringing a case to court, particularly when a victim is likely to retract her evidence due to the exertion of social and cultural pressure.

Despite the 2003 Act having been in force for over six years, there have been no prosecutions as yet. There are a number of factors which affect prosecutions related to FGM. At the time of mutilation, victims may be too young and vulnerable or too afraid to report offences or to give evidence in court.

The 2003 Act is intended to help prevent FGM from happening in the first place, and anecdotal evidence suggests that it has had some deterrent effect. Successful prosecutions would send an even stronger message about the unacceptability of the practice.

Until 2011 there was no specific Legal Guidance on FGM, and the CPS had included FGM within our domestic violence policy, guidance and training. The CPS has also contributed to the cross-governmental Steering Group on FGM, to identify and produce practical tools to assist victims and potential victims to tackle FGM.

The joined-up approach that the Government has taken to tackle FGM has been successful in drawing together, coordinating and driving work from the Home Office, Foreign and Commonwealth Office, Department for Education and Department of Health. By looking beyond traditional departmental silos, significant progress in raising awareness of FGM and supporting professionals to intervene has been made. In 2010, the Government launched consular guidance for British Embassies and High Commissions to raise awareness of FGM and help to ensure that British girls and women overseas are protected from harm.

# Child abuse

In 2010-11 data from the CPS on child abuse indicated a smaller number of prosecutions of child homicides in 2010-11, with a proportional increase in successful outcomes. There was an increase in the volume of offences against the persons prosecuted, with an increase in successful outcomes. Sexual offence prosecutions also increased with a slight fall in successful outcomes in 2010-11. Table 4 provides further detail<sup>45</sup>.

**Table 4: Child abuse prosecutions**

A Homicide	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
2006-2007	25	83.3%	5	16.7%	30
2007-2008	20	69.0%	9	31.0%	29
2008-2009	33	75.0%	11	25.0%	44
2009-2010	33	82.5%	7	17.5%	40
2010-2011	24	88.9%	3	11.1%	27

B Offences against the person	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
2006-2007	1,668	72.0	649	28.0	2,317
2007-2008	1,686	72.1	651	27.9	2,337
2008-2009	1,514	72.9	563	27.1	2,077
2009-2010	1,896	72.4	723	27.6	2,619
2010-2011	2,186	74.0	767	26.0	2,953

C Sexual Offences	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
2006-2007	2,660	69.2	1,182	30.8	3,842
2007-2008	2,841	72.1	1,100	27.9	3,941
2008-2009	3,011	74.7	1,018	25.3	4,029
2009-2010	3,133	75.7	1,004	24.3	4,137
2010-2011	3,549	74.1	1,243	25.9	4,792

Men were defendants in 67% of homicide prosecutions; 75% of offences against the person and 98% of sexual offences.

<sup>45</sup> There may be differences in the annual totals figures provided in these tables from those in previous reports which were broken down by gender, due to a number of cases with 'unknown' genders now included here in totals.

The CPS continues to work across the CJS and government to address child abuse. The CPS is represented on several national groups addressing a wide range of children issues, such as:

- The Association of Chief Police Officers Plenary Group – covering a range of child abuse issues including trafficking, ‘sexting’, child pornography, abduction, ill-treatment and neglect;
- Ministry of Justice led working groups - covering proposals for implementing section 28 of the Youth Justice and Criminal Evidence Act 1999 (pre-recorded cross-examination, with a specific focus on young children); considering extending section 5 of the Domestic Violence, Victims and Crime Act 2004 to extend to causing/allowing death or serious injury; revision of ‘Achieving Best Evidence in Criminal Proceedings’;
- Family-Criminal Interface Committee – addressing issues that arise where there are parallel proceedings in the criminal and family courts, including disclosure of information, the timing of proceedings, the use of expert evidence and the questioning of young witnesses;
- Membership of the Child Exploitation and Online Protection Centre (CEOP) Thematic Assessment Reference Panel investigating ‘localised grooming’. CEOP published a report in June 2011 with specific recommendations for the CPS to review child sexual exploitation prosecutions in order to identify barriers to prosecution and identify best practice;
- Contributor to the multi-agency review of ‘Working Together’ particularly around parallel proceedings and case conferences, Serious Case Reviews and care proceedings.

### **Historical child abuse**

In one case, historical sexual abuse by the defendant on his natural daughter and his stepson started when the victims were five and stopped when they were aged around 11 or 12. In addition, he emotionally abused and socially isolated them and often made violent threats to his then partner, the victim’s mother. The mother fled the family home with the children when the daughter was under five, but the child could not settle and missed her father to such an extent that she stopped eating. At the age of 5 she was permitted to live back with her father and would spend the school holidays with her mother. She was raped daily before school from the ages of 5 -11.

As a result her behaviour at school deteriorated rapidly and at home she was socially isolated and forbidden to have any friends of her own. When at age 11 she finally realised what was happening, it had a catastrophic effect on her. She became a major bully; she threatened little children, and fought with her peers. She commenced a pattern of promiscuity from 11 onwards and suffered numerous miscarriages. She also started smoking cannabis and began to self harm as a way of dealing with her anger.

Her extreme behaviour at school saw her referred to an art therapist and in a heated row with her mother she finally disclosed what had happened. She also saw a family therapist and a psycho-dynamic counsellor and then felt strong enough to report the abuse to the police and social services.

The judge summed up the defendant as 'a cruel, heartless and controlling man, self-centred and highly manipulative who robbed both children of their childhood and innocence and had a profound, retarding effect on their emotional development. Throughout the trial he asserted the self deluded belief that their mother had put them up to making the allegation. He showed no remorse and was unrepentant'. A period of 20 years' imprisonment was imposed.

Joint working with National Policing Improvement Agency (NPIA) resulted in an agreed domestic and international Child Rescue Alert protocol. Further work has taken place with ACPO on drafting and agreeing Child Abduction Warning Notices (formerly referred to as 'Harbourers' Warning Notices').

The complex transitional provisions of the Safeguarding Vulnerable Groups Act 2006 caused many practitioners to believe, erroneously, that Disqualification Orders relating to children had been repealed. Guidance was issued to prosecutors to remind them that Disqualification Orders still needed to be considered by the courts in appropriate cases.

