



CPS

Violence against Women and Girls Crime Report

2012-2013

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Foreword by the Director of Public Prosecutions

Improving our approach to Violence against Women and Girls (VAWG) prosecutions has been a priority for the CPS for a number of years, so I am delighted that our performance has continued to improve year on year. For the first time, three out of four VAWG prosecutions now result in a conviction. Domestic violence, rape and sexual offence prosecutions have reached their highest conviction rate to date, for the second year running.

Our focus over the last few years has been honed to understand the vulnerability and intimidation of VAWG victims. A combination of factors has led to these improvements. Every CPS Area has integrated VAWG into their mainstream work through Area VAWG Coordinators, with clear ownership by their Chief Crown Prosecutors. The bi-annual VAWG Assurance process introduced in 2011 has also been crucial in securing continuous improvement in conviction rates and the quality of prosecutions of VAWG crimes.

We have worked to challenge the myths and stereotypes about rape victims, selecting and training specialist rape prosecutors to adopt a merits-based approach to cases. Our work in this area was supported by the report by Alison Levitt QC on *Charging perverting the course of justice and wasting police time in cases involving allegedly false rape and domestic violence allegations*, published in March 2013, which found that false allegations in these situations are rare.

In 2012-13 we also undertook some focused work on the difficult issues associated with child sexual exploitation and abuse, forced marriage, honour-based violence and Female Genital Mutilation.

I held a series of roundtables with key stakeholders including victim groups, the judiciary and the media, to help develop guidelines for the police and prosecutors on child sexual abuse (CSA). We have explicitly announced refocusing assessments of cases onto the credibility of the allegation and the suspect, rather than that of the victim. We have also established a new Child Sexual Abuse Review Panel with ACPO to review cases of historic child sexual abuse.

The support from stakeholders this year has been immense, not only on child sexual abuse, teenage relationship abuse and female genital mutilation but also through quarterly meetings of the VAWG External Consultation Group and the Community Accountability Forum.

Although the CPS has made significant progress on VAWG during the last five years, there is still more to do, so we remain committed to building on our achievements, learning from our mistakes and working with our stakeholders to ensure a better service for the victims of these abhorrent crimes.

Keir Starmer QC
Director of Public Prosecutions
July 2013

Executive Summary

This report is an analysis of the key prosecution issues in each Violence against Women (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 Data section under '[Violence Against Women](#)'.

This VAWG report is the first that will report on VAWG conviction rates rather than attrition rates, which were used in earlier versions, to make it more accessible to the public.

Violence against women and girls

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

Since the introduction of the VAWG Assurance system in January 2011, we have reached the highest level of VAWG convictions ever, reaching 74.1% successful outcomes in 2012-13¹. Eight of the 13 CPS Areas improved domestic violence convictions, six improved rape convictions and eight improved sexual offence convictions².

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 2012-13; some addressed VAWG overall, some DV and/or Rape and others ethnicity issues within VAWG cases;
- A range of VAWG conferences and meetings with victims were held locally, ranging from same sex domestic abuse to forced marriage and female genital mutilation (FGM);
- Further VAWG local bulletins were developed.

Domestic violence

- Between 2005-6 and 2012-13, conviction rates have risen from 59.7% to 74.3% - over 14 percentage point (ppt)³ rise over this eight year period;
- This includes a rise of 1ppt over the year since 2011-12, reaching the highest recorded conviction rate;

¹ VAWG conviction rates include domestic violence, rape and sexual offences.

² All reference to the number of Areas improving their conviction rates, in 2012-13, is based on comparison of Q4 2012-13 with Q4 2011-12, based on data from the VAWG Assurance process, unless stated otherwise.

³ Changes in percentages are referred to as changes in percentage points (ppt).

- Areas that have improved on domestic violence conviction rates have also improved performance on all prosecutions – domestic violence has proved to be a barometer of good performance across the Service;
- Eight Areas improved their prosecution outcomes in the last year;
- The proportion of domestic violence cases⁴ has stayed the same since 2011-12 at 8.9%⁵ and although there has been a decline in volume of 11% over the same period, to 70,702 prosecutions, this reflects the decline in overall volume of prosecutions in Magistrates' courts over the same period;
- The proportion of guilty pleas rose again by a further 1ppt to 68.5% - 92% of all successful outcomes are a result of guilty pleas;
- Discontinued cases have continued to fall and reached the lowest level ever, at 20% of all prosecuted DV cases;
- The ACPO/CPS Charging and Evidence Checklist was published in November 2012;
- Following the DPP-led National Scrutiny Panel on teenage relationship abuse in July 2012, actions are being implemented in 2013-14;
- Research indicated that charging domestic violence cases increased the cessation of abuse in cases supported by IDVAs - 72% of victims in charged cases experienced a cessation of abuse, rising to 74% when found guilty;
- Case studies from a number of CPS Areas illustrate ways that Areas, especially those with the highest performance, have improved prosecution outcomes – including support for a range of victims including BME victims; teenage relationship abuse; tackling serial perpetrators.

Harassment

- Prosecutions were commenced for 8,648 harassment and stalking offences in 2012-13; this is a fall of 7.5% from 2011-12 when 9,345 prosecutions were commenced;
- 91 prosecutions were under the new stalking offences, since the introduction of the legislation at the end of November 2012;
- Prosecutions commenced for 10,275 breaches of restraining order offences, a rise of 18% from 8,733 in 2011-12;
- Of all harassment and stalking prosecutions, 5,059 (59%) were domestic violence related - a reduction of 12% from 5,766 in the previous year;
- 67 domestic violence-related prosecutions were under the new stalking offences introduced at the end of November 2012;
- 7,374 (72% of all restraining order breaches) were related to domestic violence; a rise of 16% from 6,363 in 2011-12;
- Of the 313 breaches of restraining orders (that were made on acquittal), 220 (70%) were in domestic violence cases;
- 5,563 breaches of non-molestation orders started prosecution, compared with 5,323 in the previous year, 79% of which were for domestic violence;
- Training on cyber-stalking was launched in November 2012 following the introduction of new legislation on stalking; and further stalking training is planned in 2013-14.

⁴ Domestic violence caseload as a % of all court prosecutions.

⁵ Rising to 9.5% in Q4 2012-13

Rape

- The [official national rape statistics from the Ministry of Justice](#) indicate that in the calendar year of 2012 there were 2,822 defendants, on a principal offence basis⁶, prosecuted for rape at magistrates' courts, with 2,765 sent to the Crown Court for trial. In 2012 there were 1,145 offenders convicted of rape, resulting in a prosecution to conviction ratio in 2012 of 41% – a rise from 40% in 2011; this ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another 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;
- Between 2007-8⁷ and 2012-13 CPS conviction rates⁸ have risen from 57.7% to 63.2%, the highest recorded CPS conviction rate for rape since recording began and a 5.5ppt rise over this six year period. This includes a rise of 0.7ppt over the year since 2011-12;
- The volume of defendants prosecuted (3,692) has fallen slightly over the last year from 3,864 (4.5% fall); compared to an overall reduction in all indictable-only prosecutions in Crown Courts of 3.9%; however, in 2012-13, most Areas⁹ increased the proportion of cases charged by CPS following referral from the police and caseload¹⁰ has stayed steady in the last year at 9.8%;
- Discontinued cases have continued to fall and reached the lowest level ever at 14% of all prosecuted rape cases;
- 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 January 2013, 819¹¹ rape specialist prosecutors were trained in the merits-based approach to deal with rape prosecutions - further courses were held in February and March 2013 training 54 more specialists;
- A report on allegedly false allegations of rape and domestic violence, following a 17-month assessment of prosecutions for perverting the course of justice and wasting police time, indicated that such cases are rare - during the period covered there were around 5,651 prosecutions for rape but only 35 for making false allegations of rape. There were around 111,891 prosecutions for domestic violence, but only six for making false allegations of domestic violence;

⁶ 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'.

⁷ Recording of rape data started later than that of domestic violence

⁸ Outcomes from charge to conviction.

⁹ 10 Areas increased their Charge to No Further Action ratio

¹⁰ Rape caseload as a % of all indictable-only prosecutions.

¹¹ 726 Area rape specialists, 88 CPS Direct and 5 Serious Crime Group.

- A number of case studies illustrate ways that Areas, especially those with the strongest performance, have improved prosecution outcomes including work in Rape and Serious Sexual Offence Units (RASSO) Units, communication with victims and youth cases.

Sexual offences (excluding rape)

- 7,771 defendants were prosecuted in 2012-13 for sexual offences, excluding rape; a fall from 8,334 in 2011-12; however caseload¹² rose;
- The proportion of successful outcomes rose to 76.8%, a 3ppt rise since 2007-08 and also the highest recorded conviction rate;
- A number of cases studies are provided illustrating cases involving sexual offences where there was an abuse of power.

Forced marriage, honour-based violence and female genital mutilation

- In 2012-13, 41 defendants¹³ were prosecuted for forced marriage related offences, similar to last year at 42; with 70.7% successful, a rise of 16 ppt from 2011-12;
- 200 defendants were prosecuted for honour-based violence (HBV) related offences, a rise from 172 last year, with 63.0% convicted, a rise of 13ppt¹⁴;
- New legislation was passed in 2012 to criminalise forced marriage, with implementation planned for 2014;
- Development of training materials is planned for 2013-14, in line with the implementation of the new forced marriage legislation;
- Areas carried out a range of initiatives to improve prosecutions, including conferences on forced marriage and FGM;
- The Director held a roundtable meeting on FGM in September 2012, with stakeholders and experts, which led to an action plan to ensure the police and CPS are better placed to respond to this crime.

Child abuse

- In 2012-13 there was a rise in the volume of child abuse homicide offence prosecutions¹⁵, from 17 to 30, with over 73.3% successful outcomes;
- There was a fall in the volume of offences against the person (from 2,569 to 2,220); with successful outcomes rising from 71.4% to 74.0%, compared with 2011-12;
- Sexual offence prosecutions fell (from 4,655 to 4,051);with successful outcomes staying steady at 75.8%;

¹² Sexual offence caseload as a % of all CPS prosecutions

¹³ Since 2010, defendants in forced marriage and honour based violence cases have been 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.

¹⁴ As in footnote 13

¹⁵ See glossary for definitions.

- There was a fall in the volume of all child abuse cases¹⁶ prosecuted in 2012-13 of 13% compared with a 10% fall in the volume of all CPS prosecutions;
- There was a rise in successful outcomes in the overall child abuse cases¹⁷ from 74.3% in 2011-12 to 75.1% in 2013-14;
- Following the review of high profile child abuse and exploitation cases, two CPS seminars were held for prosecutors in 2012-13;
- The CPS Savile report was published in January 2013;
- The Director held a series of roundtables with stakeholders to develop child abuse guidelines for police and prosecutors that are the subject of public consultation from June 2013, with finalisation planned for September 2013;
- Case studies from Areas illustrate prosecution of grooming and child sexual abuse cases.

Human trafficking and prostitution

- Since April 2010, the CPS has flagged and monitored all cases of trafficking¹⁸, 139 defendants were recorded in 2012-13, a slight fall from 142 in 2011-12; however, convictions rose from 66.2% to 71.2% in the same time period;
- An e-learning training programme was developed by March 2013 for the implementation of new legislation in April 2013;
- Case studies include examples of trafficking; inciting child prostitution; kerb-crawling programmes; prosecution of brothel offences and actions during the Olympic Games.

Pornography

- In 2012-13 there was a slight fall in the prosecution of child abuse images from 19,663 to 18,937, including prosecutions commenced for 14,694 offences of sexual exploitation of children through photographs; but a rise in prosecutions of possession of a prohibited image of a child from 179 to 394;
- There was a slight fall in obscenity offences prosecuted from 5,801 to 5,508;
- Overall there was a fall of just under 4% of child abuse images and 5% of obscenity offences reaching a first hearing, compared with a 10% fall in the volume of all CPS prosecutions;
- Training was published on cyber-stalking in November 2012 to address the rise in these cases;
- Case studies illustrate prosecutions of sexual exploitation of children through photographs and cyber-crimes.

¹⁶ Child abuse cases of homicide, offences against the person and sexual offences.

¹⁷ See footnote 16

¹⁸ 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. From January 2013, the accuracy of flagging was checked quarterly.

Introduction

This CPS Violence against Women and Girls (VAWG) Crime Report is the sixth 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 2012-13 have been highlighted within each section and may differ according to strands. The CPS collects data¹⁹ 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 2007²⁰.

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 2012 the government prioritised work on VAWG through the publication of a cross government VAWG action plan, including CPS plans for 2012-13. The implementation of these actions is overseen by the VAWG Inter-Ministerial Group. Plans for 2012-13 included VAWG assurance, training, the development of work on child sexual exploitation and addressing victim safety. All details are included in the relevant sections of this report.

Engaging Police and Crime Commissioners

CPS has highlighted the need for criminal justice agencies to work closely with Police and Crime Commissioners (PCCs) in order to deliver an effective criminal justice system and include key priority areas such as VAWG. A high-level briefing paper on VAWG for local CPS colleagues was produced to support them in their interactions with their local PCC, providing further information about CPS performance on VAWG; the importance of specialist VAWG organisations and Independent Domestic Violence Advisers (IDVAs); the prevalence of VAWG and women offenders.

¹⁹ 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

²⁰ The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

Violence against Women and Girls

A mainstreamed approach to VAWG issues, with greater Area ownership and accountability was introduced, following the implementation of the CPS VAWG strategy 2008-11. A separate report, [Violence against Women and Girls Strategy 2008-11 – an assessment of success](#), was published in July 2012 that reviewed the impact of the three-year strategy. In line with our new mainstreamed approach, VAWG work continued to be a priority within CPS Area business plans.

VAWG Coordinators win award:

The hard work of our VAWG Coordinators and their contribution to our improved performance in respect of VAWG prosecutions was recognised by a Civil Service Diversity and Equality Award in 2012. The Coordinators meet bi-annually as a network to address key issues together and ensure they are up to date with the latest changes across the Service.

Stakeholder support:

At a national level the VAWG External Consultation Group (ECG), involving key VAWG expert groups, continued to advise the CPS VAWG team as a subgroup of the wider Community Accountability Forum. The Public Accountability and Inclusion Directorate (PAID)²¹ continued to hold overall responsibility for the VAWG agenda within the CPS and the CPS Strategy and Policy Directorate (SPD) support the VAWG agenda through the provision of identifiable policy leads including domestic violence, rape, forced marriage, FGM, stalking, child sex abuse, honour based violence, human trafficking, prostitution, child neglect and pornography.

Links across VAWG issues

Our focus over the last few years has been honed to understand the vulnerability and intimidation of VAWG victims, and in 2012-13 we have explicitly announced the need to shift our focus when reviewing these cases on to the credibility of the allegation, rather than that of the victim.

The understanding of the links between different types of VAWG crimes continues to improve. In 2012-13 the focus on teenage relationship abuse, the Savile report, indecent images of children, child sexual exploitation cases, other high profile child abuse issues and trafficking began to identify changes needed across the police and CPS. We also 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.

Refocusing VAWG operating practices:

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

²¹ Previously the Equality and Diversity Unit (EDU)

VAWG performance

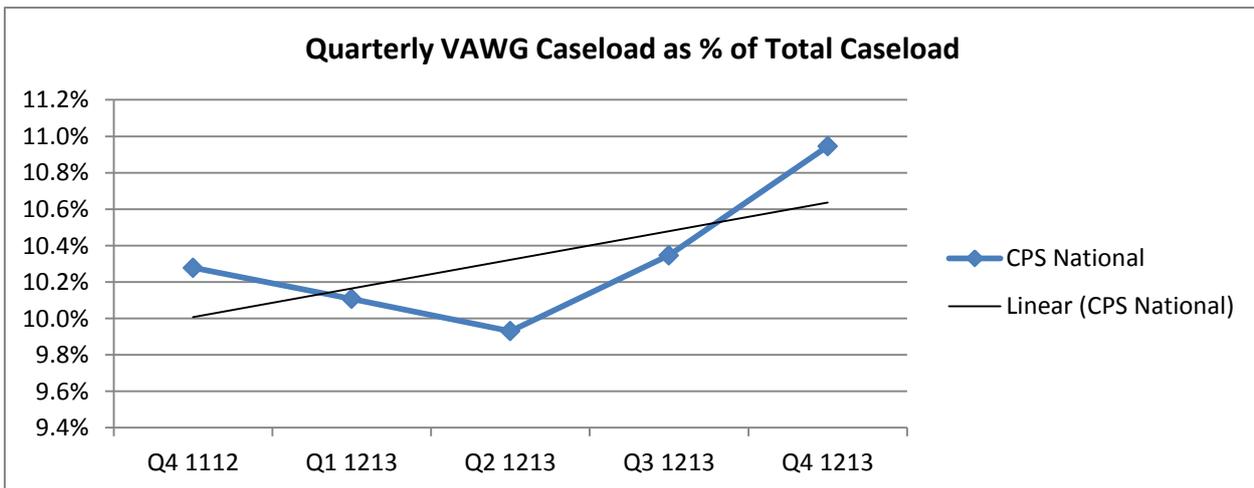
In 2012-13, CPS Areas continued to monitor their performance using the VAWG validation measure that assessed unsuccessful outcomes for domestic violence, sexual offences and rape, as well as volume of prosecutions.

