



**CPS**

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

2011-2012

# Contents

Foreword by the Director of Public Prosecutions	2
Executive summary	4
Introduction	9
Domestic violence	15
Harassment	25
Rape	27
Sexual offences (excluding rape)	37
Forced marriage, honour based violence and female genital mutilation	40
Child abuse	43
Human trafficking	47
Prostitution	49
Pornography and obscenity	52
Annex 1: Prosecutions by Area	55
Glossary of terms	59
Glossary of acronyms	65

# Foreword by the Director of Public Prosecutions

I am pleased to report that over the last year, for the first time ever, attrition fell across all three main strands of Violence against Women and Girls' (VAWG) - domestic violence, rape and sexual offences. I am particularly pleased with this achievement because it has been attained against a background of a reduced workforce and the restructure of CPS Areas. During the last year domestic violence attrition fell by 1.5%, achieving over 73% successful outcomes and rape attrition fell by 4% achieving 62.5% successful outcomes.

2011-12 was a year of change and improvement in the prosecution of VAWG cases. My commitment, and that of the Law Officers, has been to ensure the continued prioritisation of VAWG prosecutions. To that end, as part of monitoring Core Quality Standards, a VAWG Assurance scheme was set up in 2011, with local Areas reporting to me directly on their performance across VAWG crimes, which has clearly paid dividends.

In addition, every Area has now created Local Scrutiny and Involvement Panels (LSIPs) where local expert groups scrutinise our prosecution of a range of cases, including VAWG. Some Areas have addressed complex cases such as forced marriage and honour based violence and others have focused on key local issues, such as domestic violence in Black and Minority Ethnic communities.

We also celebrated the local mainstreaming of our VAWG Strategy (2008 -2011) this year. In addition to the improvements in our performance, achieved during the life of this strategy, we have also seen a real impact at a local level as we have developed a better understanding of the links between different types of VAWG crimes. Some examples are included in the body of the report – grooming cases have begun to be identified and prosecuted successfully, addressing the aspects of child abuse, paedophilia, child prostitution, internal trafficking and rape; work with gangs has addressed the rape and sexual abuse of girls; forced marriage cases were prosecuted more successfully and we have further developed our work on stalking, including cyber-stalking.

Some of the most complex issues have been addressed as the VAWG strategy has embedded – such as the prosecution of cases involving the rape or sexual assault of sex workers or vulnerable victims; domestic violence involving young victims and the manifestation of VAWG across different communities.

We continue with our commitment in 2012-13 to VAWG issues. In the coming year we aim to tackle some of the more difficult VAWG strands of forced marriage, honour based violence, grooming, female genital mutilation, and stalking as well as maintain momentum in our prosecutions of domestic violence, rape and sexual offences.

My thanks go to the local and national voluntary sector groups who have advised us, the Equality and Diversity Unit who have overseen the delivery of the VAWG Strategy, the Chief Crown Prosecutors who have set up governance structures to strategically oversee delivery and local VAWG Coordinators who have led the implementation of this work.

**Keir Starmer QC**  
**Director of Public Prosecutions**  
**October 2012**

# Executive Summary

This report is an analysis of the key prosecution issues in each VAWG strand - 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](#).

## Violence against women and girls (VAWG)

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

Since the introduction of the VAWG Assurance system in January 2011, we have seen a 1.5%<sup>1</sup> reduction in VAWG attrition, within which the rape attrition has fallen by 4%. Ten of the 13 Areas improved domestic violence attrition, ten improved rape attrition and seven improved both<sup>2</sup>.

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

- All Area LSIPs have addressed VAWG in 2011-12; some addressed honour-based violence (HBV) cases and others ethnicity issues within VAWG cases;
- A range of VAWG conferences and meetings with victims were held locally;
- VAWG local bulletins were developed;
- Satisfaction surveys with domestic violence victims were organised; and
- Work with women offender programmes addressed previous abuse.

## Domestic violence

- Between 2005-6 and 2011-12 attrition rates have fallen as the proportion of successful outcomes has risen from 60% to 73% over this six year period. This includes a rise of 1.5% over the year since 2010-11;
- Ten Areas improved their prosecution outcomes in the last year;
- The volume of defendants prosecuted decreased over the last year by 3.6% to 79,268; however this needs to be viewed against a fall of 6.5% in the volume of all cases across the CPS;

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<sup>1</sup> In the Executive Summary we have used '%' instead of 'percentage points' for changes in % data for ease of reading – within the text we refer to percentage points (ppt).

<sup>2</sup> All reference to the number of Areas improving their attrition, or prosecution outcomes, in 2011-12 is based on comparison of Q4 2011-12 with Q4 2010-11, based on data from the VAWG Assurance process, unless stated otherwise.

- Most Areas<sup>3</sup> also increased the proportion of cases charged, of those forwarded to the CPS from the police;
- More than two-thirds of Areas<sup>4</sup> also increased their caseload as a percentage of the total Area cases by Q4 2011-12;
- The proportion of guilty pleas rose by 2.5% over the year, to 67.5%; accounting for 92% of all successful outcomes;
- Case studies from a number of CPS Areas illustrate ways that Areas, especially those with the highest performance, have improved prosecution outcomes – local training, good governance structures, Specialist Domestic Violence Courts (SDVCs), taking of Victim Personal Statements, victim surveys, harassment cases and work with women offenders.

## Harassment

- The Ministry of Justice data for 2011 indicated 17,765 restraining orders were issued in the calendar year 2011 on conviction and 1,358 on acquittal<sup>5</sup>;
- Prosecutions were commenced for 9,345 harassment offences in 2011-12; a fall from 10,238 in 2010-11;
- Of these 5,766 (62%) were domestic violence related - a reduction of 7.7% from 6,245 in the previous year;
- However prosecutions commenced for 8,733 breaches of restraining order offences, a rise of 47% from 5,922 in 2010-11;
- 6,365 (73% of all restraining order breaches) were related to domestic violence; a rise of 57% from 4,055 in 2010-11;
- Of the 286 breaches of restraining orders that were made on acquittal, 202 (71%) were in domestic violence cases; more than double those prosecuted in 2010-11;
- 5,323 breaches of non-molestation orders started prosecution, compared with 5,281 in the previous year;
- Training is planned on stalking, following the introduction of new legislation on stalking in 2012-13.

## Rape

- The official national rape statistics from the [Ministry of Justice](#) indicate that in the calendar year of 2011 there were 2,873 defendants, on a principal offence basis<sup>6</sup>, prosecuted for rape at the magistrates' courts, with 2,807 committed to the Crown Court for trial. In 2011 there were 1,153 offenders convicted of rape, resulting in a prosecution to conviction ratio in 2011 of 40% – a rise from 34% from 2010;

<sup>3</sup> 12 Areas increased their Charge to No Further Action ratio.

<sup>4</sup> Nine Areas increased their domestic violence caseload as a percentage of the total Area caseload.

<sup>5</sup> Caveats for this data are provided in the harassment section of the report

<sup>6</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'.

- CPS data on successful rape prosecutions include not only cases initially charged and flagged as rape, but also cases where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the Ministry of Justice (MoJ) data on convictions of cases charged and convicted for rape. The flag is applied from the onset of the case; this flag will remain in place even if the rape charge is subsequently amended. The MoJ data is provided to contextualise the CPS performance data. This is for a calendar, rather than financial, year and only includes cases where the final conviction was for rape.
- Since 2007-08<sup>7</sup>, CPS performance management data has illustrated an increase of 10% in the volume of prosecutions and 19% in the volume of defendants convicted; the volume of defendants prosecuted has fallen slightly over the last year to 3,864;
- However, in 2011-12, most Areas<sup>8</sup> increased the proportion of cases charged by CPS following referral from the police;
- More than half of the Areas<sup>9</sup> also increased their caseload as a proportion of all indictable only offences;
- CPS successful outcomes<sup>10</sup> rose by 4% in the last year to 62.5% - the highest recorded CPS conviction rate for rape since recording began;
- Ten Areas improved their attrition in the last year, three by over 10%;
- Guilty pleas increased even more - by 4.2% - from 35.7% in 2010-11 to 39.9% in 2011-12. Of all successful outcomes, 64% were due to guilty pleas, an increase of 3% from 61% in the previous year;
- Unsuccessful outcomes due to victim issues fell from 13.9% to 12% in 2011-12;
- A sample of approximately 25% of rape cases in each Area were assessed in more detail as part of the VAWG Assurance system bi-annually identifying local good practice and improvements;
- By February 2012, 849 rape specialist prosecutors were trained in the merits-based approach to deal with rape prosecutions;
- Guidance on charging perverting the course of justice in cases involving complainants in rape and/or domestic violence cases was published in July 2011; all potential cases were referred to the DPP for decisions for one year;
- A number of case studies are provided illustrating improvements in rape prosecutions through the merits-based approach; the introduction of Rape and Serious Sexual Offences (RASSO) Units; victim confidence; youth cases; multi-agency training and local support for victims through Independent Sexual Violence Advisers (ISVAs).

## Sexual offences (excluding rape)

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

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

<sup>8</sup> 10 Areas increased their Charge to No Further Action ratio

<sup>9</sup> Eight Areas increased their rape caseload as a percentage of all indictable only offences

<sup>10</sup> Outcomes from charge to conviction.

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

- In 2011-12, 42 defendants<sup>11</sup> were prosecuted for forced marriage related offences; with 55% successful, a rise of 6% from 2010-11;
- 172 defendants were prosecuted for honour-based violence (HBV) related offences, with 50% convicted, a fall of 2% from last year;
- Development of training materials is planned for 2012-13, in line with new forced marriage legislation;
- 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 developing protocols with Local Safeguarding Boards;
- The CPS Guidance on Female Genital Mutilation was published in September 2011.

## Child abuse

- In 2011-12 there was a fall in the volume of child abuse homicide offence prosecutions<sup>12</sup>, from 27 to 17, with over 88% successful outcomes;
- There was a fall in the volume of offences against the person (from 2,953 to 2,569) and sexual offence prosecutions (from 4,794 to 4,655);
- The successful outcomes for offences against the person slightly fell from 74% to 71.4%, with a slight rise for sexual offence successful outcomes from 74.1% to 75.8%;
- The CPS is working across the criminal justice system, and government, with the Child Sexual Exploitation and On Line Protection Centre (CEOP) and voluntary groups to address child abuse and child sexual exploitation prosecutions;
- Case studies from Areas illustrate prosecution of grooming and gang cases.

## Human trafficking and prostitution

- The CPS now flag and monitor all cases of trafficking<sup>13</sup>, 142 defendants were recorded in 2011-12, a rise from 103 in 2010-11;
- Policy and legal guidance on exploitation of prostitution was published in June 2011;
- Case studies include examples of specialist ISVAs supporting sex workers and work across trafficking, prostitution and child sexual exploitation.

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<sup>11</sup> Defendants in forced marriage and honour based violence cases are flagged to enable assessment of outcomes. 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.

<sup>12</sup> See glossary for definitions.

<sup>13</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.

## Pornography

- In 2011-12 there was a slight fall in the prosecution of child abuse images from 21,415 to 19,663, including prosecutions commenced for 15,599 offences of sexual exploitation of children through photographs; but a rise in prosecutions of possession of a prohibited image of a child from 21 to 179;
- There was a rise in obscenity offences prosecuted from 5,415 to 5,801 related to the use of technology and the internet;
- Training is planned on cyber-stalking to address the rise in these cases;
- Case studies illustrate prosecutions of sexual exploitation of children through photographs, international cases and cyber-crimes.

# Introduction

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

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 2011-12 have been highlighted within each section and may differ according to strands. The CPS collects data<sup>14</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>15</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 are still under further development.

## Cross-government plans

In March 2011 the government prioritised work on VAWG through the publication of a cross government VAWG action plan, including CPS plans for 2011-12. The implementation of these actions are overseen by the VAWG Inter-Ministerial Group.

## VAWG within the CPS

The CPS VAWG strategy 2008-11 ended in 2010-11 and was replaced by a mainstreamed approach, typified by greater Area ownership and accountability. A separate report was published in July 2012 that reviewed the impact of the strategy. In line with our new mainstreamed approach. VAWG work continued to be a priority within CPS Area business plans.

At a national level the VAWG External Consultation Group (ECG), involving key VAWG expert groups, continued to advise the CPS VAWG team as a subgroup of the wider Community Accountability Forum.

The Equality and Diversity Unit (EDU) continued to hold overall responsibility for the VAWG agenda within the CPS and the CPS Strategy and Policy Directorate support

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<sup>14</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>15</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 VAWG agenda through the provision of identifiable policy leads for domestic violence, rape, forced marriage, FGM and honour based violence, trafficking, prostitution, child abuse and high tech crimes.

## VAWG performance

In 2011-12 CPS Areas continued to monitor their performance using the VAWG validation measure that assessed unsuccessful outcomes for domestic violence, sexual offences and rape, as well as volume of prosecutions. January 2011 saw the introduction of a specific qualitative VAWG Assurance system through which Areas provide an assurance of their overall VAWG performance, including detailed assessment of domestic violence, rape and sexual offence prosecutions, on a six monthly basis to the Director of Public Prosecutions (DPP). Areas receive feedback on their assurance reports from the VAWG team and the DPP and are required to 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 Core Quality Standard Monitoring (CQSM) and rape case assurance are reported in the rape section of this report.

In 2011-12, 91,466 defendants were prosecuted for VAWG offences - this represents a slight fall of 4% in the volume of VAWG cases<sup>16</sup> prosecuted, compared with the previous year. There was also a slight fall of 2% in the volume of successful prosecutions with 66,860 defendants convicted. However, these falls should be viewed against the fall in volume across all CPS cases prosecuted of 6.5%. In addition, Areas charged more of the VAWG cases referred to them by the Police<sup>17</sup> and there was a slight increase in VAWG case-load<sup>18</sup>.

The proportion of successful prosecutions rose to 73%, delivering the lowest recorded attrition rates ever. Ten of the 13 Areas improved domestic violence attrition and ten improved rape attrition (of which seven improved both)<sup>19</sup>.