Revised guidance for prosecutors was also issued on the approach to be taken to 'Non Accidental Head Injury Cases' [NAHI] (formerly referred to as Shaken Baby Syndrome) setting out what evidence prosecutors need to prove a NAHI case and the possible challenges they may face from the defence.

Cumbria is one Area that has adopted a third party protocol with police and Social Services on third party material in cases of rape and child abuse and training on it is to be delivered to all agencies to raise awareness. In 2011-12 work will commence on revising the national protocol in line with the Stern recommendations.

### **Live and internet abuse**

The defendant was arrested following a complaint from a teenage girl that she had been blackmailed over the internet. In seizing all electronic media the police found evidence of live abuse of a three year old child from the nursery where he worked, together with evidence of engagement with hundreds of girls via the internet and distribution of their images. The police investigation focused on about 20 who were clearly under age.

The differing age provisions of S 10 SOA 2003 (up to 16 years) and Making Indecent Photos 1978 (up to 18 years) were used to ensure that the defendant could not rely on maintaining he thought the girls were over 16 years to evade justice.

The defendant pleaded guilty to two offences of oral rape, 17 of inciting a sexual offence with a child S 10 SOA 2003, 25 of making indecent images of children and three of distributing indecent images of children. He was sentenced to a discretionary life sentence with a 15 year minimum term.

# Human trafficking

In 2010-11 there were 103 prosecutions of trafficking, of which 71% were successful, as indicated in Table 5. These cases were identified using a new 'trafficking' flag<sup>46</sup> within the CMS data collection system that started in April 2010. As with any new monitoring system, time is needed for the embedding in of its accurate use. The quality and accuracy of the data therefore needs to be considered with caution during this first year.

**Table 5: Completed prosecutions by outcome**

	2010 - 2011	
	Volume	%
Convictions	73	70.9
Unsuccessful	30	29.1
<b>Total</b>	<b>103</b>	

The gender of all defendants was recorded - 79% were men. 57 victims were recorded, 60% of which had gender recorded, but this is not robust enough to include in this report. The majority of defendants were aged 25-59 years.

## New policy

In July 2010 the CPS began a three-month public consultation on its draft Public Policy Statement on the prosecution of human trafficking cases, to provide an opportunity for those organisations and individuals who support victims of human trafficking to inform and influence the CPS policy statement, based on their experience of supporting victims.

The public policy statement is in part aimed at those organisations that provide support to victims of trafficking, to help them explain both the processes involved and what can be done by way of protection and support if victims decide to engage with criminal proceedings.

The CPS has amended their legal guidance, as well as the policy statement, as a direct consequence of this consultation, particularly in the area concerning how the CPS deals with those who may be considered "victims", but who are recovered from crime scenes and arrested for criminal offences. The Public Policy Statement and updated legal guidance to prosecutors was published in June 2011.

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<sup>46</sup> Offences flagged are Sexual Offences Act 2003 (Section 57, 58 and 59) and Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(1), (2) and (3). The flag is applied from the onset of the case; this flag will remain in place even if those charges are subsequently amended or dropped. If a case commences under a different offence but is then changed to a trafficking charge, the case should be flagged at that stage.

### **Video link from abroad**

In one case in Kent the trafficked victim had returned to her country of origin, to seek medical treatment following the severe deterioration in her condition.

Arrangements were therefore made for her to give her evidence via video link from her sick bed, having been transported via ambulance to a place where a video link could be temporarily set up. This was set up with help from a lawyer who previously had links with this country during her time at the International Court in the Hague.

At different points during the trial all three defendants capitulated and entered guilty pleas to four counts each. All three received substantial custodial sentences.

## **Slavery and servitude**

A stand-alone offence of holding another person in forced and compulsory labour or slavery and servitude came into force on 6 April 2010, to address gaps in human trafficking legislation under section 4 Asylum and Immigration Act. A person commits an offence if they hold another person in slavery or servitude, or they require another person to perform forced or compulsory labour. This assists in those cases where it is difficult to evidence trafficking or in circumstances where victims are vulnerable to exploitation but have not been trafficked. The offence has been used since in cases involving domestic servitude. To further drive up investigations and prosecutions in this area, the CPS has developed an agreement with ACPO UK Border Agency, Gangmasters Licensing Authority (GLA) to provide pre-charge advice to the GLA in circumstances where they encounter potential criminal offences arising from victim harm or exploitation, as a result of their licensing investigations.

### **Servitude case**

Two children and a 21-year-old woman were trafficked into Britain from Nigeria, on false passports, by the defendant claiming they were her own children and then used as 'servants'.

Detectives from the Metropolitan Police's Operation Paladin squad, which tackles child trafficking, say the case highlighted growing concern over children brought to Britain for domestic servitude or benefit fraud.

One child, who arrived in 1997, was supposed to be continuing her education in Britain but was never sent to school and was forced to wait on the defendant's own children. Her day started at 5 a.m. and she was not allowed to bed until 1a.m. She was regularly beaten and on one occasion pepper was put in her eyes and genitals as punishment and she was struck with a meat cleaver.

## UK human trafficking strategy

The CPS has contributed to the development of a new UK human trafficking strategy, published in July 2011. The new strategy focuses on four key areas: enhanced ability to act early, before the harm has reached the UK; smarter multi-agency action at the border; better co-ordination of our law enforcement efforts within the UK; and improved victim care arrangements.

The CPS plays an important role in preventing harm from trafficking from reaching the UK, through prosecutors working with source countries to improve the ability of overseas investigators and prosecutors in case building and prosecution to disrupt human trafficking at source. The CPS is also working with source countries to improve international co-operation to assist in the provision of information and evidence to support prosecutions in the UK. In October 2010, CPS experts travelled to Vietnam to investigate, with Vietnamese law enforcement and prosecutors, difficulties in obtaining evidence to support prosecutions of child trafficking and exploitation. Discussions with the prosecutors, judges and a variety of law enforcement agencies in Vietnam resulted in constructive agreements to provide assistance to the CPS and UK law enforcement. These agreements, together with named contacts, have informed detailed guidance for CPS prosecutors, and have been circulated to law enforcement agencies within the UK.