Following the introduction of a specific qualitative VAWG Assurance system in January 2011, Areas provided 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 DPP. Areas are assessed according to their trend in performance, in comparison to the national average and ranked according to their VAWG performance. Areas receive feedback on their assurance reports from the VAWG team and the DPP and are required to draw up 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.

Similar to previous years, the majority (86%) of crimes grouped under VAWG for performance management purposes are domestic violence with rape at 4.5% and sexual offences, excluding rape, at 9.5%.

In 2012-13, 82,165 defendants were prosecuted for VAWG offences - this represents a fall of 10% in the volume of VAWG cases prosecuted²², compared with the previous year. However, this fall should be viewed against the fall in volume across all CPS cases prosecuted of 10%. The decline in VAWG caseload was reversed in the final quarter, as in Graph 1.

Graph 1: VAWG caseload as % of total caseload in 2012-13.



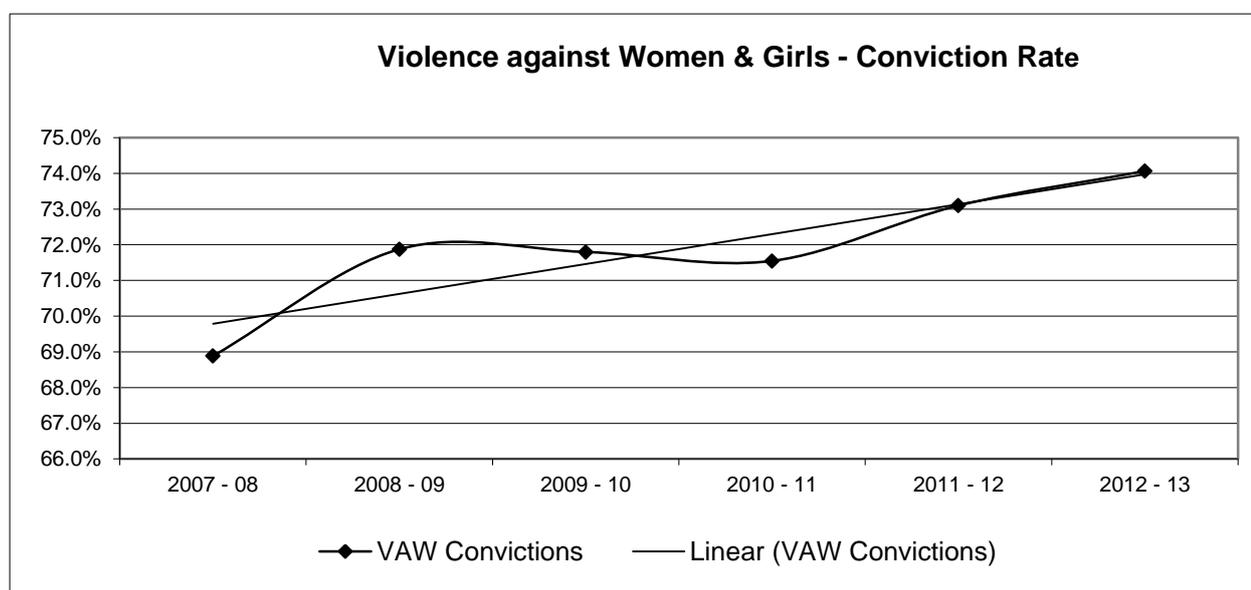
²² Covering domestic violence, rape and sexual offences, excluding rape.

Quarterly VAWG caseload as a % of total

	Q1 11-12	Q2 11-12	Q3 11-12	Q4 11-12	Q1 12-13	Q2 12-13	Q3 12-13	Q4 12-13
CPS National	10.1%	10.2%	10.3%	10.3%	10.1%	9.9%	10.3%	10.9%

The proportion of successful prosecutions rose to 74.1%, delivering the highest VAWG conviction rates ever. Graph 2 indicates the upward trend over the last six years. 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.

Graph 2: Conviction rates for violence against women and girls crimes from 2007- 08 to 2012-13



Area performance

The table on page 63 provides VAWG prosecution data by Area. In 2012-13, the high performing Areas in relation to VAWG conviction rates 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	60,853	74.1%	21,312	25.9%	82,165
East of England	4,588	80.1%	1,140	19.9%	5,728
Cymru Wales	4,669	78.1%	1,310	21.9%	5,979
Merseyside and Cheshire	2,806	77.8%	800	22.2%	3,606

East of England has remained the highest performing Area, with Cymru Wales improving since last year by 3.3ppt and Merseyside and Cheshire by 1.4ppt. The Areas prosecuting the highest volume of VAWG cases were North West 11,770 (77.3% successful, a rise of 3ppt); London 10,836 (62.3% successful, a fall of 1ppt) and Yorkshire and Humberside 7,868 (75.2% successful, a rise of 2ppt). North West and Yorkshire and Humberside both have conviction rates higher than the national average of 74.1%.

Equalities issues

Gender

The gender data for 2012-13 was the same as in 2011-12. 94% of VAWG defendants were men. From those with recorded gender²³, the proportion of women victims was 85%.

Ethnicity

In 2012-13, 76% of VAWG crime defendants²⁴ were categorised as White, of which 73% were identified as White British (similar to the previous year). 6% of defendants were identified as Asian, and just under 6% were identified as Black, similar figures to the previous year²⁵. Just under half of victim ethnicity was not recorded, so this data is not reported on within this report.

Age

The majority of defendants were aged 25-59 (69%) and 18-24 (25%). It was of concern to note that 28% of defendants (23,089) were under 24 years old, with 2,748 (just over 3%) of defendants being 14-17 years old and 204 (0.2%) aged 10-13. Although the recording of victim age has improved again, up to 79%, it is still not robust enough to include in this report.

International VAWG work

In April 2013 the CPS rape policy advisor participated in the United Nations Office of Drugs and Crime (UNODC) collaborating with the newly established Thailand Institute of Justice, holding a three day meeting to develop a Handbook for prosecutors handling VAWG cases. Other international work is reported within each section.

New laws and guidelines for prosecutors

New laws

A range of VAWG issues have been addressed across government during 2012-13. The CPS fed into the forced marriage legislation (due for implementation in 2014) and stalking legislation (published November 2012) as well as advising on the finalisation of the domestic violence definition. New legislation to extend territorial jurisdiction for human trafficking was introduced in April 2013.

²³ 82% of victim gender was recorded in 2012-13 – a fall from 86% in 2011-12.

²⁴ Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories.

²⁵ 2.7% of defendants did not state an ethnicity on arrest and just under 6% of defendants' ethnicity was not provided to the CPS by the police.

New guidelines

In 2012-13 a main focus was on developing new guidelines on child sexual abuse with the College of Policing, to ensure police and prosecutors had a common approach based on assessing the credibility of the overall allegation rather than simply the victim. We also consulted on, and published, new guidelines on prosecuting cases involving communications sent via social media.

Legal guidance on Rape Counts linked to murder, left to lie on file, was published in July 2012 - details are provided in the rape section of this report. Guidance on human trafficking was updated to reflect legislative changes and up-to-date case-law.

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.

Revision of Code of Practice for Victims of Crime - the targeted approach to victim and witness care outlined above is supported by the Ministry of Justice (MoJ), which is developing the Government's victim and witness strategy. As part of this work the MoJ is currently reviewing the Code of Practice for Victims of Crime. The CPS is working with the MoJ to revise the Code, which will provide clarity for victims in understanding their entitlements.

Clarifying our service and guidance - following the successful evaluation of a pilot study in 2012 and with the support of ACPO, the CPS has implemented nationally a revised service to victims and witnesses, focusing the support Witness Care Units give to those victims and witnesses in greatest need, including domestic violence and sexual violence victims. Members of the joint CPS/police CJS Efficiency Team will be evaluating implementation and monitoring compliance with the revised minimum requirements from June 2013.

In July 2012, the CPS published a framework document outlining the key elements of witness care, providing links to the more detailed legal guidance where necessary. The framework is primarily to assist front line practitioners in understanding and delivering their CPS witness care commitments, thereby ensuring that the CPS complies with our Core Quality Standards.

WCU Manual

The CPS together with ACPO is developing a WCU manual which is designed to assist WCOs and managers in their day-to-day dealings with victims and witnesses.

Victims' Right to Review scheme - following the judgment in R v Killick, the CPS launched the Victims' Right to Review initiative in June 2013. The new scheme makes it easier for victims to seek a review of a CPS decision not to prosecute. Guidance, which has been agreed for the purposes of implementing the scheme, is subject to formal external consultation which will run for a period of three months from June 2103.

Direct Communication with Victims - the CPS is planning to review our wider communications with victims and to run a pilot study in the autumn on how we can better

communicate with victims, providing tailored enhanced services directed at those in most need of support, including VAWG victims.

Addressing the needs of young victims and witnesses - in February 2012 HMCSI and HMIC published their 'Joint Inspection Report on the Experience of Young Victims and Witnesses in the Criminal Justice System' (the 2012 report). The CPS is in the process of addressing a number of issues highlighted in the report.

Special measures research - The CPS undertook a research project in to the use of special measures and published the report in August 2012. The research reported on improvements needed to identify the requirement for special measures; provision of more detailed reasons for applications; improved timeliness of applications and more sensitive ways to speak to vulnerable victims. The CPS SPD is progressing the recommendations made in the report. Actions to date include the following: the CPS e-learning package on special measures has been refreshed and now provides more information and focus on intermediaries; the CPS has contributed to the development of the Advocate's Gateway website, which was launched in April 2013 and which is designed to provide practical, evidence-based guidance for criminal justice practitioners on vulnerable witnesses and defendants.

Guidelines on prosecuting cases involving communications sent via social media

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

High profile case

Footballer Ched Evans has been jailed for five years after being found guilty at Caernarfon Crown Court of raping a woman at a hotel near Rhyl.

Following his conviction a number of people posted comments on Facebook and Twitter expressing their displeasure at the outcome. A number of them named the victim and went on to post derogatory comments including making suggestions that the victim had falsely alleged rape. The approach to the case was to prosecute the people who had named the victim under s5 Sexual Offences (Amendment) Act 1992 and to use the offensive comments that were posted as aggravating features of the offence. All defendants were convicted and ordered to pay the victim compensation.

Area VAWG work

In 2012-13 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 focused on honour-based violence or VAWG ethnicity issues.

A round table was held in January 2013 for VAWG Coordinators to discuss the development of National Standard Operating Practices including the development of RASSO Units, as part of the CPS refocusing agenda.

Good practice

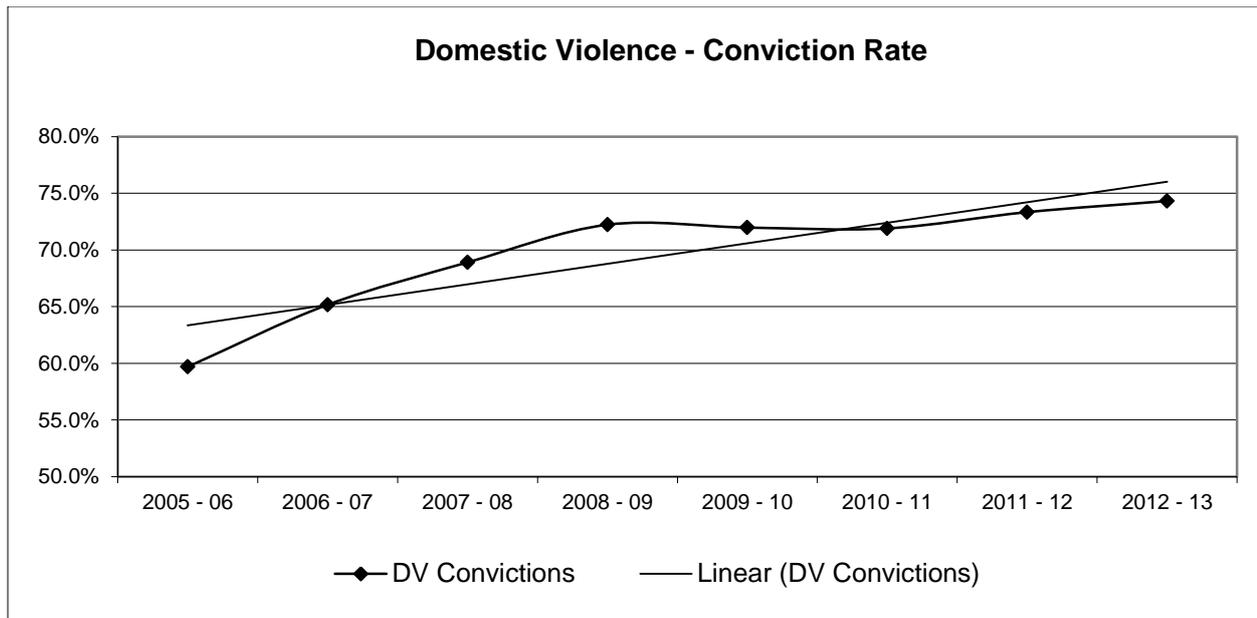
Work with local community groups through LSIPs and community engagement has provided a range of good practice shared across Areas. Core Quality Standard 12 relates to community engagement and is monitored across Areas annually. Examples of good practice include:

- West Midlands and Wessex held forums with IDVAs/ISVAs to improve their prosecutions, North East held a LSIP to address victim issues;
- A range of VAWG conferences and training sessions have been held locally including conferences in North West on FM/HBV and LGBT issues; HBV training in East Midlands; Human Trafficking training in Wales and CPSD invited IDVAs to support their training sessions; North East conference led to volunteers trained up by IDVAs as peer support for victims; North West held a conference for teenagers, on abuse;
- Eight Areas specifically addressed FM and HBV issues;
- Four Areas held events and carried out work on FGM;
- The majority of Areas addressed their work on child abuse, especially in relation to child sexual exploitation and abuse;
- Development of VAWG local bulletins, as in the North East and East Midlands;
- Thames and Chiltern used Intermediaries to support victims in VAWG cases.

Domestic Violence

In 2012-13 the overall pattern of domestic violence prosecutions indicated, yet again, that a higher proportion of cases were convicted, with fewer cases discontinued and more defendants pleading guilty. Graph 3 illustrates the upward conviction trend over the past eight years, with an increase in 2012-13.

Graph 3: Domestic violence conviction rates 2005-06 to 2012-13



In 2012-13 over 88,110 cases were forwarded to the CPS by the police for charging decisions.²⁶ This was a fall of 7% of cases forwarded for charge, from 95,117 in 2011-12. Of these, 64.6% were charged which is a slight fall in proportion, from the previous year (65.6%).