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

As in previous years, the majority (86.7%) of crimes grouped under VAWG for performance management purposes are domestic violence with rape at 4.2% and sexual offences, excluding rape, at 9.1%.

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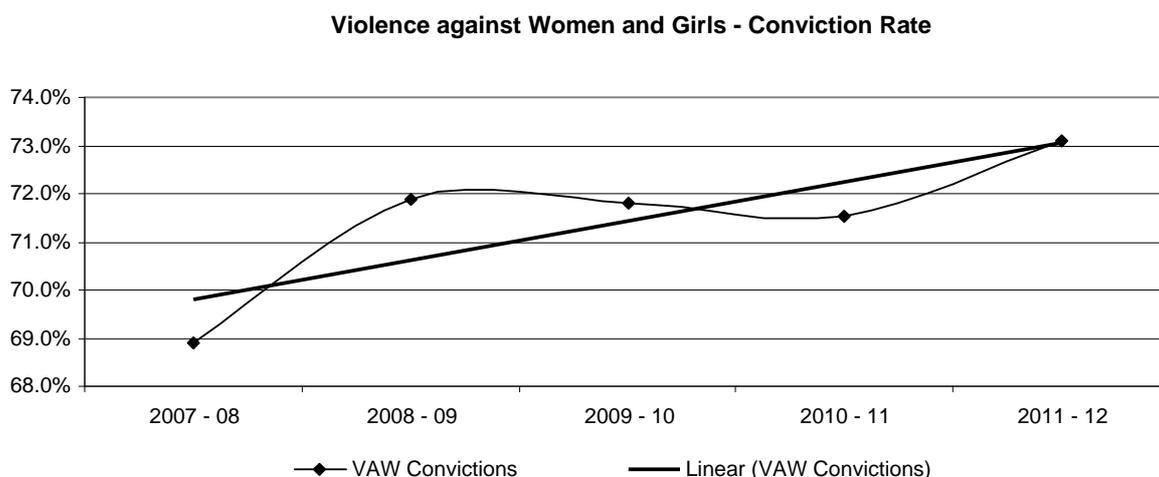
<sup>16</sup> Covering domestic violence, rape and sexual offences, excluding rape.

<sup>17</sup> From VAWG Assurance data, VAWG Charge to No Further Action ratio increased from 2.2 in Q4 2010-11 to 2.6 in Q4 2011-12.

<sup>18</sup> From VAWG Assurance data, VAWG crimes were 10.3% of the total caseload of the CPS in Q4 2011-12 compared to 10.1% Q4 2010-11.

<sup>19</sup> Ten Areas also improved sexual offence attrition (eight improving both rape and sexual offences).

**Graph 1: Conviction rates for Violence against Women and Girls Crimes from 2007-08 to 2011-12.**



## Area performance

The table on page 55 provides VAWG prosecution data by Area. In 2011-12, the high performing Areas in relation to attrition rates across all VAWG crime, i.e. those with the highest number of successful cases were as follows:

**Table 1: All VAWG prosecutions by outcome, highlighting the top three performing CPS Areas against national figures**

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	66,860	73.1%	24,606	26.9%	91,466
East of England	5,110	81.8%	1,134	18.2%	6,244
South West	4,011	76.5%	1,231	23.5%	5,242
Merseyside and Cheshire	2,666	76.4%	823	23.6%	3,489

East of England has consistently improved across domestic violence, rape and sexual offence prosecutions. The Areas prosecuting the highest volume of VAWG cases were North West 13,580 (74.2% successful); London 12,205 (63.1% successful) and Yorkshire and Humberside 8,816 (73.5% successful). North West and Yorkshire and Humberside both have conviction rates higher than the national average of 73.1%.

## **VAWG good practice**

The East of England Regional VAWG Group regularly bring together all police and CPS leads and co-ordinators from the districts to look at performance issues, specific problems, sharing of good practice and presentations on topical issues. Strategic Groups are in place, as are strong links with all Chief Constables, across the Area. Analysis of data identifies trends and is utilised to drive forward improvement. Police and CPS data is shared. A focus on quality, strong inter-agency relationships, and the expertise of caseworkers and lawyers has made the difference to their outcomes in 2011-12 reaching over 80% successful outcomes. Information on failed cases is routinely shared and discussed with a mindset of looking forward.

## **Equalities issues**

### **Gender**

The gender data for 2011-12 was the same as in 2010-11. 94% of VAWG defendants were men. From those with recorded gender<sup>20</sup>, the proportion of women victims was 84%.

### **Ethnicity**

In 2011-12, 79% of VAWG crime defendants<sup>21</sup> were categorised as White, of which 74% were identified as White British (similar to 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>22</sup>. Over half of victim ethnicity was not recorded, so this data is not reported on within this report.

### **Age**

The majority of defendants were aged 25-59 (68%) and 18-24 (25%). It was of concern to note that 29% of defendants (26,236) were under 24 years old, with 3,350 (just under 4%) of defendants being 14-17 years old and 264 (0.3%) aged 10-13. Although the recording of victim age has improved up to 77%, it is still not robust enough to include in this report.

## **National VAWG work**

A range of VAWG issues have been addressed across government during 2011-12. The CPS fed into the consultation on the domestic violence definition, forced marriage legislation and stalking legislation. In spring 2012, the announcements of the introduction of new legislation on stalking and forced marriage were made; implementation of these new laws will be undertaken in 2012-13.

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<sup>20</sup> 86% of victim gender was recorded in 2011-12.

<sup>21</sup> Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories.

<sup>22</sup> 2.5% of defendants did not state an ethnicity on arrest and just over 4% of defendants' ethnicity was not provided to the CPS by the police.

There have been some big changes in the work on VAWG prosecutions during 2011-12 including the impact of the mainstreaming of the three year VAWG strategy (2008-2011). There is a better understanding of the links between different types of VAWG crimes. Some examples are included in the body of the report – grooming cases were identified and prosecuted successfully, addressing the aspects of child abuse, paedophilia, child prostitution, internal trafficking and rape; work with gangs has addressed the rape and sexual abuse of girl gang members; forced marriage cases were prosecuted more successfully and we have further developed our work on stalking, including cyber-stalking. Prosecutors are moving with the times and recognise the importance of addressing cyber-crimes, which for VAWG crimes include the abuse of women and girls through social network sites and the internet.

Some of the most complex issues have been addressed as the VAWG strategy has embedded – such as the prosecution of cases involving the rape or sexual assault of sex workers or vulnerable victims; domestic violence involving young victims and the manifestation of VAWG across different communities.

## Legal guidance

In 2011-12 all legal guidance on VAWG strands was refreshed to ensure inclusion of the latest information, especially in relation to legislation.

## Victim issues

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

### **Clarifying Our Service and Guidance**

This year the CPS has continued to progress the review of our commitments to victims and witnesses. A pilot was carried out to focus on the support of Witness Care Units (WCUs) to victims and witnesses with the greatest need, including VAWG victims. There are plans to roll out the scheme nationally by April 2013.

A document is being finalised which sets out the service victims and witnesses can expect from the CPS. Guidance to prosecutors on victim and witness issues has also been improved. Both of these documents will be published during 2012.

### **Special Measures**

The CPS Strategy and Policy Directorate undertook a research project into the use of special measures. The report findings will be disseminated in summer 2012 and consideration of any implementation of recommendations will be made.

### **Addressing the Needs of Young Victims and Witnesses**

In February 2012 Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) and Her Majesty's Inspectorate of Constabulary (HMIC) published their '*Joint Inspection Report on the Experience of Young Victims and Witnesses in the Criminal Justice System*' (the 2012 report). Consideration is being given to the action required to address the highlighted issues.

### **Services to bereaved families**

In December 2011 the scope of the '*Homicide Cases – CPS Service to Bereaved Families*', policy was extended to include cases involving a death heard in the magistrates' court, cases where there has been an acquittal, qualifying cases to the Court of Appeal and 'double jeopardy' cases. Bereaved families are offered meetings with the prosecutor at important stages of the prosecution to explain progress.

### **Developing International Standards**

The CPS is currently working with the Ministry of Justice, Home Office, Attorney General's Office, Ministry of Defence and HM Treasury, to agree proposals for a European Union (EU) Directive which will provide victims of crime with minimum standards on their rights, support and protection within the EU.

It is anticipated that the Directive will be agreed during 2012-2013 and is likely to come into effect in 2014.

### **Area VAWG work**

In 2011-12 Area VAWG Coordinators led the delivery of VAWG prosecutions locally and worked with Area Equality and Diversity Community Engagement Managers (EDCEMs) in the running of Local Scrutiny and Engagement Panels (LSIPs). All Areas have panels covering VAWG issues – predominantly addressing domestic violence and rape prosecutions – but some also focus on honour-based violence or VAWG ethnicity issues.

### **Good practice**

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

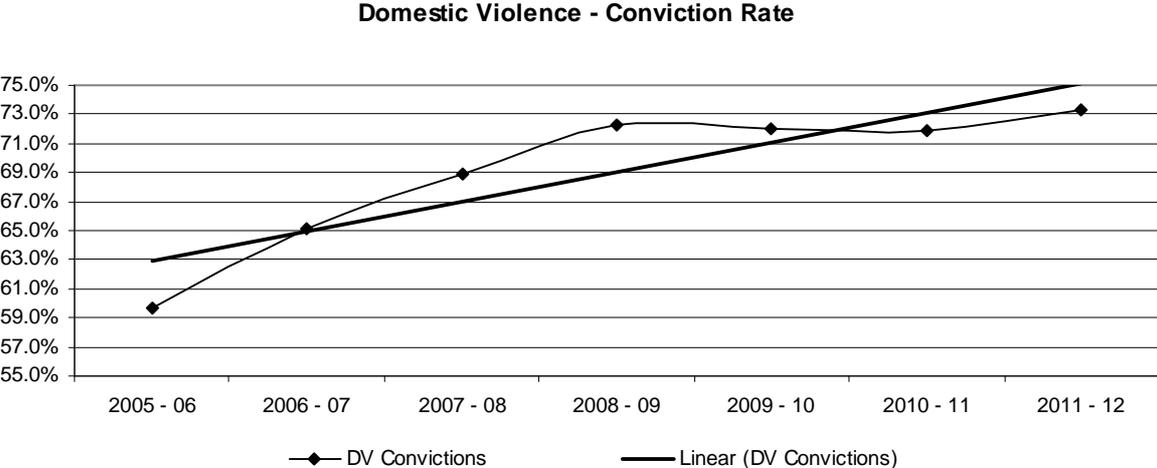
- East Midlands LSIP specifically scrutinised honour-based violence (HBV) cases; South West scrutinised ethnicity issues within VAWG cases;
- A range of VAWG conferences have been held locally including a domestic violence conference for hard to reach communities in East Midlands, an event on Gangs and Girls in London; conferences on forced marriage and honour-based violence in North West and South West; DV talks in schools in Wales; HBV workshops for students and local groups in Thames & Chiltern;
- Development of VAWG local bulletins, as in the North East;
- Satisfaction surveys with domestic violence victims in South West and Yorkshire and Humberside;
- Meetings with victims to improve awareness of prosecutors – North East prosecutors met with sex workers following local cases of abuse; North West prosecutors met with BME victims and victims of forced marriage and honour-based violence; South East prosecutors met with a panel of rape survivors;
- Work with women offender programmes addressing previous abuse, as in Merseyside and Cheshire and South West.

# Domestic violence

In 2011-12, the overall pattern of domestic violence prosecutions indicated that a higher proportion of cases were charged, prosecuted and convicted, with fewer cases discontinued and more defendants pleading guilty.

Graph 2 illustrates the upward trend over the past seven years, with an increase in 2011-12, following a plateau from 2008-09 to 2010-11.

**Graph 2: Domestic violence conviction rates 2005-06 to 2011-12**



In 2011-12 over 95,000 cases were forwarded to the CPS by the police for charging decisions.<sup>23</sup> Of these 65.6% were charged which is a higher proportion compared with the previous year (63.2%).

In this period, offences against the person were the most frequently prosecuted offences, representing 68% of domestic violence crimes. Criminal damage and public order accounted for a further 13% and 6% respectively, similar to 2010-11<sup>24</sup>.

As shown below in Table 2, the volume of defendants prosecuted decreased over the last year by 4% to 79,268, however this needs to be viewed against a fall of 6.5% in the volume of all cases prosecuted by the CPS<sup>25</sup>. Nine Areas increased their caseload by quarter 4, 2011-12, as a proportion of all Area cases. The volume of successful prosecutions, from charge to conviction, fell by less than 2% to 58,138.

The proportion of successful outcomes increased to 73.3%, an increase of 1.4 percentage point (ppt) from the previous year. The proportion of guilty pleas rose by 2.5ppt over the year to 67.5%, conviction after trial was 5.6%<sup>26</sup>.

<sup>23</sup> Note the charging numbers covers those cases, by defendant, forwarded to CPS during 2011-12 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, finalised during 2011-12.

<sup>24</sup> See Glossary for CPS definitions of 'principal offence' and the different categories.

<sup>25</sup> Prosecutions in magistrates' courts fell by 6.3% and in the Crown Court by 7.7%, overall by 6.5%.

<sup>26</sup> Conviction after trial is only 5.6% of the 73.3% successful outcomes, as the level of guilty pleas is so high at 67.5%.

Guilty pleas accounted for 92% of all successful outcomes, generating operational and efficiency savings as well as benefits for victims who do not have to attend court to give evidence.