The CPS is participating in a project with the Serious Organised Crime Agency (SOCA), and the International Office of Migration and Anti-slavery, to work in capacity building in Nigeria. Nigeria is the UK top source country for female victims of trafficking; many of them young girls trafficked to the UK for domestic servitude and sexual exploitation. This project involved a scoping study visit in June 2011 to investigate their law enforcement and prosecutorial response to trafficking at source and identify how that might be improved to prevent harm reaching the UK and other EU member states.

In March 2011 the Minister for Immigration announced the Government's intention to opt into the EU Directive on Human Trafficking. Whilst this does not significantly change the Government's policy on trafficking, the text requires good practice to be enshrined into legislation.

# Prostitution

New provisions in the Police and Crime Act 2009 relating to prostitution came into force on 1 April 2010 and amended existing legislation. These included local authority provisions for brothel closure orders and changes in licensing arrangements for lap dancing clubs to control their opening hours and regulation. A new order for those involved in street prostitution requiring their attendance at meetings to engage with vital services, to help them find a route out, were also established as diversions from prosecution. The term 'common prostitute' was removed from S1 (1) of the Street Offences Act (SOA) 1959 and 'persistent conduct' was amended in S1(4) SOA 1959, if it takes place on two or more occasions in any period of three months.

In relation to prosecutions, a new offence S51A of the SOA 2003 was introduced for a person in a street or public place to solicit another for the purpose of obtaining a sexual service as a prostitute. This includes a person in a motor vehicle in a street or public place and replaced the offences of kerb crawling and persistent loitering under S1 and 2 of SOA 1985. In addition a new offence S53A of the SOA 2003 criminalised those who make or promise payment for sexual services from a prostitute who is subject to force or exploitation.

In 2010-11 there were 111 offences of controlling prostitution prosecuted, a rise from the previous year. Kerb crawling prosecutions offences under S1(1)(a) and S1(1)(b) of the SOA 1985 were replaced with S51A SOA 2003 - with 123 offences prosecuted under this section. 40 S53A of SOA 2003 offences of payment for sexual services from a prostitute who is subject to force or exploitation were referred to CPS for a decision to charge.

There was also a minimal rise in the last year in the prosecution of brothel keeping. Prosecutions for placing prostitution advertising cards in public telephone boxes fell slightly. Table 6 outlines the CPS data collected on prostitution<sup>47</sup>.

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<sup>47</sup> Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data are not held by defendant or outcome. Offences recorded in the Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.

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

**Table 6: VAWG crime prosecutions: prostitution offences**

	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011
<b>A Control of prostitution</b>				
Sexual offences act (2003) {52}	16	17	11	24
Sexual offences act (2003) {53}	67	93	87	87
<b>TOTAL</b>	<b>83</b>	<b>110</b>	<b>98</b>	<b>111</b>

<b>B Brothel keeping</b>	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011
Sexual offences act 1956 {33}	56	83	39	48
Sexual offences act 1956 {33A of and schedule 2}	84	130	70	106
Sexual offences act 1956 {34}	0	0	0	0
Sexual offences act {35(1)}	1	6	2	3
Sexual offences act {36}	1	2	3	0
<b>TOTAL</b>	<b>142</b>	<b>221</b>	<b>114</b>	<b>157</b>

<b>C Kerb crawling</b>	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011
Sexual offences act 1985 {1(1)(a)}	439	331	375	161
Sexual offences act 1985 {1(1)(b)}	13	10	21	5
Sexual offences act 1985 {2(1)}	82	24	23	31
Sexual offences act 2003 {51A}	0	0	0	123
<b>TOTAL</b>	<b>534</b>	<b>365</b>	<b>419</b>	<b>320</b>

<b>D Advertising prostitution</b>	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011
Criminal Justice and Police Act 2001 {46}	330	349	457	331

**Notes:**

1. Data relates to the number of offences in which a prosecution commenced, recorded in magistrate' courts on the CMS system.
2. Offences data are not held by defendant or outcome.
3. Offences recorded in the Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.
4. These data have been drawn from the CPS' administrative IT system, which, as nay large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

### **Kerb crawling**

Humberside has worked closely with the police in an initiative to tackle kerb crawling in the centre of Hull. This was part of a Community Prosecutor programme. Most cases were dealt with by way of cautions and diversion, but some cases have resulted in prosecutions. In those cases the Head of the Hull and East Riding Magistrates Court Unit has appointed a lead prosecutor to deal with these cases which have required applications to grant anonymity to police officers who posed as street prostitutes in order to gather evidence.

## **Guidance**

### **Cross government**

During the last 12 months, the Home Office has been developing guidance "*Effective practice in responding to prostitution*" in conjunction with CPS, ACPO, Sex Worker Project Groups, local government and Department of Health, which was published in September 2011. It highlights key principles necessary to provide an effective response to those involved primarily in street prostitution and is illustrated by case studies and examples of work that is already happening in England and Wales.

It is aimed at the strategic level of existing structures - local authorities and local community safety partnerships, to assist with the process of developing a proactive approach to the issues associated with prostitution in their area, including supporting those involved in prostitution or those seeking to leave.

### **CPS guidance**

Revised policy and legal guidance on exploitation of prostitution was published in June 2011. This has been updated to clarify the need to evidence persistence for the amended offence of persistently loitering or soliciting in a street or public place for the purposes of offering services as a prostitute and on internal trafficking of children for sexual exploitation.

## **Policing strategy**

During 2010-11 the CPS has been involved in the development of a new ACPO Policing Prostitution and Sexual Exploitation Strategy to support the work of police forces in policing prostitution. The strategy promotes a holistic approach to the policing of prostitution that keeps in balance the three essential elements of individual, community, and the investigation and prosecution of those who exploit and abuse. It also takes account of the link to drugs and organised crime and addresses the issue of the sexual exploitation of children and young people which may involve, or lead to, commercial sexual exploitation.

The final version of the strategy will be published to all Chief Police Officers.