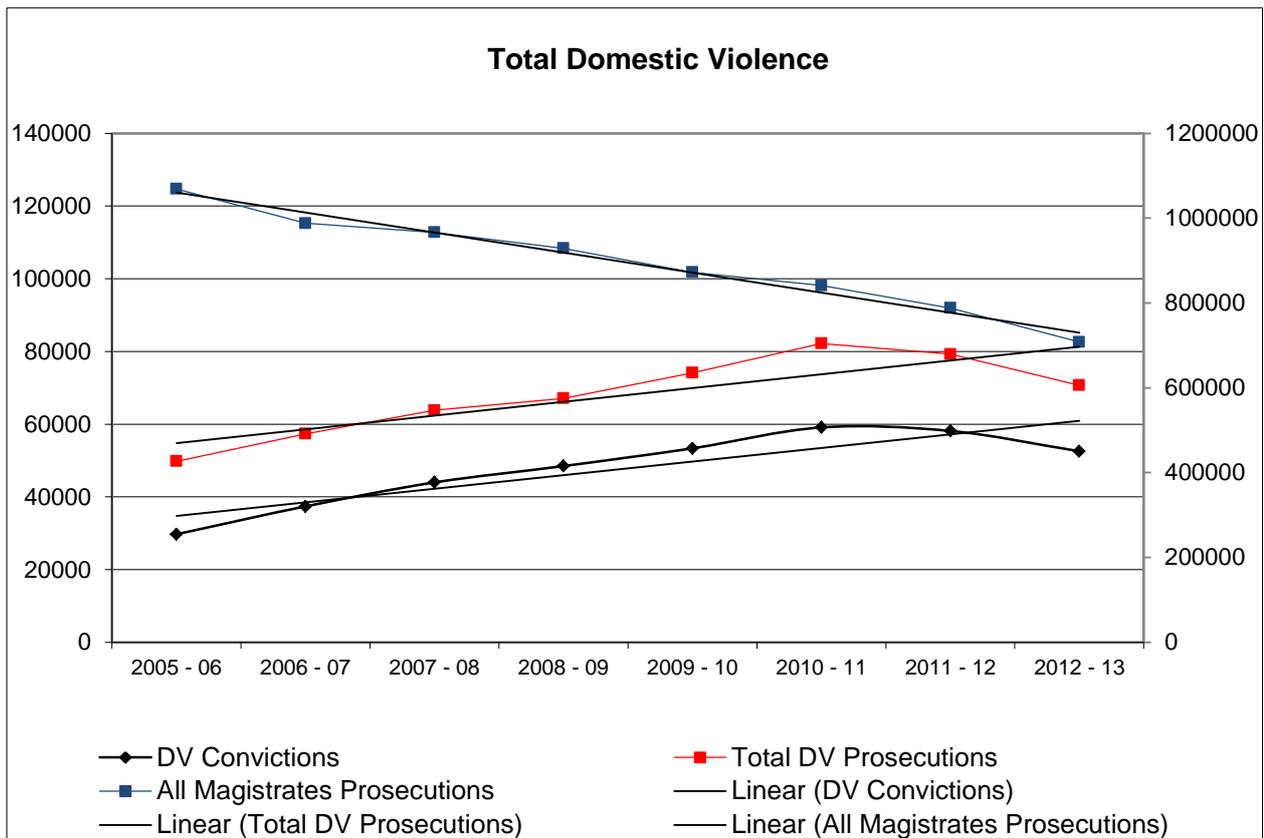
In this period, as in the previous years, offences against the person were the most frequently prosecuted offences, representing 68% of domestic violence crimes. Criminal damage and public order offences accounted for a further 13% and 5% respectively²⁷.

As shown below in Table 2, the volume of defendants prosecuted decreased over the last year by 11% to 70,702, however this needs to be viewed against the same fall of 11% in the volume of all Magistrates' Court cases prosecuted by the CPS (see graph 4). Caseload had been maintained across 2011-12 and 2012-13 at 8.9%, rising to 9.5% by Q4 2012-13 - see graph 5. Charge to NFA has fallen very slightly – it was 2.4:1 in 2012-13 compared to 2.5:1 in 2011-12. Work is in hand with the Home Office and Areas to address this.

²⁶ Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2012-13 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2012-13.

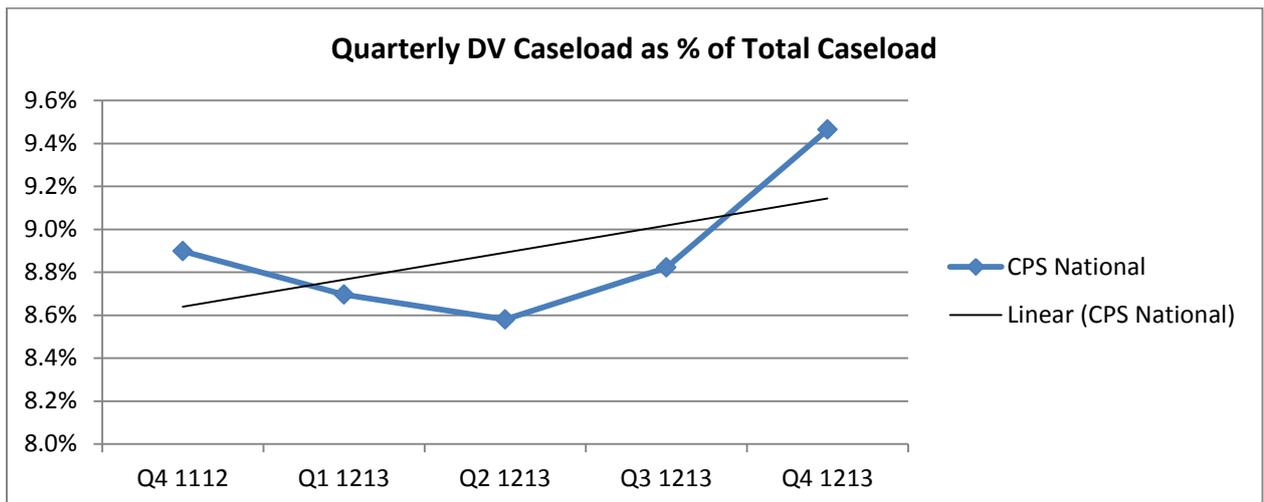
²⁷ See Glossary for CPS definitions of 'principal offence' and the different categories.

Graph 4: Domestic violence volumes 2005-6 to 2012-13



Left scale is volume of domestic violence prosecutions;
 Right scale is volume of all Magistrates' Court prosecutions.

Graph 5: Domestic violence caseload in 2012-13



Quarterly DV Caseload as a % of total

	Q1 1112	Q2 1112	Q3 1112	Q4 1112	Q1 1213	Q2 1213	Q3 1213	Q4 1213
CPS National	8.8%	8.9%	8.9%	8.9%	8.7%	8.6%	8.8%	9.5%

The proportion of successful outcomes increased to 74.3%, an increase of 1.0ppt from the previous year. The proportion of guilty pleas rose by 1.0ppt over the year to 68.5%, conviction after trial was 5.7%²⁸.

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. Discontinued cases have continued to fall and reached the lowest level ever, at 20% of all prosecuted DV cases.

Table 2: Completed domestic violence prosecutions by outcome

	2007 - 08		2008 - 09		2009 - 10		2010 - 11		2011 - 12		2012-13	
	Volume	%										
Convictions	43,977	68.9%	48,465	72.2%	53,347	72.0%	59,101	71.9%	58,138	73.3%	52,549	74.3%
Unsuccessful	19,842	31.1%	18,629	27.8%	20,766	28.0%	23,086	28.1%	21,130	26.7%	18,153	25.7%
Total	63,819		67,094		74,113		82,187		79,268		70,702	

Area performance

The table on page 64 provides domestic violence prosecution data by Area. In 2012-13, the high performing Areas in relation to domestic violence conviction rates are provided in Table 3.

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

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	52,549	74.3%	18,153	25.7%	70,702
East of England	4,102	80.7%	981	19.3%	5,083
Cymru Wales	4,179	79.0%	1,111	21.0%	5,290
North West	8,127	77.9%	2,312	22.1%	10,439

²⁸ Conviction after trial is only 5.7% of the 74.3% successful outcomes, as the level of guilty pleas is so high at 68.5%.

East of England remained as the highest performing Area; with Cymru Wales improving by 3.3ppt from last year and North West by 3.7ppt. Within East of England Suffolk has the highest successful prosecution rate of 83.7%. In total, eight Areas improved their prosecution outcomes over the last year.

The Areas prosecuting the highest volume of DV cases were North West with 10,439 (77.9% successful, as above); London with 8,787 (61.7% successful – a fall of 1ppt from 2011-12) and Yorkshire and Humberside with 6,875 (75.2% successful, a rise of 2ppt from last year).

Area good practice

- In CPS North West, senior managers focused on identifying cases accurately, understanding the reasons for attrition and engaging with stakeholders and CJS partners in 2012-13. They have a specific DV pack for advocates which has been shared nationally and ensured greater continuity of committed specialists in Specialist DV Courts. A workshop with the police addressed local solutions. The Area found the increasing compliance with the ACPO/CPS DV checklist as influential in improving performance.
- CPS Cymru Wales have improved their performance through good senior leadership, tight monitoring of performance with accountability of lawyers, use of specialist DV lawyers for trials and all SDVCs, priority court listing and crucial work with partners, WCUs and IDVAs. DV is a key priority for the All Wales Criminal Justice Board.

Equalities issues

Gender

In 2012-13, as in the previous years, the majority of defendants were men, at 93%. The recording of victim gender fell slightly to 82% in 2012-13, from 87% in the previous year. From those with recorded gender, the proportion of women victims remained at 84% since 2010-11.

Ethnicity

In 2012-13, 79% of domestic violence defendants were categorised as White (similar to the previous year), with 75% being identified as belonging to the White British category. 5% of defendants were identified as Black and 5% were identified as Asian, similar to the previous two years²⁹. Although victim ethnicity recording has improved, just under half is still not recorded and therefore the data is not included in this report.

²⁹ Just over 2% of defendants did not state an ethnicity on arrest and just over 5% of defendants' ethnicity was not provided to the CPS by the police.

Supporting Black, Asian, Minority Ethnic and Refugee Women

CPS Mersey-Cheshire has supported the establishment of a new local charity supporting Black, Asian, Minority Ethnic and Refugee women, who are victims of domestic abuse. The charity, Savera Liverpool, focuses on support for victims of domestic abuse, forced marriage, honour-based violence and FGM. The founder of Savera won an award of Merseyside Woman of the Year following her nomination by the CPS.

Age

The majority of defendants were aged 25-59 (69%) and 18-24 (25%). It was of concern to note that just under 30% of defendants (20,228) were under 24, with 2,123 (3%) of defendants being 14-17 years old and 118 (0.2%) aged 10-13. Recording of victim age has improved up to 79%, but is not robust enough to include in this report.

Teenage abuse

Research undertaken last year by the CPS, indicated a low volume of prosecutions in teenage relationships and, although largely successful, there was little reference to support for victims³⁰. As a result in July 2012 a National Scrutiny Panel (NSP) assessed cases of teenage relationship abuse. During the meeting, which was chaired by the DPP, the NSP considered six cases drawn from a total of 26 from all prosecutions for 2011-12 that were flagged as domestic violence and child abuse which involved a young defendant and a young victim.

The NSP identified a number of issues to improve prosecutions and a working group has been set up across CPS to:

- **Support prosecutors to improve their understanding of teenage relationship abuse:** This will include developing training materials to challenge myths and challenge stereotypes; promoting the types of restraining orders or bail conditions which might be most relevant for young people, for example, non-communication through social media; and improving age appropriate communications.
- **Develop better partnership working across agencies to improve operational performance:** This will include working with other government departments to explore the level of support available for victims in youth courts; encouraging Local Scrutiny Involvement Panels to consider cases involving teenage relationship abuse and engaging with appropriate agencies at the local level; promoting better case building with police.
- **Improve strategic overview and engagement:** This involves raising issues in the cross-Government VAWG delivery group coordinated by the Home Office, feeding into the VAWG Inter Ministerial Group.

³⁰ The reason for focusing on this theme was that the 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.

Tackling domestic violence among young people

- A conference was held by the CPS North West to raise awareness amongst young people about domestic violence. Over 40 young people attended the event, which had been specifically designed for people aged 13 to 25 years. Feedback from many children in attendance was that the CPS and other agencies also needed to go into schools and do similar events at school assemblies in order for young people to have a better understanding of acceptable and unacceptable behaviour.
- CPS East of England monitored their domestic abuse cases for seven months and the local criminal justice board commissioned work to investigate the inclusion of youth cases in their SDVC model.

Relationships

Recording of the relationship between the perpetrator and victim is not yet robust enough to assess, however the recording has improved from 17% in 2010-11 to 49% in 2012-13 and Areas will be encouraged to improve further to help identify same sex relationships and differentiate between family members and intimate partners.

Same sex relationships

Cumbria held a conference that addressed same sex relationships. Domestic violence (DV) advocates, police, housing associations, education, health and social care representatives attended. OutReach Cumbria, the only LGBT organisation in Cumbria, shared with advocates the discrimination faced by LGBT victims and how to provide better support. After the conference, OutReach Cumbria were commissioned to deliver additional training to the DV advocates.

Cross-government issues: Revised definition

The new cross government definition was implemented from March 2013. It now includes domestic violence victims aged 16 and 17 years old, to increase awareness that young people in this age group can also experience abuse of this kind. In addition it includes and defines controlling behaviour and coercive behaviour.³¹

³¹ Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is: an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

The change of definition also includes so-called 'honour based violence', FGM and forced marriage; the definition does not confine victims to a specific gender or ethnic group.

The CPS already included cases of Under 18's, as both perpetrators and victims and recognises within our DV training the pattern of coercion, power and control. It is hoped that the new definition will bring greater awareness to other Departments and services to ensure that victims are supported as well as possible when experiencing the different forms that domestic violence or abuse can take.

Specialist DV Courts

During 2012-13, 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 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 next tranche of transfers during 2012-13 – visiting two SDVCs to approve their new system.

Training

The e- learning training was updated by March 2013 to ensure that the most up-to-date information was included, including the revised definition, stalking, teenage relationship abuse and the new charging/evidence checklist. CPSD held training sessions with IDVAs for their prosecutors.

The CPS continues to strengthen its commitment to domestic violence victims through our dialogue with CAADA. In November 2012, the CPS delivered training to Independent Domestic Violence Advisors in Bristol, Manchester and London. The training was delivered by SPD with input from two VAWG coordinators. The course covered the criminal justice process, including the police response to domestic abuse and sexual violence, and the role of the CPS and other criminal justice services.

Charging

A new [Domestic Abuse joint CPS and Police charging checklist](#) was launched in November 2012. It is based on best practice from across England and Wales, with advice from police domestic abuse force champions' network, CPS colleagues and approved through the ACPO Commissioning Framework.

The checklist is used by both the Police and CPS to identify, collate and check the evidence for domestic abuse related cases, as they were investigated by the Police and charging decisions and subsequent prosecutions were undertaken by the CPS. It covers key issues for enhanced evidence gathering and charging and builds on the previous CPS Aide – Memoire for charging in DV cases. This is an easy mechanism for all involved and will allow ACPO and the CPS to maintain a good overview on evidence collation and provision to support effective case management and decision making. It will also assist prosecutors to build cases using evidence other than that of the victim.

Bail Appeals

In December 2012 there were important changes to sentencing and to bail for both adults and youths, including the prosecutor's right of appeal in respect of decisions on bail made by judges. This provision was included almost as a direct result of the campaigning led by John and Penny Clough, the parents of Jane Clough who was murdered by Jonathan Vass in Blackpool in 2010. At the time of the murder, Vass was on bail in respect of charges of rape and assault of Jane having been granted conditional bail by a Judge in chambers seven months earlier.

CPS North West used these changes to appeal a decision by a Judge in a case with a domestic violence context. A defendant, who had been on bail for assaulting his partner, twice breached his magistrates' court bail conditions before being remanded in custody. He successfully applied to a judge in chambers for bail but the CPS immediately lodged an appeal under the new provisions, which was upheld.

A second case was appealed following a judge bailing a defendant charged with four rapes and several common assaults. A High Court Judge allowed the CPS appeal.

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. 6,741 domestic violence cases failed in 2012-13 because the victim either failed to attend court or retracted their evidence; that equated to approximately 37% of all unsuccessful domestic violence cases as compared to about 11% for all other prosecutions.

Out of *all* cases prosecuted, the proportion that was unsuccessful due to victim issues³² has fallen to 13.2% from 13.5% last year, after three years prior to that of remaining constant at 14%. Support for victims through the court process is key in reducing retractions and work to improve this is outlined below.