**Table 2: Completed domestic violence prosecutions by outcome**

	2006 - 07		2007 - 08		2008 - 09		2009 - 10		2010 - 11		2011 - 12	
	Volume	%										
Convictions	37,383	65.2%	43,977	68.9%	48,465	72.2%	53,347	72.0%	59,101	71.9%	58,138	73.3%
Unsuccessful	19,978	34.8%	19,842	31.1%	18,629	27.8%	20,766	28.0%	23,086	28.1%	21,130	26.7%
<b>Total</b>	<b>57,361</b>		<b>63,819</b>		<b>67,094</b>		<b>74,113</b>		<b>82,187</b>		<b>79,268</b>	

## Area performance

The table on page 56 provides domestic violence prosecution data by Area. In 2011-12, the high performing Areas in relation to domestic violence attrition rates, i.e. the highest proportion of successful cases were as follows:

**Table 3: Domestic violence prosecutions by outcome, highlighting the top three performing CPS Areas against national figures**

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	58,138	73.3%	21,130	26.7%	79,268
East of England	4,551	82.7%	952	17.3%	5,503
Merseyside and Cheshire	2,346	77.1%	698	22.9%	3,044
South East	3,007	77.0%	896	23.0%	3,903

All three Areas have improved from 2010-11. Within East of England Suffolk has a successful prosecution rate of 87.3% and Essex to 84%. In total, ten Areas improved their prosecution outcomes over the last year.

The Areas prosecuting the highest volume of DV cases were North West with 12,247 (74.2% successful); London with 10,095 (62.7% successful – a rise of 4ppt from 2010-11) and Yorkshire and Humberside with 7,701 (73.6% successful).

### Area good practice

The structural changes, by one of the police forces in East of England Area, of moving to a dedicated DV team of officers have been a positive development. The reluctance of some victims of domestic violence to attend trial led to a training programme on key steps to be taken by prosecutors to tackle this issue and has assisted them in reducing attrition. Training material has been widely disseminated locally to ensure standardisation of approach.

## **Role of Area coordinator**

Merseyside and Cheshire appointed a dedicated Domestic Abuse Co-ordinator (DAC) role, as well as a VAWG Coordinator, with 40% of the DAC's time ring-fenced specifically to help improve prosecutions. The DAC has facilitated dip sampling of adverse outcomes, reinvigorated the SDVC process, created and maintained links with key partners, scrutinised VAWG cases with the Area LSIP, and provided regular guidance to ensure consistent decision making. The Area has also ensured that the dedicated team of DV specialists have been covering the maximum possible number of cases, meeting regularly to share best practice, and received relevant training.

## **Equalities issues**

### **Gender**

In 2011-12, as in the previous year, the majority of defendants were men, at 93%. The recording of victim gender improved up to 87% in 2011-12. From those with recorded gender, the proportion of women victims remained as in 2010-11, at 84%.

### **Ethnicity**

In 2011-12, just over 80% of domestic violence defendants were categorised as White (as in the previous year), with 76% being identified as belonging to the White British category. 6% of defendants were identified as Black and a further 5% were identified as Asian, as in the previous two years<sup>27</sup>. Although victim ethnicity recording has improved, just over half are still not recorded and therefore the data is not included in this report.

Guidance was provided for Areas on prosecuting cases involving Black and Minority Ethnic (BME) defendants and victims, outlining ways to work with local communities – especially through LSIPs, WCUs and SDVCs - to raise issues specific to the communities as well address local specialised support for BME victims.

### **Age**

The majority of defendants were aged 25-59 (69%) and 18-24 (26%). It was of concern to note that just under 30% of defendants (23,209) were under 24, with 2,643 (just over 3%) of defendants being 14-17 years old and 148 (0.2%) aged 10-13. Recording of victim age has improved up to 78%, but is not robust enough to include in this report.

The cross government VAWG teenage abuse campaign was undertaken in September 2011. Findings from the British Crime Survey in 2009-10 indicated that the 16-19 age range were at the highest risk of experiencing domestic abuse: 12.7% of 16-19 year old women compared to an overall percentage of 7.5%, and 6.2% of 16-19 year old men compared to overall percentage of 4.2%.

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<sup>27</sup> Just over 2% of defendants did not state an ethnicity on arrest and just under 4% of defendants' ethnicity was not provided to the CPS by the police.

Last year the EDU undertook a review of 65 prosecutions involving a young offender and/or a young victim<sup>28</sup>. Most related to familial violence both physical and sexual, but 26% (17) were partner or ex-partner abuse. Qualitative assessment of those seventeen prosecutions found that most defendants were male, average age of 16 years, and that the victims had an average age of 15 years.

In Spring 2012, a data integrity check was made of a sample of cases (offences against the person, sexual offences and homicides) to check whether flags were being applied appropriately in cases involving young defendants. In addition a sample of teenage relationship abuse and/or child sexual exploitation prosecutions will be scrutinised through a National Scrutiny Panel in summer 2012 to identify prosecution issues related to teenage abuse. This research will be completed during 2012-13.

## Cross-government issues

During 2011-12 the Home Office carried out a consultation on the definition of domestic violence, considering the inclusion of Under 18's and whether the pattern of coercive control should be included. The CPS already includes cases of Under 18's, as both perpetrators and victims and recognises within our DV training the pattern of coercion, power and control. Implementation of any changes in definition will be take place in 2012-13.

## Training

All prosecutors who had not already completed the earlier face-to-face domestic violence training were required to complete an e-learning programme by the end of 2011-12. The e- learning training was also updated to ensure that the most up-to-date information was included.

## Specialist DV courts

During 2011-12, the CPS continued to be part of a cross-government National Steering Group with the Home Office and Ministry of Justice overseeing Specialist Domestic Violence Courts (SDVCs). In 2011 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). In response to the planned closures of some magistrates' courts from April 2011, the National SDVC Steering Group developed guidance for SDVCs to ensure the transfer of specialist services to the new court arrangements and oversaw the first tranche of transfers during 2011-12.

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<sup>28</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.

## **SDVC – confidence of victims**

One SDVC in Merseyside and Cheshire involves strong multi-agency working. All parties recently worked together on a case of domestic abuse where the victim had been assaulted by her husband. She wrote praising the efforts of the Police, Witness Care Unit, her IDVA and the lawyer who dealt with her case at Court:

*“We have had some extremely difficult days but with everyone’s help our lives have changed for the better. I myself, feel much safer and happier and so do my children, I never thought this day would come but it has and for that – thank you.*

*Once again I am so grateful for your hard work. All I wanted was to be believed and for someone to tell my husband what he was doing was wrong and for justice to be carried out.”*

## **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 7,300 domestic violence cases failed in 2011-12 because the victim either failed to attend court or retracted their evidence; that equated to approximately 33% of all unsuccessful domestic violence cases as compared to about 10% for all other prosecutions.

Out of *all* cases prosecuted, the proportion that were unsuccessful due to victim issues<sup>29</sup> has fallen to 13.5% after three years of remaining constant at around 14%. Support for victims through the court process is key in reducing retractions and work to improve this is outlined below.

### **Victim non-attendance**

Merseyside and Cheshire faced a challenging case where neither the victim nor the defendant attended the trial. The prosecutor made an application to proceed in the defendant’s absence by using careful editing of statements and the use of the police interview. The court queried both the application to proceed and the reliance on hearsay, but was persuaded by the prosecutor about the current legal position from a readily accessible good practice guide drafted by the DV coordinator. The case was then proved by relying on that hearsay evidence.

In 2011-12 research started in one Area to assess the most effective actions following victim non-engagement or withdrawals. For all cases, over a period of four months, the Area recorded reasons for withdrawal, support for victims, actions including assessment of victim safety, whether other evidence was used and/or summonses

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<sup>29</sup> Unsuccessful cases due to victim retraction; non-attendance or where the victim’s evidence does not support the case.

and outcomes. In addition, IDVAs provided their views through questionnaires and a focus group. The research is due for completion in 2012-13.

## **Victim issues**

A number of local initiatives have been identified as good practice throughout 2011-12. A range of VAWG conferences have been held locally including a domestic violence conference for hard to reach communities in East Midlands. East Midlands also translated DV leaflets into four local languages. Talks in schools and training for health practitioners were organised in Wales. Issues on DV in BME communities were also raised in a number of Areas.

### **Victim personal statements**

In West Midlands a pilot was held in 2011-12 of Independent DV Advisers (IDVAs) writing victim personal statements (VPSs) instead of the police. Attrition rates fell during the pilot, with victims commenting on the support strengthening their resolve to continue with the prosecution. Following the review of the pilot the Area decided to continue with such practice, with all victims and not just those identified as 'high risk'. It is hoped the greater usage of VPSs will enable more requests for restraining orders in cases where there is an acquittal. The Area has also adopted the use of a DV checklist and adopted 'top tips' for prosecutors to ensure the building of strong cases by relying on evidence other than the victim.

In February 2012 a conference was held in the South West (SW) to launch a victim survey of CJS and other sectors. A similar survey has also been carried out in Yorkshire and Humberside (Y&H). In Y&H the victim survey obtained the views of those affected by domestic violence to find out what is needed to increase successful prosecutions and victim satisfaction. This led to the development of a DV leaflet, reminders on summoning policy, VPSs and DCV letters.

### **Victim views**

Following a victim survey, South West Area met with DV victims through a local victim support agency. This allowed CPS to hear direct feedback from a wide range of former victims in a focus group setting. The Area learned about the impact of DCV letters on their understanding of CPS decision making and about the need to work more closely with police colleagues to ensure they also have greater clarity on prosecution decisions.

## Women offenders

A number of Areas developed programmes with local groups for women offenders who had been victims of previous abuse. Within the Conditional Caution scheme<sup>30</sup> a condition has been developed specifically for women offenders. The Women Specific Condition is a rehabilitative condition to attend a women's centre /project for a full "needs assessment", following which women offenders can attend the centre/project on a voluntary basis to engage in a programme to address the underlying needs leading to their offending.

### **Women Specific Conditions (WSC)**

In Merseyside, two dedicated centres offer a wide range of services and support to women offenders who faced previous abuse, as part of their WSC rehabilitative sentence. During 2011/12, 81 women have received a WSC with a success rate of over 80%.

## Restraining orders

In November 2011 we issued further guidance on restraining orders. Section 12 of the Domestic Violence, Crime and Victims Act 2004 amended section 5 of the Protection from Harassment Act 1997, allowing the courts to issue a restraining order upon acquittal.

The Legal Guidance on Restraining Orders was updated to deal with the situation where no evidence is offered. Such cases should be regarded as involving an acquittal and in some circumstances it may then be appropriate to seek a restraining order to safeguard a victim's safety. However, prosecutors were advised to be circumspect about adopting this approach and ensure that it does not become a default position.

The Ministry of Justice data for 2011 indicated a total of 17,765 restraining orders were issued in the calendar year 2011 on conviction and 1,358 on acquittal<sup>31</sup>

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<sup>30</sup> A conditional caution is a caution with compulsory conditions attached which can be administered to low risk, low level and mostly first time offenders.

<sup>31</sup> Data for all restraining orders - including DV; Caveats for this data are provided in the harassment section of the report.

## Domestic violence harassment

The next main section of this report outlines the general data on harassment offences<sup>32</sup>. Here the harassment offences, in which a prosecution started, in domestic violence cases, are outlined.

As in Table 4 below, in 2011-12:

- There were 4,710 offences flagged as domestic violence charged under Section 2 Prevention of Harassment Act (PHA) 1997 - course of conduct amounting to harassment - (compared with 4,822 in 2010-11);
- There were 1,056 offences flagged as domestic violence charged under Section 4 PHA 1997 - putting people in fear of violence - (compared with 1,423 in 2010-11);
- This was a fall of two per cent in S2 PHA 1997 and 26% in S4 PHA 1997 prosecutions; however more breaches of restraining orders were prosecuted;
- 6,365 breaches of restraining orders were related to domestic violence; a rise of 57% from 2010-11;
- Of these, 202 were breaches of restraining orders that were made on acquittal; more than double those prosecuted in 2010-11;
- 4,333 breaches of non-molestation orders started prosecution, compared with 4,262 in the previous year.

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<sup>32</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.

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

		2011-2012				
		Flagged as domestic violence		All other harassment offences		TOTAL
Family Law Act 1996 { 42A(1) and (5) }	Breach a non-molestation order - Family Law Act 1996	4,333	81.4%	990	18.6%	<b>5,323</b>
Protection from Harassment Act 1997 { 2(1) and (2) }	Harassment without violence	4,710	61.1%	3,003	38.9%	<b>7,713</b>
Protection from Harassment Act 1997 { 4(1) and (4) }	Harassment - put in fear of violence	1,056	64.7%	576	35.3%	<b>1,632</b>
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order on conviction	6,163	73.0%	2,284	27.0%	<b>8,447</b>
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order after acquittal	202	70.6%	84	29.4%	<b>286</b>

		2010-2011				
		Flagged as domestic violence		All other harassment offences		TOTAL
Family Law Act 1996 { 42A(1) and (5) }	Breach a non-molestation order - Family Law Act 1996	4,262	80.7%	1,019	19.3%	<b>5,281</b>
Protection from Harassment Act 1997 { 2(1) and (2) }	Harassment without violence	4,822	60.0%	3,217	40.0%	<b>8,039</b>
Protection from Harassment Act 1997 { 4(1) and (4) }	Harassment - put in fear of violence	1,423	64.7%	776	35.3%	<b>2,199</b>
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order on conviction	3,962	68.7%	1,806	31.3%	<b>5,768</b>
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order after acquittal	93	60.4%	61	39.6%	<b>154</b>

Although there was a fall in specific harassment prosecutions (of 2% for Section 2 and 26% for Section 4); there was a doubling of prosecutions of breaches of restraining orders. This could possibly reflect re-offending by the same perpetrators, who are now being prosecuted for breaches of their restraining orders as opposed to a further offence under the PHA 1997, on the basis that courts take a serious view of breaches of court orders.

In 2012 new legislation on stalking was announced, as outlined in the next section on Harassment. Once implemented the CPS will monitor the impact on stalking and harassment, especially in VAWG cases.

### **Harassment – cultural issues**

An Asian victim was harassed by her ex-husband (the defendant) following the break-down of their marriage. The defendant humiliated her within her community and called her a prostitute in the street, which she said had caused 'disgrace' to her family. The victim was supported by Witness Service and gave evidence that resulted in the defendant's conviction.

Some cases of sexual abuse occur in domestic violence situations. Details of rape and sexual offences are included in the rape and sexual offence sections, but one case illustrating the overlap of issues is detailed below.