## Support for victims

The UK Network of Sex Worker projects ran a 12 month project (Jan – Dec 2010) to develop a proposed model for a UK wide ‘Ugly Mugs’ incident reporting scheme. The ugly mugs scheme aims to improve the safety of sex workers by alerting them to dangerous individuals (punters) through rapid circulation of alerts; recording and monitoring violence against sex workers and enabling them to report crimes to the police through a third party. By increasing the level of reporting to the police, there is an increase in investigation and prosecution and building confidence between sex workers and the police. A case study is included in the rape section of this report.

In Merseyside there is a specialised ISVA funded to work with sex workers. There have been a number of sexual offence prosecutions where the sex worker victim has been supported by this specialised ISVA in leaving sex work and also in addressing underlying drug problems. This multi-agency way of working is addressing the fundamental issues faced by sex workers, aiming to reduce prostitution as well as improve their safety.

### **Prosecuting offences against sex workers**

Three women were sexually assaulted on the same night in September 2010. On each occasion the victim escaped but the defendant had threatened to kill one victim and was intent on committing a sexual offence on two further victims, one of whom was a sex worker. A dedicated officer tied all three cases together and ensured support through an ISVA, with specialised ISVA support for the sex worker.

The defendant pleaded guilty to the first two cases but not the case of the sex worker. The victim therefore had to go to court, spoke about the crime and her own situation of drug use and sex work and was heavily cross-examined by the defence barrister. The jury found him guilty – he was sentenced to seven years’ imprisonment and the sex offender’s register for life. Since then the victim has exited sex work, is street-drug free and on a methadone reduction programme.

## London 2012 Games

The CPS has continued its involvement in work with City Hall, along with the police, other government departments and the third sector in developing a response ahead of the London 2012 Games to help crack down on prostitution and trafficking for sexual exploitation. This has included discussion on preventative work, close working with health services, raising awareness of exploitation and our domestic legislation.

# Pornography and obscenity

In 2010-11 there was a large increase in the prosecution of the sexual exploitation of children through photographs in the last year, mainly due to increased prosecutions for making indecent photographs of a child. Table 7 outlines CPS data on child abuse offences overall<sup>48</sup>.

**Table 7: Child abuse image offences**

	2007-08	2008-09	2009-10	2010-11
Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child	3,079	4,241	4,117	4,543
Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child	0	0	0	21
<b>Sexual exploitation of children through photographs of which:</b>	<b>11,873</b>	<b>14,656</b>	<b>14,595</b>	<b>17,400</b>
▪ Protection of Children Act 1978 (1 (1)(a)) - Making an indecent photograph of a child	10,832	13,454	13,652	16,289
▪ Protection of Children Act 1978 (1 (1)(b)) - Distributing an indecent photograph of a child	678	931	804	684
▪ Protection of Children Act 1978 (1 (1)(c)) - Showing indecent photographs of children	345	258	137	424
▪ Protection of Children Act 1978 (1(1)(d)) – publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children	18	13	2	3

Section 62 of the Coroners and Justice Act 2009 ('the Act') created a new offence of possession of a prohibited image of a child, punishable by up to three years' imprisonment. This offence came into force on the 6 April 2010. It is targeted at non-photographic images (this includes computer generated images (CGI's) and cartoons) and therefore specifically excludes indecent photographs, or pseudo-photographs of children, as well as tracings or derivatives of photographs and pseudo-photographs.

During 2010 – 11, a number of pornography and other offences were charged and reached at least one hearing in magistrates' courts under a number of Acts<sup>49</sup>. CPS records identify the volume of proceedings which commenced under this legislation, but do not distinguish communications related to pornography from those which were not.

<sup>48</sup> Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data are not held by defendant or outcome. Offences recorded in the Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.

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

<sup>49</sup> The Protection of Children Act 1978; Obscene Publications Act 1959; Malicious Communications Act 1988; Criminal Justice Act 1988; Public Indecent Displays (Controls) Act 1981; Criminal Justice and Immigration Act 2008; Coroners and Justice Act 2009 and Communications Act 2003.

Table 8 outlines CPS data<sup>50</sup> on obscenity offences<sup>51</sup>. Unsurprisingly, with the rise of the use of technology and the internet, there has been a fall in the prosecutions under the Obscene Publications Act of obscene publications and a corresponding rise in the prosecution of offences under section 127 of the Communications Act<sup>52</sup> and section 1 of the Malicious Communications Act 1988<sup>53</sup>.

There has been a large increase in prosecutions under the new sections, introduced in January 2009, related to extreme pornographic images in 2010-11.

**Table 8: Obscenity offences**

	2007-08	2008-09	2009-10	2010-11
Malicious Communications Act 1988 Sections (1 (1)(a) & (1)(b)) - Indecent or grossly offensive material	566	791	899	1,273
Obscene publications Act 1959 (2 (1) ) - Obscene publications	111	152	82	71
Communications Act 2003 (127 (1)(a), (1)(b) & (3))Grossly offensive or indecent communications	1,037	1,278	1,315	1,869
Communications Act 2003 (127 (2)(a), (2)(b), (2)(c) and (3)) - Causing annoyance, inconvenience or needless anxiety to another person	568	659	888	1,037
Criminal Justice and Immigration Act 2008 (63 (1), (7)(d) and 67(3)) - Possession of extreme pornographic images	0	2	213	995

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

<sup>50</sup> Ibid

<sup>51</sup> The Obscene Publications Acts (OPA) 1959 and 1964 set out the law on obscene publications. The test for obscenity is set out at section 1(1) OPA 1959. The offences are created by section 2 OPA 1959 and are punishable by up to five years' imprisonment. All published material is subject to the Obscene Publications Act (OPA) 1959. Under this Act, it is a criminal offence to publish any article which is considered to be obscene; that is, an article which in the view of the court tends to 'deprave and corrupt' a person who is likely to see, hear or read it. Sections 63 to 67 of the Criminal Justice and Immigration Act 2008 makes it an offence to possess pornographic images that depict acts which threaten a person's life, acts which result in or are likely to result in serious injury to a person's anus, breasts or genitals, bestiality or necrophilia; they also provide for the exclusion of classified films etc. and set out defences and the penalties for the offence. This offence came into force on the 26 January 2009.