Research was carried out in one Area to assess the most effective actions following victim non-engagement or withdrawals – aiming to provide further information on victims' refusal to engage with the prosecution process; measures taken to involve victims in this process and address their safety; assess effective ways to ensure a successful conviction; and what steps could be taken to improve conviction outcomes and victim safety.

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

³² Unsuccessful cases due to victim retraction; non-attendance or where the victim's evidence does not support the case.

was used and/or witnesses summonsed and their outcomes. In addition, IDVAs provided their views through questionnaires and a focus group.

The research was completed in 2013 and the report will be published in summer 2013.

Conviction without victim or perpetrator

A case in Merseyside and Cheshire dealt with an unusual situation. On the day of the trial both the victim and perpetrator did not appear at court. The victim had informed the Witness Care Officer of her fear and further threats. The prosecutor successfully applied to proceed in their absence using the most current legal judgement in full. Thereafter the police officer, who had attended the scene of the abuse, provided evidence of the injuries and distress and an admission from the defendant. The defendant was found guilty. The complications of this case were overcome by good police investigation and a proactive approach by the prosecutor.

Witness summonses

In 2011-12 it was identified that a number of courts had begun automatically to issue witness summonses in domestic violence cases at the first hearing, irrespective of any information that may or may not be available about the safety and views of the victim, as part of the Stop Delaying Justice initiative. Guidance was therefore issued to clarify how to deal with witness summonses for witnesses to attend, when such situations arose.

The guidance makes clear that applying for a witness summons is a last resort and should only be considered once:

- there is an indication of the victim's reluctance to attend;
- police enquiries have been made as to the safety of the victim and any children, ascertaining whether the victim has been made aware of available specialist support and risk assessments considered, especially in higher risk cases;
- the CPS witness summons checklist is used to assess if the obtaining of a summons is thought to be desirable.

However, witness summonses must not be served until it has been ascertained that the victim will not attend even with support or special measures; there is no other evidence; an application under section 116 of the Criminal Justice Act 2003 is not possible and the victim's safety will not be jeopardised.

The guidance also indicates that where the court decides to issue a witness summons of its own volition, prosecutors should reiterate that the automatic seeking of a witness summons is against our policy. An adjournment should be sought to properly assess the case and consider the criteria for a witness summons. In cases where the court refuses an adjournment, prosecutors must ensure that the witness summons is not served until the required steps are taken.

Restraining orders

Applications for restraining orders can be made on conviction or acquittal³³. Restraining orders on acquittal can be an added protection for victims in situations where the abuse may be beyond the balance of probabilities, but not beyond reasonable doubt – the standard of proof required for criminal convictions. The Ministry of Justice data for 2012 on restraining orders on conviction and acquittal was not available at time of publication.

From January 2013, all Areas began to record restraining orders on acquittal to provide some measure of where the CPS may help in victim safety and avoid victims having to apply and pay for an order through the civil courts.

Support for victims in court

- In one case, the victim had been residing in a women's refuge away from the Area. Due to the gravity of the offences the victim gave evidence remotely by video link with a Bengali interpreter. She gave evidence over the link and the defendant was convicted and given: 13 weeks' imprisonment, suspended for 12 months; community punishment order for 120 hours, with supervision and compensation to be paid to the victim.
- An Area VAWG Coordinator worked with the police and other partners to look at ways to improve non-attendance of victims at trial. Some initiatives being actively explored include altering the letter automatically sent out to DV victims by the WCU to make it DV specific; building in CPS contact to victims at the stage the case is prepared for trial to pre-empt any witness issues and supplying information to support groups at all stages so they can cross reference who they are supporting and help in improving court attendance.
- A partner specialist domestic violence organisation, at one of the specialist DV courts, worked with CPS and the police to lessen the impact of non-attendance due to witness and child care expenses.

Victim issues

A number of local initiatives have been identified as good practice throughout 2012-13. A range of DV conferences and training sessions have been held locally – for example CPSD invited IDVAs to support their training sessions; North West held a conference for

³³ 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.

teenagers on relationship abuse. East Midlands and London carried out some initiatives to address non-attendance of victims.

Good practice

North East organised an event jointly with local women's groups and some attendees volunteered to be trained by IDVAs to act as peer support for victims attending court.

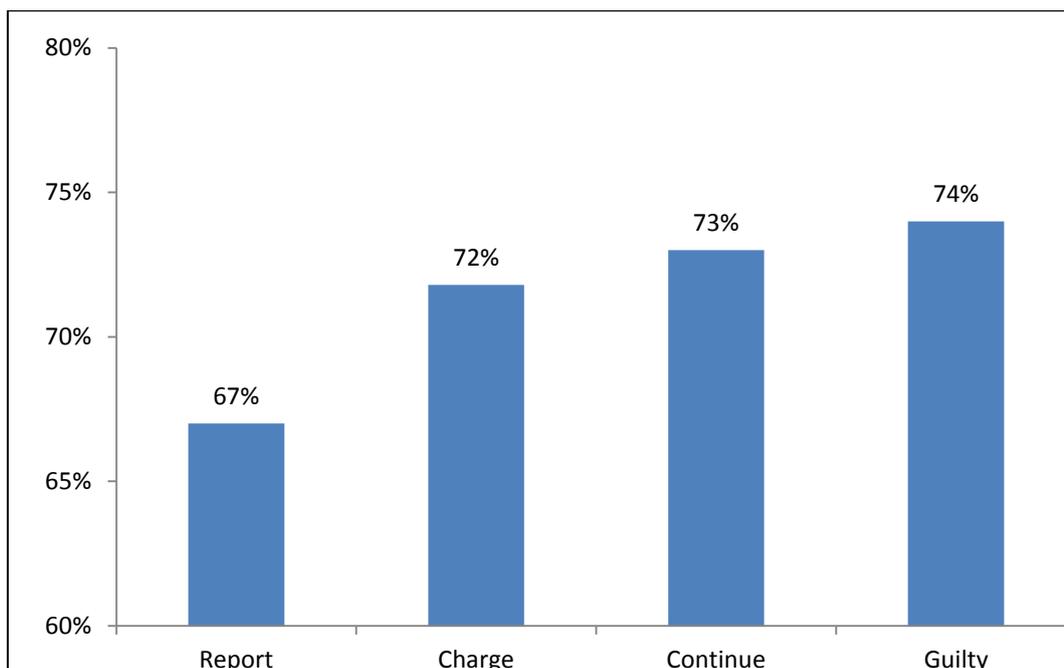
Independent Domestic Violence Advisers research

The CPS commissioned research from CAADA (the Coordinated Action against Domestic Abuse) to provide an insight into the profile and experiences of victims, supported by Independent Domestic Violence Advisers (IDVAs), who accessed the Criminal Justice System between January and December 2011. A report was published in July 2012 '[IDVA Insights into domestic violence prosecutions](#)' which identified that 72% of victims in cases where we have taken a decision to charge experienced a cessation of abuse, rising to 74% when found guilty (Graph 7).

It was clearly demonstrated that effective partnership working between criminal justice agencies and IDVA services enabled victims to be safely supported through a prosecution. The continued work of CPS with IDVAs has indicated the value of these support services at a local level and the importance of their continued funding.

The research also showed that Specialist Domestic Violence Courts (SDVCs) achieved better outcomes than other courts, and that cases heard in SDVCs were more likely to result in a conviction. IDVAs are a key component within these courts working with the CJS to support victims and improve successful prosecutions.

Graph 7: Cessation of abuse in victims supported through criminal justice system



Serial perpetrator

In a CPS East of England case, the defendant was an abuser of multiple victims. In total 10 different partners of the defendant had reported violent behaviour to the police, many of them were in such fear that they felt unable to support a complaint, those who did later retracted. One of his previous victims had such serious injuries that she became a paraplegic. He had been convicted of domestic assaults on four different women between 1995 and 2006.

It was recognised at an early stage that bad character evidence was going to be crucial in terms of painting a picture for the jury. One victim agreed to give evidence in support of bad character, but the majority were still terrified of the perpetrator and his behaviour towards them had devastated their lives. The investigating officer made a statement relating to the efforts he went to in tracing these victims and the disclosures that they made, including the fear. All of this evidence was subsequently allowed in at trial.

The main victim was supported throughout by the police and a special measures meeting was held. The defendant was convicted unanimously of rape offences, ABH, and other offences. He was sentenced to life imprisonment for the rapes, nine year tariff concurrently for ABH, and over seven years for the other offences.

Domestic violence harassment

In 2012 new legislation on stalking was announced, the next section on Harassment below, provides general data on harassment offences³⁴. The harassment offences, in which a prosecution started, as domestic violence cases, are outlined below.

Table 4 below, shows that in 2012-13:

- There were 4,217 offences flagged as domestic violence charged under Section 2 Prevention of Harassment Act (PHA) 1997 - course of conduct amounting to harassment - (compared with 4,710 in 2011-12);
- There were 775 offences flagged as domestic violence charged under Section 4 PHA 1997 - putting people in fear of violence - (compared with 1,056 in 2011-12);
- This was a fall of 10% in S2 PHA 1997 and 27% in S4 PHA 1997 prosecutions; however more breaches of restraining orders were prosecuted;
- From November 2012 the new stalking offences were introduced – 67 offences charged, 52 of which for stalking without fear/alarm or distress;
- 7,374 breaches of restraining orders were related to domestic violence; a rise of 16% from 2011-12;
- Of these, 220 were breaches of restraining orders that were made on acquittal;
- 4,414 breaches of non-molestation orders started prosecution, compared with 4,333 in the previous year.

Although there was a fall in specific harassment prosecutions (of 10% for Section 2 and 27% for Section 4); there was a 16% rise in prosecutions for breaches of restraining orders³⁵. 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, which would require two incidents to constitute a course of conduct. A breach of a restraining order would require a single incident, regardless of the type and nature of offence and would carry a higher sentence.

³⁴ The caveats in relation to offence data are:

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

³⁵ There were 493 fewer S2 prosecutions charged in 2012-13; 281 fewer s4 and 1,009 more breaches of restraining orders prosecuted.

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

		2012-2013				
		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	4,414	79.3%	1,149	20.7%	5,563
Protection from Harassment Act 1997 { 2(1) and (2) }	Harassment without violence	4,217	58.9%	2,942	41.1%	7,159
Protection from Harassment Act 1997 { 2A(1) and (4) }	Stalking without fear / alarm / distress	52	72.2%	20	27.8%	72
Protection from Harassment Act 1997 { 4(1) and (4) }	Harassment - put in fear of violence	775	55.4%	623	44.6%	1,398
Protection from Harassment Act 1997 { 4A(1)(a)(b)(i) and (5) }	Stalking involving fear of violence	8	88.9%	1	11.1%	9
Protection from Harassment Act 1997 { 4A(1)(a)(b)(ii) and (5) }	Stalking involving serious alarm / distress	7	70.0%	3	30.0%	10
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order on conviction	7,154	71.8%	2,808	28.2%	9,962
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order after acquittal	220	70.3%	93	29.7%	313
		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%	5,323
Protection from Harassment Act 1997 { 2(1) and (2) }	Harassment without violence	4,710	61.1%	3,003	38.9%	7,713
Protection from Harassment Act 1997 { 4(1) and (4) }	Harassment - put in fear of violence	1,056	64.7%	576	35.3%	1,632
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%	8,447
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order after acquittal	202	70.6%	84	29.4%	286

Women offenders

Up until April 2013 a prosecutor had to authorise a Women's Specific Condition (WSC)³⁶ as part of a Conditional Caution. However a revised Code of Practice on Adult Conditional Cautions came into force in April 2013 providing that police officers can now make the decision to authorise WSCs without reference to CPS.

The proportion of women prisoners that report abuse in their lifetime is double that of men. In 2011 self-harm was 10 times higher than for men, and women in custody are twice as likely to suffer from anxiety and depression. Many have problems with drugs and alcohol misuse, and nearly two-thirds leave behind dependent children when entering prison.

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

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

CPS has attended:

- A national event on women offenders addressing girls and young women at risk, opportunities for diversion and prison and resettlement; and
- A launch of a new guide that offers professionals the tools to recognise and respond to the health and wellbeing needs of women offenders published by Together – a charity for mental health issues.

³⁶ The WSC is a rehabilitative condition to attend a women's centre/project for a full "needs assessment", following which women offenders can attend the centre/project on a voluntary basis to engage in a programme to address the underlying needs leading to their offending.

Harassment

In 2012-13³⁷:

- A prosecution commenced in respect of 7,159 offences charged under S2 PHA 1997 for harassment – a fall of 7% from 7,713 in 2011-12;
- 1,398 prosecutions were commenced under S4 PHA 1997 – putting people in fear of violence – a fall of 14% from 1,632 in 2011-12;
- There were 91 prosecutions commenced under the new stalking offences – 72 without fear/alarm/distress and 19 involving fear of violence/ alarm or distress, since the new offence was introduced in November 2012 ;
- However 10,275 breaches of restraining order offences started prosecution, a rise 18% from 8,733 in 2011-12;
- Of these, 313 were breaches of restraining orders that were made on acquittal, a rise of 9% from 2011-12; and
- 5,563 breaches of non-molestation orders started prosecution, compared with 5,323 in the previous year.

The previous domestic violence section provides a table of harassment offences and outlines specific DV-related harassment prosecutions (Table 4).

The Ministry of Justice data was not available at time of publication for the number of restraining orders issued on conviction and acquittal for 2012.

From the Ministry of Justice data, during 2012, there were 6,470 breaches of restraining orders that had been imposed on conviction, with 5,699 convicted³⁸, a rise from 5,233 prosecutions in 2011 with 4,558 convictions. There were 130 charges brought for breach of restraining orders, related to those that were issued following the acquittal of the defendant, and of these 98 resulted in a conviction. In total, 88% of breaches resulted in a conviction this year, a rise of 1ppt from 2011. The MoJ data covers a calendar year and also relate to cases prosecuted where restraining orders were the principal offences prosecuted. CPS data is based on a financial year which includes *all* offences *starting* a prosecution, not just those where a restraining order is a principal offence.

³⁷ Offences recorded in the CPS Management Information System Offences Universe are those which reached a hearing. Data relates to the number of offences recorded in magistrates' courts, in which a prosecution commenced, as recorded in the CMS database. Offences data are not held by defendant or outcome. Offences recorded in the Offences Universe of the MIS are those which were charged at any time and reached at least one hearing. This offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcome or if the offence charged was the substantive offence at finalisation.

³⁸ 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

Two new stalking offences were introduced in November 2012, with guidance provided for prosecutors. Section 2A of the Protection from Harassment Act 1997 introduced a new offence of stalking (summary offence) and Section 4A Protection from Harassment Act 1997 introduced a new offence of stalking involving fear of violence or serious alarm or distress that has a substantial adverse effect on their usual day-to-day activities (either way offence). The additional element in the new section 4A enables cases to be prosecuted mainly when the defendant's behaviour falls short of fear of violence but nevertheless causes a victim serious alarm or distress.

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

Harassment

- A man who carried out a “campaign of harassment” against his former girlfriend and her family was jailed for 12 years. He set fire to the home of his girlfriend's mother and tried to set fire to a nearby police station. When arrested a loaded crossbow and large knife were amongst the items found in his car.
- A man was convicted for s.4 harassment (with intent to cause fear of violence). He inflicted sustained verbal and physical abuse and threats of violence on the victim (his former girlfriend) during their nine-month relationship. The charge was chosen to reflect the seriousness of the harassment. He was sentenced to 140 hours community service and ordered to pay £3,300 costs.

