

Crown Prosecution Service
Delivering justice



VIOLENCE AGAINST WOMEN AND GIRLS
CRIME REPORT 2015-16

(INCLUSIVE OF DATA ON MEN AND BOYS)

Violence against Women and Girls Crime report contents

| | |
|----------------------------------------------------------------------|-----------|
| Foreword by the Director of Public Prosecutions | 1 |
| Violence against Women and Girls Crime report | 3 |
| Violence against Women and Girls | 4 |
| VAWG subset | 4 |
| Domestic abuse | 5 |
| Stalking and harassment | 6 |
| Rape | 6 |
| Sexual offences (excluding rape) | 8 |
| Forced marriage, honour-based violence and female genital mutilation | 8 |
| Child abuse | 10 |
| Human trafficking and prostitution | 10 |
| Pornography and obscenity | 11 |
| VAWG data report | 15 |

Foreword by the Director of Public Prosecutions



The CPS is prosecuting, and convicting, more defendants of domestic abuse, rape, sexual offences and child sexual abuse than ever before. In 2015-16 we secured over 8,500 more convictions for Violence Against Women and Girls (VAWG) crimes¹ – an 11% rise from 2014-15 and the third year running that we have seen an increase. These prosecutions now account for 18.6% of the CPS' total caseload.

The CPS recognises, acknowledges and helps male victims of crimes identified as 'VAWG' offending. Accordingly, our policies are applied fairly and equitably to all perpetrators and victims of domestic abuse, sexual offending and other VAWG crimes, regardless of gender.

On domestic abuse, we completed the highest volume of prosecutions ever, securing more than 75,000 convictions with a 74.5% conviction rate. We also began prosecutions for two new offences related to domestic abuse; so-called 'revenge pornography' which came into force in April 2015, and 'controlling or coercive behaviour' which was implemented in December 2015.

There have been more than 200 so-called revenge pornography prosecutions since the legislation came into force – indicative of the growing number of offences occurring through social media, a trend which is reflected in the case studies within this report. It is promising to note that by March 2016 there were already five successful prosecutions for the offence of using controlling or coercive behaviour. Our work on wider domestic abuse prosecutions was highlighted in an episode of the three-part BBC documentary, *The Prosecutors: Real Crime and Punishment*.

Continuing to improve our work on rape prosecutions remains a key priority. Over the last 12 months more than 80 specially trained prosecutors have been recruited into Rape and Serious Sexual Offences (RASSO) Units, more than doubling local resources. An extensive national training programme was delivered to all these specialist prosecutors throughout the year, including training on issues such as sexual consent.

In September 2015, with the support of stakeholders, the CPS ran its first social media campaign on this issue. The #ConsentIs campaign subsequently won the 2016 UK Public Sector Communications Award, recognising its impact in provoking discussion and understanding of the issue.

Following these efforts it is encouraging to see a rise in the rape conviction rate to 57.9%, with a fall in the number of acquittals after trial. More than 4,600 defendants were prosecuted for rape offences with convictions being secured in 2,689 of these - the highest volumes ever for some of the most complex cases we handle.

¹ Data for 'VAWG crimes' grouped together includes domestic abuse, rape and sexual offences and is inclusive of data on men and boys.

This report also includes information on our prosecution of child sexual abuse, where we saw an increase of almost 17% in the number of convictions achieved, equating to 4,643 convictions in 2015-16 with a conviction rate of 74.7%.

Stakeholders in our VAWG External Consultation Group and the Community Accountability Forum have continued providing their support and invaluable expert advice during 2015-16. I would like to thank them for their work with us nationally, as well as the organisations that support us locally through scrutiny panels. In addition my thanks go to our dedicated VAWG Coordinators, Heads of the RASSO Units, their teams and all CPS staff who deal with these cases.

We are proud of the changes we have made to the way we prosecute these offences in 2015-16 and the impact these changes have had on improving convictions. However, there is still more to be done to ensure all VAWG victims receive the service they deserve. We will continue to build on our achievements, implementing changes from the lessons we have learned and working with our partners to ensure an even better service for the victims of these crimes and our society as a whole.



Alison Saunders CB

Director of Public Prosecutions

September 2016

Violence against Women and Girls

Crime report

The Violence against Women and Girls (VAWG) report is the ninth edition published by the CPS. It provides an assessment of prosecution performance on crimes that have been grouped together under the heading 'VAWG', as they have been identified as being committed primarily, but not exclusively, by men against women. The CPS addresses these issues within the overarching cross-government strategic framework of VAWG, recognising that victims of this group of crimes are disproportionately female. The approach acknowledges VAWG as a fundamental issue of human rights and women's rights. The UK government has signed and ratified the United Nations call to all states to prevent and respond to violence against women. VAWG is recognised worldwide, and by the UK Government, as a form of offending where gender plays a part.

As the United Nations² describes it: *'Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and ... violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men'*.

The CPS is committed to securing justice for *all* victims of crimes grouped together as 'VAWG'. To that end, we are inclusive in our approach. All our VAWG policies are applied fairly and equitably to all perpetrators and victims of crime – irrespective of their gender. Recognising that these offences can be targeted at male and transgender victims as well as female victims, the report includes *total data on all perpetrators and victims, irrespective of gender*. Where possible, data is broken down, in the body of the report, by gender as well as overall volumes and proportions.

The report is an analysis of the key prosecution issues in each VAWG strand – domestic abuse (DA), stalking, harassment, rape, sexual offences, forced marriage, honour based violence, female genital mutilation, child abuse, human trafficking for sexual exploitation, prostitution and pornography.

The data that forms the basis of the report is derived from the CPS' Case Management System (CMS) and its associated Management Information System (MIS) which shows the number of defendants, offences and victims or witnesses.

Domestic abuse, rape, forced marriage, honour-based violence, child abuse and human trafficking cases are identified by flags applied to defendants. Stalking, harassment, sexual offences, prostitution, pornography and obscenity data can only be provided using the offences data base.

The data is held within separate databases within the MIS³. Details of the different data bases are provided in the VAWG data annex of this report.

² In 2003, the UN published reference:

<http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf>

³ The figures are provisional and subject to change as more information is recorded by the CPS. The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007. As with any large scale recording system, data is subject to possible errors in data entry and processing. We are committed to improving the quality of our data and from mid-June 2015 introduced a new data assurance regime which may explain some unexpected variance in some sets of data. The purpose of this report is to provide an assessment of performance based on the best available data from CPS case management systems. The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to

Data cannot be correlated between the separate databases and the report therefore cannot provide separate information on outcomes for abuse faced by female and male victims; nor any correlation of the gender of the defendant with the gender of the victim.

Violence against Women and Girls

In 2015-16, crimes grouped together as VAWG continued to be a key priority for the CPS and the government, as detailed in [the Cross Government VAWG Action Plan](#), overseen by the VAWG Inter-Ministerial Group.

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

VAWG covers a wide range of offences within the report overall. However for performance management purposes, CPS has grouped together a sub-set of offences – domestic abuse, rape and sexual offences. Data for the sub-set of ‘VAWG’ crimes is included below and within the first section of the VAWG data annex of this report. Data from all the individual VAWG strands is reported on separately below and in specific sections of the VAWG data annex of this report, from domestic abuse through to pornography. It is recognised that there will be some overlap of flagged data⁴ for domestic abuse, rape, sexual offences and child abuse, but this is not significant in volume.

VAWG subset

For the ‘VAWG’ subset of domestic abuse, rape and sexual offences:

- In 2015-16, 124,737 defendants of ‘VAWG’ crimes⁵ were referred to CPS – a slight fall of 4,320 referrals (3.3%) from 2014-15 when referrals reached the highest level recorded of 129,057.
- This small fall is assessed against a small rise in the proportion of offences charged⁶ – 69% compared with 68.5% in 2014-15. In 2015/16, 86,067 defendants were charged (only 2.6% fewer than in 2014-15).
- The volumes of ‘VAWG’ crimes prosecuted⁷ in 2015-16 rose from 107,104 in 2014-15 to 117,568, a rise of 10,464 defendants – 9.8% more than the previous year and the highest level ever recorded.

sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

⁴ Flagged for domestic abuse, rape and child abuse.

⁵ Police referrals, including the numbers charged, do not include sexual offences, excluding rape

⁶ The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of 2013-14, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported prior to 2013-14.

- The volume convicted also rose by 8,502, from 78,773 in 2014-15 to 87,275, a 10.8% increase and also the highest level ever recorded. The conviction rate rose to 74.2% from 73.5% in the previous year.

Domestic abuse

- The volume of DA⁸ referrals from the police fell slightly from 122,898 to 117,882 in 2015-16 – a fall of 5,016 referrals (4.1%) from 2014-15.
- 69.7% of these referrals were charged in 2015-16, this reflects the second highest charging proportion ever recorded (up from 68.9% in 2014-15) resulting in 82,157 defendants being charged.
- The volume of prosecutions completed in 2015-16 rose to 100,930 from 92,779 – a rise of 8,151 defendants (8.8%) from 2014-15 and also the highest volume ever recorded.
- Of those defendants where gender was recorded, 92.1% were male defendants and 7.9% female; of those victims where gender was recorded 83.3% were female and 16.7% were male.
- The volume of convictions reached was 75,235 – a rise of 6,634 convictions (9.7%) since 2014-15, the highest volume ever recorded.
- Alongside this rise in volume, the conviction rate increased from 73.9% to 74.5% in 2015-16 – in Quarter 4, 2015-16 the conviction rate rose to 75.4%, the highest rate ever recorded.
- In December 2015, the new offence of controlling and coercive behaviour was implemented. The CPS provided guidance and training for prosecutors and is monitoring performance.
- The findings from a review of Specialist Domestic Violence Courts (SDVCs) that was undertaken in 2014-15 were assessed and shared with SDVCs and Local Criminal Justice Boards (LCJBs) in 2015-16, to improve performance.
- The cross criminal justice system (CJS) Victim and Witness Board led a DA ‘Deep Dive’ exercise in 2015, analysing six courts that achieved the highest conviction rates to identify best practice components. The exercise is being extended in 2016, with testing of the components.
- Outlined within the VAWG data annex of this report are case studies and good practice from a number of CPS Areas illustrating ways that they have improved prosecution outcomes – including cases illustrating prosecutions of servitude, coercion and control, stalking and use of res gestae evidence.

⁷ Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2015-16 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2015-16.

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

Stalking and harassment⁹

- Prosecutions were commenced for 12,986 harassment and stalking offences in 2015-16; this is a rise of 864 offences (7.1%) from 2014-15 when 12,122 prosecutions were commenced and is the highest volume ever recorded.
- Of all harassment and stalking offences commencing prosecution, 9,077 (69.9%) were DA related – an increase of 847 DA related (10.3%) from 8,230 in the previous year, reaching the highest ever recorded volume.
- There were 1,102 prosecutions commenced under the new stalking offences (similar to 2014-15 when 1,103 prosecutions commenced).
- Specifically, 745 DA related prosecutions commenced under the stalking offences.
- Prosecutions commenced for 15,384 breaches of restraining order offences, a rise of 13.5% from 13,559 in 2014-15 and the highest ever recorded volume; 85.7% of these were DA related.
- 6,672 breaches of non-molestation orders started prosecution, compared with 7,013 in the previous year, a fall of 4.9%; 93.6% of these were DA related.
- The 2015 Ministry of Justice (MoJ) data on restraining orders and prosecution of stalking, harassment and breaches of restraining orders is included in Annex 2 of the VAWG data annex of this report. The data indicated more convictions under the more serious stalking offences, Section 4A (s.4A) stalking involving fear of violence/serious alarm or distress compared with s.2A stalking with fear/alarm/distress.
- Following a stakeholder roundtable meeting in July 2015, a working group was set up, consisting of cross-government CJS specialist and third sector agency representatives, to explore improvements to stalking training for prosecutors. This training will be delivered later in 2016-17.

Rape

- The volume of rape referrals from the police rose to 6,855 in 2015-16 – a rise of 696 referrals (11.3%) from 2014-15.
- 3,910 (57% of these referrals) were charged, the highest volumes ever recorded and a rise of 262 charged defendants (7.2%) from 2014-15.
- The volume of prosecutions completed in 2015-16 rose to 4,643 – a rise of 107 prosecutions (2.4%) from 2014-15, the highest volume ever recorded.
- Of those defendants where gender was recorded, 98.6% were male and 1.4% female – the VAWG data annex of the report provides further breakdown by gender¹⁰.

⁹ Note CPS stalking and harassment data is only available from the offence-based data system and therefore cannot include data on police referrals and charging.

- The volume of convictions reached 2,689 – a rise of 108 defendants (4.2%) since 2014-15, the highest volume ever recorded.
- The CPS conviction rate in 2015-16 rose to 57.9% from 56.9% in 2014-15.
- Of all unsuccessful outcomes¹¹, the proportion due to jury acquittals has fallen slightly to 61.4% in 2015-16 from 62.7% in 2014-15.
- National statistics from the MoJ, as the official statistics on defendants prosecuted for rape are included in Annex 2 of the VAWG data report annex to contextualise the CPS data and explain the differences in MoJ/CPS conviction ratios and rates.
- A joint Police/CPS National Rape Steering Group was set up in 2015 to implement the tools and actions from the 2014-15 National Rape Action Plan and recommendations from the independent reviews¹² in 2014 and 2015.
- A high profile national social media campaign on consent (#ConsentIs) was launched in 2015, winning the UK Public Sector Communications Award in 2016.
- A new national resource model for Rape and Serious Sexual Offence (RASSO) Units within the CPS was implemented with doubled resources. Refreshed national file quality standards were developed.
- A bi-monthly national forum for CPS RASSO managers was set up in 2015 to share good practice and lessons learned, to deliver local improvements.
- Three joint Police/CPS pilots were set up on developing enhanced arrangements for early investigative advice on rape cases.
- A comprehensive rape training programme was undertaken in 2015-16.
- Bespoke welfare arrangements for specialists handling rape and serious sexual assault cases, were introduced in 2015.
- Local Area good practice is included in VAWG data annex of this report and a number of case studies illustrating disclosure issues, unduly lenient sentencing action and support for vulnerable victims.

¹⁰ Recording of victim gender in rape cases is not robust enough to report proportions, but volumes are provided in the VAWG data annex of the report.

¹¹ Definitions for unsuccessful outcomes are in the glossary – a range of reasons include victim issues, conflict of evidence and acquittals, divided into judge-directed and jury acquittals.

¹² Reviews included Dame Elish Angiolini Report on the review of handling the investigation and prosecution of rape in London and the HMCPSP review of Achieving Best Evidence in Child Sexual Abuse.

Sexual offences (excluding rape)¹³

- The CPS is unable to record pre-charge data for sexual offences¹⁴.
- 11,995 defendants were prosecuted in 2015-16 for sexual offences, excluding rape; a rise of 22.5% from 9,789 in 2014-15; reaching the highest volume ever recorded.
- Of those defendants where gender was recorded, 97.3% were male and 2.7% were female – the VAWG data annex of the report provides a breakdown by gender, where possible.
- The volume of convictions reached 9,351 – the highest volume ever recorded and a rise of 23.2% since 2014-15, equating to a conviction rate of 78%.

Forced marriage, honour-based violence and female genital mutilation¹⁵

Forced marriage

- The CPS data on forced marriage (FM) includes all cases flagged as ‘forced marriage’ and not just those related to the new forced marriage legislation introduced in 2014.
- The volume of forced marriage referrals from the police rose to 90 in 2015-16 – from 82 in 2014-15.
- 57 (63.3% of these referrals) were charged, the highest volumes ever recorded and a rise from 58.5% compared with 2014-15.
- The volume of prosecutions completed in 2015-16 rose to 53 – a rise from 46 in 2014-15.
- Of the defendants where gender was recorded, 81.1% were male and 18.9% female – the VAWG data annex of this report provides further breakdown by gender, where available¹⁶.
- 60.4% of prosecutions were successful, a fall from 63.0% in 2014-15.
- There were five prosecutions under the specific forced marriage offence in 2015-16 and six for breach of a forced marriage protection order.
- Details of partnership working, training and awareness-raising are provided in the VAWG data annex of this report.

¹³ Sexual offences excluding rape may range from offences of non-consensual sexual touching to serious sexual assaults.

¹⁴ CPS records do not include details of pre-charge decisions regarding sexual offences (excluding rape) and therefore cannot provide data on police referrals or charged defendants.

¹⁵ The small number of cases indicates the need for caution in interpreting this data in relation to these offences.

¹⁶ Recording of victim gender in forced marriage cases is not robust enough to report proportions, but the volumes are outlined in the VAWG annex of this report.

Honour based violence

- The volume of referrals from the police of honour based violence related offences (HBV)¹⁷ fell to 216 in 2015-16 from 251 in 2014-15.
- 145 (67.1%) of these referrals were charged; a fall from 157 in 2014-15.
- 182 defendants were prosecuted, a fall from 225 last year.
- Of those defendants where gender was recorded, 86.8% were male and 13.2% female; of those victims where gender was recorded, female victims accounted for 76.4% and male victims were 23.6%.
- 91 defendants were convicted, a fall from 129 in 2014-15. The proportion convicted also fell from 57.3% to 50%.
- Details of partnership working to address harmful traditional practices are included in the VAWG data annex of this report.
- An action plan on FM and HBV has been developed to respond to Her Majesty's Inspectorate of Constabulary (HMIC) report on forced marriage, honour-based violence and FGM and addresses ways to improve prosecutions.

Female genital mutilation

- Female genital mutilation (FGM) cases may be challenging to prosecute for a number of reasons, but primarily because of difficulties in obtaining evidence from the victim and in ensuring their continued engagement with criminal proceedings.
- The Serious Crime Act 2015 was given Royal Assent in March 2015 and implemented during 2015-16¹⁸, introducing new provisions to address extra-territorial offences, failing to prevent FGM, providing lifelong anonymity for victims, mandatory reporting and a new FGM protection order.
- CPS and Statutory Guidance were published to reflect these changes in 2015-16.
- Mandatory reporting for frontline professionals has resulted in increasing numbers of cases reported to the police and Social Services.
- Regular conference calls were held by the DPP with Chief Crown Prosecutors (CCPs) to monitor progress on FGM.
- The DPP attended regular meetings with the Royal College of Obstetrics and Gynaecology.
- CPS Areas have carried out a range of initiatives to address the low referrals of FGM offences, including partnership working and involvement in youth and health conferences.

¹⁷ Honour based violence cases are flagged within CPS.

¹⁸ Implementation dates are outlined in the VAWG data annex of this report.

Child abuse

- The volume of child abuse¹⁹ referrals from the police increased to 13,282 in 2015-16 from 12,840 in 2014-15, an increase of 3.4%.
- 8,889 (66.9% of these referrals) were charged, a rise of 193 from 2014-15, the highest volume ever recorded.
- The volume of prosecutions completed in 2015-16 reached 11,130 - a rise of 1,085 (10.8%) since 2014-15, the highest volume ever recorded.
- Of those defendants where gender was recorded, 89.6% were male and 10.4% female – the VAWG data annex of the report provides further breakdown by gender, where possible²⁰.
- There was a rise in the volume of successful outcomes of child abuse cases to 8,439 in 2015-16 from 7,469 in 2014-15 – the highest volume ever recorded and a rise of 13%.
- In 2015-16 there were 41 child abuse homicide offence prosecutions²¹, a rise from 17 in 2014-15, with 75.6% resulting in convictions.
- There was a rise in the volume of child abuse offences against the person (from 3,192 to 3,582); with successful outcomes rising from 71.3% to 72.8%, compared with 2014-15; the highest volume ever recorded.
- Child sexual abuse (CSA) offence prosecutions completed in 2015-16 rose from 5,387 to 6,217 – a rise of 830 (15.4%) and the highest volume ever recorded.
- Successful outcomes for CSA prosecutions rose from 3,975 to 4,643 the highest volume ever recorded – a rise of 16.8%. The conviction rate rose from 73.8% in 2014-15 to 74.7% in 2015-16.
- The CPS continues to play a central role in the Home Office-led cross government strategy to respond to sexual violence against children.
- Case studies from CPS Areas, included in the VAWG data annex of this report, illustrate the prosecution of cases involving grooming and abuse of trust; alongside details of some local good practice.

Human trafficking and prostitution

- Since April 2010, the CPS has flagged and monitored all cases of human trafficking²².
- The volume of defendants in human trafficking cases referred from the police rose slightly to 246 in 2015-16 from 234 in 2014-15, the highest volume ever recorded.

¹⁹ Child abuse cases are flagged within CPS.

²⁰ The recording of victim gender is not robust enough to include gender proportions in the report but the volumes are outlined in the VAWG annex of this report.

²¹ See glossary for definitions.

²² From January 2013, the accuracy of flagging was checked quarterly.

- 189 (76.8% of these referrals) were charged, falling from 195 in the previous year (when 83.3% of referrals were charged).
- The volume of human trafficking prosecutions completed in 2015-16 reached 295 a rise from 187 in 2014-15, the highest volume ever recorded and a rise of 57.8%.
- Of those defendants where gender was recorded, 78.2% were male and 21.8% were female; of those victims where gender was recorded, 60.6% were female and 39.4% male.
- There was also a rise in the volume of human trafficking convictions from 130 in 2014-15 to 192 in 2015-16 (although a fall in proportion from 69.5% to 65.1% over the same period).
- Data from the National Referral Mechanism²³ is provided as reference data in the VAWG data annex of the report to indicate the gender split of potential victims referred for support – predominantly female victims of sexual exploitation and domestic servitude and male victims of labour exploitation.
- The Modern Slavery Act 2015 was implemented in July 2015 with revised guidance and training provided for prosecutors.
- CPS has worked closely with other UK prosecuting authorities to provide a more coordinated and robust UK response. The DPP chaired a Summit on Human Trafficking and Modern Slavery in 2016 with representatives from Scotland, Northern Ireland and the Republic of Ireland.
- There was a rise in the volume of prostitution related offences²⁴ related to the control of prostitution (100 from 83) and brothel keeping (211 from 182) against a fall in prosecutions for kerb crawling from 227 in 2014-15 to 153 in 2015-16. Prosecution of street offences fell from 456 in 2014-15 to 163 in 2015-16.
- Case studies within the VAWG data annex of this report include examples of prosecutions for trafficking for sexual exploitation and forced labour.