<sup>52</sup> Section 127 Communications Act 2003 creates an offence of sending, 'by means of a public electronic communications network, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character.' The offence can be applied to "wider media" and has a degree of "currency", even "future proofing" that the more prescriptive terms of some other legislation do not have.

<sup>53</sup> The Malicious Communications Act criminalises the sending of an indecent, offensive or threatening letter, electronic communication [i.e. e-mail] or other article to another person.

### **Grooming and images**

A defendant admitted grooming a girl before having unlawful sex with her. He also pleaded guilty to downloading the images of children on his home computers.

The abuse took place when the defendant was in his 40's. The defendant chatted to the girl online, took her on car trips and supplied her with wine and cigarettes. His plan led to him having sex with the 15 year old several times over a number of months. The teenager said she consented, but let it happen because she was scared.

In March 2010 the victim reported her ordeal to the police. Officers raided the defendant's house, seizing two computers where they found hundreds of indecent images of children.

The Judge jailed the defendant for five years and he will be placed on the sex offenders' register for life. The Judge also imposed a Sexual Offences Prevention Order (SOPO) on the defendant banning him from working with children.

The defendant had a history of sex offences against children. In the 1970s, when he was 18, he was convicted of gross indecency with a seven year old boy and also years later for sexually assaulting a girl under 16 in 1999.

Over the past few years an annual CPS Pornography and Obscenity seminar was held in October. Due to the present financial climate last year an Extreme Pornography and Obscenity seminar was held in November 2010 in partnership with the Association of Chief Police Officers (ACPO) at the Child Exploitation and Online Protection Centre (CEOP).

The seminar examined case studies relating to Extreme Pornography and Obscenity, including lessons learnt and good practice to inform future investigations.

### **Paedophile ring**

In the first case of its kind in England and Wales, four men admitted running an international paedophile ring that distributed millions of indecent images and films of children to over 40 countries around the world. The men pleaded guilty to various charges of making, distributing and possessing indecent images of children.

The men ran illegal uncensored internet news groups to which users subscribe to and download from to circulate images and video clips of child abuse.

The investigation into the group began in 2005 after the police received intelligence from the German Federal Police that the group was running a news service that had an association with indecent images of children. The group is alleged to have made over £2.2 million over the period of seven years.

All four men were arrested in April 2009 before being interviewed and charged in June 2010. They were sentenced in June 2011 the alleged ring leader and his civil partner were each sentenced to 33 months imprisonment. The brother of the ringleader who joined the business once it flourished was sentenced to 15 months imprisonment. A friend who quit the project three years before it was shut down, was sentenced to 12 months imprisonment suspended for two years and 240 hours of unpaid work. All of the men have to sign the Sex Offenders' Register.

The largest number of subscribers to the news service was based in the United States of America. 211 subscribers were based in the United Kingdom, of which 38 have so far been dealt with.

Violence against women and girls	CPS Prosecutions 2010 - 2011				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>68,154</b>	<b>71.5%</b>	<b>27,103</b>	<b>28.5%</b>	<b>95,257</b>
<b>Cymru Wales</b>	<b>4,303</b>	<b>71.8%</b>	<b>1,691</b>	<b>28.2%</b>	<b>5,994</b>
Dyfed Powys	384	68.7%	175	31.3%	559
Gwent	877	74.4%	302	25.6%	1,179
North Wales	1,011	73.6%	362	26.4%	1,373
South Wales	2,031	70.4%	852	29.6%	2,883
<b>Eastern</b>	<b>4,869</b>	<b>79.0%</b>	<b>1,297</b>	<b>21.0%</b>	<b>6,166</b>
Cambridgeshire	950	73.6%	341	26.4%	1,291
Essex	1,785	78.6%	485	21.4%	2,270
Norfolk	1,186	80.1%	295	19.9%	1,481
Suffolk	948	84.3%	176	15.7%	1,124
<b>East Midlands</b>	<b>5,412</b>	<b>73.7%</b>	<b>1,933</b>	<b>26.3%</b>	<b>7,345</b>
Derbyshire	1,457	75.1%	484	24.9%	1,941
Leicestershire	1,199	76.5%	369	23.5%	1,568
Lincolnshire	618	77.6%	178	22.4%	796
Northamptonshire	666	69.4%	293	30.6%	959
Nottinghamshire	1,472	70.7%	609	29.3%	2,081
<b>London</b>	<b>7,759</b>	<b>59.5%</b>	<b>5,291</b>	<b>40.5%</b>	<b>13,050</b>
<b>Merseyside &amp; Cheshire</b>	<b>2,862</b>	<b>70.9%</b>	<b>1,177</b>	<b>29.1%</b>	<b>4,039</b>
Cheshire	1,144	73.5%	412	26.5%	1,556
Merseyside	1,718	69.2%	765	30.8%	2,483
<b>North East</b>	<b>4,606</b>	<b>73.3%</b>	<b>1,674</b>	<b>26.7%</b>	<b>6,280</b>
Cleveland	1,106	69.1%	494	30.9%	1,600
Durham	1,012	78.3%	281	21.7%	1,293
Northumbria	2,488	73.5%	899	26.5%	3,387
<b>North West</b>	<b>10,071</b>	<b>74.6%</b>	<b>3,433</b>	<b>25.4%</b>	<b>13,504</b>
Cumbria	700	78.4%	193	21.6%	893
Greater Manchester	5,299	74.3%	1,832	25.7%	7,131
Lancashire	4,072	74.3%	1,408	25.7%	5,480
<b>South East</b>	<b>3,756</b>	<b>74.2%</b>	<b>1,306</b>	<b>25.8%</b>	<b>5,062</b>
Kent	1,530	75.5%	497	24.5%	2,027
Surrey	493	72.7%	185	27.3%	678
Sussex	1,733	73.5%	624	26.5%	2,357
<b>South West</b>	<b>4,244</b>	<b>75.4%</b>	<b>1,381</b>	<b>24.6%</b>	<b>5,625</b>
Avon & Somerset	2,069	75.2%	682	24.8%	2,751
Devon & Cornwall	1,629	75.3%	533	24.7%	2,162
Gloucestershire	546	76.7%	166	23.3%	712
<b>Thames &amp; Chiltern</b>	<b>3,389</b>	<b>72.0%</b>	<b>1,318</b>	<b>28.0%</b>	<b>4,707</b>
Bedfordshire	583	70.7%	242	29.3%	825
Hertfordshire	965	78.8%	259	21.2%	1,224
Thames Valley	1,841	69.3%	817	30.7%	2,658
<b>Wessex</b>	<b>3,774</b>	<b>70.1%</b>	<b>1,609</b>	<b>29.9%</b>	<b>5,383</b>
Dorset	756	71.1%	308	28.9%	1,064
Hampshire & IOW	2,355	68.9%	1,063	31.1%	3,418
Wiltshire	663	73.6%	238	26.4%	901
<b>West Midlands</b>	<b>6,126</b>	<b>72.0%</b>	<b>2,377</b>	<b>28.0%</b>	<b>8,503</b>
Staffordshire	1,317	72.3%	505	27.7%	1,822
Warwickshire	378	84.9%	67	15.1%	445
West Mercia	1,151	76.6%	351	23.4%	1,502
West Midlands	3,280	69.3%	1,454	30.7%	4,734
<b>Yorkshire &amp; Humberside</b>	<b>6,983</b>	<b>72.7%</b>	<b>2,616</b>	<b>27.3%</b>	<b>9,599</b>
Humberside	1,460	78.0%	412	22.0%	1,872
North Yorkshire	711	77.5%	207	22.5%	918
South Yorkshire	1,593	76.2%	498	23.8%	2,091
West Yorkshire	3,219	68.2%	1,499	31.8%	4,718