Training

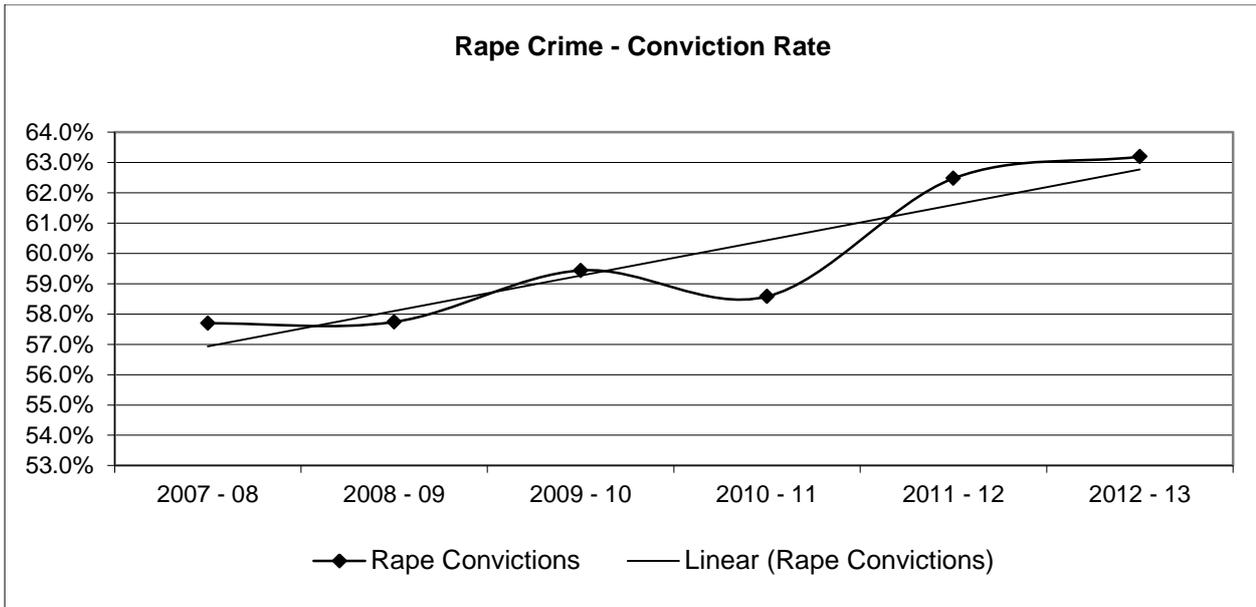
The CPS Prosecution College developed an e-learning module to further support prosecutors in prosecuting cyber-stalking, non-cyber stalking and harassment, which was rolled out in 2012-13. The cyber-stalking training dealt with section 127 of the Communications Act 2003; section 1 of the Malicious Communications Act 1998 and the offence of grooming. This was launched when the new stalking laws were implemented in November 2012 and will be mandatory for all prosecutors from June 2013.

In addition, the new offences of stalking were included in a revision of the domestic violence e-learning training in March 2013 and a new specific e-learning module on stalking is planned for autumn 2013.

Rape

In 2012-13, the overall pattern of rape prosecutions, yet again, is that of the CPS charging a greater proportion of cases, discontinuing fewer cases, maintaining the level of guilty pleas and ensuring fewer cases fail for reasons other than jury acquittal. Graph 8 illustrates the upward trend of CPS rape convictions over the past five years.

Graph 8: Rape conviction rates 2007-08 to 2012-13



In 2012-13, the proportion of rape cases successfully prosecuted increased to the highest ever recorded level.

CPS data on successful rape prosecutions include not only cases resulting in a conviction for rape but also cases initially charged and flagged as rape, where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the Ministry of Justice (MoJ) data on convictions of cases charged and convicted for rape only. The flag is applied to CPS files from the start of the case; this flag will remain in place even if the 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

The official [national rape statistics](#) from the Ministry of Justice shows that in 2012 there were 2,822 defendants, on a principal offence basis³⁹, prosecuted for rape at the magistrates' courts, with 2,765 committed to the Crown Court for trial. In 2012 there were 1,145 offenders convicted of rape, resulting in a prosecution to conviction ratio in 2012 of 41%, a rise from 40% in 2011. This ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another offence.

Information on prosecutions and convictions is published quarterly by the Ministry of Justice, however, detail offence level data, e.g. rape, is only published annually for the complete calendar year, 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 2012-13, 47.2% were charged – a rise of 5.1ppt from the previous year⁴⁰ and 10.5ppt from 2010-11. The charge to NFA ratio for rape cases rose from 0.9:1 in Q4 2011-12 to 1.2:1 in Q4 2012-13. The accuracy of flagging of cases has improved over the year, rising from 93.5% in Q4 2011-12 to 96.4% in Q4 2012-13.

From CPS data, 3,467 (97.5%) of cases initially flagged as rape were finally prosecuted for the principal offence⁴¹ categories of 'sexual offences, including rape' or more serious principal offences of 'homicides' or 'offences against the person'. Of these 3,229 were for sexual offences including rape; six for homicide and 232 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 4.5% to 3,692. However, this needs to be viewed against the overall reduction in all indictable only prosecutions in the Crown Court of 3.9% in the last year. Caseload as a proportion of all indictable only offences has remained steady at around 9.8%.

In 2012-13 there was a 0.7ppt rise in rape convictions - from 62.5% in 2011-12 to 63.2% in 2012-13. This is the highest recorded conviction rate for rape to date. In the last year, fewer cases were discontinued – only 13.7% of all cases, a fall of 2.5ppt.

Guilty pleas stayed comparatively steady at 39.7% in 2012-13. Of all successful outcomes, 63% were due to guilty pleas.

³⁹ 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'.

⁴⁰ Ten Areas increased the proportion of cases charged of those forwarded to CPS by the police for charging decisions.

⁴¹ 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.

Out of all reasons for unsuccessful outcomes, the proportion due to jury acquittals rose slightly - from just 51.0% in 2011-12 to 56.3% in 2012-13. 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.

Table 5: Completed rape prosecutions by outcome

	2007 - 08		2008 - 09		2009 - 10		2010 - 11		2011 - 12		2012-13	
	Volume	%										
Convictions	2,021	57.7%	2,018	57.7%	2,270	59.4%	2,465	58.6%	2,414	62.5%	2,333	63.2%
Unsuccessful	1,482	42.3%	1,477	42.3%	1,549	40.6%	1,743	41.4%	1,450	37.5%	1,359	36.8%
Total	3,503		3,495		3,819		4,208		3,864		3,692	

Of all unsuccessful outcomes, those due to victim issues accounted for 12.5%. Six 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 just under six ppt 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 eight per cent in 2007-08 to just over four per cent in 2012-13.

Area performance

The table on page 65 provides rape prosecution data by Area. In 2012-13, the high performing Areas in relation to rape conviction 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	2,333	63.2%	1,359	36.8%	3,692
Merseyside and Cheshire	90	70.9%	37	29.1%	127
East of England	136	67.7%	65	32.3%	201
East Midlands	188	67.6%	90	32.4%	278

Merseyside and Cheshire improved their conviction rate by 13.8ppt from the previous year, with Merseyside achieving 71.0% successful outcomes. In total, six Areas improved their prosecution outcomes. The Areas prosecuting the highest volume of rape cases were London 667 (with 55.0% successful outcomes – a fall of 1ppt from 2011-12); North West 455 (with 62.2% successful, a fall of 0.5ppt) and West Midlands 338 (with 67.2% successful – a rise of 5.2ppt from 2011-12). West Midlands has a conviction rate higher than the national average of 63.2%.

Good practice actions

- The two RASSO Units in Mersey-Cheshire are co-located within police premises. This enables very early involvement with cases, development of clear and efficient lines of communication and working practices. Morning briefings take place ensuring that staff are aware of on-going enquiries and new matters being brought on to the Unit. Continuity of the trained staff gives case ownership and consistency of approach. Feedback and advice is given to the police so that investigations can be pursued effectively and support offered.
- The improvements in rape performance by CPS East Midlands over the past year have been mainly due to the fact that most rape cases are charged by a relatively small and very experienced cadre of rape specialists. They pay particular attention to obtaining third party material pre-charge and undertaking pre-trial special measures meetings with victims where they meet with counsel. ISVAs have provided positive feedback that this helps to increase a victim's confidence. An extremely experienced Senior Crown Advocate undertakes many cases, with her involvement pre-trial and feedback post trial helping develop their trial strategy.

Qualitative assessment of rape cases

Comparison of the assessments within Core Quality Standards Monitoring of rape cases with all cases indicates a better overall response to all commitments⁴². From April 2012-March 2013 13,278 CPS cases were assessed overall of which 715 were rape cases (5.4% of all assessed cases, one ppt less than 2011-12). Rape prosecutions were assessed as better than average for most commitments:

- Providing good quality early advice;
- Opposing bail;
- Case preparation, especially preventable unsuccessful outcome and ensuring sufficient instructions to advocates;
- Case presentation;
- Compliance with victim and witness issues;
- Timely Direct Communication with Victim (DCV) letters.

Only three findings required improvements, 'reference to ancillary applications and ancillary matters', 'appropriate instructions to court prosecutor' and 'standard of DCV communication'. These findings will be used at Area level to inform what improvements can be made in the quality of prosecutions.

⁴² A weighted score is calculated for the level of commitments being met; for all cases the score is 0.87, for rape cases 0.90.

Since January 2011, Areas have provided a more detailed qualitative assurance of approximately a quarter of their rape cases every six months. In April 2013 VAWG coordinators provided the fifth 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 continued improvements over the year in the allocation of cases to rape specialists; fewer incidents of no further action being taken and improvements in instructions to counsel. However a number of Areas recognised that further work was still needed to improve early consultation with the police; conference with and post-case reports from counsel and the consideration of witness interviews before trial.

Sexsomnia

In a CPS East Midlands case a man was sentenced to six years' imprisonment, after his defence of sexsomnia (sleepwalking) to an allegation of rape was successfully challenged through legal argument before a judge at the Crown Court. The prosecution team demonstrated to the court that neither non-insane automatism, by way of sleepwalking, nor temporary insanity could in this case form a defence.

Prosecutors secured evidence from the scene abroad where the offence took place on holiday and used medical experts to challenge the defence of sleepwalking. He received a sentence of 3.5 years' custody.

Equalities issues

Gender

In 2012-13, the majority of defendants were men, at 99%, a slight rise since 2011-12. The recording of victim gender at 74% in 2012-13 is not robust enough to include in this report.

Ethnicity

In 2012-13, just over 63% of rape crime defendants were categorised as White, of which just under 58% were identified as belonging to the White British category (over five ppt less in than the previous year). 8.5% of defendants were identified as Asian – a rise of 1.3ppt from 2011-12, and 10.6% were identified as Black – a rise of 0.6ppt. There was a fall of over 2ppt in the recording of defendant ethnicity⁴³. Although recording of victim ethnicity has slightly improved in the last year, 68% of victim ethnicity is still not recorded; therefore the data is not included in this report.

Age

The majority of defendants were aged 25-59 (59%) and 18-24 (23%). It was of concern to note that nearly a third of defendants (1,145) were under 24, with 274 (just over 7%) of defendants being 14-17 years old and 36 (1%) aged 10-13. Recording of victim age has improved up to 70%, but is not robust enough to include in this report.

⁴³ Just over 5% of defendants did not state an ethnicity on arrest and 9% of defendants' ethnicity was not provided to the CPS by the police – a rise from 7% in the previous year.

Youth rape cases

In separate cases, two teenage boys were prosecuted for rape in the North West. One boy committed vaginal and oral rapes as well as sexual assaults on two girls. The second pleaded guilty to raping a four-year-old girl, the prosecutor cited the age of the victim, the difference in their ages and the nature of the sexual activity as aggravating factors. He received a three year sentence.

Cross-government issues

The CPS is part of the cross-government work on rape, overseen through the Home Office led National Group on Sexual Violence Against Children and Vulnerable People. The CPS, through its Director of Strategy and Policy, is leading as the champion for improving the way that the criminal justice system responds to victims of sexual abuse.

Rape and Serious Sexual Offence Units

Six CPS Areas (half of the Service) had specialised Rape and Serious Sexual Offence (RASSO) Units or Public Protection Units (PPUs) dealing with rape and serious sexual offences in 2012-13 – London, Merseyside and Cheshire, South East, Wessex, West Midlands and Yorkshire and Humberside – four of which improved their conviction rate during the year.

Since Q4 2010-11 all the Areas with RASSO Units significantly improved their rape performance compared to those Areas without RASSO Units⁴⁴. Merseyside and Cheshire improved their conviction rate by over 13ppt and Wessex by over 14ppt.

Following the indicated improved quantitative and qualitative performance over the last two years, in March 2013 the DPP announced the roll out of RASSO Units across all Areas.

⁴⁴ All RASSO Units improved prosecutions, ranging from 3ppt improvement up to 14ppt (Q4 2010-11 to Q4 2012-13). Four of the seven non-RASSO Areas slightly declined in performance (overall range from -3.4ppt to 7ppt, apart from one non-RASSO Area that improved outcomes by 11%).

The following case illustrates the use of RASSO Units.

RASSO good practice

CPS South East established a Rape and Serious Sexual Offences unit in February 2012, with teams in each of its three Districts. There has been strong commitment from the senior management team to driving forward the unit. Service Level Agreements were updated to outline expectations from the CPS and the police force. Good practice and benefits were identified:

- Cases are discussed more regularly and early advice given to assist investigations and future prosecutions.
- Improvements in general performance and assistance to improved detection rates.
- Each force sees the rape coordinators as passionate about the RASSO subject and they are integral to the police scrutiny process.

They also received positive feedback from counsel instructed by the RASSO Units - identifying well prepared cases, with early obtaining and reviewing of unused material with relevant agencies. Support is provided to witnesses through regular offer of special measures meetings.

Trained rape specialist prosecutors and members of the Bar

By January 2013, a total of 819⁴⁵ rape specialist prosecutors were trained in the merits-based approach to deal with rape prosecutions. In March 2013 a further five courses were held, training 54 more specialists, bringing the total to 873.

In 2012-13 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.

Rape advocates and interlocutory hearings

To ensure that all hearings in rape cases are prosecuted to the highest possible standard, the rape guidance now emphasises that the instructed advocate is expected to conduct all hearings, and not just the trial. This includes, wherever possible, interlocutory hearings including defence applications for bail. Where the instructed advocate is not available another accredited advocate from the same Chambers (or a CPS rape specialist in the case of an in-house HCA) should conduct the hearing having been briefed by the instructed advocate.

⁴⁵ 726 Area rape specialists, 88 CPS Direct and 5 Serious Crime Group.

Rape counts linked to murder to lie on file

Families of victims were consulted on whether rape charges linked to murder should be prosecuted, following Legal Guidance published in July 2012. The *Guidance on Rape Counts Linked to Murder Left to Lie on File* follows meetings between the DPP and the parents of Jane Clough, who launched a campaign after their daughter was killed by her ex-partner while he was awaiting trial for raping her. Mr and Mrs Clough made clear to the DPP the sense of injustice that families of victims feel when a rape charge is not prosecuted after someone admits to killing their family member.

To develop the new guidance the CPS consulted both inside the organisation and externally to obtain the views of interested parties which informed the content of the final version. Due to the seriousness with which the CPS regards rape, rape counts should be prosecuted in all but the most exceptional circumstances. Consultation with the victim's family will also usually be essential. Prosecutors will explain all the issues and the implications of any decisions and will invite the family to express their views, which will be carefully considered and taken into account before making a decision.

Double jeopardy success

A defendant who was acquitted of rape 26 years ago was found guilty following a trial due to 'new and compelling' forensic DNA evidence. He was sentenced to eight years' imprisonment.

False allegations

The DPP published new legal guidance on perverting the course of justice in July 2011 and, for a period of 17 months, required CPS Areas to refer all cases involving an allegedly false allegation of rape, domestic violence or both to him to consider. In March 2013 a report was published of the first-ever *Charging perverting the course of justice and wasting police time in cases involving allegedly false rape and domestic violence allegations*.

The report examined the 17-month period and showed that false allegations of rape and domestic violence are perhaps more rare than previously thought. Only in a very small number of cases was it considered that there was sufficient evidence, and that it was in the public interest, to prosecute a person suspected of making a false allegation of rape and/or domestic violence.

This work linked with the training of prosecutors to dispel damaging myths and stereotypes that are associated with rape cases. One of the misplaced beliefs is that false allegations of rape and domestic violence are rife. The report presented a more accurate picture. During the period covered by the report, there were 5,651 prosecutions for rape but only 35 for making false allegations of rape. There were 111,891 prosecutions for domestic violence, but only six for making false allegations of domestic violence. There were a further three people charged with making false allegations of both rape and domestic violence.

The CPS recognises that where false allegations of rape and domestic violence do occur however, they are serious: reputations can be ruined and lives can be devastated as a result. Such cases are therefore dealt with robustly and those falsely accused should feel confident that the criminal justice system will prosecute these cases wherever there is sufficient evidence and it is in the public interest to do so.