Pornography and obscenity

- In 2015-16 there was a rise in the prosecution of child abuse image offences from 21,580 in 2014-15 to 22,545 (4.5%), including prosecutions commenced for 16,672 offences of sexual exploitation of children through photographs.
- There was a rise in obscenity offences prosecuted from 5,782 to 6,940 in 2015-16 (20%).
- There were three prosecutions of rape pornography and 206 prosecutions commenced of the offence of disclosing private sexual images without consent (so-called revenge pornography).

²³ The National Referral Mechanism is a framework for identifying potential victims of human trafficking or modern slavery and ensuring they receive the appropriate support.

²⁴ Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data is not held by defendant, outcome or equalities data. Offences recorded in the Management Information System Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.

- The CPS, police and judiciary jointly adopted a new approach in 2016 to progress online indecent image cases with low risk offenders more quickly and revised legal guidance was issued to prosecutors in July 2016.
- Case studies within the VAWG data annex of this report illustrate prosecutions of exploitation of vulnerable victims, rape pornography and offence of disclosing private sexual images without consent.

The VAWG data report, outlining the performance data for VAWG prosecutions, case studies and good practice is provided on page 15.

VAWG data report contents

| | |
|--------------------------------------------------------------------------------|-----------|
| VAWG data report | 15 |
| Introduction | 15 |
| Cross-government plans | 17 |
| Violence against Women and Girls | 18 |
| CPS VAWG framework | 18 |
| International VAWG work | 19 |
| Victim issues | 19 |
| Social Media | 21 |
| CPS VAWG casework quality | 22 |
| VAWG performance data | 23 |
| Area performance | 26 |
| Equalities issues | 26 |
| Domestic Abuse | 28 |
| Area performance | 31 |
| Equalities issues | 32 |
| Relationships | 32 |
| Cross-government issues | 33 |
| Training | 35 |
| Specialist DV Courts | 35 |
| Transforming Summary Justice | 36 |
| Domestic Abuse ‘Deep Dive’ | 36 |
| Domestic homicides | 37 |
| Out of court disposals | 38 |
| Restorative justice | 38 |
| Local partnership working | 38 |
| DA stalking and harassment | 39 |
| Restraining orders | 40 |
| Stalking and harassment | 42 |
| Training | 44 |
| Cross-government action | 44 |
| Local good practice | 45 |
| Rape | 46 |
| Area performance | 51 |
| Equalities issues | 52 |
| Cross-government issues | 53 |
| National Rape Action Plan | 53 |
| HMCPST Thematic Review on the CPS handling of Rape and serious sexual offences | 58 |
| Dame Elish Angiolini DBE QC Report | 58 |
| National Rape Steering Group | 58 |
| Alleged false allegations | 59 |
| Sexual offences (excluding rape) | 61 |
| Area performance | 63 |
| Equalities issues | 63 |
| Pre-recorded cross examination pilot | 64 |

| | |
|-------------------------------------------------------------------------------------|------------|
| Forced marriage, honour based violence and Female Genital Mutilation | 66 |
| Forced marriage | 66 |
| Forced marriage legislation | 67 |
| Honour based violence | 68 |
| Cross-government issues | 69 |
| Legal Guidance and Training | 69 |
| Area good practice | 69 |
| Female Genital Mutilation | 70 |
| Legislation | 70 |
| Area good practice | 71 |
| Child abuse | 72 |
| Cross-government action | 74 |
| Partnership work | 74 |
| Legislation | 75 |
| National Child Sexual Abuse Review Panel | 76 |
| Child Sexual Abuse Network | 76 |
| Rape and Child Sexual Abuse Advocate Panel | 76 |
| Gangs | 77 |
| Human trafficking and modern slavery | 79 |
| Legislation | 81 |
| Legal Guidance and training | 82 |
| Work across the United Kingdom | 83 |
| International work | 83 |
| Prostitution | 85 |
| Cross-government work | 87 |
| Pornography and obscenity | 88 |
| Disclosing Private Sexual Images without Consent | 90 |
| Rape Pornography | 91 |
| Annex 1: Prosecutions by Area | 93 |
| Annex 2: Ministry of Justice data | 101 |
| Ministry of Justice (MoJ) statistics on Stalking, Harassment and Restraining Orders | 101 |
| Stalking and Harassment | 101 |
| Restraining orders and breaches | 102 |
| MoJ Rape national statistics | 103 |
| Timeliness from charge to trial | 104 |
| Glossary of terms | 105 |
| Glossary of acronyms | 112 |

VAWG data report

Introduction

The CPS Violence against Women and Girls (VAWG) Crime Report is the ninth edition published by the CPS. The report provides an assessment of prosecution performance in crimes that have been grouped together under the heading 'VAWG', recognising that women are disproportionately victims of this group of crimes. The CPS VAWG strategy is part of the overarching cross-government VAWG strategic framework recognising VAWG as a fundamental issue of human rights and women's rights, drawing on the United Nations conventions that the UK has signed and ratified. Freedom from violence and abuse is explicitly recognised in international law with respect to both human rights and gender. VAWG – is recognised worldwide, and by the UK Government, as a form of offending where gender plays a part.

As the United Nations²⁵ describes it: Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and ... violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

The offence policies grouped together sit within the overarching framework of 'VAWG' to address crimes that have been committed primarily, but not exclusively, by men against women. The CPS is committed to securing justice for *all* victims of crimes grouped together as 'VAWG'. To that end, we are inclusive in our approach. All our VAWG policies are applied fairly and equitably to all perpetrators and victims of crime – irrespective of their gender.

The report is an analysis of the key prosecution issues in each VAWG crime strand – detailed below. We recognise that these offences can be targeted at male and transgender victims as well as female victims and therefore the report includes *total data on all perpetrators and victims, irrespective of gender*. Where possible, data is broken down, in the body of the report, by gender as well as overall volumes and proportions.

The data that forms the basis of the report is derived from the CPS' Case Management System (CMS) and its associated Management Information System (MIS) which shows the number of defendants, offences and victims or witnesses. The data are held within separate databases within the MIS²⁶.

DA, rape, forced marriage, honour-based violence, child abuse and human trafficking cases are identified by flags applied to defendants in the CMS and reported through MIS.

The data recorded in the CMS is recorded on a suspect (pre-charge) or defendant (post-charge) basis. The MIS database includes pre-charge as well as post-charge data, for suspects and defendants, and therefore provides data on police referrals and charged defendants as well as outcomes. In addition, it provides equality profiles of defendants²⁷. We analyse the outcomes of prosecutions using the defendant database and therefore this report annex reflects that throughout. Further detail is provided in each section on the proportion of defendants prosecuted by gender where available.

²⁵ In 2003, the UN published reference:

<http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf>

²⁶ As with any large scale recording system, data is subject to possible errors in data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

²⁷ Equality profiles of defendants include data on their gender, age and ethnicity.

Stalking, harassment, sexual offences, prostitution, pornography and obscenity data can only be provided using the offences data recorded in the CMS and reported through the MIS. This data comprises the number of offences in which a prosecution commenced at magistrates' courts, and does not include any information on the number of referrals from the police, charged by CPS and the prosecution outcomes²⁸. In addition data on victim profiles is not available for these offences.

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

Data cannot be correlated between the separate databases and the report therefore cannot provide separate information on outcomes for abuse faced by female and male victims; nor any correlation of the gender of the defendant with the gender of the victim.

As in previous years, the report covers a range of VAWG crimes:

- domestic abuse;
- stalking and harassment;
- rape and sexual offences;
- forced marriage, honour based violence and female genital mutilation;
- child abuse;
- human trafficking, with a focus on trafficking for sexual exploitation;
- prostitution; and
- 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 2015-16 have been highlighted within each section and may differ according to strands.

The CPS collects data²⁹ 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 2007³⁰. We are committed to improving the quality of our data and from mid-June 2015 introduced a new data assurance regime which may explain some unexpected variance in some sets of data. The purpose of this report is to provide an assessment of performance based on the best available data from the CPS case management system.

²⁸ Sexual offence data (excluding rape) is an exception as it is derived from the principal offence category of 'sexual offences' by excluding rape flagged defendants and can therefore provide outcome of prosecutions.

²⁹ 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.

³⁰ 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.

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

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

In line with government policy, we publish the underlying data used in our reports. The underlying data for this report³¹ can be found on the CPS website, in the Publications section under [Underlying Data/Violence Against Women](#).

Cross-government plans

In March 2016, a cross government strategy – [Ending Violence against Women and Girls 2016-2020](#) – was launched outlining actions the Government is taking forward.

The implementation of these actions, including those for CPS, will continue to be overseen by the VAWG Inter-Ministerial Group.

The refreshed strategy built on the work of the 2010-2015 strategy which was reviewed in March 2015. The government published a report on its VAWG work over this period – *A Call to End Violence against Women Progress report 2010-2015*. The Report included highlights of CPS achievements.

³¹ Data is reported throughout this report; any additional underlying data is provided in the annex available on the CPS website – link provided.

Violence against Women and Girls

VAWG work continued to be a key priority within CPS National and Area business plans in 2015-16. In particular our focus has been on improving services for victims and witnesses and casework quality.

CPS VAWG framework

National CPS VAWG Champion:

A Chief Crown Prosecutor acts as a national CPS VAWG Champion, linking across HQ and all Areas, as well as chairing the External Consultation Group (see below).

National CPS VAWG leads:

National CPS VAWG leads in the Operations Directorate of CPS Headquarters oversee the VAWG work across CPS Areas. The VAWG strategy managers oversee the delivery of the VAWG strategy, especially through the VAWG assurance process outlined below.

VAWG Coordinators:

In 2015-16 CPS Area VAWG Coordinators continued to lead VAWG prosecutions locally and worked with Area Equality and Diversity Community Engagement Managers (EDCEMs) in the running of Local Scrutiny and Involvement Panels (LSIPs). All Areas have panels covering VAWG issues – predominantly addressing DA and rape prosecutions – with some also focused on other VAWG strands.

Coordinators work with their Chief Crown Prosecutors in providing bi-annual reports on performance directly to the DPP through the VAWG assurance system. They meet bi-annually as a network – roundtable meetings were held in June 2015 and April 2016 to discuss the implementation of actions at a local level.

Stakeholder support:

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

CPS VAWG casework and knowledge hubs:

In line with the CPS' priority of ensuring that prosecutors have the tools and skills for the job, VAWG sections have been set up within the CPS casework and knowledge hubs. The hubs are an internal online resource and the VAWG sections provide prosecutors with practical assistance related to casework preparation as well as good practice examples, links to local leads, coordinators, legal guidance, toolkits and VAWG newsletters. The CPS will continue to review and build on the information provided to ensure it is accessible and relevant to prosecutors.

CPS VAWG Newsletters:

The national VAWG leads publish quarterly CPS VAWG newsletters, outlining updates of work across all VAWG strands.

International VAWG work

In 2015-16, the CPS continued to prosecute VAWG cases with an international element. This follows the development of a CPS international strategy in 2014-15 to address cases where: evidence or witnesses are located overseas; offenders flee abroad or where offences occur in other jurisdictions, as well as work with other jurisdictions to improve prosecution of VAWG offences at source. The aim is to maximise the effectiveness of CPS VAWG prosecutions with an international element, using its network of prosecutors deployed overseas, and working closely with CPS Areas, Casework Divisions, across Whitehall and other governments.

International liaison:

In 2015-2016 CPS International Justice and Organised Crime Division provided advice and assistance in VAWG cases in connection with the following countries: Argentina, Austria, Barbados, Brazil, Bulgaria, Canada, Czech Republic, Dominican Republic, Egypt, Ethiopia, France, Germany, Gibraltar, Guernsey, Ireland, Italy, Israel, Jamaica, Japan, India, Italy, Ivory Coast, Kenya, Lithuania, Monaco, Mongolia, Morocco, Norway, Philippines, Poland, Portugal, Qatar, Romania, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, UAE, USA and Zimbabwe (there will also be a number of other international enquiries that CPS RASSO Units have dealt with independently).

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

The VAWG team also met with international delegations from Panama and India to discuss the prosecutorial approach to VAWG and to share best practice. Details of additional international work are provided in the human trafficking section of this report.

Victim issues

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

Improving services to victims and witnesses:

The focus on improving the quality of services to victims and witnesses continued during 2015-16 in accordance with the priorities of the CPS as set by the DPP.

CJS strategy and action plan:

The CPS is working with the Victims' Commissioner and CJS partners to ensure compliance with the Victims' Code and Witness Charter.

Victims' Right to Review:

The Victims' Right to Review (VRR) scheme was set up in June 2013 to allow for victims to seek a review of a CPS decision not to prosecute. For further information about the VRR scheme please visit: http://www.cps.gov.uk/victims_witnesses/victims_right_to_review/index.html. Regular updates and

analysis are provided for Areas, for lessons to be shared and these will be included on the casework hub and within the RASSO training package.

Victim Liaison Units:

Dedicated Victim Liaison Units (VLUs) have been set up across all CPS Areas to ensure that victims are given timely and empathetic communications when any case is stopped or the charges substantially altered under the Victim Communication and Liaison scheme, providing tailored enhanced services to victims in most need of support. This includes VAWG victims. In addition to being a 'one-stop shop' for victims of most crimes in respect of post-finalisation communication, the VLUs are responsible for managing the VRR scheme, the CPS feedback and complaints policy and the administration of any other victim related schemes such as supporting bereaved families.

Speaking to witnesses at court:

As part of the commitment to improve the 'at court' experience for victims and witnesses, the CPS has published guidance which clarifies what is expected of CPS advocates in supporting victims and witnesses to give their best evidence in court. The guidance emphasises the need for our advocates to better assist victims and witnesses and to inform them about what to expect before they give their evidence. The practicalities of operating the guidance were tested in a number of pathfinder sites, before being rolled out across all CPS Areas. A bespoke national training programme has been developed for those staff responsible for speaking to witnesses at court (advocates and paralegals).

Victim Personal Statements:

The Victims' Commissioner conducted a review of the Victim Personal Statements (VPS)³² scheme between March and June 2015, and her report published in November 2015 recommended that criminal justice agencies (including the CPS) improve compliance with the VPS scheme. A multi-agency working group has been established to consider the report and develop an action plan to address the findings of the review. This working group, which is being led by the CPS, aims to develop the plan by the end of September 2016. The plan will then be presented to the cross-agency Victim and Witness Delivery Board for approval.

Special measures:

Following the publication of the revised special measures³³ guidance in 2015, the CPS has been part of the Ministry of Justice (MoJ) working group to revise the 'Achieving Best Evidence (ABE) in Criminal Proceedings' guidance on interviewing victims and witnesses, and guidance on using special measures. The revised guidance takes into account the recommendations made within the joint Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI)/Her Majesty's Inspectorate of Constabulary (HMIC) inspection on 'Achieving Best Evidence in Child Sexual Abuse' cases in December 2014 and Lord Justice Leveson's 'Review of Efficiency in the Criminal Justice System' published in January 2015.

The recommendations focus on further improving the effectiveness of victim and witness interviews including improving their structure and the way in which they are introduced in court. The revised guidance is anticipated to be published in 2016 by the MoJ with the CPS, the police, Department of Health and Department of Education as signatories.

³² The Victim Personal Statement (VPS) gives victims an opportunity to describe the wider effects of the crime upon them, express their concerns and indicate whether or not they require any support.

³³ The Youth Justice and Criminal Evidence Act 1999 (YJCEA) introduced a range of measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The measures are collectively known as "special measures".

The Advocate's Gateway:

The CPS continues to contribute to the Advocate's Gateway which provides practical guidance for criminal justice practitioners on vulnerable witnesses and defendants.

National victim and witness satisfaction survey:

The CPS conducted a national satisfaction survey to assess the level of satisfaction by victims and witnesses of the service they have received from the CPS. Approximately 7,700 victims and witnesses participated in the survey and the results were published in September 2015. The key findings were that 82% of victims and 88% of witnesses felt that, when they had contact with a CPS Victim Liaison Unit (VLU), it was helpful.

Overall satisfaction was higher amongst witnesses than victims, with 74% of witnesses 'very' or 'fairly' satisfied, compared to 67% of victims. Victims and witnesses were asked whether they would consent to being a witness in a criminal trial in future if they were asked to do so. 60% of witnesses said they would, compared to 52% of victims. Less than 10% of respondents said they were unlikely or highly unlikely to give evidence – the remainder said that it would depend on the circumstances of the new case.

The survey was made available to victims of DA but take up was low (with just over 100 respondents in identified DA cases) – in part because of the adjustments made to ensure they were not placed at risk.

The CPS published a victim and witness action plan in September 2015 to address these issues and a further national survey is planned for 2017. Plans are underway to work with stakeholders to assess how the views of DA and sexual violence victims might be better captured in the next surveying activities.

Social Media

The CPS has updated its guidelines on social media to incorporate new and emerging crimes that are being committed online and to provide clear advice to further help our prosecutors in dealing with cyber-enabled crime.

The social media guidelines need to be read in conjunction with the Code for Crown Prosecutors. This identifies public interest factors which include whether the offence was motivated by any form of discrimination against the victim, including gender discrimination.

The CPS launched a public consultation in March 2016 about the proposed revisions to the updated Social Media Guidelines including consideration of whether a new section on VAWG offences should be included. This is because developments in technology have created a new landscape for controlling, sexually-motivated or other forms of inter-personal offending. The use of the internet, social media platforms, emails, text messages, smartphone apps, spyware and GPS tracking software to humiliate, control and threaten victims is rising. The proposed new section alerts prosecutors to the various forms of cyber-stalking. Furthermore, new guidance has been produced on disclosing private sexual images without consent and controlling or coercive behaviour - offences which have been created since the initial guidelines were published. The CPS also wanted to alert prosecutors to the emerging trend of potentially grossly offensive communications, containing images of women with very serious injuries, being raped or being subjected to sadistic acts of violence.

Advice has been added to the guidelines about the use of false online profiles and websites which are being set up in the victim's name, with false and damaging information. The consultation closed in May 2016 and the finalised guidelines are anticipated to be published in September 2016.

Grooming and social media

A Police Constable groomed young and vulnerable girls, approached them through their friends and their social network and systematically offered them money in exchange for sexual favours. The jury heard that his practice was to make contact with the young girls on social media saying that he was 17 or 26 years old. He would sometimes use the fact that he was a police officer to gain their trust.

He was found guilty of 17 sexual offences against 12 teenage girls, including one offence of rape, several of sexual activity with a child, causing or inciting a child to engage in sexual activity and meeting a child following sexual grooming. He was sentenced to 15 years' imprisonment and will be on eight years' extended licence.

CPS VAWG casework quality

For performance management purposes, the CPS has grouped together a sub-set of offences – DA, rape and sexual offences. Data for the sub-set of 'VAWG' crimes is included within this section of the annex. The data provided below relates to *all* 'VAWG' defendants and victims, irrespective of gender, with details of gender where available.

In 2015-16, CPS Areas continued to monitor their performance using a 'VAWG validation measure' that assessed successful outcomes for DA, rape and sexual offences.

The validation measure is assessed alongside the volume of prosecutions, providing more detailed monitoring within the bi-annual VAWG assurance process. This overview has been critical in achieving continuous improvement on this important area of work.

In the VAWG assurance process, Areas are assessed further on a broad range of measures, including consideration of trends in performance on caseloads and conviction rates in comparison to the national average according to their VAWG performance. Where possible, this involves detailed analysis of police referrals, charging, prosecutions and outcomes, including convictions, attrition linked to victim issues and, for sexual offences, jury acquittals. The Areas provide commentary on their overall performance and identify actions to address improvements.

Areas also provide details of their work across *all* VAWG strands. Areas receive feedback on their assurance reports from the DPP and the central VAWG team and are required to draw up and deliver at least three action points following each bi-annual assessment.

VAWG performance data

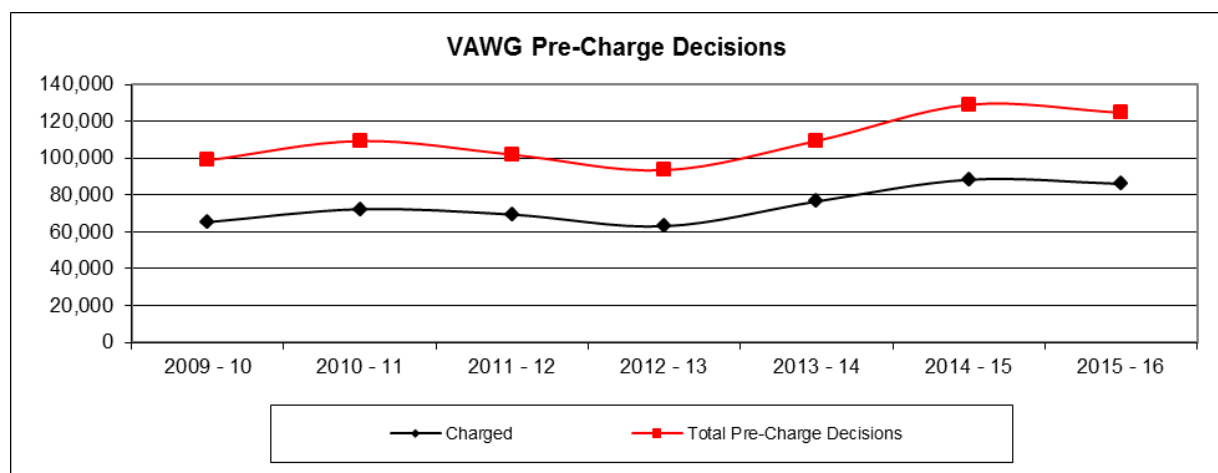
This section of the annex covers the overall approach to crimes grouped together as 'VAWG'³⁴, with the caveats as outlined in the introduction. As in previous years, the majority of prosecutions of crimes grouped under VAWG for performance management purposes are DA (85.8%³⁵), with rape at 3.9%³⁶, with a rise in the proportion of sexual offences, excluding rape, at 10.2%³⁷.