### **Domestic violence rape**

The victim was currently going through a divorce from the defendant. She came back to the marital home to take the dog out for a walk and unexpectedly found the defendant at home. There was a verbal argument between them which became physical as the defendant tried to prevent her leaving. The defendant threatened her with a meat cleaver before raping her. The defence case was that there had been a physical confrontation between them, started by the victim, but that they made up and ended up having consensual sex upstairs. Following advice from CPS the police strengthened the victim's evidence by obtaining photographs of the injuries to the victim's arms as well as a full statement from the Forensic Medical Examiner documenting all marks and injuries to the victim. The defendant was convicted and sentenced to four years' imprisonment.

# Harassment

In 2011-12<sup>33</sup>:

- A prosecution commenced in respect of 7,713 offences charged under S2 PHA 1997 for harassment – a fall of four per cent from 8,039 in 2010-11;
- 1,632 prosecutions were commenced under S4 PHA 1997 – putting people in fear of violence – a fall of 26% from 2,199 in 2010-11;
- However 8,733 breaches of restraining order offences started prosecution, a rise from 5,922 (47%) from 2010-11; and
- Of these, 286 were breaches of restraining orders that were made on acquittal, a rise of 86% from 2010-11;
- 5,323 breaches of non-molestations orders started prosecution, compared with 5,281 in the previous year.

The previous domestic violence section provides a table of harassment offences and outlines specific DV-related harassment prosecutions.

The Ministry of Justice data for 2011 indicated 17,765 restraining orders were issued in 2011 on conviction and 1,358 on acquittal. During 2011, there were 5,039 breaches of restraining orders that had been imposed on conviction, with 4,376 convicted<sup>34</sup>. The MoJ data covers a calendar year and also relate to cases prosecuted where restraining orders were the principal offences prosecuted, compared with CPS data based on a financial year which includes *all* offences *starting* a prosecution, not just those where a restraining order is a principal offence.

The CPS have provided harassment guidance to the police to assist them to better understand existing legislation and common law which may be applicable to cases of harassment.

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<sup>33</sup> Offences recorded in the CPS Management Information System Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation. Data relates to the number of offences recorded in magistrates' courts, in which a prosecution commenced, as recorded in the CMS database. Offences data are not held by defendant or outcome. Offences recorded in the Offences Universe of the MIS are those which were charged at any time and reached at least one hearing. This offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcome or if the offence charged was the substantive offence at finalisation.

<sup>34</sup> The number of defendants found guilty in a particular year may exceed the number proceeded against as the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against. The figures given on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

## Legislation

The Home Office published Consultation on Stalking and Harassment, following concerns from a number of groups who took the view that the Protection of Harassment Act 1997 (PHA) does not sufficiently cover stalking offences and offers little protection to victims. The CPS submitted a detailed response to the Home Office Consultation.

As a result of the Consultation, two new offences of stalking and stalking where there is a fear of violence have been created. The existing offences of harassment in the PHA 1997 will remain. Guidance on the new offences will be provided in 2012-13.

### Stalking

In London, an investment banker was convicted of harassing his ex-lover after a long string of incidents. He had hacked into her email, trespassed in her apartment using an old key, and falsely claimed his sister had died in an effort to get her attention. At one point he sent her 176 text messages within 24 hours. Although sentenced to a conditional discharge, he now faces a serious penalty if the harassment continues.

## Training

Recognising the rise in cyber-crimes, a new e-learning cyber stalking module was developed which deals with cyber-stalking and harassment, section 127 of the Communications Act 2003; section 1 of the Malicious Communications Act 1998 and the offence of grooming. We are now considering other training materials for the new offences of stalking and are likely to build on the cyber stalking e-learning material. Further, in line with the commitment given by the government on training for the police and the CPS on stalking, the ACPO/Home Office/CPS working group will be considering ways to develop this broader training.

### Breach of restraining order

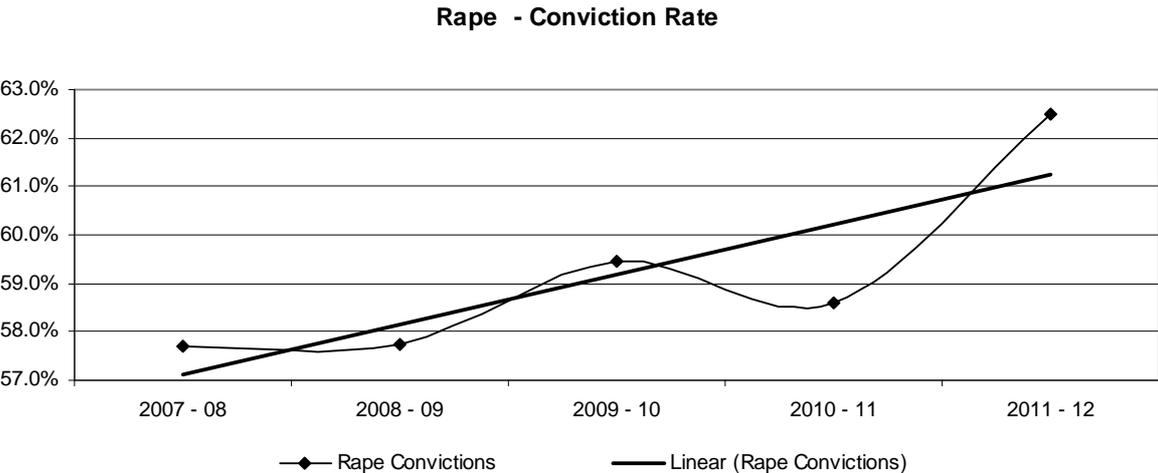
A 16 year old defendant harassed his ex-girlfriend of the same age, following the ending of the relationship and was given a restraining order. However two days after the order the complainant received abusive Face-book messages with threats to kill her and others connected to her. Whilst the messages did not come from the defendant's account, evidence linked the messages to his computer and bad character evidence was used to indicate similar language was used in the prior harassment. The defendant was sentenced to a Youth Rehabilitation Order for 24 months with a supervision requirement, a curfew, and specified activity. The Court also extended the length of time for which the restraint order was to run for two more years.

# Rape

The CPS continues to take rape seriously and to recognise that prosecuting rape is challenging. From CPS case management data, the overall pattern of rape prosecutions is that of the CPS charging a greater proportion of cases, discontinuing fewer cases, achieving more guilty pleas and fewer cases failing for reasons other than jury acquittal.

Graph 3 illustrates the upward trend of CPS rape convictions over the past four years.

**Graph 3: Rape conviction rates 2007-08 to 2011-12**



In 2011-12, the proportion of rape cases successfully prosecuted increased. CPS data on successful rape prosecutions include not only cases initially charged and flagged as rape, but also cases where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the Ministry of Justice (MoJ) data on convictions of cases charged and convicted for rape only. The flag is applied from the onset of the case; this flag will remain in place even if the rape charge is subsequently amended. The MoJ data is provided 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 the calendar year of 2011 there were 2,873 defendants, on a principal offence basis<sup>35</sup>, prosecuted for rape at the magistrates' courts, with 2,807 committed to the Crown Court for trial. In 2011 there were 1,153 offenders convicted of rape, resulting in a prosecution to conviction ratio in 2011 of 40%; a rise from 34% in 2010. This ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another offence.

<sup>35</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'.

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

There was a rise in the proportion of cases that were charged of those referred to the CPS by the police for charging decisions. In 2011-12, 42.1% were charged – a rise of 5.4ppt from the previous year<sup>36</sup>. However accuracy of flagging of cases has fluctuated over the year, falling to 93.5% by the end of 2011-12.

From CPS data, 3,627 (97%) of cases initially flagged as rape were finally prosecuted for the principal offence<sup>37</sup> categories of ‘sexual offences, including rape’ or more serious principal offences of ‘homicides’ or ‘offences against the person’. Of these 3,397 were for sexual offences including rape; four for homicide and 226 for offences against the person.

The CPS case management data (table 5) shows, the volume of defendants prosecuted has fallen slightly over the last year by 8% to 3,864, with successful prosecutions<sup>38</sup> falling slightly in volume by 2% to 2,414. However, eight Areas have improved their caseload as a proportion of all indictable only offences.

In 2011-12 there was a 4ppt reduction in rape attrition. The proportion of convictions, out of all cases prosecuted, has risen from 58.6% in 2010-11 to 62.5% in 2011-12. This is the highest recorded conviction rate for rape to date. In the last year fewer cases were discontinued – only 16.2% of all cases, a fall of 2.2ppt.

Guilty pleas increased even more - by 4.2ppt - from 35.7% in 2010-11 to 39.9% in 2011-12. Of all successful outcomes 64% were due to guilty pleas, an increase from 61% in the previous year.

Out of all reasons for unsuccessful outcomes, jury acquittals rose slightly - from just under 48% in 2010-11 to 51% in 2011-12. The rise in jury acquittals continues 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 offence cases.

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<sup>36</sup> Ten Areas increased the proportion of cases charged of those forwarded to CPS by the police for charging decisions.

<sup>37</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>38</sup> Outcomes from charge to conviction.

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

	2007 - 08		2008 - 09		2009 - 10		2010 - 11		2011 - 12	
	Volume	%								
Convictions	2,021	57.7%	2,018	57.7%	2,270	59.4%	2,465	58.6%	2,414	62.5%
Unsuccessful	1,482	42.3%	1,477	42.3%	1,549	40.6%	1,743	41.4%	1,450	37.5%
<b>Total</b>	<b>3,503</b>		<b>3,495</b>		<b>3,819</b>		<b>4,208</b>		<b>3,864</b>	

Of all unsuccessful outcomes, those due to victim issues fell to just under 12% from 14% in the previous year. Nine Areas reduced the proportion of unsuccessful cases due to victim issues. Year on year unsuccessful outcomes due to victim issues have fallen amounting to a fall of six percentage points from 2007-08. This is thought to reflect the improved support for victims over the last few years as unsuccessful outcomes due to retractions have fallen from just under nine per cent in 2007-08 to just over four per cent in 2011-12.

## Area performance

The table on page 57 provides rape prosecution data by Area. In 2011-12, the high performing Areas in relation to rape attrition rates, i.e. the highest proportion of successful cases, were as follows:

**Table 6: All rape prosecutions by outcome highlighting the top three performing CPS Areas against national figures**

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	2,414	62.5%	1,450	37.5%	3,864
East of England	165	69.0%	74	31.0%	239
Wessex	110	68.3%	51	31.7%	161
South West	175	68.1%	82	31.9%	257

Within East of England, Essex achieved 75.3% successful outcomes. Wessex reduced their attrition by 15ppt from the previous year, with Wiltshire reaching 78.9% successful outcomes. In total, ten Areas improved their prosecution outcomes; six Areas by over 6ppt, of which three were over 10ppt. The Areas prosecuting the highest volume of rape cases were London 668 (with 55.4% successful outcomes – a rise of 3.4ppt from 2010-11); North West 459 (with 62.7% successful) and Yorkshire and Humberside 380 (with 66.1% successful – a rise of 2.1ppt from 2010-11). North West and Yorkshire and Humberside both have conviction rates higher than the national average of 62.5%.

## Good practice actions

The East of England focussed on rape attrition by looking at issues in one district. Using the expertise of the wider regional membership to find solutions, and assist in improving the attrition levels. Work is presently in hand on standardising Third Party Sharing of Information Arrangements, and holding joint training events with the police and Children's Services lawyers taking place. The VAWG lead and RASSO trainer in one district runs a regular group looking at VAWG issues attended by the judiciary, the bar, the police and the CPS. Training is accredited, guest speakers are utilised and practical policy and investigative issues are frequently considered. Medics, judges, psychologists and the bar have all contributed. An inter-agency training event was recently attended by the judiciary.

## Qualitative assessment of rape cases

Comparison of the assessments within Core Quality Standards Monitoring 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 April 2011- March 2012 16,894 CPS cases were assessed overall of which 1,104 were rape cases (6.5% of all assessed cases). Rape prosecutions were assessed as better than average for 'ensuring everything possible was carried out to prevent unsuccessful outcomes'. They were also slightly better in timely disclosure and timely Direct Communication with Victim (DCV) letters however, the standard of communication was lower than that for all cases, which will be addressed through VAWG assurance. Some other findings required improvements, e.g. 'ensuring sufficient instructions to advocates' and 'assisting the court'. These findings will be used at Area level to inform what improvements can be made in the quality of prosecutions.

Since January 2011, Areas have provided a more detailed qualitative assurance of approximately a quarter of their rape cases every six months. In April 2012 VAWG coordinators provided the third assessment of cases to the Chief Operating Officer and DPP to help identify issues in every Area where they will focus future improvements. Their assessments indicated improvements over the year in the allocation of cases to rape specialists; fewer incidents of no further action being taken and improvements in instructions to counsel. However a number of Areas recognised that further work was needed to improve early consultation with the police; conference with and post-case reports from counsel; victim issues such as special measures and the consideration of witness interviews before trial.

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<sup>39</sup> A weighted score is calculated for the level of commitments being met; for all cases the score is 0.87 for rape cases 0.86.

## **Third Party Protocols**

CPS Wessex have in place Third Party Protocols with local authorities in Hampshire and Wiltshire and are currently working towards agreeing one with Dorset Local Authorities. These have been a key tool in ensuring that social services records are reviewed by an investigating officer and relevant material is provided to us prior to charging decisions being made in cases which are suitable for bail. This has allowed prosecutors to make informed charging decisions and reduce the number of cases which have had to subsequently be stopped due to late revelation of undermining third party material.

## **Equalities issues**

### **Gender**

In 2011-12, as in the previous year, the majority of defendants were men, at 98%. The recording of victim gender improved up to 75% in 2011-12, but is not robust enough to include in this report.

### **Ethnicity**

In 2011-12, just under 69% of rape crime defendants were categorised as White, of which 63% were identified as belonging to the White British category (three ppt higher than the previous year). 7% of defendants were identified as Asian – a fall of 1ppt from 2010-11, and a further 10% were identified as Black – a fall of 3ppt<sup>40</sup>. Although recording of victim ethnicity has slightly improved in the last year, just under 70% of victim ethnicity is still not recorded, therefore the data is not included in this report.