The report has shed light on the context in which people make false allegations, showing that a significant number of these cases involved young, often vulnerable people, and sometimes even children. Around half of the cases involved people aged 21 and under, and some involved people with mental health difficulties. It was shown that it was extremely rare that a suspect deliberately made a false allegation of rape or domestic violence purely out of malice. The report indicated that the guidance is clear and in 2013-14, further advice to help in some of the most complex cases will be added.

From May 2012 the charging for perverting the course of justice or wasting police time in cases involving allegedly false rape and domestic violence allegations reverted to Areas for decision. The Areas report bi-annually to the DPP on cases charged and in June 2013 a dip-sample of 25% of these cases was undertaken to assure compliance with the guidance.

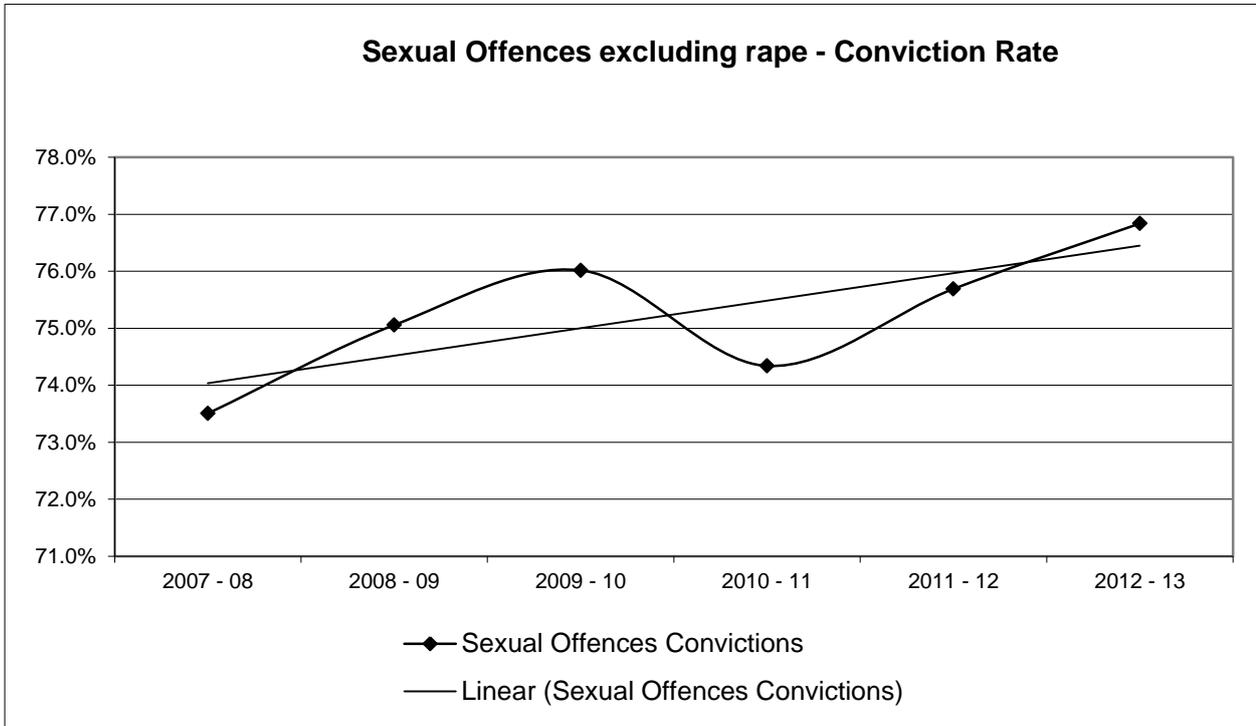
Victims

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

Sexual offences (excluding rape)

The proportion of successful prosecutions for sexual offences, excluding rape, rose in 2012-13, following a slight fall in the previous year, as illustrated in Graph 9 below.

Graph 9: Sexual offences (excluding rape) conviction rates 2007-08 to 2012-13



From CPS data, as in Table 7, the volume of defendants prosecuted has fallen slightly by 6.8% to 7,771 from 8,334 in 2011-12. However, these falls should be viewed against the fall in volume across all CPS cases prosecuted of 10%.

The proportion of successful outcomes rose to 76.8%, a rise of 1.1ppt from 2011-12; 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		2012-13	
	Volume	%										
Convictions	5,976	73.5%	5,955	75.1%	6,060	76.0%	6,588	74.3%	6,308	75.7%	5,971	76.8%
Unsuccessful	2,154	26.5%	1,979	24.9%	1,912	24.0%	2,274	25.7%	2,026	24.3%	1,800	23.2%
Total	8,130		7,934		7,972		8,862		8,334		7,771	

High profile case

The 83-year-old Veteran BBC Broadcaster, Stuart Hall, was jailed for 15 months following guilty pleas to indecent assault. Over a period of 18 years, he indecently assaulted 13 girls and young women, aged 9 to 17. He pleaded guilty after having previously (and very publicly on television) describing the allegations as lies.

Area performance

The table on page 66 provides sexual offence (excluding rape) prosecution data by Area. In 2012-13, the high performing Areas in relation to sexual offences conviction rates were as follows:

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	5,971	76.8%	1,800	23.3%	7,771
West Midlands	632	83.9%	121	16.1%	753
Merseyside and Cheshire	253	82.1%	55	17.9%	308
South West	416	79.8%	105	20.2%	521

West Midlands and Merseyside and Cheshire increased their conviction rates in 2012-13 by just under 4ppt. In total, eight Areas improved their prosecution outcomes. The Areas prosecuting the highest volume of sexual offences cases were London 1,382 (69.8% successful – as in 2011-12); North West 876 (78.0% successful – a fall of 2.5ppt) and West Midlands 753 (83.9% successful – a rise of 3.6ppt from 2011-12).

Equalities issues⁴⁶

Gender

In 2012-13, the majority of defendants were men, 97.5%, slightly higher than in the last few years.

Breach of Trust

A number of cases in 2012-13 related to a breach of trust, especially towards children and young people, by a range of perpetrators:

- A doctor in London under the guise of performing medical examinations sexually assaulted women and was sentenced to five years' imprisonment and put on the sexual offenders' register, with notification for ten years.
- A 'spiritual healer' was sentenced to 16 years imprisonment for 25 sexual offences against eight victims, six women and two children, committed over more than twenty years, in the North West. The offences included assaults on women and a young girl that he was supposed to be healing.
- Two cases of sexual abuse of pupils by their teachers were prosecuted in Wessex – a music teacher was sentenced to 12 years following rape and a number of serious sexual assaults on his pupils and the other teacher sentenced to four years for sexual offences following grooming of his pupils.
- A care worker was prosecuted for sexual activity with a person with a mental illness in his care in West Midlands. This case was possible due to the support of the other care workers who reported the incident and fully supported the prosecution. The defendant was sentenced to 18 months custody, registration as a sex offender for 10 years and disqualification from working with vulnerable adults.

Ethnicity

In 2012-13, 64% of defendants prosecuted for a sexual offence were identified as belonging to the White British category and just under 69% were categorised as White (a fall from 72% in 2011-12) of those with recorded ethnicity⁴⁷. 7% of defendants were identified as Asian (1ppt less than the previous year) and 6% were identified as Black, similar to the previous year.

Age

The majority of defendants were aged 25-59 (66%) and 18-24 (17%). Similar to rape data, it was of concern to note that nearly a quarter of defendants (1,716) were under 24, with just under 5% of defendants (351) being 14-17 years old and just under 1% (51) aged 10-13 years old.

⁴⁶ 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.

⁴⁷ Just over 5% of defendants did not state an ethnicity on arrest and just over 9% of defendants' ethnicity was not provided to the CPS by the police – the latter 3ppt higher than in 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 DPP and remedial action is taken where necessary. There are 90 trained specialist forced marriage (FM) and honour-based violence (HBV) prosecutors.

In 2012-13 there were 41 defendants prosecuted for FM, of which 70.7% were successful, this is an increase of 16 ppt from 2011-12. In relation to HBV cases, 200 defendants were prosecuted, of which 63.0% were successful, which is a rise of 13ppt from the previous year⁴⁸.

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

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.

Partnership working

- A conference on forced marriage was held in the North West with a local Asian women's group acting as peer advocates for the local DV advocates.
- CPS West Midlands is involved in the local Forced Marriage working group and participated in a FM conference in March 2013.

Forced marriage legislation

Following a public consultation on forced marriage by the Home Office, new legislation was announced in June 2012, that the act of forcing someone to marry would become a criminal offence in England and Wales. As part of that announcement, breach of a Forced Marriage Protection Order (FMPO) will also become a criminal offence. Implementation is being planned in 2013-14.

⁴⁸ The small number of cases indicates the need for caution in interpreting this data.

Training

Training on FM and HBV will be refreshed in 2013-14, including any new forced marriage legislation for the specialist prosecutors.

High profile case

The parents of Shafiea Ahmed were convicted of her murder with the help of evidence from her sister. They were both sentenced to life imprisonment with a minimum tariff of 25 years. This case incorporates child abuse, honour-based violence and domestic abuse. It took nine years to bring the prosecution to court as it was not possible until one of the family spoke out. The sister was given support and special measures to help her give evidence. The work on the case was recognised by an award from the National Black Crown Prosecutors' Association.

Female genital mutilation

A roundtable meeting was held by the DPP in September 2012. The meeting was attended by 31 invitees, including parliamentarians, medical professionals, NGOs, senior police officers, prosecutors, FGM experts and journalists to consider ways of responding to the challenges of reporting, investigating and prosecuting cases of FGM.

A number of significant factors which affect the police investigation and prosecutions relating to FGM have been identified. At the time that FGM takes place, many victims may be too young and vulnerable or too afraid to report offences or to give evidence in court. Cultural taboo and reluctance to report the crime to the police is a major factor and concern.

As a result the DPP's Action Plan was published in November 2012 and included the following actions:

- Gathering more robust data on allegations of FGM, so the scale of the problem can be gauged.
- Identifying what issues have hindered investigations and prosecutions.
- Exploring how other jurisdictions prosecute this crime. In respect of this action we are currently engaged with the DPP's office in Australia, where the first FGM case involving eight defendants has been charged.
- Ensuring police and prosecutors work together closely from the start of investigations.

A steering group chaired by the Director of Strategy and Policy is overseeing progress on the action plan.

Local conferences

- The CPS were involved in a Multi-Agency Conference against FGM hosted by Birmingham Community Safety Partnership. Healthcare professionals, teachers, legal professionals working on FGM cases, social workers, police, charities and non-profit organisations attended. CPS West Midlands Public Protection Unit (PPU) and the CPS jointly worked with stakeholders from the specialist community and voluntary sector to develop a series of presentations and fact finding packs.
- CPS South West were involved in the local FGM 2013 campaign in Bristol on International Day of Zero Tolerance to FGM in February. A range of local partners and young people, including police, CPS, members of the school, a Somalian girls group, the NHS, voluntary sector groups and the local Police and Crime Commissioner met to showcase the issues and the innovative work undertaken to raise awareness of FGM issues. The Mayor of Bristol also endorsed the project and further FGM awareness raising events were held. CPS worked with a local Somalian campaign who trained volunteers from these communities (men and women) as champions of awareness and change locally. A Somalian representative has contributed to the LSIP on VAWG issues.
- Following Merseyside and Cheshire's good practice of working with partners on forced marriage and honour-based violence in 2011-12, they also established a Multi-agency Steering Group on FGM in 2012-13. They held a FGM conference in March 2013 and are developing a local FGM protocol.

Faith based abuse

In London two cases of faith based abuse were prosecuted and following these cases we met members of the community with a view to drawing up guidance for prosecutors in the form of a tool kit. The work is on-going. The CPS works through a multiagency group to address child abuse linked to faith and involve community groups.

Child abuse

In 2012-13, data from the CPS on child abuse indicated a rise in the number of prosecutions for child abuse homicides, from 17 to 30, with successful outcomes in 73.3% of these cases⁴⁹. There was a fall in the volume of offences against the persons prosecuted, from 2,569 to 2,220 with a rise in successful outcomes from 71.4% to 74.0%. Sexual offence prosecutions also slightly fell, from 4,655 to 4,051, but successful outcomes stayed steady at 75.8%. There was an overall fall in the volume of child abuse cases⁵⁰ of 13% in 2012-13 compared with a 10% fall in the volume of all CPS prosecutions. However charge to NFA ratio rose from 1.6 to 1.7 and successful outcomes rose overall from 74.3% in 2011-12 to 75.1% in 2012-13. 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
2012-2013	22	73.3%	8	26.7%	30
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
2012-2013	1,642	74.0%	578	26.0%	2,220
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
2012-2013	3,070	75.8%	981	24.2%	4,051

⁴⁹ The small number of cases indicates the need for caution in interpreting this data.

⁵⁰ Child abuse cases for homicide, offences against the person and sexual offences.

Men were defendants in 57% of homicide prosecutions; 74% of offences against the person and 98% of sexual offences.

Grievous bodily harm

A South East man was jailed for 10 years for causing grievous bodily harm with intent to a 30-day-old baby. The injuries included 26 rib fractures, fractures to both of his collarbones, a spiral fracture of his right arm and punctures to both of his lungs. The baby survived this attack. Medical professionals gave evidence to prove to the jury that these injuries could not have been inflicted accidentally.

Cross government action on child sexual abuse

The Office of the Children's Commissioner carried out an in-depth investigation, divided into two consecutive phases, into child sexual exploitation by gangs and groups in England. The first phase, launched in October 2011 ran until September 2012, and gathered information about the nature and scale of child sexual exploitation in gangs and groups. An interim report was published with their findings and made recommendations on how to spot the signs of child sexual exploitation by the provision of a '[Warning Signs and Vulnerabilities Checklist](#)'.

Sexual abuse of children:

- A man who kidnapped four young girls, as young as three years of age, and indecently assaulted them, was sentenced to 17 years in the North East. The crimes dated back 30 years.
- A retired priest in the East of England admitted a range of sexual offences against children over twenty years ago.
- A former teacher was sentenced to five years' imprisonment also in the East of England after previously admitting sexually abusing children.

CPS Child Sexual Abuse

In 2012-13 a range of work has taken place initially in relation to child sexual exploitation and then later under the umbrella of child sexual abuse.

In September 2012 a panel was convened to review the Rochdale grooming case. This highlighted the need to change the yardsticks traditionally used by prosecutors for evaluating the credibility and reliability of a victim in cases of child sexual exploitation.

A Child Sexual Exploitation (CSE) seminar was held in October 2012, with over 80 specialist rape and child abuse prosecutors to improve their understanding of the nature and context of CSE, of victim issues and of the approach prosecutors should take when handling CSE cases.

Grooming

- Following Operation Span in the North West, nine defendants were brought to justice in May 2012 when they were found guilty of serious serial sexual abuse, including multiple rapes, and sentences as long as 19 years were imposed on the main protagonists. These men targeted vulnerable young women, pretending to show them affection and by giving them food, money, alcohol and attention, they groomed and controlled them and demanded repayment through sex. Any resistance was met with threats and violence. Supporting the victims was the number one priority throughout the prosecution through specialist victim care and video link to the court. We now have a clearer understanding of how these child sexual exploitation networks operate, and our specialist knowledge and understanding of these cases has developed considerably in recent years. They are, in effect, organised crime, and we approached this prosecution in the same way as we would an organised crime case.
- One of the Rochdale men involved in grooming offences was found guilty of further rapes in 2012. He was convicted of serious sexual abuse against a young girl. He subjected her to years of rape throughout her childhood from when she was very young, abusing the power that he had as an adult in the worst way possible.
- In spring 2013, a jury at the Old Bailey found seven men guilty of offences including rape, facilitating child prostitution, and trafficking following a two-year investigation into Child Sexual Exploitation in Oxford. Operation Bullfinch was a joint investigation, which was launched by Thames Valley Police and Oxfordshire County Council Social Services in May 2011, into suspected serious sexual offences against a number of children and young people in Oxford. The jury returned 59 guilty verdicts against the men at the end of a trial lasting four months.
- A grooming case in Yorkshire and Humberside was also successfully prosecuted in 2012-13.