Since the introduction of the recording of VAWG crimes, the highest ever recorded level of police referrals³⁸ of VAWG defendants for charging decisions of 129,057 was in 2014-15. In 2015-16, there was a slight fall in police referrals compared to the previous year to 124,737; however this fall is assessed against a rise in the proportion of cases charged from 68.5% in the previous year to 69%, resulting in 86,067 defendants charged.³⁹

Out of court disposals, decided on by the CPS at the pre-charge stage, remained at 1.1% of all referrals – the lowest proportion ever recorded – with a fall in volume from 1,473 in 2014-15 to 1,394 in 2015-16.

Graph 1 illustrates the changes in volumes of referrals and charging since 2009-10.

Graph 1: Volume of pre-charge decisions and charged defendants, 2009-10 to 2015-16



The volume of VAWG cases as a proportion of the total CPS caseload is assessed as the 'VAWG caseload'. The VAWG caseload rose in 2015-16, reaching the highest level ever recorded at 18.6%, as in Graph 2.

³⁴ CPS has grouped together a sub-set of 'VAWG' offences – DA, rape and sexual offences – for performance management purposes.

³⁵ A fall of 0.8% from the previous year.

³⁶ A fall of 0.3% from the previous year.

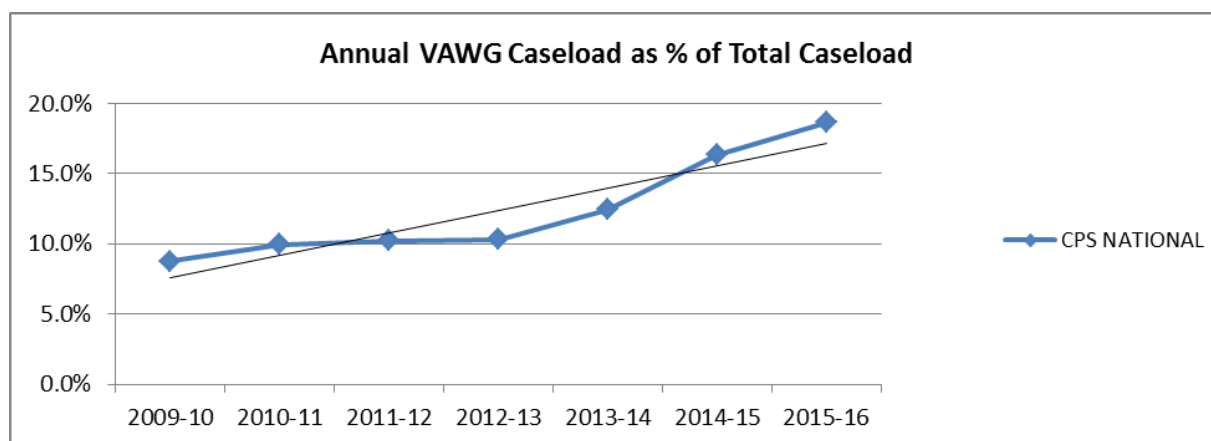
³⁷ A rise of 1.1% from the previous year.

³⁸ Police referrals do not include sexual offences, excluding rape.

³⁹ The CPS is continually striving to improve the quality of data used in both internal and external reports.

During the course of 2013-14, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported prior to 2013-14.

Graph 2: VAWG caseload as % of total caseload, 2009-10 to 2015-16



| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|--------------|---------|---------|---------|---------|---------|---------|---------|
| CPS NATIONAL | 8.7% | 9.9% | 10.2% | 10.3% | 12.5% | 16.3% | 18.6% |

The volume of VAWG crimes prosecuted⁴⁰ rose from 107,104 in 2014-15, to 117,568 in 2015-16. This represents an increase of 10,464 or 9.8% and the highest level ever recorded.

Of all prosecutions (117,568), in 66.3% of cases a guilty plea was secured; this is the equivalent of 78,004 guilty pleas and the highest volume ever recorded. The volume of convictions secured after trial, rose to 9,125 the highest volume ever recorded. This was 7.8%, out of all VAWG prosecutions, and 50.2% out of all VAWG prosecutions contested at trial (excluding mixed pleas⁴¹).

30,293 prosecutions were unsuccessful. Prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence) accounted for 17% (or 20,015 cases) of all prosecution outcomes, the lowest proportion ever recorded.

Unsuccessful outcomes that were due to victim issues⁴² continued to fall – from 48.3% in 2014-15 to 46.9% in 2015-16. This was mainly due to a fall in the proportion of unsuccessful outcomes due to victim retractions (falling from 24.3% in 2014-15 to 22.5% in 2015-16); however this was alongside a slight rise in victim non-attendance (from 21.4% in 2014-15 to 22.0% in 2015-16).

Out of *all* VAWG cases prosecuted, the proportion that was unsuccessful due to victim issues⁴³ has fallen from 12.8% in 2014-15 to 12.1% in 2015-16.

Of the 117,568 defendants prosecuted, 109,081 defendants were male, 8,376 were female and in 111 cases the gender of the defendant was not recorded⁴⁴. Where the gender of the defendant was recorded, 92.9% were male and 7.1% were female⁴⁵.

⁴⁰ Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2015-16 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2015-16.

⁴¹ 'Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

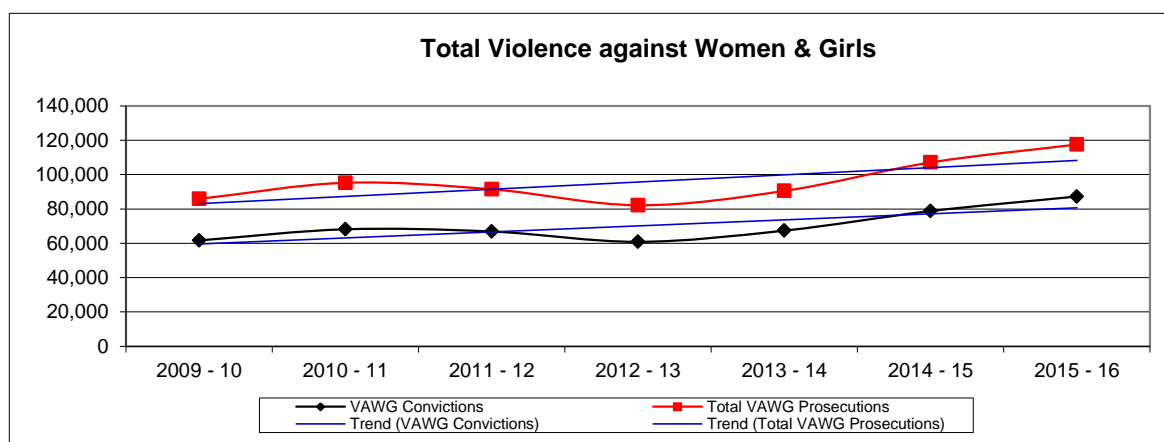
⁴² Victim issues include victim retractions, victim non-attendance and 'evidence of victim does not support the case'.

⁴³ As in previous footnote.

⁴⁴ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems. Victim data is provided in the Equalities section on page 26.

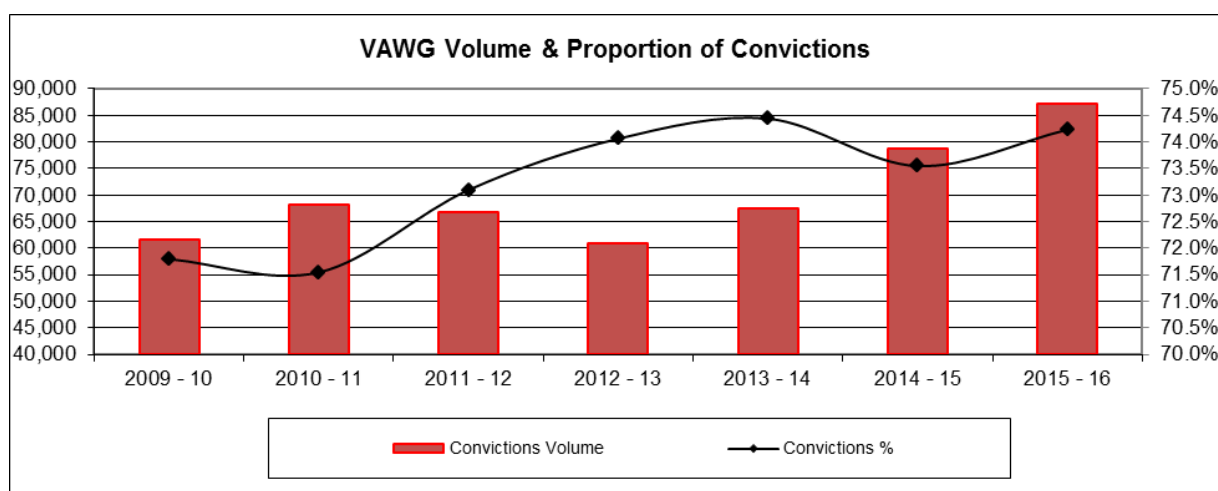
Graph 3 indicates increasing volumes, reversing the earlier decline from 2010-11.

Graph 3: Volume and trend of convictions and prosecutions for VAWG crimes, 2009-10 to 2015-16



The volume of defendants of VAWG crimes convicted also rose by 8,502, from 78,773 in 2014-15, to 87,275, a 10.8% rise from the previous year to the highest volume ever recorded alongside a rise in the conviction rate from 73.5% to 74.2% (0.2% lower than the highest conviction rate recorded in 2013-14). The conviction rate rose to 75.1% in Quarter 4 2015-16, the highest rate ever recorded. Graph 4 shows the overall rise in conviction volumes and indicates an upward trend in conviction rate over the last seven years.

Graph 4: Conviction volumes and rates for VAWG crimes, 2009-10 to 2015-16



89% of successful outcomes were due to guilty pleas. A case in which a defendant pleads guilty is likely to be brought to court more quickly, at a substantially reduced cost, as it requires less preparation. Guilty pleas also benefit victims as they do not have to attend court to give evidence.

⁴⁵ The figure is similar if calculated out of total, including unrecorded gender (92.8% male defendants and 7.1% female defendants).

Area performance

The tables on pages 93-100 provide VAWG prosecution data by CPS Area and police forces. From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for the British Transport Police (BTP)⁴⁶ in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for their constituent police forces, as there will be a small number of cross-border prosecutions between Areas, as well as data from BTP where available.

The underlying data is provided in the linked annex at the beginning of the VAWG report on page 15. It includes the CPS Area and police force pre-charge data. Since 2014-15, the VAWG assurance assessment included pre-charge as well as charged data.

Equalities issues

Gender

Of the 117,568 defendants prosecuted, 109,081 defendants were male, 8,376 were female and in 111 cases the gender of the defendant was not recorded⁴⁷. Where the gender of the defendant was recorded, 92.9% were male and 7.1% were female⁴⁸.

Data from the Witness Management System showed that 110,847 victims were recorded⁴⁹. Of all victims 76,018 were female, 15,014 were male and in 19,815 cases the gender of the victim was not recorded. 82% of victim gender was recorded in 2015-16 – a fall from 84% in 2014-15. Where the gender of the victim was recorded, the proportion of female victims was 83.5% and male victims were 16.5%, similar to that recorded over the previous five years (84% and 16%).

Ethnicity

In 2015-16, 74.5% of VAWG crime defendants⁵⁰ were categorised as White, of which 69% were identified as White British. Just under 6% of defendants were identified as Asian, and 6.2% were identified as Black⁵¹. Just under half of victim ethnicity was not recorded (47.6%), so this data is not reported on within this report.

Age

From those defendants where age was recorded⁵², the majority of defendants were aged 25-59 (72.5%) and 18-24 (21.0%). 24.1% of defendants (28,243) were 24 years old or under, with 3,375 (2.9%) of defendants being 14-17 years old and 248 (0.2%) aged 10-13.

⁴⁶ Data for City of London police is included with London data overall.

⁴⁷ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems.

⁴⁸ The figure is similar if calculated out of total, including unrecorded gender (92.8% male defendants and 7.1% female defendants).

⁴⁹ The victim data includes DA and rape, but data for victims related to sexual offences, excluding rape, is not available from the data systems.

⁵⁰ Ethnicity data on defendants is collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories.

⁵¹ 4.8% of defendants did not state an ethnicity on arrest and 6.0% of defendants' ethnicity was not provided to the CPS by the police.

⁵² 99.6% of defendant ages were recorded in 2015-16 – a rise from 99.5% in 2014-15.

From those victims where age was recorded⁵³, the majority were aged 25-59 (66.4%) and 18-24 (22.7%). 28.9% of victims (26,494) were under 24 years old, with 4,312 (4.7%) of victims being 14-17 years old, 1,059 (1.2%) aged 10-13 and 334 under 10 (0.4%).

⁵³ 82.7% of victim ages were recorded in 2015-16 – a rise from 81.8% in 2014-15.

Domestic Abuse

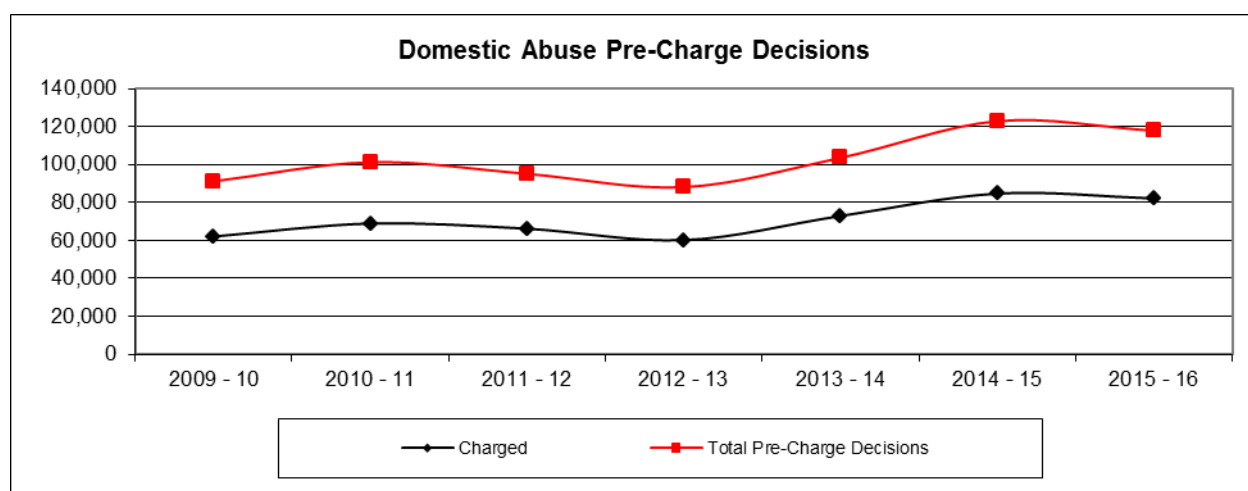
On 30 December 2015, a specific domestic abuse (DA) offence in respect of controlling or coercive behaviour in an intimate or family relationship came into force. However, a range of offences carried out within a DA context (ranging from common assault to murder) continue to be prosecuted. The CPS continues to flag all cases of DA, whatever the offence, to ensure compliance with CPS policy and guidance as well as monitoring performance.

In 2015-16, the overall pattern of DA prosecutions indicated, yet again, year on year improvements in prosecutions, reaching the highest volumes ever recorded of defendants prosecuted and convicted. Data provided below relates to *all* DA defendants and victims, irrespective of gender, with details of gender where available.

Although the volume of DA referrals from the police fell from 122,898 in 2014-15 to 117,882 (a fall of 4.1% or 5,016), this is assessed against the second highest ever recorded proportion of cases charged at 69.7% (up from 68.9% in the previous year) resulting in 82,157 defendants charged⁵⁴.

The average number of days to charge in 2015-16 reached 4.58 days, from 4.31 days in the previous year. The timeliness of charging⁵⁵ has been addressed within the VAWG assurance process in 2015-16. In addition, work within Transforming Summary Justice, outlined later in this section, is addressing timeliness of DA cases going through the criminal justice system.

Graph 5: Volume of Police DA referrals and charged defendants, 2009-10 to 2015-16



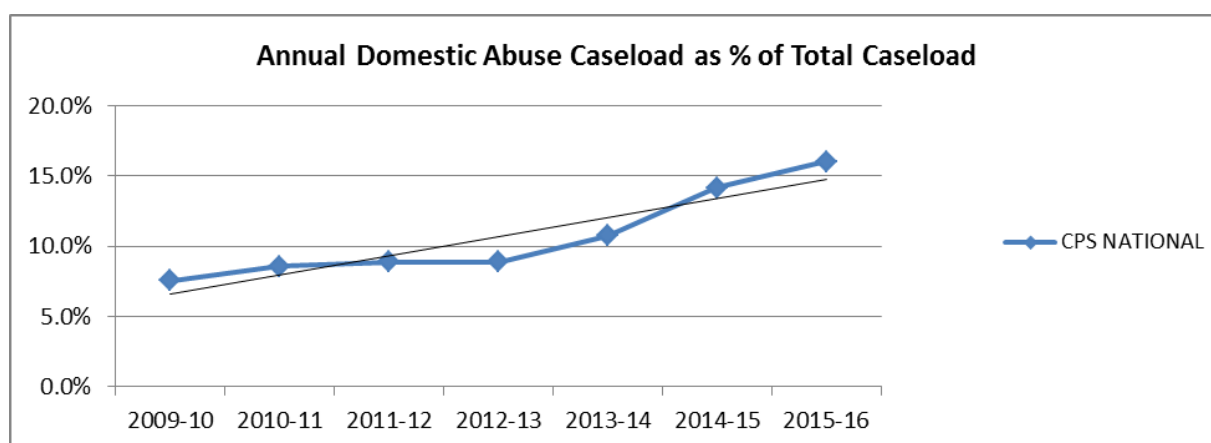
The proportion of DA cases⁵⁶ has risen year on year; from 14.1% in 2014-15 to 16% in 2015-16, as indicated in graph 6 and the table below.

⁵⁴ The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of 2013-14, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported prior to 2013-14.

⁵⁵ CMS data reports the average number of calendar days that has elapsed since the first decision was sought from the police, to the date in which the last decision made was to charge. The system is unable to separately record the timeliness of those cases that were subject to advice and further work before a charge decision was made and recorded as the last decision.

⁵⁶ DA caseload is the volume of DA cases as a percentage of all court prosecutions.

Graph 6: DA caseload as % of total caseload 2009-10 to 2015-16



| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|--------------|---------|---------|---------|---------|---------|---------|---------|
| CPS NATIONAL | 7.5% | 8.6% | 8.9% | 8.9% | 10.7% | 14.1% | 16.0% |

The volume of prosecutions⁵⁷ completed in 2015-16 rose to 100,930 from 92,779 – a rise of 8,151 defendants (8.8%) reaching the highest level ever recorded as indicated in the table below and Graph 7.

Of the 100,930 defendants prosecuted, 92,851 defendants were male, 7,992 were female and in 87 cases the gender of defendants was not recorded⁵⁸. Where the gender of the defendant was recorded, 92.1% were male and 7.9% female⁵⁹. Further details on gender, including that of victims, are in the Equalities section on page 32.

Table 1: Completed DA prosecutions by outcome 2009-10 to 2015-16

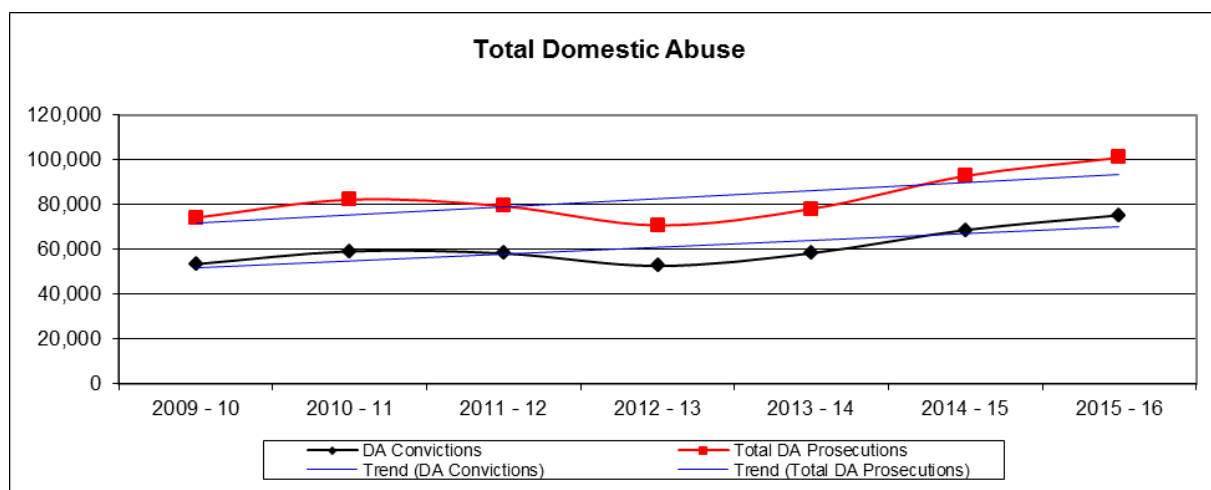
| | 2009 - 10 | | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|---------------|------|---------------|------|---------------|------|---------------|------|---------------|------|---------------|------|----------------|------|
| | Vol | % | Vol | % | Vol | % | Vol | % | Vol | % | Vol | % | Vol | % |
| Convictions | 53,347 | 72.0 | 59,101 | 71.9 | 58,138 | 73.3 | 52,549 | 74.3 | 58,276 | 74.6 | 68,601 | 73.9 | 75,235 | 74.5 |
| Unsuccessful | 20,766 | 28.0 | 23,086 | 28.1 | 21,130 | 26.7 | 18,153 | 25.7 | 19,795 | 25.4 | 24,178 | 26.1 | 25,695 | 25.5 |
| Total | 74,113 | | 82,187 | | 79,268 | | 70,702 | | 78,071 | | 92,779 | | 100,930 | |

⁵⁷ Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2015-16 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2015-16.