### **Age**

The majority of defendants were aged 25-59 (60%) and 18-24 (21%). It was of concern to note that nearly a third of defendants (1,172) were under 24, with 312 (just over 8%) of defendants being 14-17 years old and 37 (just under 1%) aged 10-13. Recording of victim age has improved up to 68%, but is not robust enough to include in this report.

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<sup>40</sup> Just over 4% of defendants did not state an ethnicity on arrest and just over 7% of defendants' ethnicity was not provided to the CPS by the police – a rise from 5% in the previous year

## **Youth rape case**

An under 18 defendant was charged initially with the rape of a young woman over the age of 16 years. During the course of that investigation the police had concerns that the defendant was also having sex with girls under the age of 16 and spoke to a number of girls connected to him. This led to discovering 2 girls who alleged that they had been raped by the defendant. The defendant was initially charged and remanded in custody for the rape of the young woman over 16. A successful 'joinder' application was made to include the under 16s. A joint trial resulted in the defendant being acquitted of the rape of young woman and a hung jury (no decision) in relation to the offences against the two under 16s. After consultation with the victims (one of whom was at first reluctant to proceed again) the Crown determined that a re-trial was appropriate. The case went to re-trial later in 2011 and the jury unanimously convicted the defendant of the raping of both girls. He was sentenced to 6 years' imprisonment.

## **Cross-government work on rape**

The CPS is part of the cross-government work on rape, governed through the Home Office Sexual Violence Forum (SV Forum) and the Rape Monitoring Group. The SV Forum met with voluntary sector groups as well as government departments and held two sub groups – one on male victims and one on young people. The forum also addressed funding of rape victim services, local rape centres, ISVAs and new funding of 13 'Young People's Advocates'. The CPS also fed into the development of an e-learning package on rape.

## **National CPS issues**

The CPS Rape Manual underwent revision and updating in 2011-12 and can now be found on the CPS website under the heading Rape and Sexual Offences Legal Guidance.

The CPS has recently developed new legal guidance on Rape Counts linked to Murder left to lie on file. The guidance sets out the factors prosecutors should consider when deciding whether to charge, or continue with a prosecution for rape, when the suspect is also prosecuted for murder of the same victim.

In October 2011 the DPP spoke at the Service Prosecution Authority conference which addressed the investigation and prosecution of rape and sexual offences. He outlined the way the CPS has improved the quality of prosecutions; and its communication with and treatment of victims.

## **In-house double jeopardy success**

A team of CPS in-house lawyers successfully prosecuted a historical rape case involving a rape that took place in 1986. The defendant was acquitted at his first trial in 1988. The discovery of new DNA evidence (not available at the time of the first trial) allowed CPS to make a successful application under the “double jeopardy” provisions.

In-house prosecutors applied to the Court of Appeal (for the Double Jeopardy application) and in the Crown Court (for the plea). The defendant pleaded guilty in March 2012.

*The victim said: ‘Without the cold case team and the change in law I would never have achieved closure – although I still can’t believe it. At long last he has lost the power over my life. I only hope that his conviction highlights the importance of this work and encourages other women to...come forward. My case was dealt with sympathetically and with care, so much better than 25 years ago when it was almost brushed under the carpet. Without your support I don’t think I would have been strong enough to go through the ordeal again’.*

In January 2012, Alison Saunders, the Chief Crown Prosecutor for London, delivered a lunchtime speech about rape at London’s City Hall. She urged the audience to challenge myths and stereotypes and to make it easier for sexual assault victims to report offending.

*‘Forging the links: Rape investigation and prosecution, a joint review by HMIC and HMCPSP’*, was published in February 2012. The report includes some positive messages for the CPS noting that: “*Most of the rape charging decisions reviewed were well considered and very detailed*”. The inspection team also: “*found evidence of good analysis of rape cases by the CPS*”. These findings were welcomed by the CPS. To read the report [click here](#).

## **Rape and serious sexual offence units**

Six CPS Areas (half of the Service) now run specialised Rape and Serious Sexual Offence (RASSO) Units or Public Protection Units (PPUs) dealing with rape and serious sexual offences – London, Merseyside and Cheshire, South East, Wessex, West Midlands and Yorkshire and Humberside - five of which improved their attrition rate during the year. The following case illustrates the use of RASSO Units.

## **RASSO reduces attrition**

CPS Wessex extended their RASSO Unit to cover the whole Area in 2011, significantly reducing the time taken from complaint to charging decision, and ensuring earlier trial dates making it easier to keep victims onboard. The Unit is made up of prosecutors who are passionate about their work, and who understand and apply the merits based approach to prosecutions. All advocates both internal and external are carefully selected, and all have completed the joint training that is provided by CPS Wessex and the Western Circuit. Whilst maintaining a high volume of cases, the RASSO Unit reduced attrition by 15% in the last year in rape cases thereby providing justice to a greater number of victims.

## **Trained rape specialist prosecutors and members of the Bar**

By February 2012, a total of 820<sup>41</sup> prosecutors had been trained as rape specialists. In March 2012 to mark International Women's Day the CPS delivered bespoke training over 4 days to 29 more prosecutors on prosecuting rape cases.

In 2011-12 the CPS accredited a number of sexual offence courses run by the Bar for its members, and provided speakers to address CPS policy on prosecuting rape.

## **Conviction without victim or defendant**

An incredibly tragic case involved a victim who died prior to the trial, but whose family wished for the trial to continue. The case involved historical allegations of oral, vaginal and anal rape of the defendant's then wife, between 2004 and 2006. The victim had confided in a friend who reported the matter to the police in 2010. Following pre-charge advice the defendant was charged with five charges of rape. The defendant denied that he had raped his wife and stated that any sexual activity had been with consent.

The defendant absconded and could not be found and tragically the victim died before the trial. The CPS liaised with her family and they were adamant that they wanted the CPS to try and continue with the case. A successful hearsay application was made under Section 116 CJA 2003 to admit the victim's vulnerable witness interview into evidence and to proceed in the absence of the defendant. The trial went ahead in the defendant's absence and he was convicted of three counts of rape. He was sentenced in his absence to a total of 15 years' imprisonment.

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<sup>41</sup> By March 2011, 894 specialists had undergone RASSO training; however due to re-structuring of Areas many prosecutors left. In recognition of this more specialists are now being trained.

## Perverting the course of justice

In July 2011, the CPS introduced new guidance to assist prosecutors considering charging perverting the course of justice in cases involving allegations of rape and/or domestic violence. The guidance, which was informed by a public consultation, emphasised the need for prosecutors to explore the issues behind a complainant's retraction, particularly where they have been put under pressure or were frightened. All such cases were referred to the DPP for his approval before they proceeded to charge for a period of one year.

### **The use of DNA**

An unlicensed minicab driver in London was convicted of raping a teenage girl and sentenced to nine years imprisonment. His DNA profile was added to the DNA database following his arrest for an alleged assault on a former girlfriend. Although no action was taken against him for the assault, his DNA profile was kept on the database and was later used to link him to the rape case. He was convicted following a retrial at Inner London Crown Court in December 2011 (the first trial had ended with a hung jury).

In a different case a victim of a brutal attack used tactics she had learnt from watching the TV show CSI. She hid her own hair and spat on the upholstery of the defendant's car to allow the police to prove she was in the car. The defendant was convicted of six counts of rape, two of kidnap and two of attempting to kidnap and sentenced to an indeterminate sentence (with a minimum of 11 years).

## Victim issues

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

**CPS West Midlands** PPU Unit together with the local VAWG Scrutiny Panel have involved more victim support agencies and developed strong communication with Independent Sexual Violence Advisers (ISVAs) leading to better engagement and support for victims in their cases.

Some Areas are working with local victims to identify ways to improve their prosecutions. For example, prosecutors in the North East Area met with sex workers following some sexual abuse cases and prosecutors in the South East Area held a panel of rape survivors.

### **Victim confidence**

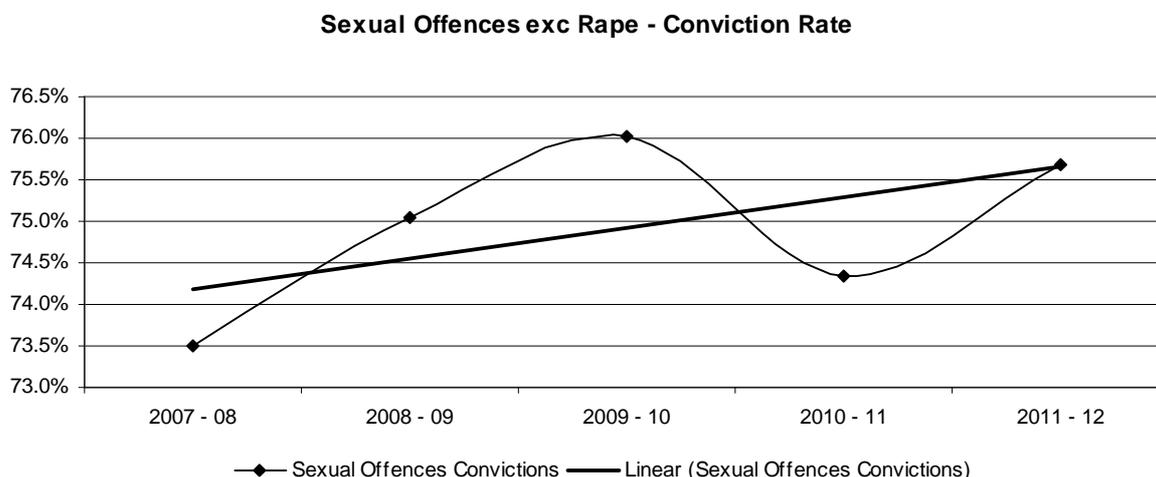
The mother of a child victim of rape and indecent assault contacted all agencies to '*praise the people involved in our case – especially the prosecutors, ISVAs and the police*' following the sentencing of the defendant to over 18 years' imprisonment.

Disclosures were handled sympathetically by trained officers, counsel were involved at early stages, the ISVA supported the victims and communication about special measures. The case-worker was available for the whole case and ensured the victims met the prosecution counsel.

# Sexual offences (excluding rape)

The proportion of successful prosecutions for sexual offences, excluding rape, rose in 2011-12, following a slight fall in the previous year, as illustrated in Graph 4 below.

**Graph 4: Sexual offences (excluding rape) conviction rates 2007-08 to 2011-12**



From CPS data, as in Table 7, the volume of defendants prosecuted has fallen slightly by 6% to 8,334 from 8,862 in 2010-11, with the volume of successful prosecutions<sup>42</sup> also falling slightly by 4% to 6,308<sup>43</sup>. However the proportion of successful outcomes rose to 75.7%, with a rise of nearly 3ppt in guilty pleas to 63% (83% of all successful outcomes).

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

	2007 - 08		2008 - 09		2009 - 10		2010 - 11		2011 - 12	
	Volume	%								
Convictions	5,976	73.5%	5,955	75.1%	6,060	76.0%	6,588	74.3%	6,308	75.7%
Unsuccessful	2,154	26.5%	1,979	24.9%	1,912	24.0%	2,274	25.7%	2,026	24.3%
<b>Total</b>	<b>8,130</b>		<b>7,934</b>		<b>7,972</b>		<b>8,862</b>		<b>8,334</b>	

## Area performance

The table on page 58 provides sexual offence (excluding rape) prosecution data by Area. In 2011-12, the high performing Areas in relation to sexual offences, excluding rape, attrition rates, i.e. the Areas with the highest proportion of successful cases were as follows:

<sup>42</sup> Outcomes from charge to conviction

<sup>43</sup> All CPS prosecutions in magistrates' courts fell by 6.3% and in the Crown Court by 7.7%, overall by 6.5%.

**Table 8: All sexual offence prosecutions, excluding rape crime prosecutions, by outcome - highlighting the top three performing CPS Areas against national figures**

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	6,308	75.7%	2,026	24.3%	8,334
South West	397	80.7%	95	19.3%	492
West Midlands	708	80.4%	173	19.6%	881
North West	703	80.4%	171	19.6%	874

South West and West Midlands reduced their 2010-11 attrition rate by over 2ppt and North West by 5.6ppt. In total, six Areas improved their prosecution outcomes by over 2ppt, of which two were over 5ppt. The Areas prosecuting the highest volume of sexual offences cases were London 1,442 (69.8% successful – a rise of 1.4ppt from 2010-11); North West 874 (80.4% successful – a rise of 5.5ppt) and West Midlands 881 (80.4% successful – a rise of 1.8ppt from 2010-11).

### **Circumstantial evidence conviction**

Following a spate of escalating sexual offending in a 48 hour period - cases of exposure escalating to sexual assault by penetration – the police liaised with the CPS from an early stage. The police located the offender through identification of clothing on CCTV. The CPS worked closely with investigators to analyse all available evidential leads to build what became a strong circumstantial case whilst the defendant was in custody, this included photographing the defendant's distinctive clothing which victims were able to identify, noting that the defendant made similar comments and phrases to all his victims and that written material seized at his home address echoed those comments. The CPS ensured the CCTV demonstrated to the Jury the defendant's gait, clothing, his route to and from home and the crime scene. This linked into his MO and cell site evidence recovered from his phone. The circumstantial evidence was strong and this joined up working allowed all evidential opportunities to be exploited and a strong case built. The defendant was convicted following trial and sentenced to a lengthy custodial sentence with an extended licence period and required to register on the sexual offences register.

## Equalities issues<sup>44</sup>

### **Gender**

In 2011-12, the majority of defendants were men, at 97%, as in 2010-11.

### **Ethnicity**

In 2010-11, 66% of defendants prosecuted for a sexual offence were identified as belonging to the White British category and just under 72% were categorised as White (a slight fall from 2010-11). 8% of defendants were identified as Asian, and 6% were identified as Black, similar figures to the previous year<sup>45</sup>.