Domestic violence	CPS Prosecutions 2010 - 2011				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>59,101</b>	<b>71.9%</b>	<b>23,086</b>	<b>28.1%</b>	<b>82,187</b>
<b>Cymru Wales</b>	<b>3,768</b>	<b>72.7%</b>	<b>1,412</b>	<b>27.3%</b>	<b>5,180</b>
Dyfed Powys	328	72.1%	127	27.9%	455
Gwent	773	75.7%	248	24.3%	1,021
North Wales	881	73.0%	326	27.0%	1,207
South Wales	1,786	71.5%	711	28.5%	2,497
<b>Eastern</b>	<b>4,352</b>	<b>79.5%</b>	<b>1,121</b>	<b>20.5%</b>	<b>5,473</b>
Cambridgeshire	835	73.6%	300	26.4%	1,135
Essex	1,589	79.1%	420	20.9%	2,009
Norfolk	1,081	80.8%	257	19.2%	1,338
Suffolk	847	85.5%	144	14.5%	991
<b>East Midlands</b>	<b>4,724</b>	<b>74.2%</b>	<b>1,644</b>	<b>25.8%</b>	<b>6,368</b>
Derbyshire	1,297	76.0%	410	24.0%	1,707
Leicestershire	1,035	76.3%	322	23.7%	1,357
Lincolnshire	534	76.9%	160	23.1%	694
Northamptonshire	567	70.0%	243	30.0%	810
Nottinghamshire	1,291	71.7%	509	28.3%	1,800
<b>London</b>	<b>6,204</b>	<b>58.7%</b>	<b>4,366</b>	<b>41.3%</b>	<b>10,570</b>
<b>Merseyside &amp; Cheshire</b>	<b>2,501</b>	<b>70.6%</b>	<b>1,042</b>	<b>29.4%</b>	<b>3,543</b>
Cheshire	1,008	73.1%	371	26.9%	1,379
Merseyside	1,493	69.0%	671	31.0%	2,164
<b>North East</b>	<b>4,088</b>	<b>73.5%</b>	<b>1,477</b>	<b>26.5%</b>	<b>5,565</b>
Cleveland	939	68.2%	438	31.8%	1,377
Durham	885	80.4%	216	19.6%	1,101
Northumbria	2,264	73.3%	823	26.7%	3,087
<b>North West</b>	<b>9,091</b>	<b>75.0%</b>	<b>3,024</b>	<b>25.0%</b>	<b>12,115</b>
Cumbria	619	79.0%	165	21.0%	784
Greater Manchester	4,744	75.0%	1,584	25.0%	6,328
Lancashire	3,728	74.5%	1,275	25.5%	5,003
<b>South East</b>	<b>3,052</b>	<b>74.8%</b>	<b>1,028</b>	<b>25.2%</b>	<b>4,080</b>
Kent	1,197	75.8%	382	24.2%	1,579
Surrey	380	75.1%	126	24.9%	506
Sussex	1,475	73.9%	520	26.1%	1,995
<b>South West</b>	<b>3,674</b>	<b>75.4%</b>	<b>1,197</b>	<b>24.6%</b>	<b>4,871</b>
Avon & Somerset	1,793	75.1%	594	24.9%	2,387
Devon & Cornwall	1,412	75.3%	462	24.7%	1,874
Gloucestershire	469	76.9%	141	23.1%	610
<b>Thames &amp; Chiltern</b>	<b>3,060</b>	<b>73.4%</b>	<b>1,109</b>	<b>26.6%</b>	<b>4,169</b>
Bedfordshire	526	70.7%	218	29.3%	744
Hertfordshire	902	80.2%	223	19.8%	1,125
Thames Valley	1,632	71.0%	668	29.0%	2,300
<b>Wessex</b>	<b>3,272</b>	<b>70.8%</b>	<b>1,352</b>	<b>29.2%</b>	<b>4,624</b>
Dorset	643	70.0%	275	30.0%	918
Hampshire & IOW	2,061	69.9%	889	30.1%	2,950
Wiltshire	568	75.1%	188	24.9%	756
<b>West Midlands</b>	<b>5,207</b>	<b>71.9%</b>	<b>2,036</b>	<b>28.1%</b>	<b>7,243</b>
Staffordshire	1,128	71.7%	446	28.3%	1,574
Warwickshire	321	85.6%	54	14.4%	375
West Mercia	939	77.7%	270	22.3%	1,209
West Midlands	2,819	69.0%	1,266	31.0%	4,085
<b>Yorkshire &amp; Humberside</b>	<b>6,108</b>	<b>72.8%</b>	<b>2,278</b>	<b>27.2%</b>	<b>8,386</b>
Humberside	1,217	78.2%	340	21.8%	1,557
North Yorkshire	623	79.4%	162	20.6%	785
South Yorkshire	1,391	76.9%	417	23.1%	1,808
West Yorkshire	2,877	67.9%	1,359	32.1%	4,236