⁵⁸ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems.

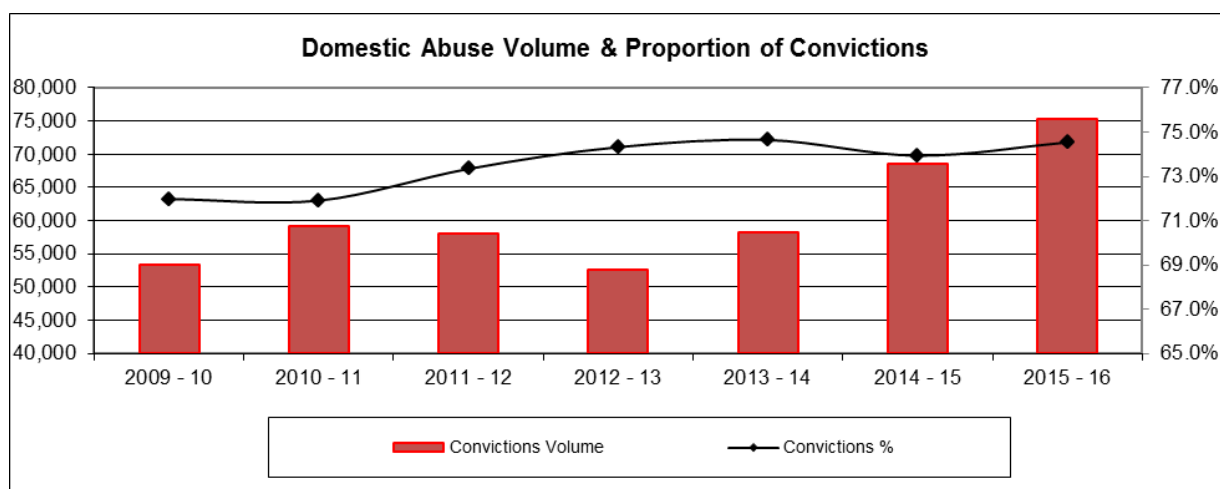
⁵⁹ The figure is similar if calculated out of total, including unrecorded gender (92% male defendants and 7.9% female defendants).

Graph 7: DA prosecution and conviction volumes, 2009-10 to 2015-16



The volume of convictions reached 75,235⁶⁰ – a rise of 6,634 convictions (9.7%) since 2014-15. Alongside this rise in volume, the conviction rate increased from 73.9% in 2014-15 to 74.5%. In Quarter 4, 2015-16, the conviction rate rose to 75.4%. Between 2005-06 when recording started and 2015-16, conviction volumes have risen from 29,719 to 75,235 – a rise of 45,516 defendants convicted – a 153% rise over this eleven year period. Over the same period, conviction rates have risen from 59.7% to 74.5% - just under 15 percentage point (ppt)⁶¹ rise. Graph 8 illustrates the overall upward trend on conviction volumes and rates.

Graph 8: DA volume and proportion of convictions, 2009-10 to 2015-16



In 2015-16, 87,920 cases (87% of all DA cases prosecuted) were concluded within the magistrates' court. Of these, 65,715 defendants were convicted, resulting in a conviction rate of 74.7%. For the remainder of cases which were sent to Crown Courts (13,010 cases or 13% of all DA Cases prosecuted), 9,520 defendants were convicted, resulting in a conviction rate of 73.2%.

Overall, the volume of guilty pleas rose again – reaching 68,462, a rise of 8.4% since 2014-15. However, the proportion, out of all DA cases prosecuted, fell slightly to 67.8% from 68.91% of all successful outcomes were a result of guilty pleas. The volume of convictions secured after trial rose

⁶⁰ Data on conviction outcomes is not broken down currently by gender of defendants.

⁶¹ Changes in percentages are referred to as changes in percentage points (ppt).

to 6,637, the highest volume ever recorded, this was 6.6%, out of all DA prosecutions, and 51.4% out of all DA prosecutions contested at trial (excluding mixed pleas⁶²).

Dropped cases have fallen to the lowest level recorded at 18.2% of all prosecuted DA cases, from 19.3% in the previous year.

In this period, as in the previous years, offences against the person were the most frequently prosecuted offences, representing 78.1% of DA crimes. Criminal damage and public order offences accounted for a further 9.9% and 3.1% respectively⁶³.

There was a slightly different pattern for male and female defendants:

- Male defendants were responsible *proportionally* for slightly more offences against the person, out of all offence types (78.2% of all male defendant offences, compared with 76.5% female defendants⁶⁴) and more sexual offences (2.1% compared with 0.6%⁶⁵).
- Female defendants were responsible slightly more *proportionally* for theft and handling out of all offence types (2.6% of all female defendant offences, compared with 1.9% male defendants⁶⁶); fraud and forgery (1.2% compared with 0.3%⁶⁷) and public order offences (4.5% compared with 3.0%⁶⁸).

Unsuccessful outcomes that were due to victim issues⁶⁹ continued to fall – from 53.7% in 2014-15 to 52.5% in 2015-16. This was mainly due to a fall in the proportion of unsuccessful outcomes due to victim retractions (falling from 26.8% in 2014-15 to 24.8% in 2015-16); however this was alongside a slight rise in victim non-attendance (from 24.7% in 2014-15 to 25.5% in 2015-16).

Out of *all* DA cases prosecuted, the proportion that were unsuccessful due to victim issues⁷⁰ has fallen from 14% in 2014-15 to 13.4% in 2015-16. Support for victims through the court process is important in reducing retractions and work with Independent Domestic Violence Advisers (IDVAs) or equivalent local support services are key to improved prosecutions.

Area performance

The tables on pages 93-100 provide DA prosecution data by CPS Area and police forces. Since 2014-15, a revised method of data interrogation and reporting has been used, which provides figures for the British Transport Police (BTP)⁷¹ in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for their constituent police forces, as there will be a small number of cross-border prosecutions between Areas, as well as data from BTP where available.

⁶² 'Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues

⁶³ See glossary for the CPS definitions of 'principal offence' and the different categories.

⁶⁴ 70,062 male defendants and 5,960 female defendants.

⁶⁵ 1,877 male defendants and 45 female defendants.

⁶⁶ 206 female defendants and 1,710 male defendants.

⁶⁷ 93 female defendants and 310 male defendants.

⁶⁸ 349 female defendants and 2,652 male defendants.

⁶⁹ Victim issues include victim retractions, victim non-attendance and 'evidence of victim does not support the case'.

⁷⁰ As in previous footnote.

⁷¹ Data from City of London police is included in London data.

The underlying data is provided in the linked annex at the beginning of the VAWG report on page 15. It includes the Area and police force district pre-charge data. Since 2014-15, the VAWG assurance assessment has included pre-charge as well as charged data.

Equalities issues

Gender

Of the 100,930 defendants prosecuted, 92,851 defendants were male, 7,992 were female and in 87 cases the gender was not recorded⁷². In 2015-16, where the gender of the defendant was recorded, 92.1% were male and 7.9% female⁷³, similar to the previous years.

For victim data, from the Witness Management System, 104,193 victims were recorded. Of all victims, 71,706 were female, 14,406 were male and in 18,081 cases the gender was not recorded. The recording of victim gender fell slightly from 84% in 2014-15 to 82.6% in 2015-16. Where the gender of the victim was recorded, the proportion of female victims was 83.3% and male victims were 16.7%, with similar levels recorded over the previous five years (84% and 16%).

Ethnicity

In 2015-16, 76.4% of DA defendants were categorised as White (a fall from 78.8% in 2014-15), with 70.9% being identified as belonging to the White British category. 6.2% of defendants were identified as Black, a slight rise of 0.7ppt from the previous year and 5.6% were identified as Asian, a slight rise of 0.1ppt from the previous year⁷⁴.

Just under half of victim ethnicity is still not recorded and therefore the data is not included in this report.

Age

From those defendants where age was recorded⁷⁵, the majority of defendants were aged 25-59 (73.7%) and 18-24 (21.7%). Just under 24.4% of defendants (24,521) were aged 24 and under, with 2,591 (2.6%) of defendants being 14-17 years old and 147 (0.1%) aged 10-13.

From those victims where age was recorded⁷⁶, the majority were aged 25-59 (67.6%) and 18-24 (22.5%). Similar to defendant age, 27.5% of victims (23,876) were 24 years old and under, with 3,329 (3.8%) of victims being 14-17 years old, 732 (0.8%) aged 10-13 and 247 under 10 (0.3%).

Relationships

Recording of the relationship between the perpetrator and victim is not yet robust enough to assess, however the extent of recording within the CPS database has improved again, from 17% in 2010-11 to 57.6% in 2015-16.

⁷² It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems.

⁷³ The figure is similar if calculated out of total, including unrecorded gender (92% male defendants and 7.9% female defendants).

⁷⁴ 3.8% of defendants did not state an ethnicity on arrest (a rise since 2014-15 of 1ppt) and 5.4% of defendants' ethnicity was not provided to the CPS by the police (a rise since 2014-15 of 0.6 ppt).

⁷⁵ 99.6% of defendant ages were recorded in 2015-16 – the same as in 2014-15.

⁷⁶ 83.3% of victim ages were recorded in 2015-16, a rise from 82.4% in 2014-15.

Cross-government issues

Implementation of Section 76 of the Serious Crime Act 2015: Controlling or Coercive Behaviour in an Intimate or Family Relationship

A new offence, s.76 of the Serious Crime Act Controlling or Coercive Behaviour in an Intimate or Family Relationship came into force on 30 December 2015. A person commits this offence if they repeatedly or continuously engage in behaviour towards another person that is controlling or coercive and at the time of the behaviour they are personally connected and the behaviour has a serious effect on the other person. The offence is triable either way with a maximum penalty (on conviction on indictment) of five years' imprisonment. Alongside s.76 of the Serious Crime Act, the CPS continues to consider a range of other offences which are particularly relevant to controlling or coercive behaviour such as threats to kill, breaches of non-molestation orders and false imprisonment.

To support prosecutors to make effective decisions in relevant cases, the CPS:

- published specific legal guidance on the offence ([link](#)) and amended its existing legal guidance on DA ([link](#));
- advised the Home Office (HO) on the development of Statutory Guidance;
- developed a training pack and held a Master Class for the Area VAWG coordinators to enable them to carry out local training and awareness raising activity on the new offence;
- approved plans to develop a bespoke e-learning module on the controlling or coercive behaviour which will be mandated for completion by all prosecutors. The module is due to be released in 2016-17;
- worked with the police to update the evidence gathering checklist with the offence of controlling or coercive behaviour, to ensure that all evidential opportunities are maximised and that a full history of offending behaviour has been captured ([link](#));
- issued a charging advice sheet to further clarify the existing requirements around police referral of DA to the CPS in accordance with the Director's Guidance on Charging ([link](#)); and
- contributed to College of Policing training on controlling or coercive behaviour.

In order to monitor compliance against the legal guidance, decision-making in all identified cases referred for charging and prosecuted between 29 December 2015 and 29 February 2016 will be analysed in 2016-17.

From 31 December 2015 to 31 March 2016, five prosecutions were completed under the new offence – two defendants were convicted of the new offence; one was convicted of harassment; one of common assault and one was unsuccessful. The box below outlines some case studies of cases commencing prosecution under the new offence during 2015-16⁷⁷.

⁷⁷ Some cases were completed in 2016-17.

Controlling and coercive behaviour

- A man prevented his victim from seeing her friends and further isolated her by stopping her from using her mobile phone and controlling her social media, such as making her delete friends on Facebook. He was convicted and sentenced to six months' imprisonment and subject to a two year restraining order.
- A man rarely allowed his victim to go out alone, and when she did, he would keep track of her, including making her keep parking receipts. He belittled her and made her believe she needed only him, pushing her family and friends away. He checked her social media accounts and phone messages and told her what to wear, as well as changing her hairstyle. He also assaulted her.

He was convicted and sentenced to 18 weeks' imprisonment, suspended for 18 months, with a community order for 18 months for assault and coercion and control. He was also ordered to pay costs for two counts of criminal damage against property.

- A man controlled his victim in various ways, including checking her phone messages, accusing the victim of having relationships with other people, asking the victim to quit her job and he assaulted her. He was convicted and sentenced to a Community Order for two years and ordered to pay a £60 surcharge and £85 court costs.
- A man engaged in a campaign of physical and psychological abuse and allegations included making the victim seek permission for everyday matters including leaving the house and even going to the toilet. He was convicted and sentenced to 12 months' imprisonment for controlling or coercive behaviour as well as 16 months for other offences related to assault and criminal damage. A five year restraining order was also imposed.
- A man was convicted and sentenced to 16 weeks' imprisonment (suspended for 12 months) along with a range of other sentences (including for common assault; assault by beating; criminal damage and rehabilitation activity requirement up to 20 days).

Some cases involving extreme controlling and coercive behaviour were prosecuted under new Modern Slavery legislation on servitude (a case study provided below).

Servitude

A defendant and victim were involved in an arranged marriage and, since arrival in England in 2012 the victim was kept in servitude. The defendant took wedding jewellery from his wife as a way of exploiting and controlling her. The victim became financially dependent on her husband and was responsible for doing all the chores that he demanded. She was not allowed out unaccompanied and when she was alone at home she was called every ten minutes to make sure the phone was not engaged. He was sentenced to two years' imprisonment for holding his wife in servitude and for assault occasioning actual bodily harm, breaking her nose. A restraining order was also imposed. It is believed to be the first conviction of this kind in England and Wales.

Training

In March 2016 the core DA training modules were expanded to include two new e-learning modules on teenage relationship abuse and DA experienced by older victims (which also includes child to parent and child to grandparent violence).

For 2016-17, the CPS has approved the development of two new mandatory e-learning modules on taking forward prosecutions using evidence other than that provided by the victim and further training based on the experience of implementation of the offence of controlling or coercive behaviour.

Throughout the year, a number of CPS prosecutors were also involved in training Independent Domestic Violence Advisors (IDVAs) to further improve their understanding of the prosecution process, so as to provide an even better service to victims. Over the course of 2015-16, the CPS delivered a total of 14 training sessions to IDVAs in Bristol, Leeds, London, Manchester and Poole. Dedicated support from IDVAs has been shown to have a positive impact on victim safety and conviction outcome.

Specialist DV Courts

In 2014, the cross-Government National SDVC Steering Group, consisting of HO, MoJ and CPS leads, conducted a review of SDVCs to assess continued compliance with its published 12 best practice components and to ascertain the key issues across the courts.

Her Majesty's Courts and Tribunal Service (HMCTS) is consulting on a further court rationalisation programme in 2016 and so the number of dedicated SDVC courts is likely to change again. In the interim, the SDVC Steering Group wrote to SDVCs and LCJBs in 2015-16 to update them on the findings of the SDVC review, remind them of their need for compliance with the components, their reporting and governance structures and informing them of the Deep Dive work which is outlined below. The SDVC Resource manual will be updated in the light of the Deep Dive review.

Transforming Summary Justice

Transforming Summary Justice (TSJ) aims to create a CJS with reduced delays in the magistrates' courts, with fewer hearings per case, and more effective trials. Swifter justice, fewer adjournments and effective trials help victims and witnesses.

TSJ splits listing of cases into dedicated guilty and not-guilty plea courts. Anticipated guilty plea cases (GAP) are listed 14 days after charge, with the aim of dealing with them in one hearing. Anticipated not guilty plea cases (NGAP) are listed 28 days after charge, allowing time for review and preparation so they can be properly case managed at first hearing and proceed to an effective trial at the second hearing. Some SDVCs apply an even shorter timescale.

The key principles of TSJ apply to DA cases, across all courts; including SDVCs though they are not formally included in the bailing pattern model. It is important that these cases progress to court as effectively as possible, rather than strictly in accordance with the 14 day/28 day TSJ timetable. However, the police ensure preparation in accordance with the National File Standard, with all necessary documentation provided in NGAP cases to enable the court to carry out detailed case management at first hearing, and proceed to trial on the next occasion.

Police case files are quality assured, with strict timelines for file submission and there is an effective chase up system with consequences for non-compliance.

The CPS will monitor the impact of TSJ on DA early guilty pleas and whether shorter bailing patterns improve performance and have an impact on overall success.

Domestic Abuse 'Deep Dive'

The cross CJS Victim and Witness Board led a DA 'Deep Dive' exercise in 2015, analysing six courts that were achieving the highest conviction rates for these cases. The programme identified four best practice components that, when put in place, should drive performance and the level of service to victims of DA. The findings of the initial phase of the 'Deep Dive' were discussed at the National Criminal Justice Board (NCJB) in March 2016.

The NCJB has requested that the 'Deep Dive' exercise be extended to other courts and that the best practice components are tested in a number of CJS systems. Additionally, the 'Deep Dive' will explore different models for early listing and clustering of DA cases to understand the impact on outcomes.

The 'Deep Dive' best practice components, will inform a revision to the SDVC resource manual which is intended to be the gold standard for accredited SDVCs.

Plans will address linking the work on SDVCs, Deep Dive and TSJ, to ensure a clear, streamlined and coordinated response to DA.

The findings will be reported back to the NCJB in early 2017 for national decisions.

Use of res gestae*

Following a report from a member of the public, officers arrived at the home of the offender and the victim, his wife. They saw that she was covered in blood and had a cut and swelling on her nose. She explained that she had been struck on the face following an argument, but was too frightened to make a statement. During the trial, the offender stated that he acted out of self-defence and only 'clipped' her to fend her off. The court admitted in evidence, an email sent by the victim, in which she stated that the matter was an isolated incident where both parties had been drinking excessively, had argued and this later resulted in her obtaining a cut to the nose.

The District Judge convicted the defendant (rejecting self-defence) on the basis of what both parties had said at the scene and on the basis of the contemporaneous photographs of the complainant's injuries. Upon appeal, the Divisional Court observed that the District Judge had been entitled to admit the complainant's statements at the scene under the res gestae principles. This point was not contested by the appellant before the Divisional Court.

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

Domestic homicides

In 2015-16 there were 101 DA flagged murder offences which were charged and reached a first hearing at a magistrates' court. There were also 127 DA flagged offences of attempted murder, six of manslaughter and three of conspiracy to commit murder⁷⁸. It is not possible to disaggregate offence data into the gender of defendants or victims, nor outcomes.

The principal offence category of homicide includes manslaughter, infanticide, child destruction, conspiring or soliciting to commit murder and causing death by dangerous driving, as well as murder and attempted murder. Using this category for DA flagged defendants there were 191 prosecutions in 2015-16, of which 84.3% were successful. Of these 150 were male defendants and 41 were female. Data on the gender of the victims is not available.

⁷⁸ Murder and Manslaughter are offences contrary to Common Law. Attempted Murder is prosecuted by way of Section 1 of the Criminal Attempts Act 1981 and Conspiracy to commit Murder is prosecuted by way of Section 1 of the Criminal Law Act 1977.

Domestic homicide:

- A man was found guilty of murdering his ex-partner who had ended her relationship with him and was expecting a baby with her new partner. He was jailed for life with a minimum tariff of at least 18 years.
- A man was found guilty of murdering his 47-year old partner. Her body was found by a co-worker in her office and, following a detailed investigation, the police were able to track her partner's movements and identify him as being in her company. Following an argument, the offender attacked her with such force that she died from her injuries. Rather than calling the emergency services, the offender fled the scene. He was sentenced to serve a minimum of 17 years.

Out of court disposals

A Revised Out-Of-Court Disposal (OCD) Framework pilot began in November 2014 led by the MoJ in three police force Areas – Leicestershire, Staffordshire and West Yorkshire. The pilot was scheduled to last 12 months to deal with offences currently suitable for OCD. In addition, the three forces were permitted to take a different approach to tackling offences involving DA and hate crime. For the duration of the pilot, positive action was recommended in cases of DA to ensure the safety and protection of victims and children however the three forces were granted an exemption to the DPP's guidance on conditional cautions which allowed them to use this disposal in place of a simple caution, when it was an appropriate course of action.

The pilots concluded on 31 October 2015. The findings are being analysed by MoJ and partners to give consideration to rolling out the scheme nationally.

Restorative justice

The MoJ is leading discussions across the CJS on the use of restorative justice (RJ) in DA cases. The aim is to create a cross-government position paper which will outline the criteria for any potential use, including safety issues and risk assessments. A Justice Select Committee was held in 2016 on RJ and their findings will be considered, following publication.

Local partnership working

A number of local initiatives have been identified as good practice throughout 2015-16, for example:

- CPS Direct⁷⁹ set up a local DA panel to review the work of duty prosecutors;
- CPS Wales delivered training on the offence of controlling or coercive behaviour, in partnership with police colleagues, to help ensure a joined-up approach; and

⁷⁹ CPS Direct provides charging decisions to all police forces and other investigators across England and Wales. They operate twenty-four hours, seven days a week, 365 days a year.

- CPS Wessex and CPS North West gave particular attention to taking forward prosecutions where the victim had withdrawn support.

DA stalking and harassment

The section of this annex entitled 'Stalking and Harassment' provides general data on stalking and harassment offences⁸⁰ and restraining orders. Of all stalking and harassment offences starting prosecution, 9,077 (69.9%) were DA related – an increase of 847 DA related prosecutions (10.3%) from 8,230 in the previous year.