### **Age**

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

Similar to rape data, it was of concern to note that nearly a quarter of defendants (1,855) were under 24, with just under 5% of defendants (395) being 14-17 years old and just under 1% (79) aged 10-13.

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<sup>44</sup> Data on victims is extracted from the Witness Management Service but includes no record of the victims of sexual offences other than rape, as the information is compiled only at defendant level.

<sup>45</sup> Just over 5% of defendants did not state an ethnicity on arrest and just over 6% of defendants' 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

Performance is considered under the VAWG assurance regime by Areas and reported to the Chief Operating Officer and remedial action is taken where necessary. There are 90 trained specialist forced marriage (FM) and honour-based violence (HBV) prosecutors.

In 2011-12 there were 42 cases of FM prosecuted, of which 55% were successful, this is an increase of 6ppt from 2010-11. In relation to HBV cases, 172 cases were prosecuted, of which 50% were successful, which is a slight fall from 52% in the previous year<sup>46</sup>.

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

## Area good practice

A number of Areas have illustrated good practice on forced marriage and honour-based violence and some Areas have held local conferences. The North West Area directly consulted FM and HBV victims to address improvements in prosecutions.

### Protocols and awareness

Merseyside and Cheshire worked with a local steering group in the development of a FM/HBV protocol for use in Local Safeguarding Boards, they developed a multi-agency training tool kit and held a conference to launch a DV booklet including awareness issues on FM and HBV. This led to an increase in the number of Forced Marriage Protection Orders and the number of victims approaching local support agencies.

Thames and Chiltern held workshops on forced marriage for students and local voluntary sector groups and included information on the local website.

### CPS support for local authorities

A local authority professional contacted CPS Thames and Chiltern to commend their informative website on forced marriage and honour-based violence. Working with refugees, asylum seekers and all children new to the UK she found the information comprehensive.

<sup>46</sup> The small number of cases indicates the need for caution in interpreting this data.

## Forced marriage legislation

The CPS submitted a response to the *Home Office Consultation Paper on Forced Marriage* (FM) in March 2012. The prosecution of breach of civil forced marriage Protection Orders will be conducted by the CPS; training will be delivered on this and other aspects of FM in due course.

## Training

Training on FM and HBV will be refreshed in 2012-13, including any new forced marriage legislation for the specialist prosecutors.

### **Young victim of HBV**

A South East case involved the physical abuse of a 15 year old victim. She was assaulted and controlled by her parents who took exception to her following a more 'westernised' life. The whole process was clearly very difficult for her particularly as she had to be placed outside the family home and was away from her sisters.

She started to express a frustration with the Family Court Proceedings and Social Services and after a few months indicated that she wanted to go home as she did not want her parents to go to prison. Although her father had entered guilty pleas, her mother pleaded not guilty. There were real fears for the future of the victim and her younger sisters (including a fear that her parents would carry out their threat to send her abroad) so it was decided to continue with the case and obtain a witness summons as a precaution. On the first day of the trial the mother offered an acceptable plea.

This was a sensitive case and a difficult decision to continue with the criminal case against the victim's wishes. It is an example of the difficulty of these cases.

## Female genital mutilation

The CPS published Legal Guidance on Female Genital Mutilation (FGM) in September 2011. The Legal Guidance provides practical and legal guidance on dealing with FGM cases and outlines the challenges prosecutors may face in bringing a case to court, particularly where a victim may retract her evidence due to the exertion of social and cultural pressure. It also emphasises the need to understand the background to FGM practices when prosecuting such cases.

Since the launch of the FGM legal guidance in September 2011, we have made a commitment to monitor and evaluate FGM cases for a period of twelve months. Areas have been requested to alert Strategy and Policy Directorate of FGM cases which have been referred to them by the police. There have been no prosecutions to date. The CPS can only prosecute those cases referred to them by the Police. The objective of this monitoring initiative is to identify any trends so that they can be addressed. We work within the Cross-Governmental Steering Group on FGM and with our partners in assisting and supporting the third sector.

# Child abuse

In 2011-12, data from the CPS on child abuse indicated a reduction in the number of prosecutions for child homicides, from 27 to 17, but successful outcomes in over 88% of these cases<sup>47</sup>. There was a fall in the volume of offences against the persons prosecuted, from 2,953 to 2,569 as well as a fall in successful outcomes from 74% to 71.4%. Sexual offence prosecutions also slightly fell, from 4,794 to 4,655, but there was a rise in successful outcomes from 2010-11 to just under 76%. Table 9 provides further detail.

**Table 9: Child abuse prosecutions**

A Homicide	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
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
2011-2012	15	88.2%	2	11.8%	17

B Offences against the person	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
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
2011-2012	1,835	71.4%	734	28.6%	2,569

C Sexual Offences	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
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	3,551	74.1%	1,243	25.9%	4,794
2011-2012	3,530	75.8%	1,125	24.2%	4,655

Men were defendants in 65% of homicide prosecutions; 73% of offences against the person and 98% of sexual offences.

<sup>47</sup> The small number of cases indicates the need for caution in interpreting this data.

### **Partnership working**

Police, Social Services and Barnado's worked together with the CPS on a case involving two men paying for sexual services with a child. The men were jailed for over four years and three years respectively.

## **Child sexual exploitation**

This year has seen a major focus on child sexual exploitation (CSE). Along with other agencies the CPS is committed to addressing exploitation of some of the most vulnerable members of our society, recognising that this is child abuse, building strong CSE cases and prosecuting them effectively.

### **Paedophile ring**

A paedophile ring led by a couple who, over 18 months, subjected their own children, a girl aged 4 years and a boy aged 11 to sexual abuse, which was filmed and distributed on the internet for use of other paedophiles. They also arranged for other male defendants to visit their home and sexually abuse their children. In total 8 defendants were successfully prosecuted on an indictment containing 124 counts of sexual offending against children.

The case was prepared and presented for trial by an in-house team. One defendant was initially sentenced on to imprisonment for public protection with a notional determinate term of 12 years and another to 4 years imprisonment. The case was referred to the Court of Appeal who agreed that the sentences imposed on these two, and another, were unduly lenient. The sentences were increased to life imprisonment, with a notional determinate term of 20 years, 8 years and 13 years.

The CPS contributed to the development of the National Action Plan "*Tackling Child Sexual Exploitation*" published in November 2011. The action plan recognises ongoing good work but also highlights areas where more needs to be done and sets out specific actions for Government, local agencies and the voluntary and community sector.

The CPS has two specific actions and good progress is being made to ensure that both are completed in a timely fashion. The actions are:

- To work to improve the effectiveness of prosecutions; promote examples of good practice in relation to child sexual exploitation; and work to increase the use of 'special measures' in appropriate cases. CSE case studies are being gathered to identify and promulgate good practice throughout the CPS. Actions from the special measures research will also be considered.
- In line with recommendation 18 of Baroness Stern's Review on '*How rape complaints are handled by public authorities in England and Wales*' (Home

Office, 2010), we will seek to re-establish effective voluntary arrangements with local authorities to ensure that the protocol on exchange of information is adopted and used to best effect. (The protocol relates to “third party material” held by local authorities. The voluntary disclosure of this material will ensure that information which may undermine a prosecution can be dealt with effectively at an early stage in the proceedings).

### **Grooming**

A case of grooming in Rochdale that was dropped three years ago was prosecuted successfully in 2011-12, addressing the aspects of child abuse, paedophilia, child prostitution, internal trafficking and rape. The case recognised the complexity of prosecuting such cases with groups of defendants and extremely vulnerable victims. The DPP will lead a review of the case in the summer 2012. Lessons will be learnt from the panel and practice to improve our prosecutions of group grooming cases will be identified and disseminated.

The CPS is organising a CSE seminar in October 2012 which will bring together prosecutors to share experiences and hear from experienced police/prosecutors/third sector representatives about the particular issues pertaining to prosecuting CSE cases.

### **Agreement with Child Sexual Exploitation and On Line Protection Centre (CEOP)**

In 2011 the CPS drew up an agreement with CEOP to provide joint guidance to prosecutors and investigators on the most serious and complex investigations involving sexual abuse of children. The prosecutor will be available throughout the life of the case to provide expert guidance and advice as required.

## **Gangs**

The CPS is represented on the Government Officials’ group of the Children’s Commissioner’s “Inquiry into Child Sexual Exploitation in gangs and groups”, Phase 1 of which was launched in October 2011. CPS work with gangs has addressed the rape and sexual abuse of girl gang members. The CPS is gathering case studies from across the CPS to learn lessons and share good practice.

## **Gang rape**

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

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

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

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

## **Teenage sexual assaults**

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

# Human trafficking

In 2011-12 there were 142 defendants prosecuted for human trafficking offences, an increase from 103 in 2010-11, with 66% successful outcomes<sup>48</sup>. These cases were identified using a 'trafficking' flag<sup>49</sup> which is applied to provide outcome data<sup>50</sup>. Flagging of offences rose from 45% to 48% in the last year but it is recognised that further work is required in 2012-13 to improve the robustness of the data. The number of offences prosecuted rose from 116 to 150 – this data is provided in other public documentation such as parliamentary questions.

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

	2010 - 2011	
	Volume	%
Convictions	94	66.2
Unsuccessful	48	33.8
<b>Total</b>	<b>142</b>	

84% of all defendants with recorded gender were men<sup>51</sup>. The majority of defendants were aged 25-59 years. 80 victims were recorded, 54% of which had gender recorded which is not robust enough to include in this report.

## Cross-government work

The Government announced the decision to opt-in to the EU Directive on Human Trafficking in March 2011 and is working closely with the Commission on its implementation. The CPS is represented on the strategic group which is overseeing its implementation, including the protection of victims.

## Victims

Early in 2011, the CPS participated in a DVD for victims of trafficking, together with partners who come into contact with victims at different stages. The DVD is in modules and it is intended to be played to victims during their recovery and reflection period. This will provide them with information about their options to inform their decisions about what they wish to do. In conjunction with the CPS Policy Statement on the prosecution of human trafficking cases, it is hoped that this will encourage more victims to support investigations and prosecutions.

<sup>48</sup> The small number of cases, together with the lack of robust flagging, indicates the need for caution in interpreting this data.

<sup>49</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) and Coroners and Justice Act 2009 section 71. The flag is applied from the onset of the case; this flag will remain in place even if those charges are subsequently amended or dropped. If a case commences under a different offence but is then changed to a trafficking charge, the case should be flagged at that stage.

<sup>50</sup> Offence data is not held by defendant or outcome; hence a flag has been set up to provide outcome data by defendant.

<sup>51</sup> 99% of gender was recorded.

## **Encouraging victims**

A young Romanian student was lured to England by two traffickers, with the promise of a respectable job. Within 24 hours of arriving she was forced to work in a brothel. She returned to her country on their arrest. The CPS prosecutor worked closely with investigators to build a strong case and support her to return to the UK to give evidence at trial. The defendants were convicted and sentenced to 10.5 and nine years' imprisonment each. The prosecutor worked with the local media to profile the case, pay testament to the victim's courage and encourage other trafficked victims to come forward.

## **International work**

The CPS plays an important role in working with other countries to improve overseas investigations and international co-operation to support prosecutions in the UK. Work has been key with Vietnam, one of the top source countries for child victims of trafficking and Nigeria, the UK top source country for female victims of trafficking.

## **Trafficking out of the UK**

The first man to be convicted of trafficking women out of the UK, in a case involving two Nigerian girls, was sentenced to 20 years imprisonment in July 2011. The victims aged 14 and 16 were controlled by Juju rituals, were subjected to sexual abuse and violence and were imprisoned at the defendant's home to be trafficked to Spain and Greece as prostitutes.

The defendant was a key player in a sophisticated network of West African people traffickers are operating in the UK. The case is thought to be the first of its kind in Europe to involve a prosecution linked to Juju practises and is the first time there has been a prosecution for trafficking out of the UK.

# Prostitution

In 2011-12 there were 80 prosecutions for controlling prostitution compared to 111 in the previous year. Kerb crawling prosecutions offences under S1(1)(a) and S1(1)(b) of the SOA 1985 were replaced with S51A SOA 2003 - with an increase to 305 offences prosecuted under this section. Only seven S53A of SOA 2003 offences of payment for sexual services from a prostitute who is subject to force or exploitation were charged in 2011-12. Prosecutions for placing prostitution advertising cards in public telephone boxes fell dramatically from 331 prosecutions in 2010-11 to 149 in 2011-12. Table 11 outlines the CPS data collected on prostitution<sup>52</sup>.

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

	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012
<b>A Control of prostitution</b>					
Sexual offences act (2003) {52}	16	17	11	24	19
Sexual offences act (2003) {53}	67	93	87	87	61
<b>TOTAL</b>	<b>83</b>	<b>110</b>	<b>98</b>	<b>111</b>	<b>80</b>

<b>B Brothel keeping</b>	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012
Sexual offences act 1956 {33}	56	83	39	48	35
Sexual offences act 1956 {33A of and schedule 2}	84	130	70	106	92
Sexual offences act 1956 {34}	0	0	0	0	1
Sexual offences act {35(1)}	1	6	2	3	3
Sexual offences act {36}	1	2	3	0	2
Sexual Offences Act 2003 { 53A } <sup>53</sup>	0	0	0	40	7
<b>TOTAL</b>	<b>142</b>	<b>221</b>	<b>114</b>	<b>197</b>	<b>140</b>

<b>C Kerb crawling</b>	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012
Sexual offences act 1985 {1(1)(a)}	439	331	375	161	7

<sup>52</sup> Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data are not held by defendant, outcome or equalities data. Offences recorded in the 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>53</sup> In 2010 a new offence S53A of the SOA 2003 criminalised those who make or promise payment for sexual services from a prostitute who is subject to force or exploitation.