It was recognised that many of the victims are vulnerable precisely because they are not only young, but they often display some or all of the following characteristics: they are unable easily to trust those in authority and still less able to report intimate details; they use alcohol; they return to the perpetrator of the offences against them; and, not infrequently, they self-harm. If the criteria for testing their credibility match the characteristics that make them vulnerable in the first place, it was acknowledged that there is a fundamental flaw in the approach to credibility. And it is clear from the other child sexual exploitation cases that have been brought since the Rochdale case, that the number of victims at risk may be considerably higher than previously thought.

Savile Review

Shortly after the CPS review of the Rochdale grooming case, allegations of serial sexual abuse by Jimmy Savile came to light.

In relation to the Savile allegations, the Principal Legal Advisor, Alison Levitt QC examined the decisions taken by the CPS in 2009 not to prosecute three allegations made to Surrey Police and one allegation made to Sussex Police in 2007 and 2008. The findings concluded that there was nothing to suggest that the decisions not to prosecute were consciously influenced by any improper motive on the part either of the police or prosecutors, but victims and their accounts were treated with a degree of caution which was neither justified or required. The report was published in full in January 2013. At the same time, the Metropolitan Police and the NSPCC published a separate report detailing the several hundred allegations made against Jimmy Savile which were not reported at the time. Since Operation Yewtree began in October 2012, approximately 600 people came forward to provide information to the investigation team, of which about 450 related to Jimmy Savile. The publication of Alison Levitt's Report on Savile and the Yewtree Report earlier this year has been described by the DPP as 'a watershed' moment, calling for a robust response from the CPS and criminal justice partners.

Child Sexual Abuse Network and Guidelines

A network of child sexual abuse specialists was set up with Nazir Afzal, CCP for the North West and VAWG Champion, as the lead. A seminar to launch the network and to increase prosecutorial knowledge was held at the end of April 2013.

Together with the College of Policing, we have rationalised our existing guidelines and developed one overarching and agreed approach for police and prosecutors. The DPP jointly chaired, with ACPO, a number of roundtables with victim groups, the police, the judiciary, lawyers, social services, special support services and statutory agencies to inform the development of new interim guidelines on the investigation and prosecution of child sexual abuse cases. These guidelines were published in June 2013 and are the subject of a three-month public consultation.

The guidelines set out the new approach for prosecutors when reviewing cases of child sexual abuse and how the credibility of the overall allegation of abuse, should be looked at rather than the focus being on credibility of the victim. The guidelines are intended to cover the range of child sexual abuse, including the abuse usually characterised as child sexual exploitation.

Central to the guidelines are:

- Focusing on the credibility of the overall allegation, rather than solely the victim's account, through looking at the wider context;
- Much greater testing of the suspect's account and circumstances;
- Ensuring victims get a very high level of support;
- Challenging myths and stereotypes raised in court about the behaviour of the victim;
- Assisting the courts to ensure that effective timetabling and case progression takes place that helps victims in court;
- Accessing third party material to build the prosecution case.

Child Sexual Abuse Review Panel

In addition a new Child Sexual Abuse Review Panel has been established with ACPO to look again at cases of historic child sexual abuse. The panel will look at cases where a person is concerned that they have made previous allegations of being a victim of a sexual offence, when they were under the age of 18, and the police or CPS decided that no action should be taken at the time, but the person is not satisfied that the original allegations were dealt with appropriately.

Cases can be referred to the panel by individual complainants directly or by complainants bringing their previous complaint back to the attention of police forces or CPS Areas.

Exchange of information

In addition, work was undertaken during 2012-13 to re-establish and re-invigorate the 2003 protocol on exchange of information in the investigation and prosecution of CSA cases. The 2003 protocol was developed by the Crown Prosecution Service, the Association of Chief Police Officers, LGA and Association of Directors of Social Services to ensure effective exchange of information in such cases. The CPS has been tasked with leading this work through a newly formed Third Party Protocol Group, consisting of all relevant stakeholders, which has been working on a revised Third Party Protocol and its implementation. The President of the Family Division, the Senior Presiding Judge and the Children's Commissioner are observers on the Group. It is intended that a revised protocol, agreed by all stakeholders, should be ready by the end of summer 2013.

Prosecution Advocate Panel

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

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

Training

Specific training is planned for 2013-4 with Alison Levitt QC carrying out master classes at an Area level to share the lessons. This will be delivered to both CPS and police specialists. There are also plans for joint training with the police on child sexual abuse. It is also recognised that advocates may require additional training to deal with such matters.

Extradition

A defendant was sentenced to 12 years' imprisonment for rape and indecent assaults on children in Wales in 2012. He had absconded but was located in Thailand – an extradition warrant was issued and he was held in a Thai prison before being escorted back to Wales.

Gangs

In September 2012, the Home Office hosted a workshop to bring together a range of practitioners to discuss emerging challenges with, and the delivery of effective services to, gang-associated women and girls. The workshop was attended by practitioners working on gang issues, as well as those specifically engaging with gang-associated women and girls.

The CPS works with colleagues from the Home Office Violent and Youth Crime Prevention Unit to take forward work to respond to 'Ending Gang and Youth Violence: a Cross Government Report'. The Home Office provided an additional £1.2m over three years to improve the services for young people at risk or victims of sexual violence and exploitation by gangs. The funding is being used to appoint 13 Young People's Advocates (YPA) for sexual violence and exploitation, who will provide direct and dedicated support to young people who have been victims or at risk of sexual violence and / or sexual exploitation. The funding will run from April 2012 to March 2015.

Cross-Government Vulnerable and Intimidated Witness Steering Group

This group was renamed in March 2013 and is now called the "Underrepresented groups" to better reflect the scope of its work. The CPS continues to be a member of this group.

Human trafficking

In 2012-13 there were 139 defendants prosecuted for human trafficking offences, a small fall from 142 in 2011-12, with a rise to 71% successful outcomes⁵¹. These cases were identified using a ‘trafficking’ flag⁵² which is applied to provide outcome data⁵³. Flagging of defendants rose from 48% to 73% in the last year but it is recognised that further work is required in 2013-14 to ensure the robustness of the data. From January 2013, the accuracy of flagging was checked quarterly.

Table 10: Completed human trafficking prosecutions by outcome

	2012 - 2013	
	Volume	%
Convictions	99	71.2%
Unsuccessful	40	28.8%
Total	139	

85% of all defendants with recorded gender were men⁵⁴. The majority of defendants were aged 25-59 years. 72 victims were recorded, 58% of which had gender recorded which is not robust enough to include in this report.

New legislation

Human trafficking legislation was amended in the Protection of Freedoms Act 2012, to enable the UK to comply with the EU Directive on Human Trafficking. The amendments extended territorial jurisdiction and enabled prosecutors to prosecute cases of trafficking where the trafficking of victims has taken place anywhere in the world, by a trafficker who is resident in the UK. It also amended legislation to criminalise trafficking for non-sexual exploitation which takes place wholly within the UK. They came into effect in April 2013.

A further area where amendments took place related to unduly lenient sentences. Previously only offences of trafficking for sexual exploitation could be referred for consideration, but from August 2012, sentences for trafficking for non-sexual exploitation under s.4 Asylum and Immigration Act 2004 can be referred by the Attorney General to the Court of Appeal for consideration, where it appears to him that the Crown Court has passed an unduly lenient sentence.

⁵¹ The small number of cases, together with the lack of robust flagging, indicates the need for caution in interpreting this data.

⁵² 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.

⁵³ Offence data is not held by defendant or outcome; hence a flag has been set up to provide outcome data by defendant.

⁵⁴ 99% of gender was recorded.

Training

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

Sexual trafficking

A South East man, found guilty of seven charges relating to the human trafficking of three young Nigerian girls, was jailed for a total of 20 years. He was found guilty of rape, trafficking for sexual exploitation and trafficking them out of the UK for the same reason and sexual activity with a child.

The CPS has provided six training seminars for criminal and immigration practitioners at the Bar, Law Society and judiciary in the identification of victims of trafficking, most frequently women and children, who are trafficked into criminal activity. Further events are planned for 2013-14 to raise awareness of this issue, in addition to publication of new guidance for prosecutors.

International work

CPS has been working with investigators and prosecutors from the Netherlands in training and capacity building in Nigeria, which is the primary source country for victims of trafficking in the UK. The CPS has also participated in delivering EU judicial training on human trafficking in Netherlands, Italy, Austria, Czech Republic and Poland during 2012-13.

Partnership working:

Involvement at an early stage with the Bristol Area's Anti-human trafficking partnership ensures all partners share information and understand the issues.

Prostitution

In 2012-13 there were 50 prosecutions for controlling prostitution compared to 80 in the previous year. Kerb crawling prosecutions offences under S1 (1)(a) and S1(1)(b) of the SOA 1985 were replaced with S51A SOA 2003 in 2010 - with a fall to 230 offences prosecuted under this section (from 305 last year). Only eight 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 further from 149 prosecutions in 2011-12 to 80 in 2012-13. Table 11 outlines the CPS data collected on prostitution⁵⁵.

Table 11: VAWG crime prosecutions: prostitution offences

	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013
A Control of prostitution						
Sexual offences act (2003) {52}	16	17	11	24	19	11
Sexual offences act (2003) {53}	67	93	87	87	61	39
TOTAL	83	110	98	111	80	50

B Brothel keeping	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013
Sexual offences act 1956 {33}	56	83	39	48	35	31
Sexual offences act 1956 {33A of and schedule 2}	84	130	70	106	92	54
Sexual offences act 1956 {34}	0	0	0	0	1	2
Sexual offences act {35(1)}	1	6	2	3	3	1
Sexual offences act {36}	1	2	3	0	2	1
Sexual Offences Act 2003 { 53A } ⁵⁶	0	0	0	40	7	8
TOTAL	142	221	114	197	140	97

⁵⁵ Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data are not held by defendant, outcome or equalities data. Offences recorded in the Management Information System Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.

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

⁵⁶ In 2010 a new offence S53A of the SOA 2003 criminalised those who make or promise payment for sexual services from a prostitute who is subject to force or exploitation.

C Kerb crawling	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013
Sexual offences act 1985 {1(1)(a)}	439	331	375	161	7	2
Sexual offences act 1985 {1(1)(b)}	13	10	21	5	0	0
Sexual offences act 1985 {2(1)}	82	24	23	38	2	1
Sexual offences act 2003 {51A} ⁵⁷	0	0	0	123	305	230
TOTAL	534	365	419	327	314	233

D Advertising prostitution	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013
Criminal Justice and Police Act 2001 {46}	330	349	457	331	149	80

There was a reduced number of offences referred to the CPS for prosecution which is in line with our joint policy with the Home Office, in safeguarding those involved in prostitution. Our charging practice in relation to brothels was revised in 2009 to provide a guide in assessing the involvement of “maids” in assisting in the running of the brothel, to distinguish between maids who control and exploit those involved in prostitution and make a living from them from those who assist the women and serve to screen clients. In these circumstances, it may not be in the public interest to prosecute. Applying this charging practice may account for some of the fall in prosecutions.

In discussion with the Areas with identifiable changes in their prostitution–related prosecutions, the majority noted changes in policing priorities and resources and a shift towards out of court disposals, for example, as below.

Kerb crawling programme

In one police district in the North East a reduction in kerb crawling prosecutions has been due to the introduction of a kerb crawler rehabilitation scheme (KCRS) in 2010. The scheme requires the arrested person to admit the offence and accept a conditional caution - the condition being that they pay for and attend the KCRS course run by a local voluntary organisation. The aim is to educate offenders as to the consequences of their offending – both personally and for the prostitutes they use – thus diverting them from reoffending.

⁵⁷ In relation to prosecutions, a new offence S51A of the SOA 2003 was introduced in 2010 for a person in a street or public place to solicit another for the purpose of obtaining a sexual service as a prostitute. This includes a person in a motor vehicle in a street or public place and replaced the offences of kerb crawling and persistent loitering under S1 and 2 of SOA 1985.

National issues

Engagement and Support Orders (ESOs) 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.

The Association of Women Barristers and the CPS held their first joint seminar at the end of April 2012, with a joint debate on the exploitation of prostitution. The event included presentations from the Bar, the English Collective of Prostitutes (a lobbying group that campaigns for the decriminalisation of prostitution) and a senior policy advisor, for the CPS. The event provided an opportunity to debate the various differing views on policy in this area, challenges with the legislation and exchange views on areas of mutual interest. The event highlighted the challenges, confusion and conflict in balancing the enforcement of legislation with the need to recognise the important policy aims of safeguarding and harm reduction.

Inciting child prostitution

The owner of a takeaway in the North West was jailed for 15 years for inciting child prostitution and for paying two teenagers for sex.

London 2012 Olympic 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. A report on the findings and outcomes of the effectiveness of those initiatives was published.

Support for victims

As previously reported the number of women involved in prostitution who report crimes committed against them has, historically, 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 '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 continuing to address this.

Merseyside has continued its joint agency working which has a positive impact in encouraging women to report crimes. Merseyside police and CPS continue to treat

allegations made by those involved in prostitution seriously and investigated as a priority by treating sexual and violent crimes against prostitutes in the same way that they treat hate crimes.

There are a number of specialist ISVAs to support sex workers facing sexual abuse.

Brothel convictions

A defendant was convicted of conspiring to manage a network of brothels across south and east England following one of the biggest operations of its kind ever undertaken in the UK involving eight different police forces and 150 officers from the UK Border Agency. He was sentenced to 3.5 years' imprisonment and will be deported at the end of his sentence.

Pornography and obscenity

In 2012-13 prosecutions for the sexual exploitation of children through photographs decreased slightly but there was a further rise in prosecutions for possession of a prohibited image of a child. Table 12 outlines CPS data on child abuse image offences overall⁵⁸.

Table 12: Child abuse image offences

	2007-08	2008-09	2009-10	2010-11	2011-12	2012 - 13
Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child	3,079	4,241	4,117	4,543	3,885	3,849
Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child ⁵⁹	0	0	0	21	179	394
Sexual exploitation of children through photographs of which:	11,873	14,656	14,595	16,851⁶⁰	15,599	14,694
▪ 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	13,596
▪ Protection of Children Act 1978 (1(1)(b)) - Distributing an indecent photograph of a child	678	931	804	670	695	803
▪ Protection of Children Act 1978 (1(1)(c)) - Showing indecent photographs of children	345	258	137	410	333	294
▪ 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	1

During 2012–13, a number of pornography and other offences were charged and reached at least one hearing in magistrates’ courts under a number of Acts⁶¹. 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. Overall there was a fall of just under 4% of child abuse images and 5% of obscenity offences reaching a first hearing⁶².

⁵⁸ 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.

⁵⁹ 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.

⁶⁰ 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

⁶¹ 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.

⁶² There was an overall fall in defendants prosecuted for all CPS offences of 10%.

Links between child sexual abuse and pornography

- A former school teacher in the South East was sentenced to six years after pleading guilty to a series of charges of sexual assaults on children and making and distributing indecent photographs.
- A defendant was sentenced to an indeterminate term of imprisonment for public protection after he pleaded guilty to 18 sexual offences including rape and sexual assault of three children, causing them to engage in sexual activity, forcing them to watch a sexual act and take drugs. He made them watch hard core pornographic movies. He also enticed them to take a variety of drugs including amphetamines, Temazepan, cannabis and Viagra.

Table 13 outlines CPS data⁶³ on obscenity offences⁶⁴. 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 Act⁶⁵ and section 1 of the Malicious Communications Act 1988⁶⁶.

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 1,312 in 2012-13.

⁶³ See footnote 58

⁶⁴ 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.

⁶⁵ 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.

⁶⁶ 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	2012 - 13
Malicious Communications Act 1988 Sections (1 (1)(a) & (1)(b)) - Indecent or grossly offensive material	566	791	899	1,273	1,301	1,250
Obscene publications Act 1959 (2 (1)) - Obscene publications	111	152	82	71	76	34
Communications Act 2003 (127 (1)(a), (1)(b) & (3))Grossly offensive or indecent communications	1,037	1,278	1,315	1,869	1,924	1,909
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	1,003
Criminal Justice and Immigration Act 2008 (63 (1), (7)(d) and 67(3)) - Possession of extreme pornographic images ⁶⁷	0	2	270	1,165	1,319	1,312

Internet sex offenders' treatment programme

A defendant, who had worked in Legal Services in a local authority, was convicted of offences related to child abuse images – including more than 5,700 indecent images. He was sentenced to six years imprisonment, suspended for two years, a two years supervision order and his attendance at an internet sex offenders' treatment programme. He will register as a sex offender for seven years.