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

Table 2a below shows that in 2015-16:

- there were 7,142 offences flagged as DA charged under s.2 Prevention of Harassment Act (PHA) 1997 – course of conduct amounting to harassment – (compared with 6,242 in 2014-15);
- there were 1,190 offences flagged as DA charged under s.4 PHA 1997 – putting people in fear of violence (compared with 1,225 in 2014-15);
- there was an increase of 14.4% in s.2 PHA 1997 and a fall of 2.9% in s.4 PHA 1997 offences charged and reaching a first hearing in a magistrates' court, compared with the previous year. Since 2013-14, there was an increase of 35.9% in s.2 PHA 1997 and an increase of 25% in s.4 PHA 1997 offences starting prosecution;
- 456 offences flagged as DA were charged with stalking with fear/alarm or distress and 289 offences of DA stalking involving fear of violence or serious alarm or distress were prosecuted (compared with 471 and 292 in 2014-15);
- 13,191 breaches of restraining orders were related to DA; a rise of 18.5% from 2014-15;
- of these, 12,747 were breaches of restraining orders that were made on conviction, a rise from 10,796 in 2014-15; 444 were breaches of restraining orders that were made on acquittal a rise from 336 in 2014-15;
- 6,248 breaches of non-molestation orders related to DA started prosecution, a slight fall compared with 6,294 in 2014-15, but up from 5,584 in 2013-14.

⁸⁰ 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 is not held by defendant or outcome. Offences recorded in the Offences Universe of the MIS are those which were charged at any time and reached at least one hearing - this offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcome or if the offence charged was the substantive offence at finalisation. These caveats apply to any other offence data used throughout this report.

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

| | | 2010 - 11 | 2011 - 12 | 2012 - 13 | 2013-14 | 2014-15 | 2015-16 |
|---------------------------------------------------------------|------------------------------------------------------------|-----------|-----------|-----------|---------|---------|---------|
| | | Volume | Volume | Volume | Volume | Volume | Volume |
| Family Law Act 1996 {42A(1) and (5)} | Breach a non-molestation order - Family Law Act 1996 | 4,262 | 4,333 | 4,414 | 5,584 | 6,294 | 6,248 |
| Protection from Harassment Act 1997 {2(1) and (2)} | Harassment without violence | 4,822 | 4,710 | 4,217 | 5,257 | 6,242 | 7,142 |
| Protection from Harassment Act 1997 {4(1) and (4)} | Harassment - put in fear of violence | 1,423 | 1,056 | 775 | 952 | 1,225 | 1,190 |
| Protection from Harassment Act 1997 {2A(1) and (4)} | Stalking with fear / alarm / distress | - | - | 52 | 384 | 471 | 456 |
| Protection from Harassment Act 1997 {4A(1)(a)(b)(i) and (5)} | Stalking involving fear of violence | - | - | 8 | 49 | 98 | 86 |
| Protection from Harassment Act 1997 {4A(1)(a)(b)(ii) and (5)} | Stalking involving serious alarm / distress | - | - | 7 | 83 | 194 | 203 |
| Protection from Harassment Act 1997 {5(5) and (6)} | Harassment - breach of a restraining order on conviction | 3,962 | 6,163 | 7,154 | 8,761 | 10,796 | 12,747 |
| Protection from Harassment Act 1997 {5(5) and (6)} | Harassment - breach of a restraining order after acquittal | 93 | 202 | 220 | 245 | 336 | 444 |

Restraining orders

Applications for restraining orders can be made on conviction or acquittal⁸¹. The MoJ data for 2015 on restraining orders on conviction and acquittal is provided in the stalking and harassment section in Annex 2. Locally, CPS Areas record restraining orders that were imposed on acquittal.

⁸¹ S.12 of the Domestic abuse, Crime and Victims Act 2004 amended s.5 of the Protection from Harassment Act 1997, allowing the courts to issue a restraining order upon acquittal.

Stalking

A female victim and male defendant were in an 18 month relationship in which he verbally abused her and stopped her from going out. When the relationship ended the defendant called the victim repeatedly and sent her threatening text messages. The defendant was pending sentence at the Crown Court when he was arrested for new matters of domestic abuse, involving a new partner. The stalking specialist prosecutor advised the police to seek remand in custody, as well as advising the advocate to appeal the decision if the defendant was granted bail. As a result, he was kept in custody. The defendant was jailed for 16 months after he admitted a s.4A stalking offence, two breaches of a non-molestation order, witness intimidation and possessing cocaine. The Judge gave the defendant a restraining order, banning him from contacting the victim or going to her town of residence for ten years.

Stalking and harassment

The CPS performance data shows that there has been an overall rise of prosecutions commenced in relation to stalking, harassment and breaches in 2015-16. The CPS data is provided below. The national official statistics from the MoJ for the calendar year 2015 are in Annex 2.

In 2015-16⁸²:

- prosecutions were commenced for 12,986 harassment and stalking offences in 2015-16, the highest volume ever recorded; this is a rise of 864 offences (7.1%) from 2014-15 when 12,122 prosecutions were commenced;
- prosecutions commenced in respect of 10,073 offences charged under s.2 PHA 1997 for harassment without violence – a rise of 9.7% from 9,180 in 2014-15 and also the highest volume ever recorded; 70.9% of these offences were DA related;
- 1,811 prosecutions were commenced under s.4 PHA 1997 – harassment putting people in fear of violence – a slight fall from 1,839 in 2014-15; 65.7% of these offences were DA related;
- there were 1,102 prosecutions commenced under the new stalking offences (similar to 2014-15 when 1,103 prosecutions commenced);
- of these offences 643 were with fear/alarm/distress (a slight fall from 676 in the previous year); 70.9% were DA related;
- 459 of these offences involved fear of violence/serious alarm or distress (a slight rise from 427 in the previous year); 67.2% of fear of violence and 61.3% of those with serious alarm or distress were DA related;
- of all harassment and stalking prosecutions, 9,077 (69.9%) were DA related – an increase of 847 DA related (10.3%) from 8,230 in the previous year, reaching the highest volume ever recorded;
- 15,384 breaches of restraining order offences started prosecution, a rise of 13.5% from 13,559 in 2014-5; 85.7% were DA related, also the highest volume ever recorded;
- of these, 14,863 were breaches of restraining orders that were made on conviction, a rise of 13.2% from 2014-15, 85.8% were DA related;
- of all the breaches, 521 were breaches of restraining orders that were made on acquittal, a rise of 20.3% from 2014-15; 85.2% were DA related; and
- 6,672 breaches of non-molestation orders started prosecution, compared with 7,013 in the previous year, a fall of 4.9%; 93.6% were DA related.

The table below provides a breakdown of all offences including the percentage of those flagged as DA.

⁸² 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 is not held by defendant or outcome. Offences recorded in the MIS are those which were charged at any time and reached at least one hearing. This offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcome or if the offence charged was the substantive offence at finalisation.

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

| | | 2010 - 11 | | 2011-12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|---------------------------------------|------------------------------------------------------------|-----------|------|---------|------|-----------|------|---------|------|---------|------|---------|------|
| | | Vol | % DA | Vol | % DA | Vol | % DA | Vol | % DA | Vol | % DA | Vol | % DA |
| Family Law Act 1996 {42A(1) and (5)} | Breach a non-molestation order - Family Law Act 1996 | 5,281 | 80.7 | 5,323 | 81.4 | 5,563 | 79.3 | 6,498 | 85.9 | 7,013 | 89.7 | 6,672 | 93.6 |
| PHA ⁸³ 1997 {2(1) and (2)} | Harassment without violence | 8,039 | 60.0 | 7,713 | 61.1 | 7,159 | 58.9 | 8,303 | 63.3 | 9,180 | 68.0 | 10,073 | 70.9 |
| PHA 1997 {4(1) and (4)} | Harassment - put in fear of violence | 2,199 | 64.7 | 1,632 | 64.7 | 1,398 | 55.4 | 1,489 | 63.9 | 1,839 | 66.6 | 1,811 | 65.7 |
| PHA 1997 {2A(1) and (4)} | Stalking with fear / alarm / distress | - | - | - | - | 72 | 72.2 | 529 | 72.6 | 676 | 69.7 | 643 | 70.9 |
| PHA 1997 {4A(1)(a)(b)(i) and (5)} | Stalking involving fear of violence | - | - | - | - | 9 | 88.9 | 65 | 75.4 | 133 | 73.7 | 128 | 67.2 |
| PHA 1997 {4A(1)(a)(b)(ii) and (5)} | Stalking involving serious alarm / distress | - | - | - | - | 10 | 70.0 | 149 | 55.7 | 294 | 66.0 | 331 | 61.3 |
| PHA 1997 {5(5) and (6)} | Harassment - breach of a restraining order on conviction | 5,768 | 68.7 | 8,447 | 73.0 | 9,962 | 71.8 | 11,329 | 77.3 | 13,126 | 82.2 | 14,863 | 85.8 |
| PHA 1997 {5(5) and (6)} | Harassment - breach of a restraining order after acquittal | 154 | 60.4 | 286 | 70.6 | 313 | 70.3 | 322 | 76.1 | 433 | 77.6 | 521 | 85.2 |

Although the volume of stalking offences starting a prosecution remained steady in 2015-16 (1,102), compared with 2014-15 (1,103), there has been an increase in prosecutions started of the more serious offence of s.4A stalking involving serious alarm and distress – in total 37 more offences starting prosecution. That increase has been balanced with a drop in prosecutions for the lower s.2A offence of stalking with fear, alarm or distress – in total 33 fewer offences starting prosecution. There was a fall of five offences under s.4A stalking involving fear of violence.

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

MoJ data is provided in Annex 2 outlining the prosecution outcomes by defendant. Although there were fewer stalking prosecutions completed in 2015 (780), compared with the previous year (821), there were more convictions overall and for the more serious stalking offences. There was an increase of 40 convictions under s.4A stalking involving serious alarm or distress (from 109 to 149); an increase of seven convictions under s.4A stalking involving fear of violence (from 38 to 45) and a fall of 13 convictions under s.2A stalking with fear/alarm/distress (from 348 to 335).

⁸³ PHA – Protection from Harassment Act

Stalking – post relationship-breakdown

Following the breakdown of their relationship, a man bombarded his girlfriend with text messages and phone calls (mainly related to wanting to get back together; threatening to commit suicide and including a semi-naked picture of her). He also turned up at the victim's place of work on three occasions seeking reconciliation and became angry upon her refusal. He pleaded guilty to charges of stalking (s.2A stalking with fear, alarm and distress) and harassment (s.4 put in fear of violence) and was sentenced to two months' imprisonment. A restraining order was issued on conviction which outlined that there should be no contact directly or indirectly, whether by social media or other electronic form. In addition, the restraining order stated that he was not to attend the victim's place of residence and/or place of work, or any place he knew that she resided or worked.

Training

In July 2015 the CPS hosted a roundtable event with key stakeholders to discuss the data on prosecutions of stalking and harassment following the publication of the Annual VAWG Crime Report 2014-15.

Representatives from Paladin, the Suzy Lamplugh Trust, Women's Aid, SafeLives, Veritas-Justice, Voice4Victims, Protection against Stalking and a number of CPS prosecutors met to discuss how the CPS could improve its outcomes for stalking and harassment cases.

Following this, stalking and harassment lead prosecutors were established in all CPS Areas and representatives attended one-day Paladin stalking training.

A Stalking Working Group was set up involving specialists from the CPS, MoJ, HO and key third sector agencies such as Suzy Lamplugh and Paladin. The group is exploring options to improve and increase stalking prosecutions.

The working group developed a business case proposing training material to enable prosecutors to correctly differentiate between stalking and harassment behaviours. The training will outline to prosecutors the associated risks to victims in incorrectly identifying these cases, ensuring that stalking and harassment cases are correctly charged and prosecuted. The business case has been approved and the training is anticipated for delivery in 2016-17.

Cross-government action

In December 2015, the Home Office launched a public consultation on introducing new measures to tackle stalking. A Stalking Protection Order was proposed to provide better protection to victims of 'stranger stalking', in particular before the stage when a prosecution can be brought. It aims to deter perpetrators before their fixation with their victim becomes entrenched. The Home Office is considering responses to the consultation and will publish the findings later in 2016.

Local good practice

A number of local initiatives have been identified as good practice throughout 2015-16:

- CPS Wales worked with the police in Gwent in their production of a police DVD to raise awareness of stalking offences;
- CPS East Midlands and CPS Thames and Chiltern discussed stalking cases at their VAWG scrutiny panels;
- CPS London supported a stakeholder organisation in providing training for police and prosecutors and advised the Home Office Working Group on Stalking and Harassment; and
- CPS North West is drawing up a protocol for the service of Protection Orders in conjunction with family judges.

Stalking and violence

A woman assaulted an ex-partner by driving her car at him, following the end of their affair. The victim had previously obtained a restraining order for a period of six months but the defendant had continued to text and call, including sending threatening texts. The victim had reported these incidents to the police. On the day of the main incident, the victim called the police when he met the defendant in a car park. The defendant drove her car towards the policeman and the victim, hitting the victim. The policeman also fractured a bone in his hand when avoiding the car. The defendant pleaded guilty to s.47 assault on the policeman, common assault on the victim, breach of a restraining order and dangerous driving. She was sentenced to 74 weeks' imprisonment.

Rape

In 2015-16 there was a rise in the volume of police referrals, and the highest volumes ever recorded of charged defendants, prosecutions and convictions. 108 more defendants were convicted of rape in 2015-16 than in 2014-15 and the proportion of prosecuted defendants who were convicted rose to 57.9% from 56.9% over the same time period.

CPS data on successful rape prosecutions includes not only cases resulting in a conviction for rape, but also cases initially flagged as rape where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the MoJ data on convictions of cases charged and convicted for rape only. The flag is applied to CPS files from the start of the case; this flag will remain in place even if the decision is taken to charge an offence other than rape, or where a rape charge is subsequently amended. The accuracy of flagging of cases fell slightly to 98.8% in 2015-16 compared with 99.0% in 2014-15.

The MoJ data is provided in Annex 2 as the official national statistics on rape, to contextualise the CPS performance data. MoJ data is for a calendar, rather than financial, year and only includes cases where the final conviction was for rape – more detail of the differences between CPS and MoJ data is explained in the MoJ section.

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

The volume of rape referrals from the police increased to 6,855 in 2015-16 – a rise of 696 referrals (11.3%) from the volume of 6,159 in 2014-15. Eleven Areas⁸⁴ indicated a rise in referrals⁸⁵.

3,910 defendants were charged⁸⁶, a rise in volume of 262 charged defendants (7.2%) from 2014-15. This was the highest volume ever recorded of rape defendants charged. Nine CPS Areas had a rise in volumes charged⁸⁷.

Of all police referrals, 57% were charged compared with 59.2% in 2014-15 and this is assessed against the highest volume of rape cases charged.

Since identifying a fall in volumes between 2010 and 2012, CPS and the police have worked closely together, which has resulted in a parallel rise in the volume of referrals and charged defendants year on year, as illustrated in Graph 9.

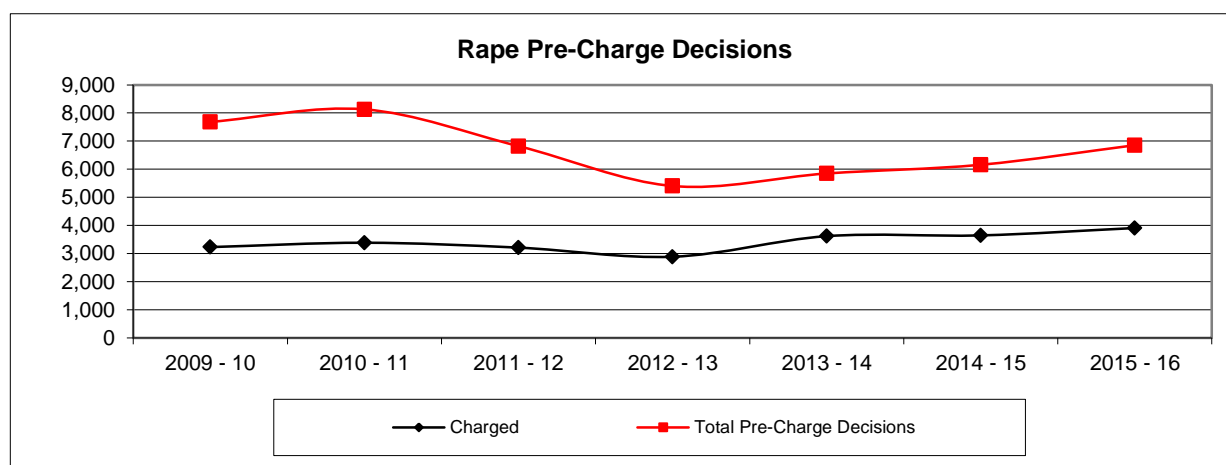
⁸⁴ 11 out of 13 CPS Areas.

⁸⁵ Cymru Wales, Eastern, East Midlands, London, Mersey and Cheshire, North East, North West, South East, Wessex, West Midlands and Yorkshire and Humberside had a rise in volume of police referrals of rape cases.

⁸⁶ The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of 2013-14, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported prior to 2013-14.

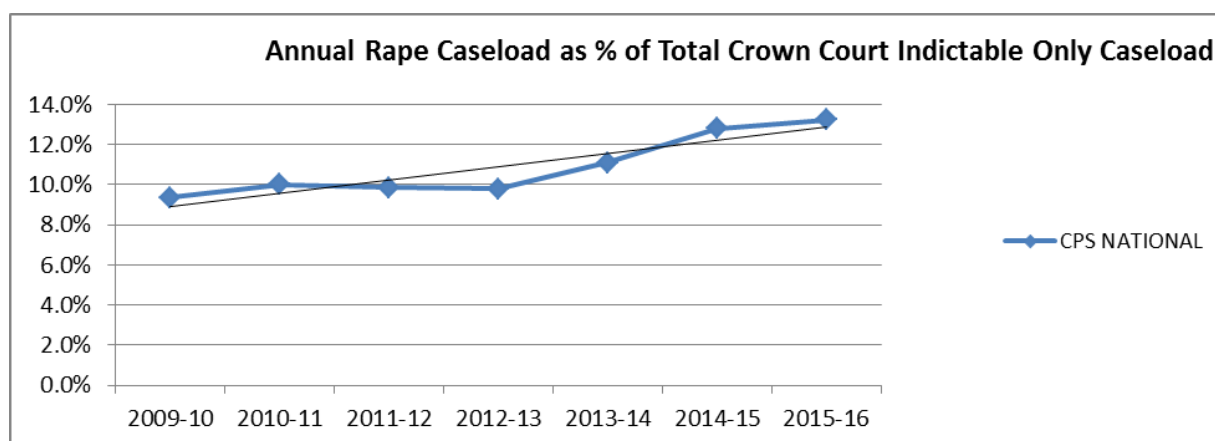
⁸⁷ Cymru Wales, Eastern, East Midlands, London, Mersey and Cheshire, North East, North West, South East and West Midlands had a rise in volume of charged rape cases.

Graph 9: Volume of police rape referrals and charged defendants, 2009-10 to 2015-16.



The proportion of rape cases, as a percentage of all indictable-only prosecutions, has risen year on year to 13.2% in 2015-16.

Graph 10: Rape caseload as % of total crown court indictable only outcomes 2008-09 to 2015-16.



| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|--------------|---------|---------|---------|---------|---------|---------|---------|
| CPS NATIONAL | 9.4% | 10.0% | 9.9% | 9.8% | 11.1% | 12.8% | 13.2% |

Table 3: Completed rape prosecutions by outcome

| | 2009 - 10 | | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|--------------|------|--------------|------|--------------|------|--------------|------|--------------|------|--------------|-------|--------------|------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 2,270 | 59.4 | 2,465 | 58.6 | 2,414 | 62.5 | 2,333 | 63.2 | 2,348 | 60.3 | 2,581 | 56.9% | 2,689 | 57.9 |
| Unsuccessful | 1,549 | 40.6 | 1,743 | 41.4 | 1,450 | 37.5 | 1,359 | 36.8 | 1,543 | 39.7 | 1,955 | 43.1% | 1,954 | 42.1 |
| Total | 3,819 | | 4,208 | | 3,864 | | 3,692 | | 3,891 | | 4,536 | | 4,643 | |

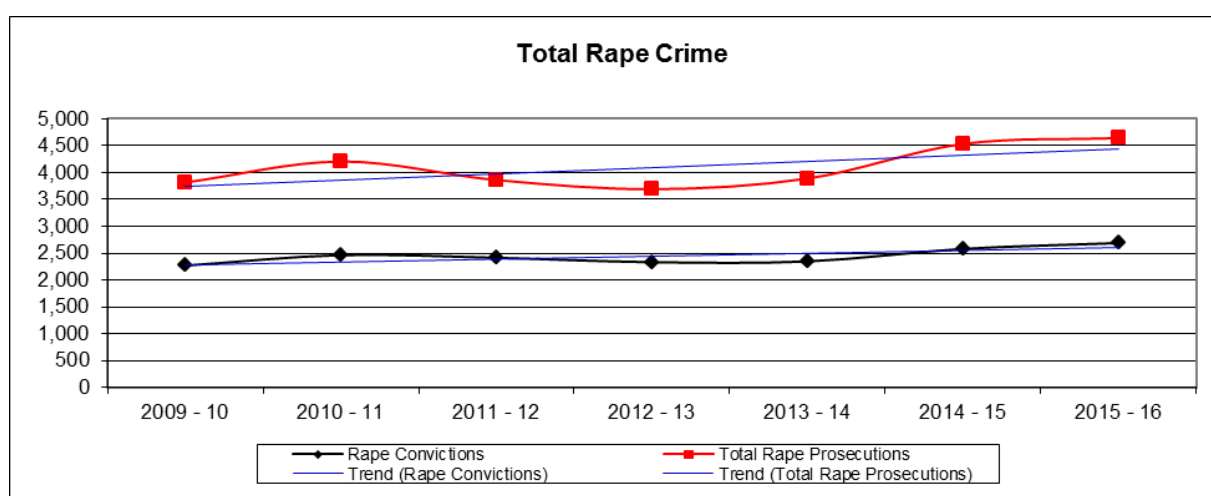
In 2015-16⁸⁸ the number of prosecutions rose to 4,643 – a rise of 107 defendants (2.4%) from 2014-15, the highest volume ever recorded (Graph 11 and Table 3).