Sexual offences act 1985 {1(1)(b)}	13	10	21	5	0
Sexual offences act 1985 {2(1)}	82	24	23	38	2
Sexual offences act 2003 {51A} <sup>54</sup>	0	0	0	123	305
<b>TOTAL</b>	<b>534</b>	<b>365</b>	<b>419</b>	<b>327</b>	<b>314</b>

<b>D Advertising prostitution</b>	<b>2007 - 2008</b>	<b>2008 - 2009</b>	<b>2009 - 2010</b>	<b>2010 - 2011</b>	<b>2011- 2012</b>
Criminal Justice and Police Act 2001 {46}	330	349	457	331	149

### Trafficked sex workers

A Lithuanian man trafficked young women from Eastern Europe to the UK for prostitution. The case involved physical and sexual violence. Many of the witnesses were foreign nationals who had little support from family and friends, with language barriers and some with learning difficulties. Witness support issues were challenging. The case had substantial media interest and some complex disclosure issues arose at a time when the officer in the case was unavailable. The defendant was convicted of serious sexual offences including offences of rape. The sentence, initially one of 7.5 years, was appealed by way of Unduly Lenient Sentence and increased to 11 years.

## National issues

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

In March 2012 a revised cross-government VAWG action plan was published which included prostitution for the first time, in line with the CPS VAWG strategy.

## Prostitution guidance

In 2011, the CPS worked with the Home Office on their review of effective practice and with ACPO on their prostitution strategy. CPS Guidance reflects both publications, in encouraging sex workers to find routes out, treating those under 18 as victims of child abuse and providing criteria to assess when and if 'maids' should be prosecuted.

<sup>54</sup> In relation to prosecutions, a new offence S51A of the SOA 2003 was introduced in 2010 for a person in a street or public place to solicit another for the purpose of obtaining a sexual service as a prostitute. This includes a person in a motor vehicle in a street or public place and replaced the offences of kerb crawling and persistent loitering under S1 and 2 of SOA 1985.

## London 2012 Games

The CPS worked with the Mayor of London's office and other partners on an effective response to exploitation of prostitution and human trafficking in advance of the Olympic Games. A number of initiatives aimed to reduce sex adverts in newspapers, raise awareness of UK laws widely and promote details of where victims can report and seek help.

## Support for victims

Historically the number of women involved in prostitution who report crimes committed against them has been low, often due to an inherent fear of prosecution for their own engagement in criminal activities (such as running a brothel, immigration or drug offences). The national roll out of the 'Ugly Mugs' schemes which allow people in prostitution to report information about incidents of violence they have suffered, or provide information about threatening or dangerous clients anonymously is starting to address this.

Work in Merseyside has shown the importance and positive impact of joint agency working in encouraging women to report crimes. Merseyside police and CPS treat sexual and violent crimes against prostitutes in the same way that they treat hate crimes; this has reinforced the message that the allegations made by those involved in prostitution will be taken seriously and investigated as a priority.

A number of specialist ISVAs have been appointed to support sex workers facing sexual abuse.

### **Specialist ISVAs**

In West Midlands, a taxi driver had raped five prostitutes over a period of seven years. Support for the victims was provided by a local voluntary sector project, with the specialist sex worker ISVA in court with the victims for three weeks. The defendant was convicted and sentenced to nine years.

In another case in London where sex worker victims were supported by specialist ISVAs, the defendant had specifically targeted prostitutes and lone women. He was found guilty of rape, serious sexual assault and kidnapping and sentenced to 22 years.

# Pornography and obscenity

In 2011-12 prosecutions for the sexual exploitation of children through photographs decreased slightly but there was a rise in prosecutions for possession of a prohibited image of a child. Table 12 outlines CPS data on child abuse image offences overall<sup>55</sup>.

**Table 12: Child abuse image offences**

	2007-08	2008-09	2009-10	2010-11	2011-12
Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child	3,079	4,241	4,117	4,543	3,885
Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child <sup>56</sup>	0	0	0	21	179
<b>Sexual exploitation of children through photographs of which:</b>	<b>11,873</b>	<b>14,656</b>	<b>14,595</b>	<b>16,851<sup>57</sup></b>	<b>15,599</b>
▪ Protection of Children Act 1978 (1(1)(a)) - Making an indecent photograph of a child	10,832	13,454	13,652	15,768	14,570
▪ Protection of Children Act 1978 (1(1)(b)) - Distributing an indecent photograph of a child	678	931	804	670	695
▪ Protection of Children Act 1978 (1(1)(c)) - Showing indecent photographs of children	345	258	137	410	333
▪ 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	1

During 2011–12, a number of pornography and other offences were charged and reached at least one hearing in magistrates' courts under a number of Acts<sup>58</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>55</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>56</sup> Section 62 of the Coroners and Justice Act 2009 ('the Act') created a new offence of possession of a prohibited image of a child, punishable by up to three years' imprisonment. This offence came into force on the 6 April 2010.

<sup>57</sup> Recording errors in CMS were identified during 2010-11 period, so data reported in 2010-11 VAWG crime report has been corrected in this report

<sup>58</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.

## Cartoons of child abuse

A defendant received a six-month suspended sentence with two years' supervision, ordered to undergo a sex offender's treatment programme and put on the sex offender's register for seven years for making and possessing more than 2,500 indecent photographs, extreme pornography and prohibited images. He was one of the first people in the UK to be prosecuted for having a collection of child abuse images in the form of cartoons.

Table 13 outlines CPS data<sup>59</sup> on obscenity offences<sup>60</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 for obscene publications over the last few years and a corresponding rise in the prosecution of offences under section 127 of the Communications Act<sup>61</sup> and section 1 of the Malicious Communications Act 1988<sup>62</sup>.

There has been an increase over the last few years in the number of prosecutions under the new sections, introduced in January 2009, related to extreme pornographic images, reaching 1,319 in 2011-12.

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<sup>59</sup> See footnote 57

<sup>60</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>61</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>62</sup> The Malicious Communications Act criminalises the sending of an indecent, offensive or threatening letter, electronic communication [i.e. e-mail] or other article to another person.

**Table 13: Obscenity offences**

	2007-08	2008-09	2009-10	2010-11	2011-12
Malicious Communications Act 1988 Sections (1 (1)(a) & (1)(b)) - Indecent or grossly offensive material	566	791	899	1,273	1,301
Obscene publications Act 1959 (2 (1) ) - Obscene publications	111	152	82	71	76
Communications Act 2003 (127 (1)(a), (1)(b) & (3))Grossly offensive or indecent communications	1,037	1,278	1,315	1,869	1,924
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	1,181
Criminal Justice and Immigration Act 2008 (63 (1), (7)(d) and 67(3)) - Possession of extreme pornographic images <sup>63</sup>	0	2	270	1,165	1,319

### Extradition

A defendant was convicted of 21 counts of possessing, making and distributing indecent images of children. He was the first person extradited from China to the UK after he skipped bail on a false passport. He was sentenced to seven and a half years in January 2012.

Pornography and Obscenity is an area of cybercrime which is increasing. Recognising this, a new e-learning cyber stalking module has been developed. The number of prosecutions is such to suggest that most prosecutors will cyber-crime in the course of a year.

To extend the knowledge base of prosecutors in cases of indecent images of children and obscenity we have also developed a new e-learning module on “Prohibited Sexual Images.” It covers the key legislation relating to indecent images of children; possession of a prohibited image of a child; obscenity and extreme pornography.

### Cyber-stalking

Following new guidance on cyber-stalking, a case was successfully prosecuted involving a defendant harassing his former partner by posting intimate pictures of her on Facebook, tagged to alert the victim’s friends and family. He was sentence to four months’ imprisonment and a five year restraining order.

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

Violence against women and girls	CPS Prosecutions 2011 - 2012				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>66,860</b>	<b>73.1%</b>	<b>24,606</b>	<b>26.9%</b>	<b>91,466</b>
<b>Cymru Wales</b>	<b>4,596</b>	<b>74.8%</b>	<b>1,547</b>	<b>25.2%</b>	<b>6,143</b>
Dyfed Powys	422	76.9%	127	23.1%	549
Gwent	1,049	78.4%	289	21.6%	1,338
North Wales	985	75.0%	329	25.0%	1,314
South Wales	2,140	72.7%	802	27.3%	2,942
<b>Eastern</b>	<b>5,110</b>	<b>81.8%</b>	<b>1,134</b>	<b>18.2%</b>	<b>6,244</b>
Cambridgeshire	883	76.3%	274	23.7%	1,157
Essex	2,120	83.3%	425	16.7%	2,545
Norfolk	1,117	80.5%	270	19.5%	1,387
Suffolk	990	85.7%	165	14.3%	1,155
<b>East Midlands</b>	<b>5,532</b>	<b>74.6%</b>	<b>1,881</b>	<b>25.4%</b>	<b>7,413</b>
Derbyshire	1,409	75.0%	469	25.0%	1,878
Leicestershire	1,134	76.2%	355	23.8%	1,489
Lincolnshire	626	76.4%	193	23.6%	819
Northamptonshire	684	71.3%	275	28.7%	959
Nottinghamshire	1,679	74.0%	589	26.0%	2,268
<b>London</b>	<b>7,703</b>	<b>63.1%</b>	<b>4,502</b>	<b>36.9%</b>	<b>12,205</b>
<b>Merseyside &amp; Cheshire</b>	<b>2,666</b>	<b>76.4%</b>	<b>823</b>	<b>23.6%</b>	<b>3,489</b>
Cheshire	993	79.7%	253	20.3%	1,246
Merseyside	1,673	74.6%	570	25.4%	2,243
<b>North East</b>	<b>4,186</b>	<b>74.0%</b>	<b>1,472</b>	<b>26.0%</b>	<b>5,658</b>
Cleveland	992	71.0%	405	29.0%	1,397
Durham	972	77.6%	280	22.4%	1,252
Northumbria	2,222	73.8%	787	26.2%	3,009
<b>North West</b>	<b>10,073</b>	<b>74.2%</b>	<b>3,507</b>	<b>25.8%</b>	<b>13,580</b>
Cumbria	659	82.3%	142	17.7%	801
Greater Manchester	5,307	74.4%	1,826	25.6%	7,133
Lancashire	4,107	72.7%	1,539	27.3%	5,646
<b>South East</b>	<b>3,634</b>	<b>76.2%</b>	<b>1,136</b>	<b>23.8%</b>	<b>4,770</b>
Kent	1,605	77.0%	480	23.0%	2,085
Surrey	485	76.4%	150	23.6%	635
Sussex	1,544	75.3%	506	24.7%	2,050
<b>South West</b>	<b>4,011</b>	<b>76.5%</b>	<b>1,231</b>	<b>23.5%</b>	<b>5,242</b>
Avon & Somerset	2,093	77.2%	617	22.8%	2,710
Devon & Cornwall	1,461	74.4%	504	25.6%	1,965
Gloucestershire	457	80.6%	110	19.4%	567
<b>Thames &amp; Chiltern</b>	<b>3,327</b>	<b>71.2%</b>	<b>1,347</b>	<b>28.8%</b>	<b>4,674</b>
Bedfordshire	536	70.3%	226	29.7%	762
Hertfordshire	957	76.7%	290	23.3%	1,247
Thames Valley	1,834	68.8%	831	31.2%	2,665
<b>Wessex</b>	<b>3,497</b>	<b>70.6%</b>	<b>1,456</b>	<b>29.4%</b>	<b>4,953</b>
Dorset	689	71.0%	281	29.0%	970
Hampshire & IOW	2,248	69.8%	973	30.2%	3,221
Wiltshire	560	73.5%	202	26.5%	762
<b>West Midlands</b>	<b>6,049</b>	<b>73.1%</b>	<b>2,230</b>	<b>26.9%</b>	<b>8,279</b>
Staffordshire	1,285	74.1%	448	25.9%	1,733
Warwickshire	325	78.9%	87	21.1%	412
West Mercia	1,215	76.9%	366	23.1%	1,581
West Midlands	3,224	70.8%	1,329	29.2%	4,553
<b>Yorkshire &amp; Humberside</b>	<b>6,476</b>	<b>73.5%</b>	<b>2,340</b>	<b>26.5%</b>	<b>8,816</b>
Humberside	1,365	80.9%	322	19.1%	1,687
North Yorkshire	556	74.6%	189	25.4%	745
South Yorkshire	1,288	73.3%	468	26.7%	1,756
West Yorkshire	3,267	70.6%	1,361	29.4%	4,628