Rape	CPS Prosecutions 2010 - 2011				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>2,465</b>	<b>58.6%</b>	<b>1,743</b>	<b>41.4%</b>	<b>4,208</b>
<b>Cymru Wales</b>	<b>146</b>	<b>52.5%</b>	<b>132</b>	<b>47.5%</b>	<b>278</b>
Dyfed Powys	17	47.2%	19	52.8%	36
Gwent	35	61.4%	22	38.6%	57
North Wales	34	68.0%	16	32.0%	50
South Wales	60	44.4%	75	55.6%	135
<b>Eastern</b>	<b>145</b>	<b>68.4%</b>	<b>67</b>	<b>31.6%</b>	<b>212</b>
Cambridgeshire	35	72.9%	13	27.1%	48
Essex	56	65.1%	30	34.9%	86
Norfolk	21	58.3%	15	41.7%	36
Suffolk	33	78.6%	9	21.4%	42
<b>East Midlands</b>	<b>166</b>	<b>56.7%</b>	<b>127</b>	<b>43.3%</b>	<b>293</b>
Derbyshire	48	54.5%	40	45.5%	88
Leicestershire	33	70.2%	14	29.8%	47
Lincolnshire	16	94.1%	1	5.9%	17
Northamptonshire	28	56.0%	22	44.0%	50
Nottinghamshire	41	45.1%	50	54.9%	91
<b>London</b>	<b>448</b>	<b>52.0%</b>	<b>413</b>	<b>48.0%</b>	<b>861</b>
<b>Merseyside &amp; Cheshire</b>	<b>82</b>	<b>57.7%</b>	<b>60</b>	<b>42.3%</b>	<b>142</b>
Cheshire	28	66.7%	14	33.3%	42
Merseyside	54	54.0%	46	46.0%	100
<b>North East</b>	<b>144</b>	<b>65.5%</b>	<b>76</b>	<b>34.5%</b>	<b>220</b>
Cleveland	42	70.0%	18	30.0%	60
Durham	39	57.4%	29	42.6%	68
Northumbria	63	68.5%	29	31.5%	92
<b>North West</b>	<b>298</b>	<b>62.3%</b>	<b>180</b>	<b>37.7%</b>	<b>478</b>
Cumbria	19	76.0%	6	24.0%	25
Greater Manchester	200	62.9%	118	37.1%	318
Lancashire	79	58.5%	56	41.5%	135
<b>South East</b>	<b>165</b>	<b>55.2%</b>	<b>134</b>	<b>44.8%</b>	<b>299</b>
Kent	65	58.0%	47	42.0%	112
Surrey	36	50.0%	36	50.0%	72
Sussex	64	55.7%	51	44.3%	115
<b>South West</b>	<b>154</b>	<b>69.4%</b>	<b>68</b>	<b>30.6%</b>	<b>222</b>
Avon & Somerset	65	62.5%	39	37.5%	104
Devon & Cornwall	63	75.0%	21	25.0%	84
Gloucestershire	26	76.5%	8	23.5%	34
<b>Thames &amp; Chiltern</b>	<b>111</b>	<b>55.0%</b>	<b>91</b>	<b>45.0%</b>	<b>202</b>
Bedfordshire	14	60.9%	9	39.1%	23
Hertfordshire	20	76.9%	6	23.1%	26
Thames Valley	77	50.3%	76	49.7%	153
<b>Wessex</b>	<b>105</b>	<b>53.3%</b>	<b>92</b>	<b>46.7%</b>	<b>197</b>
Dorset	28	75.7%	9	24.3%	37
Hampshire & IOW	51	45.5%	61	54.5%	112
Wiltshire	26	54.2%	22	45.8%	48
<b>West Midlands</b>	<b>240</b>	<b>60.6%</b>	<b>156</b>	<b>39.4%</b>	<b>396</b>
Staffordshire	52	67.5%	25	32.5%	77
Warwickshire	20	76.9%	6	23.1%	26
West Mercia	48	59.3%	33	40.7%	81
West Midlands	120	56.6%	92	43.4%	212
<b>Yorkshire &amp; Humberside</b>	<b>261</b>	<b>64.0%</b>	<b>147</b>	<b>36.0%</b>	<b>408</b>
Humberside	76	71.0%	31	29.0%	107
North Yorkshire	23	62.2%	14	37.8%	37
South Yorkshire	63	60.6%	41	39.4%	104
West Yorkshire	99	61.9%	61	38.1%	160