From CPS data, the volume of convictions reached 2,689⁸⁹ – a rise of 108 from 2,581 convictions (4.2%) in 2014-15. This was the highest volume of convictions ever recorded. Nine CPS Areas increased both the volumes prosecuted and convicted⁹⁰.

In 2015-16 the CPS rape conviction rate⁹¹ was 57.9%, a rise from 56.9% in 2014-15 (Graph 12). This is assessed against the rise in the volume of rape prosecutions and convictions.

Of the 4,643 defendants prosecuted, 4,572 defendants were male, 65 were female, and gender was not recorded for six defendants⁹². Of those where gender was recorded, 98.6% were male and 1.4% female.⁹³ Further details on gender are in the Equalities section on page 53.

Graph 11: Rape volumes 2009-10 to 2015-16



Between 2007-08⁹⁴ and 2015-16, conviction volumes have risen from 2,021 to 2,689, a rise of 668 convictions, and the highest volume since records began.

Between 2007-8 and 2015-16, CPS conviction rates have risen from 57.7% to 57.9%.

Graph 12 illustrates the trend of CPS rape convictions over the past seven years. The rise in conviction rate from 2011-12, reaching the highest rate in 2012-13, coincided with a fall in volumes to the lowest level since 2009-10.

⁸⁸ Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2015-16 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2015-16.

⁸⁹ Data on conviction outcomes is not broken down currently by gender of defendants.

⁹⁰ Eastern, East Midlands, Mersey and Cheshire, North East, South East, South West, Thames and Chiltern, West Midlands and Yorkshire and Humberside increased volumes prosecuted (North West stayed the same); Eastern, Mersey and Cheshire, North East, North West, South West, Thames and Chiltern, Wessex, West Midlands and Yorkshire and Humberside increased volumes convicted.

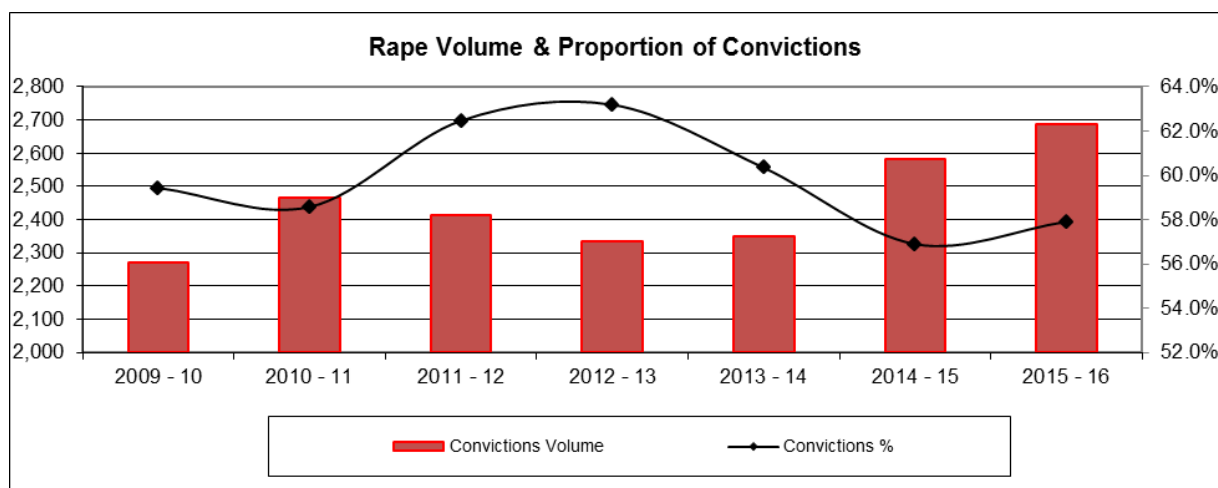
⁹¹ Outcomes from charge to conviction; see details above.

⁹² It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems. Victim data is provided in the Equalities section on page 53.

⁹³ The figure is similar if calculated out of total, including unrecorded gender (98.5% and 1.4%).

⁹⁴ Recording of rape data started later than that of DA.

Graph 12: Rape conviction rates 2009-10 to 2015-16



From CPS data 2015-16, 4,518 (98.6%) of cases initially flagged as rape were finally prosecuted for the principal offence⁹⁵ categories of 'sexual offences, including rape' or more serious principal offences of 'homicides' or 'offences against the person'. Of these, 3,972 were for sexual offences including rape; three for homicide and 543 for offences against the person.

Successful outcomes:

Guilty pleas rose slightly from 34.0% in 2014-15 to 35.0% in 2015-16, with the volume of defendants pleading guilty rising to 1,623 out of 4,643 prosecutions – the highest volume ever recorded. Convictions after trial, out of all rape flagged prosecutions, rose slightly from 22.9% in 2014-15 to 23% in 2015-16, with the volume of defendants convicted after trial increasing to 1,066 – the highest volume ever recorded. Convictions after contest, excluding mixed pleas, also rose slightly from 44.5% in 2014-15 to 45.4% in 2015-16. Of all successful outcomes, 60.4% were due to guilty pleas and 39.6% were due to convictions after trial.

Unsuccessful outcomes:

Outcomes can be unsuccessful for a number of reasons. They may be discontinued by the CPS following an initial decision to charge⁹⁶, attrition may be due to victim issues (such as the impact of a victim withdrawing their support for the case) or an acquittal at trial. The section below explores the key issues, focusing in detail on the main reason for unsuccessful outcomes of jury acquittals. The underlying data on jury acquittals is provided in the linked annex at the beginning of the VAWG report on page 15.

Dropped cases have continued to fall and have reached the lowest level of 13.1% of all prosecuted rape cases.

Out of all unsuccessful outcomes in rape flagged cases, the proportion due to jury acquittals⁹⁷ has fallen slightly to 61.4% from 62.7% in 2014-15, following increases in previous years⁹⁸. While jury

⁹⁵ See glossary for the CPS definitions of 'principal offence' and the different categories. The principal offence category data recorded by the CPS in the Case Management System are understated when compared to overall prosecution volumes in the same period. Outcomes which resulted in an administrative finalisation or incomplete proceedings, where a principal offence category is not allocated, have been excluded.

⁹⁶ For example, following a change in the strength of the evidence.

⁹⁷ All 'unsuccessful reasons due to acquittals' outlined in previous reports prior to 2014-15 included 'Jury acquittals' and 'dismissed after full summary trial' – this fell from 63.7% in 2014-15 to 62.9% in 2015-16

acquittals account for the majority of unsuccessful outcomes, this fall may, in part, be a result of a greater focus since 2014-15 on the presentation of cases at court and awareness raising campaigns – further details are provided below.

Out of all unsuccessful outcomes, those due to victim issues remained steady at 17.1% in 2015-16 (17% in 2014-15); of which 10.7% was due to victim retraction. Out of *all* rape flagged cases prosecuted, the proportion that was unsuccessful due to victim issues⁹⁹ has fallen slightly from 7.3% in 2014-15 to 7.2% in 2015-16.

Compared to the previous year, the data indicates that within the rise in prosecutions, there was a slight increase in defendants pleading guilty, meaning fewer cases were going to a full trial and, of those, more convictions were being secured with fewer jury acquittals.

Table 4 provides data on contested cases¹⁰⁰ since 2010-11 to supplement the data provided above based on prosecutions and unsuccessful outcomes. One measure of the appropriateness of the cases taken to court is the low level of judge directed acquittals (JDAs)¹⁰¹. The proportion of JDAs remains low as indicated in table 4.

Table 4: Crown Court Contests exclusive of mixed pleas¹⁰²

| | 2010 - 11 | 2011-12 | 2012 - 13 | 2013-14 | 2014-15 | 2015-16 |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Conviction after trial | 793 | 854 | 849 | 936 | 1,016 | 1,032 |
| % Conviction after trial | 46.6% | 52.3% | 51.5% | 49.2% | 44.5% | 45.4% |
| Judge directed acquittal | 72 | 45 | 35 | 38 | 41 | 43 |
| % JDA | 4.2% | 2.8% | 2.1% | 2.0% | 1.8% | 1.9% |
| Jury Acquittal | 838 | 733 | 763 | 930 | 1,225 | 1,199 |
| % Jury Acquittal | 49.2% | 44.9% | 46.3% | 48.8% | 53.7% | 52.7% |
| Total Acquittal after trial | 910 | 778 | 798 | 968 | 1,266 | 1,242 |
| % Total Acquittal | 53.4% | 47.7% | 48.5% | 50.8% | 55.5% | 54.6% |
| TOTAL Contests | 1,703 | 1,632 | 1,647 | 1,904 | 2,282 | 2,274 |

Table 4 above provides a different way of looking at jury acquittals – focusing on the proportion of contested cases, to supplement the previous data on the proportion of unsuccessful cases. Acquittals fell slightly from the previous year from 53.7% to 52.7%.

⁹⁸ Falls in jury acquittals in 2015-16 reported in the following eight Areas: Eastern, London, North East, North West, South East, South West, Thames and Chiltern and Wessex.

⁹⁹ Unsuccessful cases due to victim issues includes those due to victim retraction; non-attendance or where the victim's evidence does not support the case.

¹⁰⁰ The data related to contests in the Crown Court excludes any contests heard and completed in magistrates' courts.

¹⁰¹ Judge directed acquittals are cases where at the close of the prosecution putting forward the case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allowing the case to be determined by the jury.

¹⁰² Exclusive of mixed pleas are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

However, the data on the previous page indicates that the majority of unsuccessful prosecutions were due to jury acquittals (61.4% in 2015-16) rather than discontinuance by the CPS, victim issues or any other reason. It is therefore important to address the main reason why prosecutions are unsuccessful, from charge to trial, namely acquittal at trial by the jury.

In the light of the training and work undertaken to address myths and stereotypes, consent issues at trial, as well as the work to address the quality and expertise of advocates, it is encouraging to note a slight fall in jury acquittals in 2015-16, following an annual rise in acquittals from 2011-12 to 2014-15.

Timeliness of pre-charge decisions

For the first time, in 2013-14, the timeliness of pre-charge decisions was monitored within the VAWG assurance system. The average number of days to charge in 2013-14 was 39.6 days; this rose to 55.1 days in 2014-15 and fell slightly in 2015-16 to 52.7 days. This is to be assessed against the 11.3% rise in police referrals in 2015-16. The data reports on the average number of calendar days that has elapsed since the first decision was sought by the police, to the date in which the last decision was made to charge. The data will include cases where the police were required to submit further evidence prior to a decision to charge.

Area plans to improve performance and progress is mapped through the VAWG assurance process. Charging decisions in these cases require meticulous attention and can include the consideration of complex evidence, especially in non-recent cases (in respect of which there has been an increase in referrals). A new national resource model for RASSO units was also implemented with doubled resources.

The CPS is now advising on rape cases at the start, rather than the end, of an investigation in order to help the police build stronger cases, which will inevitably lengthen the CPS involvement. In addition, time is needed to view victims' often lengthy visually recorded interviews, to carry out forensic analysis of communications on social media and phones and assess relevant material such as Social Services records as part of the prosecution's duty of disclosure. Several Areas have introduced police checklists so that all investigative avenues are explored early on to avoid delays.

Details of current work to address timeliness, is included under the National Rape Steering Group section below.

MoJ data on timeliness from charge to trial is included in Annex 2.

Area performance

The tables on pages 93-100 provide rape prosecution data by Area and police forces. From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for the British Transport Police (BTP)¹⁰³ in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for their constituent police forces, as there will be a small number of cross-border prosecutions between Areas, as well as data from BTP where available.

The underlying data is provided in the linked annex at the beginning of the VAWG report on page 15. It includes the Area and police force district pre-charge data. Since 2014-15, the VAWG assurance assessment included pre-charge as well as charged data.

¹⁰³ Data for City of London police is included with London data overall.

Local good practice

- CPS North West launched the first Sexual Abuse Referral Centre (SARC)-located remote evidence-giving site in the country, based at St Mary's SARC in Manchester. This allows victims and specialist medical practitioners to give their evidence away from the court setting in a less intimidating location.
- CPS London developed an action plan encompassing the rape protocol, the national action plan and recommendations from the review of handling the investigation and prosecution of rape in London. This was monitored through monthly performance meetings, and a VAWG panel.
- CPS East of England provided training for the South East Circuit Bar on the mandatory requirements for the Independent Bar when prosecuting RASSO cases.
- CPS South East worked with "Triangle" – a local intermediary service based in Sussex – to improve police awareness of communication issues and forensic questioning techniques.
- CPS Yorkshire and Humberside trained Rape Crisis Counsellors to ensure that they had an accurate understanding of the CPS/court process.

Equalities issues

Gender

Of the 4,643 defendants prosecuted, 4,572 defendants were male, 65 were female, and the gender was not recorded for six defendants¹⁰⁴. Where the gender of the defendant was recorded, 98.6% were male and 1.4% female¹⁰⁵, similar to that recorded over the past five years.

For victim data, from the Witness Management System, 6,654 victims were recorded. Of all victims, 4,312 were female, 608 were male and the gender was not recorded for 1,734 victims. The recording of victim gender at 73.9% is not robust enough to include gender proportions in this report.

Ethnicity

In 2015-16, 58.4% of rape crime defendants were categorised as White, of which 52.1% were identified as belonging to the White British category, 1.4ppt less than in the previous year. 7.3% of defendants were identified as Asian – a fall of 0.3ppt from 2014-15, and 9.3% were identified as Black – a fall of 0.4ppt. 66% of victim ethnicity is still not recorded; therefore the data is not included in this report.

¹⁰⁴ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems.

¹⁰⁵ The figure is similar if calculated out of total, including unrecorded gender (98.5% male defendants and 1.4% female defendants).

Age

From those defendants where age was recorded¹⁰⁶, the majority of defendants were aged 25-59 (60.6%) and 18-24 (21.5%). 30.1% of defendants (1,384) were aged 24 and under, with 347 (7.5%) of defendants being 14-17 years old and 47 (1%) aged 10-13.

From those victims where age was recorded¹⁰⁷, the largest groupings of victims were aged 25-59 (2,183) and 18-24 (1,221). 2,618 victims were 24 years old and under, with 983 of victims being 14-17 years old, 327 aged 10-13 and 87 under 10. The recording of victim gender at 73% is not robust enough to include age proportions in this report.

Cross-government issues

The CPS has taken a leading role, working in partnership with CJS colleagues where appropriate, to deliver changes in how the CJS deals with rape. The CPS was part of the Home Office led Child Sexual Abuse group that included addressing the rape of children, as well as reporting in to the VAWG Inter-Ministerial Group.

The CPS is also part of the National Rape Monitoring Group, chaired by HMIC. In November 2015, CPS rape data from 2010-11 to 2014-15 was released with that of the police and MoJ for every police force area. The data was provided to Police and Crime Commissioners and local CJS agencies to allow them to analyse and scrutinise how rape is dealt with in their local area. The aim was to identify and address further improvements to investigations, prosecutions and the service provided to victims.

National Rape Action Plan

The CPS and Police launched a National Rape Action Plan in June 2014¹⁰⁸. The majority of actions were completed by early 2015 and a number of initiatives to address casework quality, support for victims and witnesses, and tools and skills for the job were implemented during 2015-16, as outlined under the three themes below:

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

The National Rape Scrutiny Panel found that an effective strategy for the investigation and prosecution of rape required greater focus on the actions and tactics used by offenders. The strategy addressed issues relating to consent, vulnerability and victim withdrawal from the prosecution process.

¹⁰⁶ 99.1% of defendant ages were recorded in 2015-16 – a rise from 98.5% in 2014-15.

¹⁰⁷ 73% of victim ages were recorded in 2015-16, a rise from 72.6% in 2014-15.

¹⁰⁸ In April 2014, the CPS set up a National Rape Scrutiny Panel, attended by police, prosecutors, academics and victims' groups to address the fall in the volume of rape referrals, prosecutions and convictions. The Panel published a detailed CPS/Police Joint National Rape Action Plan in June 2014, which identified a programme of activity to deliver improvements in investigation and prosecution outcomes.

Consent

Police, prosecutors, in-house advocates and third sector representatives developed a public-facing leaflet and toolkits for police, prosecutors and advocates in relation to consent and vulnerable victims, which were launched in January 2015.

During 2015, training was delivered to all specialist prosecutors on consent and offender centric approaches, as well as training on the vulnerability of victims and rape myths and stereotypes. The training was extended to specialist in-house rape advocates in early 2016. The toolkits and training material were made available to prosecutors via the casework hub. Further details are provided under the training section below.

#ConsentIs campaign

The #ConsentIs campaign was the first CPS social media campaign. It was undertaken to promote discussion about the issue of consent and to encourage the understanding of the prosecution of cases of sexual assault and rape, where consent is involved.

The campaign was launched with the support of a number of stakeholders, including Rape Crisis, Survivors Manchester, End Violence against Women, National Union of Students and White Ribbon Campaign. The CPS worked closely with these groups beforehand, interviewing them for three #ConsentIs videos which discussed what consent is, myths and stereotypes about consent, and where consent fits into wider society.

The public was asked to engage on Twitter using the hashtag #ConsentIs. On its first day of launch, the hashtag was trending on Twitter and over the next two and a half weeks it had a potential reach of almost 12 million accounts, potentially being seen over 45 million times. In addition, over 4,000 tweets were sent using the hashtag, and a variety of people became involved in the discussion, including local police forces, MPs, local councils, prominent charities, VAWG commentators and members of the public.

In July 2016, CPS won the 2016 UK Public Sector Communications Award for its campaign in the category 'Low Budget Campaign of the Year'.

Vulnerable victims

The National Police Chiefs' Council (NPCC, formerly known as ACPO) issued revised guidance on video interviewing vulnerable victims. The revised guidance was circulated to all CPS Areas in November 2015 and work is being undertaken to evaluate implementation.

Vulnerable victim

A 28 year old woman was abused as a child by her foster parents. She has significant learning difficulties and, as an adult, she needs considerable support and care. Her foster father raped and sexually abused her and both parents neglected her physically and mentally. In addition, her foster mother stole a significant sum of money from her benefits.

She was often hungry and would have to take raw food from the freezer to eat. She was not allowed to take a shower when she wanted and was often seen by neighbours (who gave evidence at the trial) as dirty and in the same clothing. She was not allowed into the house if the foster mother was out and she would have to stay in the utility room or outside. This meant if she needed to use the toilet, she would sometimes have to urinate and defecate in the garden. Her possessions were hidden from her. She slept on the floor in the loft.

This was a difficult prosecution due to the various offending behaviours, the gathering of all the evidence and extensive third party disclosure.

The foster father was convicted for a total of 15 years – for rape, assault by penetration and neglect. The foster mother was convicted for eight years, for neglect and deception.

Proceeds of Crime Act proceedings are on-going to recover the money stolen from the victim.

External advocates:

Membership to the Rape and Child Sexual Abuse advocate panel was renewed during 2016. The accreditation process for Counsel from the external bar has been enhanced and Counsel will be required to demonstrate that they have met specific CPS training requirements when applying to join the panel. Details of training are provided later under the training section. Appointment to the panel will also be subject to successful completion of a 12 month probationary period. This builds on the 2014-15 revision of the *Guidance on Errant Conduct and Poor Performance by External Advocates* which was re-issued to include a greater emphasis on dealing with advocates' performance, including securing convictions.

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

Police Authorised Professional Practice:

In 2015-16 the Police developed updates to their Authorised Professional Practice (APP) on rape, with input from the CPS, to be published in 2016. Police training will be developed to coincide with the launch of the rape APP. As part of the National Rape Action Plan, proposals have been developed to improve support for victims following a police or CPS decision not to prosecute. The proposals provide investigators with guidance on developing effective strategies to assess the risk of re-offending by the suspect, and to safeguard victims against any further abuse.

Early investigative advice and charging decisions:

CPS revised guidance was prepared for police and prosecutors in October 2014 and was endorsed by the DPP at the National Rape Conference in January 2015. The revised guidance formed the cornerstone of a series of joint CPS/Police regional workshops that were held in each CPS Area between July and October 2015. It has been incorporated into the 6th edition of the Director's Guidance on Charging, due for publication in 2016.

The guidance is designed to improve the timeliness and quality of consultations between prosecutors and investigators. The CPS provides early investigative advice on request. Early consultation between investigators and prosecutors is important in delivering improvements in the timeliness of prosecutions and is a requirement of the joint Police and CPS Rape Protocol.

In 2015, Suffolk Police commissioned academics to evaluate the use of early investigative advice which was provided by specialist prosecutors located in police stations. Three pilot sites located in Nottingham, South Yorkshire and Norfolk are currently being evaluated with a final report due in September 2016. Findings from the pilots will inform improvements to joint police and CPS handling of early investigative advice. The emerging findings of the pilots highlight the value of early consultation between the investigator and prosecutor in further improving the effectiveness of the charging process and reducing delay for victims.

The CPS monitors the timeliness of charging decisions and has introduced increased scrutiny of the quality of files submitted by the police and the volumes of cases consequently referred back to the police for further investigation.

Rape protocol:

The updated joint Police and CPS Rape Protocol¹⁰⁹, setting out how to deal with all rape cases from the initial complaint to after the verdict in a trial, was implemented during 2015-16. Awareness of, and compliance with, the protocol was addressed during the regional workshops between July and October 2015 delivered to police investigators, supervisors and prosecutors.