Domestic violence	CPS Prosecutions 2011 - 2012				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>58,138</b>	<b>73.3%</b>	<b>21,130</b>	<b>26.7%</b>	<b>79,268</b>
<b>Cymru Wales</b>	<b>4,113</b>	<b>75.6%</b>	<b>1,324</b>	<b>24.4%</b>	<b>5,437</b>
Dyfed Powys	338	77.9%	96	22.1%	434
Gwent	939	78.6%	256	21.4%	1,195
North Wales	897	76.0%	284	24.0%	1,181
South Wales	1,939	73.8%	688	26.2%	2,627
<b>Eastern</b>	<b>4,551</b>	<b>82.7%</b>	<b>952</b>	<b>17.3%</b>	<b>5,503</b>
Cambridgeshire	766	76.7%	233	23.3%	999
Essex	1,929	84.0%	367	16.0%	2,296
Norfolk	963	81.3%	222	18.7%	1,185
Suffolk	893	87.3%	130	12.7%	1,023
<b>East Midlands</b>	<b>4,795</b>	<b>74.5%</b>	<b>1,642</b>	<b>25.5%</b>	<b>6,437</b>
Derbyshire	1,225	75.4%	400	24.6%	1,625
Leicestershire	949	75.1%	315	24.9%	1,264
Lincolnshire	548	77.0%	164	23.0%	712
Northamptonshire	555	71.0%	227	29.0%	782
Nottinghamshire	1,518	73.9%	536	26.1%	2,054
<b>London</b>	<b>6,326</b>	<b>62.7%</b>	<b>3,769</b>	<b>37.3%</b>	<b>10,095</b>
<b>Merseyside &amp; Cheshire</b>	<b>2,346</b>	<b>77.1%</b>	<b>698</b>	<b>22.9%</b>	<b>3,044</b>
Cheshire	878	79.6%	225	20.4%	1,103
Merseyside	1,468	75.6%	473	24.4%	1,941
<b>North East</b>	<b>3,697</b>	<b>74.6%</b>	<b>1,259</b>	<b>25.4%</b>	<b>4,956</b>
Cleveland	828	70.5%	346	29.5%	1,174
Durham	854	80.0%	213	20.0%	1,067
Northumbria	2,015	74.2%	700	25.8%	2,715
<b>North West</b>	<b>9,082</b>	<b>74.2%</b>	<b>3,165</b>	<b>25.8%</b>	<b>12,247</b>
Cumbria	559	82.4%	119	17.6%	678
Greater Manchester	4,801	74.8%	1,618	25.2%	6,419
Lancashire	3,722	72.3%	1,428	27.7%	5,150
<b>South East</b>	<b>3,007</b>	<b>77.0%</b>	<b>896</b>	<b>23.0%</b>	<b>3,903</b>
Kent	1,298	77.8%	371	22.2%	1,669
Surrey	379	77.5%	110	22.5%	489
Sussex	1,330	76.2%	415	23.8%	1,745
<b>South West</b>	<b>3,439</b>	<b>76.5%</b>	<b>1,054</b>	<b>23.5%</b>	<b>4,493</b>
Avon & Somerset	1,799	77.7%	516	22.3%	2,315
Devon & Cornwall	1,263	73.8%	449	26.2%	1,712
Gloucestershire	377	80.9%	89	19.1%	466
<b>Thames &amp; Chiltern</b>	<b>2,943</b>	<b>72.1%</b>	<b>1,141</b>	<b>27.9%</b>	<b>4,084</b>
Bedfordshire	467	69.7%	203	30.3%	670
Hertfordshire	889	77.6%	256	22.4%	1,145
Thames Valley	1,587	69.9%	682	30.1%	2,269
<b>Wessex</b>	<b>3,030</b>	<b>70.6%</b>	<b>1,263</b>	<b>29.4%</b>	<b>4,293</b>
Dorset	605	70.6%	252	29.4%	857
Hampshire & IOW	1,949	70.1%	831	29.9%	2,780
Wiltshire	476	72.6%	180	27.4%	656
<b>West Midlands</b>	<b>5,141</b>	<b>72.7%</b>	<b>1,934</b>	<b>27.3%</b>	<b>7,075</b>
Staffordshire	1,087	73.3%	395	26.7%	1,482
Warwickshire	274	80.6%	66	19.4%	340
West Mercia	1,012	77.3%	297	22.7%	1,309
West Midlands	2,768	70.2%	1,176	29.8%	3,944
<b>Yorkshire &amp; Humberside</b>	<b>5,668</b>	<b>73.6%</b>	<b>2,033</b>	<b>26.4%</b>	<b>7,701</b>
Humberside	1,145	82.6%	242	17.4%	1,387
North Yorkshire	458	74.6%	156	25.4%	614
South Yorkshire	1,139	73.9%	403	26.1%	1,542
West Yorkshire	2,926	70.4%	1,232	29.6%	4,158

Rape	CPS Prosecutions 2011 - 2012				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>2,414</b>	<b>62.5%</b>	<b>1,450</b>	<b>37.5%</b>	<b>3,864</b>
<b>Cymru Wales</b>	<b>140</b>	<b>62.5%</b>	<b>84</b>	<b>37.5%</b>	<b>224</b>
Dyfed Powys	18	64.3%	10	35.7%	28
Gwent	36	72.0%	14	28.0%	50
North Wales	29	59.2%	20	40.8%	49
South Wales	57	58.8%	40	41.2%	97
<b>Eastern</b>	<b>165</b>	<b>69.0%</b>	<b>74</b>	<b>31.0%</b>	<b>239</b>
Cambridgeshire	28	66.7%	14	33.3%	42
Essex	67	75.3%	22	24.7%	89
Norfolk	41	62.1%	25	37.9%	66
Suffolk	29	69.0%	13	31.0%	42
<b>East Midlands</b>	<b>208</b>	<b>66.9%</b>	<b>103</b>	<b>33.1%</b>	<b>311</b>
Derbyshire	60	61.2%	38	38.8%	98
Leicestershire	44	78.6%	12	21.4%	56
Lincolnshire	13	54.2%	11	45.8%	24
Northamptonshire	51	68.0%	24	32.0%	75
Nottinghamshire	40	69.0%	18	31.0%	58
<b>London</b>	<b>370</b>	<b>55.4%</b>	<b>298</b>	<b>44.6%</b>	<b>668</b>
<b>Merseyside &amp; Cheshire</b>	<b>77</b>	<b>57.0%</b>	<b>58</b>	<b>43.0%</b>	<b>135</b>
Cheshire	26	59.1%	18	40.9%	44
Merseyside	51	56.0%	40	44.0%	91
<b>North East</b>	<b>128</b>	<b>56.4%</b>	<b>99</b>	<b>43.6%</b>	<b>227</b>
Cleveland	33	54.1%	28	45.9%	61
Durham	48	63.2%	28	36.8%	76
Northumbria	47	52.2%	43	47.8%	90
<b>North West</b>	<b>288</b>	<b>62.7%</b>	<b>171</b>	<b>37.3%</b>	<b>459</b>
Cumbria	27	81.8%	6	18.2%	33
Greater Manchester	169	58.3%	121	41.7%	290
Lancashire	92	67.6%	44	32.4%	136
<b>South East</b>	<b>177</b>	<b>63.9%</b>	<b>100</b>	<b>36.1%</b>	<b>277</b>
Kent	78	64.5%	43	35.5%	121
Surrey	30	62.5%	18	37.5%	48
Sussex	69	63.9%	39	36.1%	108
<b>South West</b>	<b>175</b>	<b>68.1%</b>	<b>82</b>	<b>31.9%</b>	<b>257</b>
Avon & Somerset	91	65.5%	48	34.5%	139
Devon & Cornwall	63	71.6%	25	28.4%	88
Gloucestershire	21	70.0%	9	30.0%	30
<b>Thames &amp; Chiltern</b>	<b>125</b>	<b>61.6%</b>	<b>78</b>	<b>38.4%</b>	<b>203</b>
Bedfordshire	14	73.7%	5	26.3%	19
Hertfordshire	18	60.0%	12	40.0%	30
Thames Valley	93	60.4%	61	39.6%	154
<b>Wessex</b>	<b>110</b>	<b>68.3%</b>	<b>51</b>	<b>31.7%</b>	<b>161</b>
Dorset	12	70.6%	5	29.4%	17
Hampshire & IOW	68	64.2%	38	35.8%	106
Wiltshire	30	78.9%	8	21.1%	38
<b>West Midlands</b>	<b>200</b>	<b>61.9%</b>	<b>123</b>	<b>38.1%</b>	<b>323</b>
Staffordshire	41	70.7%	17	29.3%	58
Warwickshire	12	54.5%	10	45.5%	22
West Mercia	38	54.3%	32	45.7%	70
West Midlands	109	63.0%	64	37.0%	173
<b>Yorkshire &amp; Humberside</b>	<b>251</b>	<b>66.1%</b>	<b>129</b>	<b>33.9%</b>	<b>380</b>
Humberside	88	72.7%	33	27.3%	121
North Yorkshire	24	66.7%	12	33.3%	36
South Yorkshire	47	63.5%	27	36.5%	74
West Yorkshire	92	61.7%	57	38.3%	149

Sexual offences excluding rape	CPS Prosecutions 2011 - 2012				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>6,308</b>	<b>75.7%</b>	<b>2,026</b>	<b>24.3%</b>	<b>8,334</b>
<b>Cymru Wales</b>	<b>343</b>	<b>71.2%</b>	<b>139</b>	<b>28.8%</b>	<b>482</b>
Dyfed Powys	66	75.9%	21	24.1%	87
Gwent	74	79.6%	19	20.4%	93
North Wales	59	70.2%	25	29.8%	84
South Wales	144	66.1%	74	33.9%	218
<b>Eastern</b>	<b>394</b>	<b>78.5%</b>	<b>108</b>	<b>21.5%</b>	<b>502</b>
Cambridgeshire	89	76.7%	27	23.3%	116
Essex	124	77.5%	36	22.5%	160
Norfolk	113	83.1%	23	16.9%	136
Suffolk	68	75.6%	22	24.4%	90
<b>East Midlands</b>	<b>529</b>	<b>79.5%</b>	<b>136</b>	<b>20.5%</b>	<b>665</b>
Derbyshire	124	80.0%	31	20.0%	155
Leicestershire	141	83.4%	28	16.6%	169
Lincolnshire	65	78.3%	18	21.7%	83
Northamptonshire	78	76.5%	24	23.5%	102
Nottinghamshire	121	77.6%	35	22.4%	156
<b>London</b>	<b>1,007</b>	<b>69.8%</b>	<b>435</b>	<b>30.2%</b>	<b>1,442</b>
<b>Merseyside &amp; Cheshire</b>	<b>243</b>	<b>78.4%</b>	<b>67</b>	<b>21.6%</b>	<b>310</b>
Cheshire	89	89.9%	10	10.1%	99
Merseyside	154	73.0%	57	27.0%	211
<b>North East</b>	<b>361</b>	<b>76.0%</b>	<b>114</b>	<b>24.0%</b>	<b>475</b>
Cleveland	131	80.9%	31	19.1%	162
Durham	70	64.2%	39	35.8%	109
Northumbria	160	78.4%	44	21.6%	204
<b>North West</b>	<b>703</b>	<b>80.4%</b>	<b>171</b>	<b>19.6%</b>	<b>874</b>
Cumbria	73	81.1%	17	18.9%	90
Greater Manchester	337	79.5%	87	20.5%	424
Lancashire	293	81.4%	67	18.6%	360
<b>South East</b>	<b>450</b>	<b>76.3%</b>	<b>140</b>	<b>23.7%</b>	<b>590</b>
Kent	229	77.6%	66	22.4%	295
Surrey	76	77.6%	22	22.4%	98
Sussex	145	73.6%	52	26.4%	197
<b>South West</b>	<b>397</b>	<b>80.7%</b>	<b>95</b>	<b>19.3%</b>	<b>492</b>
Avon & Somerset	203	79.3%	53	20.7%	256
Devon & Cornwall	135	81.8%	30	18.2%	165
Gloucestershire	59	83.1%	12	16.9%	71
<b>Thames &amp; Chiltern</b>	<b>259</b>	<b>66.9%</b>	<b>128</b>	<b>33.1%</b>	<b>387</b>
Bedfordshire	55	75.3%	18	24.7%	73
Hertfordshire	50	69.4%	22	30.6%	72
Thames Valley	154	63.6%	88	36.4%	242
<b>Wessex</b>	<b>357</b>	<b>71.5%</b>	<b>142</b>	<b>28.5%</b>	<b>499</b>
Dorset	72	75.0%	24	25.0%	96
Hampshire & IOW	231	69.0%	104	31.0%	335
Wiltshire	54	79.4%	14	20.6%	68
<b>West Midlands</b>	<b>708</b>	<b>80.4%</b>	<b>173</b>	<b>19.6%</b>	<b>881</b>
Staffordshire	157	81.3%	36	18.7%	193
Warwickshire	39	78.0%	11	22.0%	50
West Mercia	165	81.7%	37	18.3%	202
West Midlands	347	79.6%	89	20.4%	436
<b>Yorkshire &amp; Humberside</b>	<b>557</b>	<b>75.8%</b>	<b>178</b>	<b>24.2%</b>	<b>735</b>
Humberside	132	73.7%	47	26.3%	179
North Yorkshire	74	77.9%	21	22.1%	95
South Yorkshire	102	72.9%	38	27.1%	140
West Yorkshire	249	77.6%	72	22.4%	321

# Glossary of terms

## Violence against women and girls strands

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

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

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

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

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

**Domestic violence:** any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those<sup>64</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.

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

- to coerce a party/parties into marrying without their consent, which would be prosecuted for

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<sup>64</sup> In CPS cases are monitored for both adults and Under 18s.

the specific offence committed, e.g. harassment, kidnap, threats to kill; or

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

The definition of forced marriage 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*'.

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

Honour based violence:

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

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

Human trafficking:

The flag for human trafficking is applied to:

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

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

Rape:

any defendant charged with one or more of the following offences -

- S1 Sexual Offences Act 1956
- S5 Sexual Offences Act 1956

- An attempt to commit one of the above offences under the Criminal Attempts Act 1981
- S1 Sexual Offences Act 2003
- S5 Sexual Offences Act 2003
- S30(3) Sexual Offences Act 2003
  - An attempt to commit one of the above offences under the Criminal Attempts Act 1981

Incitement or conspiracy to commit any of the above offences

Sexual offences exc. rape: any defendant whose principal offence category, at finalisation, is a sexual offence excluding rapes.

## Performance management terms

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

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

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

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

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

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

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

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

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

## Case outcomes

**Pre-charge decisions:** The Director's Guidance on charging (4<sup>th</sup> Edition) provides that the police may charge any Summary only offence (one that can only be dealt with in the magistrates' court) irrespective of plea and any either way offence (can be tried in either the magistrates' court or Crown Court) where a guilty plea is anticipated and it is suitable for sentence in the magistrates' court subject to certain exceptions such as DV, hate crime and a case involving a death. CPS prosecutors must make the charging decisions in all indictable only cases (those cases which can only be tried in the Crown Court), either way offences not suitable for magistrates' court and where a not guilty plea is anticipated

**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.

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

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

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

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

<u>Unsuccessful outcomes:</u>	all completed prosecutions where the defendant is not convicted, comprising the following:
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead: or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.
Discharged committals:	committal proceedings in which the defendant is discharged. Following a discharge a case can be reinstated.
Discontinued and withdrawn:	Consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.
Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case.
All other unsuccessful outcomes:	comprising administrative finalisations, discharged committals and no case to answer.

<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Guilty plea:	where the defendant pleads guilty.
Proof in absence:	these are lesser offences which are heard by the court in the absence of the defendant.

### **Reasons for unsuccessful outcomes**

Acquittals after trial:	the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case.
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.
Victim non attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.

## Glossary of acronyms

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

## **Equality and Diversity Unit**

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