Sexual offences excluding rape	CPS Prosecutions 2010 - 2011				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>6,588</b>	<b>74.3%</b>	<b>2,274</b>	<b>25.7%</b>	<b>8,862</b>
<b>Cymru Wales</b>	<b>389</b>	<b>72.6%</b>	<b>147</b>	<b>27.4%</b>	<b>536</b>
Dyfed Powys	39	57.4%	29	42.6%	68
Gwent	69	68.3%	32	31.7%	101
North Wales	96	82.8%	20	17.2%	116
South Wales	185	73.7%	66	26.3%	251
<b>Eastern</b>	<b>372</b>	<b>77.3%</b>	<b>109</b>	<b>22.7%</b>	<b>481</b>
Cambridgeshire	80	74.1%	28	25.9%	108
Essex	140	80.0%	35	20.0%	175
Norfolk	84	78.5%	23	21.5%	107
Suffolk	68	74.7%	23	25.3%	91
<b>East Midlands</b>	<b>522</b>	<b>76.3%</b>	<b>162</b>	<b>23.7%</b>	<b>684</b>
Derbyshire	112	76.7%	34	23.3%	146
Leicestershire	131	79.9%	33	20.1%	164
Lincolnshire	68	80.0%	17	20.0%	85
Northamptonshire	71	71.7%	28	28.3%	99
Nottinghamshire	140	73.7%	50	26.3%	190
<b>London</b>	<b>1,107</b>	<b>68.4%</b>	<b>512</b>	<b>31.6%</b>	<b>1,619</b>
<b>Merseyside &amp; Cheshire</b>	<b>279</b>	<b>78.8%</b>	<b>75</b>	<b>21.2%</b>	<b>354</b>
Cheshire	108	80.0%	27	20.0%	135
Merseyside	171	78.1%	48	21.9%	219
<b>North East</b>	<b>374</b>	<b>75.6%</b>	<b>121</b>	<b>24.4%</b>	<b>495</b>
Cleveland	125	76.7%	38	23.3%	163
Durham	88	71.0%	36	29.0%	124
Northumbria	161	77.4%	47	22.6%	208
<b>North West</b>	<b>682</b>	<b>74.9%</b>	<b>229</b>	<b>25.1%</b>	<b>911</b>
Cumbria	62	73.8%	22	26.2%	84
Greater Manchester	355	73.2%	130	26.8%	485
Lancashire	265	77.5%	77	22.5%	342
<b>South East</b>	<b>539</b>	<b>78.9%</b>	<b>144</b>	<b>21.1%</b>	<b>683</b>
Kent	268	79.8%	68	20.2%	336
Surrey	77	77.0%	23	23.0%	100
Sussex	194	78.5%	53	21.5%	247
<b>South West</b>	<b>416</b>	<b>78.2%</b>	<b>116</b>	<b>21.8%</b>	<b>532</b>
Avon & Somerset	211	81.2%	49	18.8%	260
Devon & Cornwall	154	75.5%	50	24.5%	204
Gloucestershire	51	75.0%	17	25.0%	68
<b>Thames &amp; Chiltern</b>	<b>218</b>	<b>64.9%</b>	<b>118</b>	<b>35.1%</b>	<b>336</b>
Bedfordshire	43	74.1%	15	25.9%	58
Hertfordshire	43	58.9%	30	41.1%	73
Thames Valley	132	64.4%	73	35.6%	205
<b>Wessex</b>	<b>397</b>	<b>70.6%</b>	<b>165</b>	<b>29.4%</b>	<b>562</b>
Dorset	85	78.0%	24	22.0%	109
Hampshire & IOW	243	68.3%	113	31.7%	356
Wiltshire	69	71.1%	28	28.9%	97
<b>West Midlands</b>	<b>679</b>	<b>78.6%</b>	<b>185</b>	<b>21.4%</b>	<b>864</b>
Staffordshire	137	80.1%	34	19.9%	171
Warwickshire	37	84.1%	7	15.9%	44
West Mercia	164	77.4%	48	22.6%	212
West Midlands	341	78.0%	96	22.0%	437
<b>Yorkshire &amp; Humberside</b>	<b>614</b>	<b>76.3%</b>	<b>191</b>	<b>23.7%</b>	<b>805</b>
Humberside	167	80.3%	41	19.7%	208
North Yorkshire	65	67.7%	31	32.3%	96
South Yorkshire	139	77.7%	40	22.3%	179
West Yorkshire	243	75.5%	79	24.5%	322

# Glossary

## Violence against women and girls strand

Domestic violence:	any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those <sup>54</sup> who are or have been intimate partners or family members, regardless of gender or sexuality. Family members include mother, father, son, daughter, sister, and grandparents, whether directly related, in laws or step family.
Rape:	any defendant charged with one or more of the following offences - <ul style="list-style-type: none"><li>• S1 Sexual Offences Act 1956</li><li>• S5 Sexual Offences Act 1956<ul style="list-style-type: none"><li>◦ An attempt to commit one of the above offences under the Criminal Attempts Act 1981</li></ul></li><li>• S1 Sexual Offences Act 2003</li><li>• S5 Sexual Offences Act 2003</li><li>• S30(3) Sexual Offences act 2003<ul style="list-style-type: none"><li>◦ An attempt to commit one of the above offences under the Criminal Attempts Act 1981</li></ul></li></ul> Incitement or conspiracy to commit any of the above offences
Sexual offences exc. rape:	any defendant whose principal offence category, at finalisation, is a sexual offence excluding rapes.
Forced marriage:	Any criminal offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) that has been carried out in the context of a forced marriage will be flagged as such either: <ul style="list-style-type: none"><li>• to coerce a party/parties into marrying without their consent, which would be prosecuted for the specific offence committed, e.g. harassment, kidnap, threats to kill; or</li><li>• after a forced marriage without the consent of one or both parties and where duress is a factor, which again would be prosecuted for the specific offence e.g. rape, sexual assault</li></ul> The definition of forced marriage to be used will be in line with that used by the Home Office: 'A marriage without the consent of one or both parties and where duress is a factor'.

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<sup>54</sup> In CPS cases are monitored for both adults and Under 18s.

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

Honour based violence:

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

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

Child abuse:

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

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

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

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

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

- property offences.

Human trafficking:

The flag for human trafficking is applied to:

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

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

## Performance management terms

**Monitoring flags:**

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

**Principal offences:**

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

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

Homicide:

'Homicide' comprises a range of offences including - murder & attempted murder, making threats to kill, manslaughter, conspiring or soliciting to commit murder and causing death by dangerous driving.

Offences against the person:

'Offences against the person' comprises a range of offences including - grievous bodily harm, assault occasioning actual bodily harm, common assault,

possession of a firearm with intent to cause fear of violence and child abduction.

**Sexual offences:** 'Sexual Offences' comprises a range of offences including - rape, buggery, sexual assault, bigamy, procurement and gross indecency with a child.

**Criminal damage:** 'Criminal damage' includes offences of arson, criminal or malicious damage and arson or criminal damage endangering life.

**Public order offences:** 'Public Order Offences' includes offences of rioting, violent disorder and causing an affray.

## **Case outcomes**

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

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

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

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

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

**Prosecutions:** all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.

**Unsuccessful outcomes:** all completed prosecutions where the defendant is not convicted, comprising the following:

**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.
All other unsuccessful outcomes:	comprising administrative finalisations, discharged committals and no case to answer.
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.
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.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences which are heard by the court in the absence of the defendant.

## **Reasons for unsuccessful outcomes**

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
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.

## **Equality and Diversity Unit**

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