Training:

Ensuring staff have the tools and skills necessary to prosecute effectively is a CPS priority. The National Rape Action Plan recommended a comprehensive programme of training for specialist lawyers.

Development of the training material began in January 2015. A chronology of the training the CPS has delivered is set out below:

- May to November 2015 – face-to-face training was delivered to all RASSO unit prosecutors on prosecuting alleged false allegations of rape.
- July to October 2015 – joint Police/CPS regional workshops took place in all CPS Areas and involved specialist prosecutors and frontline police investigators. The workshops focused on raising awareness of myths and stereotypes in rape cases, the shift to an offender-centric approach to investigations and prosecutions, victim and witness issues, third party protocol, the provision of early investigative advice and implementation of the national rape protocol.
- July 2015 to June 2016 – face-to-face training was delivered on the use of the Consent and Vulnerable Victim Toolkits. This training was aimed at all RASSO unit prosecutors and specialist in-house advocates.
- Since September 2015, the CPS has set out an induction programme for new specialist prosecutors and, as part of the programme, delivered a series of two day training courses to ensure that all rape specialist prosecutors in CPS RASSO teams, Complex Case Units and CPSD received face-to-face training.
- Filming of a training video on myths and stereotypes and offender-centric investigation and prosecutions took place in November 2015. This was used as part of the induction and refresher training for prosecutors and advocates during 2016.

¹⁰⁹ The Rape Protocol was published in January 2015.

- In March 2016, a consent master class was delivered via a webinar by the Director's Legal Advisor to specialist prosecutors and advocates, which further addressed consent issues in relation to common rape scenarios, including grooming in child sexual abuse cases.
- Further refresher training has been developed for delivery during 2016 to ensure that cases are evidentially robust and therefore more likely to succeed at trial. The training includes the application of the Code for Crown Prosecutors, reinforcing the importance of taking an offender centric approach to the investigation, prosecution and case building in rape cases. It also includes a module on gang related sexual exploitation and violence.
- The CPS has also developed additional support for external advocates through access to CPS e-learning and training material. The content available to advocates will be extended over time and will include rape training material.

The CPS is already developing additional resources to support our specialist prosecutors for delivery during 2016, which will include:

- Updated legal guidance.
- A 'knowledge hub' on the internal CPS Intranet site, to provide a better vehicle for prosecutors to share casework examples and to provide them with additional reference material to assist in case building.
- Updated e-learning modules.
- Updated induction training for Crown Advocates wishing to undertake RASSO advocacy.
- Induction and refresher youth training is being developed for all RASSO specialists.
- Training for advocates on the handling of vulnerable witnesses at court.

Continuous Improvement: Oversight and Accountability

Rape and Serious Sexual Offence Units (RASSO) Review:

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

Implementation of the review's recommendations began in 2015 and continued throughout 2015-2016, contributing to securing improvements in the performance of the RASSO units.

A new resource model was developed to ensure that the dedicated RASSO units were adequately staffed to cope with the unprecedented and sustained rise in national casework volumes and increasingly complex casework. This led to a national campaign to recruit additional prosecutors. 102 prosecutors and legal managers were recruited (83 of which were prosecutors) and 24 paralegal staff¹¹⁰. These are now either in post or awaiting pre-employment checks to be completed.

¹¹⁰ In some Areas, existing staff were moved in to RASSO roles and people were recruited to replace them.

Unduly lenient sentence

A 'stranger' rape from 1987 was reviewed when DNA evidence linked the defendant to the offences. The victim, then aged 16, was walking along a footpath on her way home when she was raped by the defendant. He was sentenced to 6 years 4 months imprisonment. The CPS referred the case to the Attorney General as unduly lenient and the sentence was amended to 8 years' imprisonment.

HMCPSP Thematic Review on the CPS handling of Rape and serious sexual offences

HMCPSP published a thematic review of RASSO units in February 2016. The report acknowledged that the CPS had undertaken a considerable amount of work to prioritise the improvement of rape prosecutions and endorsed the recommendations of the CPS internal review which was completed in December 2014.

The majority of recommendations in the report were in various stages of implementation at the time of the HMCPSP inspection. The CPS recognised, however, that the report also offered useful feedback on aspects of its work which can be further improved.

Dame Elish Angiolini DBE QC Report on the review of handling the investigation and prosecution of rape in London

The DPP and the Commissioner for the Metropolitan Police Service published a comprehensive independent report into the handling of the investigation and prosecution of rape in London in June 2015.

Lessons learned from the review have informed a programme of work to improve the prosecution of rape in London and have been shared and applied nationally. This included the delivery of the national programme of work to provide guidance and training to specialist prosecutors, the restructuring of the RASSO unit in London to focus solely on RASSO work and the recruitment of additional resources.

National Rape Steering Group

In September 2015, the CPS and Police set up a joint National Rape Steering Group, supported by a joint Delivery Board, to drive forward a co-ordinated programme of work. This built on the National Rape Action Plan and the review of handling the investigation and prosecution of rape in London. The Steering Group comprises the DPP, Director of Legal Services, the CPS Internal Assurance Officer and the national policing leads for adult sexual abuse, child sexual abuse and criminal justice. The scope of the Steering Group is *"to implement an enhanced model for RASSO working, designed to deliver prompt, high quality early investigative advice, quality investigations and evidence gathering, prompt charging decisions, and consistent case preparation up to and including at court."*

The Board was set up to bring together the multiple strands of work being taken forwards by the CPS and the joint work with the police. Key areas of work included:

- development of the national resourcing model to support RASSO units, including a national recruitment campaign;
- improved arrangements for managing cases on the national case management system through the establishment of digital RASSO units and standardised casework processes;
- development of bespoke welfare arrangements for managers and all staff handling rape caseloads;
- support for specialists through updated guidance and training, including piloting a new induction programme for specialists new to RASSO work;
- a refresh of RASSO job role specifications and developing rotation principles for specialist staff moving between RASSO units and Crown Court or magistrates' court units;
- strengthening the requirements and training support for CPS advocates and advocates from the external bar, through liaison with the Bar Council and Criminal Bar Association;
- development of national file quality standard for rape cases, including additional training for RASSO managers in identifying and reporting on performance and casework quality;
- improved scrutiny of pre-charge casework volumes and timeliness of decision making;
- establishing a national bi-monthly forum for RASSO managers to share and consult on best practice, lessons learned and to inform the delivery of recommendations from the reviews;
- development of enhanced arrangements for early investigative advice based on the three joint Police and CPS pilots;
- collaboration with key partners to develop streamlined and effective use of medical forensic evidence in rape cases;
- work with key partners to improve joint handling of disclosure relating to third party protocol in rape cases; and
- development of an 'early special measures meeting' pilot to enhance the service provided to victims earlier in cases proceeding to prosecution.

Disclosure

- CPS North East held a workshop with local authorities and their police forces on the operation of the Third Party Protocol on disclosure.
- CPS East of England continues to deliver training to lawyers across the East of England on the Disclosure of information in cases of alleged Child Abuse, linked Criminal and Care Directions Hearings protocol and the rules surrounding disclosure in these circumstances. Special Measures meetings are offered in every rape and child sexual abuse case.

Alleged false allegations

Legal guidance on Charging Perverting the Course of Justice and Wasting Police Time in Cases Involving Allegedly False Allegations of Rape and/or DA was updated and published in April 2015 to ensure that prosecutors had the most up-to-date tools necessary to make appropriate decisions in these complex cases.

A workshop was led by the Director's Legal Advisor and the VAWG Coordinator for Mersey and Cheshire in May 2015 for Deputy Chief Crown Prosecutors (DCCPs) and RASSO Unit Heads. It examined a number of cases, set standards and focused particularly on vulnerable suspects. The

Heads of RASSO Units cascaded the training to all RASSO specialist prosecutors between May and November 2015, as outlined in the training section above.

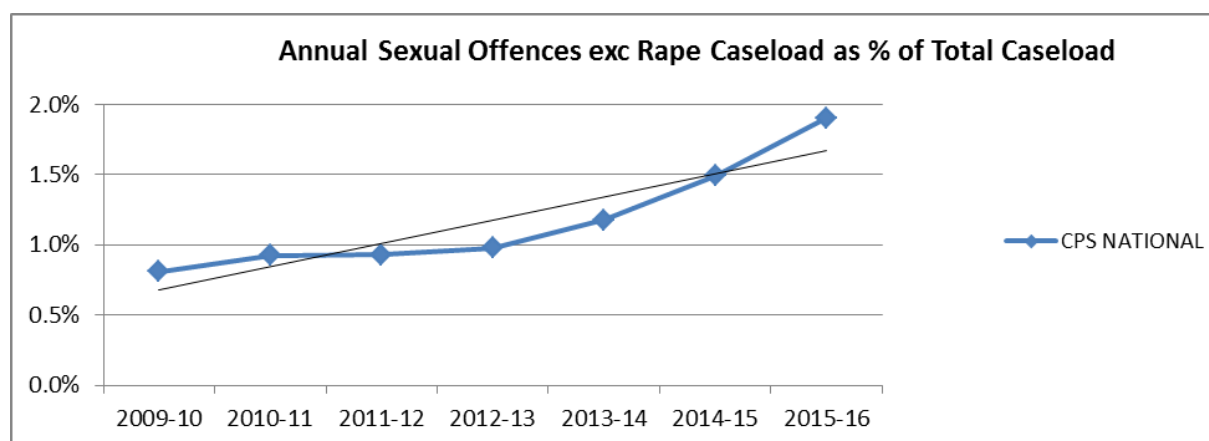
Sexual offences (excluding rape)

CPS records do not include data relating to pre-charge decisions regarding sexual offences (excluding rape), as the principal offence category of 'sexual offences', which includes rape and all sexual offences, is only allocated to cases at the conclusion of prosecution proceedings¹¹¹. Data provided below relates to *all* defendants of sexual offences (excluding rape), with further details of gender where available¹¹².

11,995 defendants were prosecuted in 2015-16 for sexual offences, excluding rape; a rise of 2,206 defendants (22.5%) from 9,789 in 2014-15; reaching the highest volume ever recorded. The proportion of CPS caseload attributed to sexual offences (excluding rape) rose from 1.5%¹¹³ in 2014-15 to 1.9% in 2015-16.

Of the 11,995 defendants prosecuted, 11,658 defendants were male, 319 were female, and gender was not recorded for 18 defendants. Where the gender of the defendant was recorded, 97.3% of defendants were male and 2.7% female¹¹⁴, similar to levels recorded over the past six years.

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



| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|--------------|---------|---------|---------|---------|---------|---------|---------|
| CPS NATIONAL | 0.8% | 0.9% | 0.9% | 1.0% | 1.2% | 1.5% | 1.9% |

¹¹¹ CPS sexual offences data (excluding rape) is derived from the principal offence category 'sexual offences' by excluding the rape flagged defendants. There is no separate monitoring flag for 'sexual offences' that is applied, either when the CPS receives a request to make a pre-charge decision or at receipt of the charged case file. The principal offence is allocated only at the conclusion of a prosecution proceeding, based on the most serious offence the defendant is charged with at the time of finalisation.

¹¹² Data on victims is extracted from the Witness Management Service which includes no record of the victims of sexual offences, other than rape, as the information is compiled only at defendant level.

¹¹³ Sexual offence caseload as a percentage of all CPS prosecutions

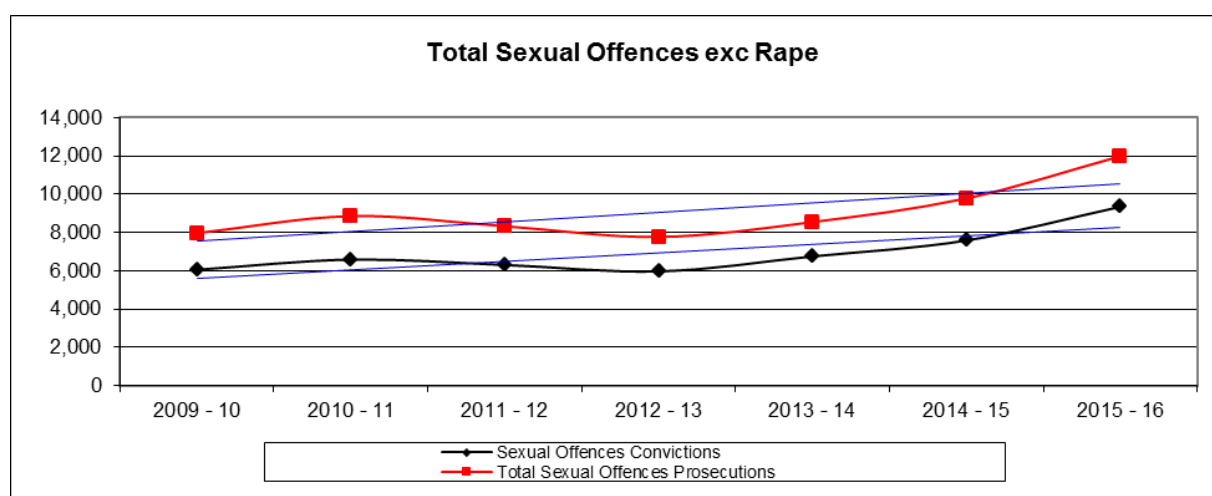
¹¹⁴ The figure is similar if calculated out of total, including unrecorded gender (97.2% and 2.7%).

Table 5: Completed sexual offence prosecutions by outcome

| | 2009 - 10 | | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|--------------|------|--------------|------|--------------|------|--------------|------|--------------|------|--------------|------|---------------|------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 6,060 | 76.0 | 6,588 | 74.3 | 6,308 | 75.7 | 5,971 | 76.8 | 6,756 | 79.0 | 7,591 | 77.5 | 9,351 | 78.0 |
| Unsuccessful | 1,912 | 24.0 | 2,274 | 25.7 | 2,026 | 24.3 | 1,800 | 23.2 | 1,798 | 21.0 | 2,198 | 22.5 | 2,644 | 22.0 |
| Total | 7,972 | | 8,862 | | 8,334 | | 7,771 | | 8,554 | | 9,789 | | 11,995 | |

In 2015-16 there was the highest volume ever recorded of convictions (9,351) a rise of 1,760 (23.2%) from 7,591 in 2014-15, against a slight rise in the proportion (78%), as in Graphs 14 and 15 and Table 5.

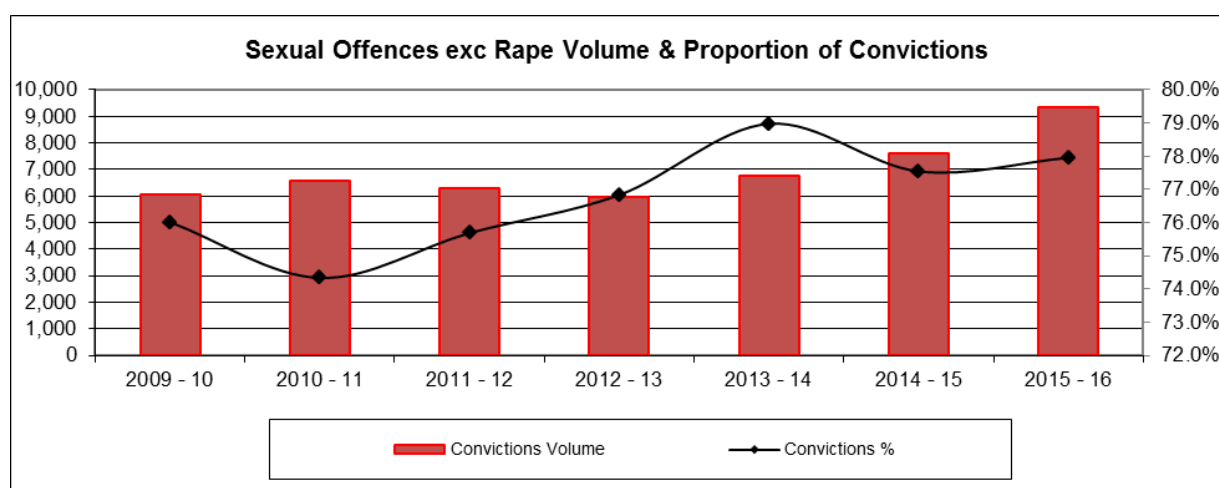
Graph 14: Sexual offences (excluding rape) volumes 2009-10 to 2015-16



The proportion of guilty pleas out of all prosecutions rose slightly to 66%, against the highest volume of guilty pleas ever recorded. 84.7% of all successful outcomes were guilty pleas. The volume of convictions secured after trial, rose to 1,422 the highest volume ever recorded, this was 11.9%, out of all sexual offence (excluding rape) prosecutions, and 48.8% out of all sexual offence (excluding rape) prosecutions contested at trial (excluding mixed pleas¹¹⁵). Attrition due to victim issues fell from 16.3% in 2014-15 to 14.6% in 2015-16 and, over the same period, prosecutions dropped fell from 9.2% to 8.9%.

¹¹⁵ 'Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

Graph 15: Sexual offences (excluding rape) volume and proportion of convictions 2009-10 to 2015-16



Area performance

The tables on pages 93-100 provide sexual offence prosecution data by Area and police forces. From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for the British Transport Police (BTP)¹¹⁶ in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for their constituent police forces as there will be a small number of cross-border prosecutions between Areas, as well as data from BTP where available.

The underlying data is provided in the linked annex at the beginning of the VAWG report on page 15.

Equalities issues

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

Gender

Of the 11,995 defendants prosecuted, 11,658 defendants were male, 319 were female and the gender was not recorded for 18 defendants. Where the gender of the defendant was recorded, 97.3% of defendants were male and 2.7% female¹¹⁷, similar to that recorded over the past five years.

Ethnicity

In 2015-16, 58.9% of defendants prosecuted for a sexual offence were identified as belonging to the White British category and 65.1% were categorised as White (a fall from 66.9% in 2014-15)¹¹⁸. 6.6% of defendants were identified as Asian (0.3ppt fewer than the previous year) and 5.6% were identified as Black (0.5ppt higher than the previous year).

¹¹⁶ Data from City of London police is included in London data.

¹¹⁷ The figure is similar if calculated out of total, including unrecorded gender (97.2% male defendants and 2.7% female defendants).

¹¹⁸ Just over 10% of defendants did not state an ethnicity on arrest and 10% of defendants' ethnicity was not provided to the CPS by the police – both a rise since 2014-15; in total a rise of 1.9% not recorded.

Age

From those defendants where age was recorded¹¹⁹, the majority of defendants were aged 25-59 (67.1%) and 18-24 (15.5%). Just under a fifth of defendants (2,338) were aged 24 and under, with 3.7% of defendants (437) being 14-17 years old and 0.5% (54) aged 10-13 years old.

Non-recent sexual assaults by health professional

A former doctor, aged 74, sexually assaulted a teenage girl, who was just 15 at the time and three other female patients in the 1970s and early 1980s, while he was working as a GP. It was discovered that he had carried out the indecent assaults during unnecessary clinical examinations.

He was found guilty of five counts of indecent assault and jailed for 18 months for the series of non-recent indecent assaults on patients. In addition to the custodial sentence, he was ordered to pay £7,500 in costs within six months, and was put on the sex offenders' register for 10 years.

Pre-recorded cross examination pilot

Pre-trial recorded cross-examination is currently being piloted (known as the s.28 pilot), enabling a vulnerable victim or witness to be cross-examined by the defence in advance of the trial. The pilot sites are located in Leeds, Liverpool and Kingston Crown Courts. It is intended to improve the experience of vulnerable victims or witnesses by ensuring they give evidence as early as possible, which improves the quality of their evidence through better memory recall. The Government has committed to rolling out such arrangements across England and Wales. The pilots are on-going and have been extended until October 2017. This is an MoJ initiative/project and is the last special measure to be rolled out from the Youth Evidence and Criminal Evidence Act 1999.

Victims and witnesses who are eligible under the pilot to have their cross examination to be pre-recorded are those who:

- are under 16 at the time of the hearing;
- suffer from a mental disorder within the meaning of the Mental Health Act 1983;
- have a significant impairment of intelligence and social functioning; or
- have a physical disability or a physical disorder and the quality of their evidence is likely to be diminished as a result.

It is thought the measures will be particularly helpful for the victims of sexual offences who often find cross examination distressing. The prospect of this being carried out in a quieter, more restricted environment could ease that distress. The recording is carried out as soon as possible after the alleged offence and shown as evidence at the trial, which reduces the stress and trauma for young or vulnerable victims.

¹¹⁹ 99.3% of defendant ages were recorded in 2015-16 – a rise from 99.1% in 2014-15.

Pre-recorded cross-examination pilot

A case where the defendant was accused of raping a girl and cruelty to another child was included within the pilot. The two child witnesses provided their pre-recorded cross examination three months after charge – which was four months before the trial.

The defendant pleaded guilty to one count of child cruelty but not guilty to three counts of rape. However, because of the quality of the evidence he was convicted by a majority verdict and was sentenced to an extended custodial sentence of 24 years with a minimum term of 18 years imprisonment.

A clear benefit for the witnesses was that their evidence was completed three months after charge and they were not required have to wait until the trial date to give evidence some seven months after the charge.

Forced marriage, honour based violence and Female Genital Mutilation

Forced marriage

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

The volume of forced marriage (FM) referrals from the police rose from 82 in 2014-15 to 90 in 2015-16 – the highest volume ever recorded. 57 of these referrals (63.3%) were charged, again the highest volume recorded. All cases of forced marriage were flagged as forced marriage and DA in 2015-16¹²⁰.

The volume of prosecutions completed in 2015-16 rose to 53 from 46 in 2014-15, the highest volume ever recorded. Of the 53 defendants prosecuted, 43 (81.1%) were male and 10 (18.9%) were female. Victim data taken from the Witness Management System shows that there were 32 female victims and four male victims, with gender not reported for 12 victims. The recording of victim gender at 75% is not robust enough to include gender proportions in this report.