Pornography and Obscenity is an area of cybercrime which is increasing. The number of prosecutions is such to suggest that most prosecutors will deal with cyber-crime in the course of a year. Recognising the need to ensure that prosecutors are properly trained, new e-learning modules on Cybercrime were developed and launched in November 2012. The module “Cybercrime: Prohibited Sexual Images” covers the key legislation relating to indecent images of children; possession of a prohibited image of a child and extreme pornography. The new “Cybercrime: Cyber Stalking” module covers the grooming of a child.

⁶⁷ 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 2012 - 2013				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	60,853	74.1%	21,312	25.9%	82,165
Cymru Wales	4,669	78.1%	1,310	21.9%	5,979
Dyfed Powys	442	78.6%	120	21.4%	562
Gwent	1,285	81.2%	298	18.8%	1,583
North Wales	858	77.4%	251	22.6%	1,109
South Wales	2,084	76.5%	641	23.5%	2,725
Eastern	4,588	80.1%	1,140	19.9%	5,728
Cambridgeshire	808	75.0%	269	25.0%	1,077
Essex	2,058	81.2%	477	18.8%	2,535
Norfolk	890	79.4%	231	20.6%	1,121
Suffolk	832	83.6%	163	16.4%	995
East Midlands	4,805	75.1%	1,590	24.9%	6,395
Derbyshire	1,227	75.5%	398	24.5%	1,625
Leicestershire	1,057	76.5%	324	23.5%	1,381
Lincolnshire	579	78.5%	159	21.5%	738
Northamptonshire	563	73.0%	208	27.0%	771
Nottinghamshire	1,379	73.4%	501	26.6%	1,880
London	6,756	62.3%	4,080	37.7%	10,836
Merseyside & Cheshire	2,806	77.8%	800	22.2%	3,606
Cheshire	1,132	81.4%	259	18.6%	1,391
Merseyside	1,674	75.6%	541	24.4%	2,215
North East	3,668	75.1%	1,213	24.9%	4,881
Cleveland	895	72.5%	340	27.5%	1,235
Durham	785	80.3%	193	19.7%	978
Northumbria	1,988	74.5%	680	25.5%	2,668
North West	9,093	77.3%	2,677	22.7%	11,770
Cumbria	687	83.7%	134	16.3%	821
Greater Manchester	4,542	76.5%	1,397	23.5%	5,939
Lancashire	3,864	77.1%	1,146	22.9%	5,010
South East	3,440	75.0%	1,148	25.0%	4,588
Kent	1,540	74.6%	525	25.4%	2,065
Surrey	515	78.6%	140	21.4%	655
Sussex	1,385	74.1%	483	25.9%	1,868
South West	3,368	75.3%	1,106	24.7%	4,474
Avon & Somerset	1,771	74.7%	600	25.3%	2,371
Devon & Cornwall	1,254	75.2%	413	24.8%	1,667
Gloucestershire	343	78.7%	93	21.3%	436
Thames & Chiltern	3,040	70.7%	1,261	29.3%	4,301
Bedfordshire	525	73.5%	189	26.5%	714
Hertfordshire	823	77.1%	244	22.9%	1,067
Thames Valley	1,692	67.1%	828	32.9%	2,520
Wessex	3,132	73.3%	1,143	26.7%	4,275
Dorset	682	71.3%	274	28.7%	956
Hampshire & IOW	1,914	73.4%	693	26.6%	2,607
Wiltshire	536	75.3%	176	24.7%	712
West Midlands	5,573	74.7%	1,891	25.3%	7,464
Staffordshire	1,173	73.4%	426	26.6%	1,599
Warwickshire	256	88.9%	32	11.1%	288
West Mercia	1,098	78.7%	298	21.3%	1,396
West Midlands	3,046	72.9%	1,135	27.1%	4,181
Yorkshire & Humberside	5,915	75.2%	1,953	24.8%	7,868
Humberside	1,213	81.5%	276	18.5%	1,489
North Yorkshire	582	77.3%	171	22.7%	753
South Yorkshire	1,167	74.3%	403	25.7%	1,570
West Yorkshire	2,953	72.8%	1,103	27.2%	4,056

Domestic violence	CPS Prosecutions 2012 - 2013				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	52,549	74.3%	18,153	25.7%	70,702
Cymru Wales	4,179	79.0%	1,111	21.0%	5,290
Dyfed Powys	372	79.5%	96	20.5%	468
Gwent	1,164	82.6%	246	17.4%	1,410
North Wales	755	77.3%	222	22.7%	977
South Wales	1,888	77.5%	547	22.5%	2,435
Eastern	4,102	80.7%	981	19.3%	5,083
Cambridgeshire	724	76.7%	220	23.3%	944
Essex	1,879	81.7%	421	18.3%	2,300
Norfolk	746	79.4%	193	20.6%	939
Suffolk	753	83.7%	147	16.3%	900
East Midlands	4,284	75.5%	1,387	24.5%	5,671
Derbyshire	1,114	76.3%	346	23.7%	1,460
Leicestershire	947	77.6%	273	22.4%	1,220
Lincolnshire	504	79.0%	134	21.0%	638
Northamptonshire	473	72.9%	176	27.1%	649
Nottinghamshire	1,246	73.1%	458	26.9%	1,704
London	5,424	61.7%	3,363	38.3%	8,787
Merseyside & Cheshire	2,463	77.7%	708	22.3%	3,171
Cheshire	985	81.6%	222	18.4%	1,207
Merseyside	1,478	75.3%	486	24.7%	1,964
North East	3,218	75.3%	1,055	24.7%	4,273
Cleveland	738	72.6%	278	27.4%	1,016
Durham	710	81.8%	158	18.2%	868
Northumbria	1,770	74.1%	619	25.9%	2,389
North West	8,127	77.9%	2,312	22.1%	10,439
Cumbria	613	84.0%	117	16.0%	730
Greater Manchester	3,983	77.6%	1,152	22.4%	5,135
Lancashire	3,531	77.2%	1,043	22.8%	4,574
South East	2,813	75.3%	924	24.7%	3,737
Kent	1,257	74.7%	425	25.3%	1,682
Surrey	398	78.3%	110	21.7%	508
Sussex	1,158	74.9%	389	25.1%	1,547
South West	2,754	75.4%	899	24.6%	3,653
Avon & Somerset	1,437	75.5%	466	24.5%	1,903
Devon & Cornwall	1,036	74.5%	354	25.5%	1,390
Gloucestershire	281	78.1%	79	21.9%	360
Thames & Chiltern	2,628	70.9%	1,077	29.1%	3,705
Bedfordshire	463	73.6%	166	26.4%	629
Hertfordshire	720	77.7%	207	22.3%	927
Thames Valley	1,445	67.2%	704	32.8%	2,149
Wessex	2,671	73.3%	974	26.7%	3,645
Dorset	599	71.4%	240	28.6%	839
Hampshire & IOW	1,638	73.5%	591	26.5%	2,229
Wiltshire	434	75.2%	143	24.8%	577
West Midlands	4,714	74.0%	1,659	26.0%	6,373
Staffordshire	1,033	73.1%	380	26.9%	1,413
Warwickshire	217	87.5%	31	12.5%	248
West Mercia	894	77.9%	254	22.1%	1,148
West Midlands	2,570	72.1%	994	27.9%	3,564
Yorkshire & Humberside	5,172	75.2%	1,703	24.8%	6,875
Humberside	1,043	82.9%	215	17.1%	1,258
North Yorkshire	451	77.1%	134	22.9%	585
South Yorkshire	1,046	74.8%	352	25.2%	1,398
West Yorkshire	2,632	72.4%	1,002	27.6%	3,634

Rape	CPS Prosecutions 2012 - 2013				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	2,333	63.2%	1,359	36.8%	3,692
Cymru Wales	135	57.9%	98	42.1%	233
Dyfed Powys	18	52.9%	16	47.1%	34
Gwent	36	61.0%	23	39.0%	59
North Wales	38	73.1%	14	26.9%	52
South Wales	43	48.9%	45	51.1%	88
Eastern	136	67.7%	65	32.3%	201
Cambridgeshire	31	62.0%	19	38.0%	50
Essex	46	68.7%	21	31.3%	67
Norfolk	36	65.5%	19	34.5%	55
Suffolk	23	79.3%	6	20.7%	29
East Midlands	188	67.6%	90	32.4%	278
Derbyshire	41	62.1%	25	37.9%	66
Leicestershire	34	58.6%	24	41.4%	58
Lincolnshire	20	74.1%	7	25.9%	27
Northamptonshire	39	81.3%	9	18.8%	48
Nottinghamshire	54	68.4%	25	31.6%	79
London	367	55.0%	300	45.0%	667
Merseyside & Cheshire	90	70.9%	37	29.1%	127
Cheshire	46	70.8%	19	29.2%	65
Merseyside	44	71.0%	18	29.0%	62
North East	126	63.3%	73	36.7%	199
Cleveland	33	56.9%	25	43.1%	58
Durham	22	57.9%	16	42.1%	38
Northumbria	71	68.9%	32	31.1%	103
North West	283	62.2%	172	37.8%	455
Cumbria	6	54.5%	5	45.5%	11
Greater Manchester	192	62.3%	116	37.7%	308
Lancashire	85	62.5%	51	37.5%	136
South East	151	64.0%	85	36.0%	236
Kent	58	62.4%	35	37.6%	93
Surrey	33	80.5%	8	19.5%	41
Sussex	60	58.8%	42	41.2%	102
South West	198	66.0%	102	34.0%	300
Avon & Somerset	107	61.1%	68	38.9%	175
Devon & Cornwall	74	73.3%	27	26.7%	101
Gloucestershire	17	70.8%	7	29.2%	24
Thames & Chiltern	112	61.9%	69	38.1%	181
Bedfordshire	18	72.0%	7	28.0%	25
Hertfordshire	21	63.6%	12	36.4%	33
Thames Valley	73	59.3%	50	40.7%	123
Wessex	117	67.2%	57	32.8%	174
Dorset	23	71.9%	9	28.1%	32
Hampshire & IOW	60	69.0%	27	31.0%	87
Wiltshire	34	61.8%	21	38.2%	55
West Midlands	227	67.2%	111	32.8%	338
Staffordshire	32	61.5%	20	38.5%	52
Warwickshire	11	91.7%	1	8.3%	12
West Mercia	42	68.9%	19	31.1%	61
West Midlands	142	66.7%	71	33.3%	213
Yorkshire & Humberside	203	67.0%	100	33.0%	303
Humberside	38	69.1%	17	30.9%	55
North Yorkshire	24	63.2%	14	36.8%	38
South Yorkshire	42	57.5%	31	42.5%	73
West Yorkshire	99	72.3%	38	27.7%	137

Sexual offences excluding rape	CPS Prosecutions 2012 - 2013				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	5,971	76.8%	1,800	23.2%	7,771
Cymru Wales	355	77.9%	101	22.1%	456
Dyfed Powys	52	86.7%	8	13.3%	60
Gwent	85	74.6%	29	25.4%	114
North Wales	65	81.3%	15	18.8%	80
South Wales	153	75.7%	49	24.3%	202
Eastern	350	78.8%	94	21.2%	444
Cambridgeshire	53	63.9%	30	36.1%	83
Essex	133	79.2%	35	20.8%	168
Norfolk	108	85.0%	19	15.0%	127
Suffolk	56	84.8%	10	15.2%	66
East Midlands	333	74.7%	113	25.3%	446
Derbyshire	72	72.7%	27	27.3%	99
Leicestershire	76	73.8%	27	26.2%	103
Lincolnshire	55	75.3%	18	24.7%	73
Northamptonshire	51	68.9%	23	31.1%	74
Nottinghamshire	79	81.4%	18	18.6%	97
London	965	69.8%	417	30.2%	1,382
Merseyside & Cheshire	253	82.1%	55	17.9%	308
Cheshire	101	84.9%	18	15.1%	119
Merseyside	152	80.4%	37	19.6%	189
North East	324	79.2%	85	20.8%	409
Cleveland	124	77.0%	37	23.0%	161
Durham	53	73.6%	19	26.4%	72
Northumbria	147	83.5%	29	16.5%	176
North West	683	78.0%	193	22.0%	876
Cumbria	68	85.0%	12	15.0%	80
Greater Manchester	367	74.0%	129	26.0%	496
Lancashire	248	82.7%	52	17.3%	300
South East	476	77.4%	139	22.6%	615
Kent	225	77.6%	65	22.4%	290
Surrey	84	79.2%	22	20.8%	106
Sussex	167	76.3%	52	23.7%	219
South West	416	79.8%	105	20.2%	521
Avon & Somerset	227	77.5%	66	22.5%	293
Devon & Cornwall	144	81.8%	32	18.2%	176
Gloucestershire	45	86.5%	7	13.5%	52
Thames & Chiltern	300	72.3%	115	27.7%	415
Bedfordshire	44	73.3%	16	26.7%	60
Hertfordshire	82	76.6%	25	23.4%	107
Thames Valley	174	70.2%	74	29.8%	248
Wessex	344	75.4%	112	24.6%	456
Dorset	60	70.6%	25	29.4%	85
Hampshire & IOW	216	74.2%	75	25.8%	291
Wiltshire	68	85.0%	12	15.0%	80
West Midlands	632	83.9%	121	16.1%	753
Staffordshire	108	80.6%	26	19.4%	134
Warwickshire	28	100.0%	0	0.0%	28
West Mercia	162	86.6%	25	13.4%	187
West Midlands	334	82.7%	70	17.3%	404
Yorkshire & Humberside	540	78.3%	150	21.7%	690
Humberside	132	75.0%	44	25.0%	176
North Yorkshire	107	82.3%	23	17.7%	130
South Yorkshire	79	79.8%	20	20.2%	99
West Yorkshire	222	77.9%	63	22.1%	285

Glossary of terms

Violence against women and girls strands

Each section is alphabetical unless stated otherwise.

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

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

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

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

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

Domestic violence: any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those⁶⁸ 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

⁶⁸ 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 is in line with that used by the Home Office: '*A marriage without the consent of one or both parties and where duress is a factor*'.

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

Honour based violence:

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

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

Human trafficking:

The flag for human trafficking is applied to:

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

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

Rape:

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

- S1 Sexual Offences Act 1956
- S5 Sexual Offences Act 1956
 - An attempt to commit one of the above offences under the Criminal Attempts Act 1981

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

Incitement or conspiracy to commit any of the above offences

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

Performance management terms

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

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

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

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

Offences against the person: 'Offences against the person' comprises a range of offences including - grievous bodily harm, assault occasioning actual bodily harm, common assault, possession of a firearm with intent to cause fear of violence and child abduction.

Sexual offences:	'Sexual Offences' comprises a range of offences including - rape, buggery, sexual assault, bigamy, procurement and gross indecency with a child.
Criminal damage:	'Criminal damage' includes offences of arson, criminal or malicious damage and arson or criminal damage endangering life.
Public order offences:	'Public Order Offences' includes offences of rioting, violent disorder and causing an affray.

Case outcomes

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

Convictions: cases where the defendant is convicted following a prosecution, comprising:

Conviction after trial: cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.

Guilty plea: where the defendant pleads guilty.

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

Reasons for unsuccessful outcomes

Acquittals after trial: the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case.

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
CSA	Child Sexual Abuse
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
PAID	Public Accountability and Inclusion Unit
PHA	Prevention of Harassment Act
PPT (ppt)	Percentage point
PPU	Public Protection Unit
RASSO	Rape and Serious Sexual Offences
SDVC	Specialist domestic violence court
SOA	Sexual Offences Act
SV	Sexual violence
LSIP	Local scrutiny and involvement panels
WCU	Witness Care Unit
WSC	Women Specific Conditions
VAWG	Violence against Women and Girls
VPS	Victim Personal Statement

Public Accountability and Inclusion Directorate

Formerly the Equality and Diversity Unit

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