Table 6: Completed forced marriage prosecutions by outcome, 2010-11 to 2015-16

| | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 20 | 48.8% | 23 | 54.8% | 29 | 70.7% | 32 | 71.1% | 29 | 63.0% | 32 | 60.4% |
| Unsuccessful | 21 | 51.2% | 19 | 45.2% | 12 | 29.3% | 13 | 28.9% | 17 | 37.0% | 21 | 39.6% |
| Total | 41 | | 42 | | 41 | | 45 | | 46 | | 53 | |

32 prosecutions¹²¹ were successful a rise from 29 in 2014-15, but there was a fall in conviction rate to 60.4% from 63% in 2014-15. Dropped prosecutions fell from 41.5% when these cases were first recorded in 2010-11 to 28.3% in 2015-16 (or 15 cases), although this was a rise from the previous year when 21.7% (or 10 cases) were dropped.

There was a rise in the volume and proportion of cases which were unsuccessful due to victim issues (victim retraction, victim non-attendance or where the evidence of the victim did not support the case) from 47.1% (eight cases) in 2014-15 to 66.7% (14 cases) in 2015-16. The small number of cases indicates the need for caution in interpreting this data.

¹²⁰ Forced marriage cases are flagged as both FM and DA when the defendant is within the family, as defined under DA. Some cases previously have included defendants from outside the family and such cases would only be flagged as FM.

¹²¹ Data on conviction outcomes is not broken down currently by gender of defendants.

Partnership working

In 2015, CPS Mersey-Cheshire participated in a regional 'Mega Mela' event, engaged with Asian women locally, and were involved in an event to mark National Remembrance Day for victims of HBV (in memory of Shafelia Ahmed) as well as wider community events, aimed at raising the knowledge and awareness of partner agencies and local communities.

The Area also supported the development of an innovative media campaign in 2015, led by Merseyside Police in relation to Forced Marriage and HBV.

The Area played a key role in the development of a co-ordinated regional approach to their 'harmful practices' agenda.

Forced marriage legislation

A specific offence of forced marriage under s.121 of the Anti-Social Behaviour, Crime and Policing Act 2014 came into force in June 2014. Prior to the introduction of the new offence, prosecutors dealt with forced marriage cases using legislation such as that relating to rape, sexual offences, false imprisonment, kidnapping and offences of abuse, where this was a feature of the offending. The new specific criminal offence of FM is another offence that can be used by prosecutors. There were five defendants prosecuted in two cases in 2015-16 – all in London. However, both prosecutions were unsuccessful as the victims withdrew and refused to attend any hearings.

In addition to the new forced marriage offence, a breach of a Forced Marriage Protection Order (FMPO) was introduced (Family Law Act 1996 63CA (1) and (5)) and carries a maximum penalty on indictment of five years' imprisonment, or a fine, or both. In the magistrates' court, the statutory maximum of six months' imprisonment and/or a fine applies. In 2015-16 there were six offences prosecuted (three in West Midlands, two in Yorkshire and Humberside and one in North West). One defendant was successfully prosecuted; another was convicted of more serious offences. Two were unsuccessful due to victim issues (one case with two defendants). One was unsuccessful at trial¹²².

Prosecution of breach of forced marriage protection order

A victim was forced into marriage by her parents and had been assaulted and threatened by her father. The police therefore applied for a Forced Marriage Protection Order which was granted in January 2013 against the victim's parents. The conditions included not to threaten, intimidate or harass the victim, not to use violence or threaten the use of violence against the victim. In October 2015 the victim's father forced his way into her house and tried to break down a bedroom door and attack the victim. He was arrested and charged with breach of the FMPO. He pleaded guilty at the first hearing and was sentenced to four weeks' custody and to pay £260 in costs and victim surcharge.

¹²² The victim was contacted by email, but the court stated that they could not be satisfied that it was the defendant who had sent the communications.

Honour based violence

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

The volume of referrals from the police of flagged honour-based violence (HBV) related offences fell from 251 in 2014-15 to 216 in 2015-16. 145 (67.1% of these referrals and the highest proportion ever recorded) were charged which represents a slight fall in volume from the previous year where 157 referrals were charged.

Table 7: Completed honour based violence prosecutions by outcome, 2010-11 to 2015-16

| | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|------------|------|------------|------|------------|------|------------|------|------------|-------|------------|------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 121 | 51.7 | 86 | 50.0 | 126 | 63.0 | 123 | 59.7 | 129 | 57.3% | 91 | 50.0 |
| Unsuccessful | 113 | 48.3 | 86 | 50.0 | 74 | 37.0 | 83 | 40.3 | 96 | 42.7% | 91 | 50.0 |
| Total | 234 | | 172 | | 200 | | 206 | | 225 | | 182 | |

182 defendants were prosecuted, a fall from 225 in the last year (which was the highest ever recorded level). Of the 182 defendants prosecuted, 158 defendants were male (86.8%) and 24 defendants were female (13.2%).

150 victims were recorded in the Witness Management System. Of all victims, 94 were female, 29 were male and the gender of 27 victims was not recorded. 82% of victim gender was recorded in 2015-16 – a slight rise from the previous year of 81.6% but a fall from 88.4% in 2013-14. Where the gender of the victim was recorded, the proportion of female victims was 76.4% and male victims were 23.6%. The proportions have fluctuated from 68% to 76.4% female victims over the past six years.

50% of prosecutions resulted in a conviction, a fall of 7.3ppt from 2014-15. Dropped prosecutions fell from 40.6%, when these cases were first recorded in 2010-11 to 36.3% in 2015-16; however this was a rise from 29.8% in 2014-15. In HBV cases there was a slight rise in unsuccessful outcomes due to victim issues (from 45.8% in 2014-15 to 46.2% in 2015-16). There was a fall in the rate and volume of guilty pleas from 48% (or 108 cases) in 2014-15 to 34.1% (or 62 cases) in 2015-16. The small number of cases indicates the need for caution in interpreting this data.

CPS Areas prosecuting the greatest number of FM and HBV prosecutions were London, the North West, the South East, Thames and Chiltern and the West Midlands. Recognising the fall in prosecutions and successful outcomes a programme of work has been developed for 2016-17 outlined below under Legal Guidance and Training.

National Black Crown Prosecutor Association

The National Black Crown Prosecution Association held its 15th Annual Conference in October 2015. The Conference theme was "Tackling forced marriage and honour based violence". Presenters included the CPS Chief Executive, CCP VAWG Champion, a survivor of forced marriage, a head teacher and an independent human rights campaigner.

Cross-government issues

In December 2015 HMIC published a report entitled, *The Depths of Dishonour: Hidden voices and shameful crimes* which was their first inspection into the police response to HBV, FM and FGM.

Whilst the majority of the recommendations within the report were for the police there was a specific action for the CPS which stated that: ‘the national policing lead should, in conjunction with the Crown Prosecution Service, develop an equivalent joint investigation and prosecution protocol for HBV and FM to that which exists for FGM’.

The CPS is working in partnership with the NPCC lead to develop the protocol which should be in place during 2016.

Legal Guidance and Training

Recognising the need to address the fall in prosecution volumes and convictions, the CPS developed an action plan for 2016-17 and will work with third sector organisations on its delivery.

The action plan includes a number of recommendations including re-engagement with CPS HBV and FM specialist prosecutors, VAWG Coordinators, EDCEMs and third sector experts on HBV and FM; refreshing and updating existing legal guidance and training, ensuring these include information on any new and emerging issues and the development of a HBV and FM section for the CPS knowledge hub.

Area good practice

A number of Areas have illustrated good practice on forced marriage and honour-based violence and some Areas have held local initiatives:

Local partnership working

- CPS Wales held a multi-agency HBV awareness event in Dyfed Powys.
- CPS Thames and Chiltern delivered training on FM/HBV and FGM to their VAWG scrutiny panel members.
- CPS Mersey has worked closely with the Police and Crime Commissioner and wider CJS agencies to set up a local group to address harmful traditional practices.
- CPS North West is working closely with the family courts to receive copies of FMPOs, to ensure fast action on any breaches. In addition they are working with schools and airports to raise awareness of the issue.

Female Genital Mutilation

The CPS policy lead chairs monthly telephone conferences with appointed CPS Area Female Genital Mutilation (FGM) leads. This is helpful in providing national updates on FGM and the Area leads provide updates on cases referred, challenges they encounter, FGM Protection Orders (FGMPOs) and community engagement events. It also provides a useful forum for the exchange of experience in cases e.g. use of medical experts and raising issues to be addressed with other government departments.

Legislation

The CPS continues to work with government partners on developments and progress in addressing FGM. The Serious Crime Act 2015, which was given Royal Assent in March 2015, included provisions to strengthen the FGM Act 2003 and introduced new provisions which have all now come into force. These new provisions were to:

- extend the reach of the extra-territorial offences in the Female Genital Mutilation Act 2003 (came into force May 2015);
- introduce a new offence of parental liability for failing to prevent FGM being carried out (came into force May 2015);
- grant victims of FGM lifelong anonymity from the time an allegation is made (came into force May 2015);
- provide for mandatory reporting of known cases of FGM where the victim is under 18 years of age for health professionals, teachers and social care staff (came into force October 2015); and
- introduce an FGM protection order (a civil law remedy) to protect potential victims at risk (came into force July 2015).

Guidance to prosecutors was revised and published to reflect these changes and new statutory guidance, to which the CPS contributed, was published in April 2016.

Following implementation of amendments to the FGM Act 2003, additional cases have been referred to the CPS for early investigative advice; however the CPS has not been able to proceed with any of these.

Mandatory reporting for front-line professionals has resulted in increasing numbers of cases reported to the police and Social Services, particularly by medical professionals. However, in the majority of cases a safeguarding response is more appropriate, coupled with application for an FGMPO, if needed. Mandatory reporting has not only increased the number of reports for investigation, but it is also providing improved data on the extent and locations of FGM practising communities.

The CPS has worked closely with medical professionals to promote the mandatory duty to report, in particular NHS England, NHS Wales, Department of Health and the Royal Colleges of Midwives and Obstetrics and Gynaecology (RCOG). The DPP attended regular meetings with the President of the RCOG to discuss a range of areas of mutual interest, which includes FGM. The CPS has contributed to the RCOG FGM guidelines for medical professionals.

The introduction of the FGMPO has been a positive step in protecting potential victims where evidence or intelligence suggests that they are at risk. In the period July to December 2015, a total of 32 FGMPOs were granted (MoJ data). The priority now is to ensure that there is a joined-up approach from Local Authorities, Family Courts, the Police and the CPS, ensuring that information is shared. For

example, information to support Protection Orders applied for by agencies other than the police, or by individuals, may well give rise to an investigation or prosecution.

Area good practice

All CPS Areas have contributed to a range of local community events held to raise awareness together with participation in community engagement forums. Local awareness is particularly important ahead of the school holidays, to ensure a multi-agency response to prevent FGM, by involving schools and staff at airports. However, it remains the case that there is little information forthcoming from practising communities which would lead to a Criminal Justice response.

Local partnership working

- CPS prosecutors in the North West were involved in the NHS England one day events to raise awareness of FGM across the North of England. The aim of the events was to establish strong pathways across a multi-agency working partnership, and to develop a comprehensive approach, supporting protection and prevention measures for children and adults who may be at risk of FGM.
- CPS Wales was involved in organising a FGM Youth Conference and promoted a local FGM video and leaflet.
- CPS East of England RASSO Unit forged links with a LSIP panel member who agreed to produce a paper on FGM to help police and prosecutors understand cultural issues. In addition they worked closely with Essex police in relation to FGM.
- CPS Mersey and Cheshire Deputy CCP spoke at a Health FGM conference on the CPS approach to prosecution and the need for reporting by professional bodies.

Child abuse

All cases of child abuse are flagged¹²³; with those of child sexual abuse (CSA) being identified according to any sexual offence flagged as child abuse. Data provided below relates to *all* child abuse defendants and victims, irrespective of gender, with further details of gender where available.

The volume of child abuse referrals from the police increased to 13,282 in 2015-16 – an increase of 442 referrals from 12,840 in 2014-15 (3.4%) and the highest level ever recorded.

8,889 of these referrals were charged, a rise of 193 defendants from 8,696, the highest volume recorded. 66.9% of referrals were charged, a fall from 67.7% in the previous year.

The volume of prosecutions completed in 2015-16 reached 11,130 – a rise of 1,085 defendants (or 10.8%) since 2014-15, reaching the highest volume recorded. There was a rise in the volume of successful outcomes in the overall child abuse cases to 8,439 in 2015-16 from 7,469 in 2014-15 – the highest volume ever recorded and a rise of 13.0% on the previous year. 75.8% of prosecutions resulted in a conviction in 2015-16 a rise of 1.4ppt from the previous year.

In 2015-16, there were 41 child abuse homicide offence prosecutions¹²⁴ a rise from 17 in the previous year. 75.6% of prosecutions resulted in a conviction compared with 58.8% in the previous year¹²⁵. There was a rise in the volume of prosecutions of child abuse offences against the person (from 3,192 in 2014-15 to 3,582 in 2015-16 – the highest level ever recorded); with successful outcomes rising from 71.3% to 72.8%, compared with 2014-15.

Child sexual abuse offence prosecutions¹²⁶ completed in 2015-16 rose (from 5,387 to 6,217) – a rise in volume of 830 (15.4%). Successful outcomes rose from 3,975 to 4,643, also the highest volume ever recorded and a rise of 668 (16.8%), alongside a rise in the conviction rate from 73.8% to 74.7% in 2015-16, compared to the previous year.

1,808 (29.1%) of child sexual abuse prosecutions were flagged as both child abuse and rape. Of these prosecutions, a conviction was obtained in 1,213 cases – the highest volume ever recorded and representing a 67.1% conviction rate. Of the child sexual abuse offence prosecutions where the rape flag was not applied, (4,409 or 70.9%), a conviction was obtained in 3,430 cases – the highest volume ever recorded and representing a 77.8% conviction rate.

Tables 8a-8d provide further detail.

¹²³ The CPS definition of “child abuse” was agreed in March 2010 – see glossary.

¹²⁴ See glossary for definitions.

¹²⁵ Note caution regarding percentages with such low number of cases

¹²⁶ Information is available from the Case Management System [CMS] to show the number of prosecuted defendants, flagged as child abuse, and whose principal offence was categorised as sexual offences.

Table 8a: Child abuse prosecutions – Homicide

| | 2009 - 10 | | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 33 | 82.5% | 24 | 88.9% | 15 | 88.2% | 22 | 73.3% | 32 | 91.4% | 10 | 58.8% | 31 | 75.6% |
| Unsuccessful | 7 | 17.5% | 3 | 11.1% | 2 | 11.8% | 8 | 26.7% | 3 | 8.6% | 7 | 41.2% | 10 | 24.4% |
| Total | 40 | | 27 | | 17 | | 30 | | 35 | | 17 | | 41 | |

Table 8b: Child abuse prosecutions – Offences against the person

| | 2009 - 10 | | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 1,896 | 72.4% | 2,186 | 74.0% | 1,835 | 71.4% | 1,642 | 74.0% | 1,725 | 72.4% | 2,277 | 71.3% | 2,606 | 72.8% |
| Unsuccessful | 723 | 27.6% | 767 | 26.0% | 734 | 28.6% | 578 | 26.0% | 658 | 27.6% | 915 | 28.7% | 976 | 27.2% |
| Total | 2,619 | | 2,953 | | 2,569 | | 2,220 | | 2,383 | | 3,192 | | 3,582 | |

Table 8c: Child abuse prosecutions – Sexual Offences

| | 2009 - 10 | | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 3,133 | 75.7% | 3,551 | 74.1% | 3,530 | 75.8% | 3,070 | 75.8% | 3,344 | 76.5% | 3,975 | 73.8% | 4,643 | 74.7% |
| Unsuccessful | 1,004 | 24.3% | 1,243 | 25.9% | 1,125 | 24.2% | 981 | 24.2% | 1,027 | 23.5% | 1,412 | 26.2% | 1,574 | 25.3% |
| Total | 4,137 | | 4,794 | | 4,655 | | 4,051 | | 4,371 | | 5,387 | | 6,217 | |

Table 8d: Child abuse prosecutions – Total child abuse

| | 2009 - 10 | | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|---------------|-------|---------------|-------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 6,043 | 74.8% | 6,855 | 74.2% | 6,444 | 75.1% | 5,755 | 76.1% | 6,096 | 76.2% | 7,469 | 74.4% | 8,439 | 75.8% |
| Unsuccessful | 2,036 | 25.2% | 2,380 | 25.8% | 2,137 | 24.9% | 1,803 | 23.9% | 1,902 | 23.8% | 2,576 | 25.6% | 2,691 | 24.2% |
| Total | 8,079 | | 9,235 | | 8,581 | | 7,558 | | 7,998 | | 10,045 | | 11,130 | |

The defendant was male in:

- 58.5% of homicide prosecutions (24 out of 41) – the gender of all defendants was recorded;
- 74.6% of offences against the person (2,667 out of 3,576 defendants where gender was recorded – 99.8% recorded); and
- 98.3% of sexual offences (6,100 out of 6,206 defendants where gender was recorded – 99.8% recorded).

Victim data¹²⁷, from the Witness Management System showed that 12,701 victims of child abuse were recorded – 7,232 were female and 2,537 were male (there were 2,932 victims where gender was not recorded). The recording of victim gender (at 76.9%) is not robust enough to include gender proportions in this report.

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

Cross-government action

The CPS work on CSA is part of a wider effort across Government to respond to sexual violence against children and vulnerable people. *Tackling Child Sexual Exploitation*, published in March 2015, set out an ambitious programme of work to address, on a national scale, the failures seen in Rotherham. The wider work has three strategic aims to reduce the prevalence of child sexual abuse and exploitation: tackling offending; reducing vulnerability and reducing harm wherever possible by supporting victims and survivors.

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

The CPS engages with the National Policing Child Protection and Abuse Investigation Working Group, which focuses on child sexual exploitation (including the work of Child Sexual Exploitation and on Line Protection Centre), Operation HYDRANT¹²⁸ and the College of Policing training.

The Independent Inquiry into Child Sexual Abuse will investigate whether public bodies and other non-state institutions have taken their duty of care seriously to protect children from sexual abuse in England and Wales. The CPS has been designated a 'core participant' in the first four lines of investigation: Lord Janner; Anglican Church; Lambeth County Council and Cambridge House/ Knowl View/Rochdale. Core participants are individuals, organisations or institutions that have a significant interest in the work of the Inquiry. Their role is restricted to the particular Inquiry investigation for which they have been granted core participant status, rather than for the entire Inquiry.

Partnership work

The CPS is working closely with the Police and partner agencies, including the voluntary sector on a number of initiatives to help deliver more successful CSA prosecutions and to further improve the service to victims in these cases. These include:

- The s.28 Pilot outlined in the Sexual Offence section of the report under 'Pre-recorded Cross Examination Pilot' that is underway in a number of courts across the country, where children and young people under 16 are able to video-record their cross-examination before the trial.

¹²⁷ Gender of victims is only available for child abuse victims overall and not broken down into homicide, offences against the person and sexual abuse.

¹²⁸ 'Operation Hydrant' was established by the police in June 2014. It is an overarching operation to identify and monitor on-going CSA cases involving historic allegations of child abuse within institutions where the offenders are believed to be elected officials, celebrities, persons of public prominence and anyone closely associated to them.

- The 'Young Witness Initiative' relies on a signed protocol between the CPS, police and HMCTS to expedite cases in the courts involving a witness who is under the age of 10. In these cases a trial date is set within 8 weeks of a plea being entered in the Crown Court.
- Following Dame Elish Angiolini's recommendation in her 2015 report – *Independent Review of Rape in London*, the CPS is currently revising its guidance relating to the Provision of Therapy to Child Witnesses in a Criminal Trial, to ensure that it is up to date and to reinforce the message that the needs of the child are paramount when considering access to therapy, both before and after trial.
- The CPS is involved with the Mayor's Office for Policing and Crime (MOPAC)-backed bid to pilot two 'Children's Houses' in London from 2017. The Children's House model, originally developed in Iceland, places young victims of child sexual abuse in a safe and supportive environment and brings the services they require to them. The video-recorded interview and cross-examination will be conducted in the Children's House. The CPS is working with CJS partners to explore how the model can be made more compatible with the England and Wales criminal justice system, linking in with the s.28 initiative.
- The CPS is a member of the Official's Group for Phase 2 of the Children's Commissioner's Inquiry into CSA in the Family Environment (Phase I focused on prevalence and was published in November 2015; Phase II focuses on any proposed change in institutional practice).
- The CPS has worked with the police and the senior judiciary to develop a streamlined process for prosecuting Indecent Images of Children (IIOC). Updated prosecutor guidance was published in July 2016. Details of IIOC are included in the report section on pornography and obscenity.

Abuse by offender in a position of trust

A doctor admitted 25 offences, including sexual assault, voyeurism and possessing more than 16,000 indecent images. Some of his victims had haemophilia, leukaemia and other serious illnesses. He admitted abusing 18 boys in his care at a hospital, between 2009 and 2014. He was sentenced to 16 years, placed on the sex offenders' register for life and made subject of a sexual offences prevention order for life.

Legislation

The CPS supported the introduction of legislation to criminalise sexualized messaging between adults and children and liaised closely with the NSPCC prior to the offence being put forward as an amendment to the Serious Crime Bill. The offence of 'Sexual Communications with a Child' received Royal Assent on 3 March 2015, but has no commencement date at publication of this report.

Refreshed guidance on Child Abuse (non-sexual) is due for publication during 2016-17 to reflect legislative changes over 2014-16 and case law.

National Child Sexual Abuse Review Panel

The National Child Sexual Abuse Review Panel¹²⁹ is a joint Police and CPS initiative set up in June 2013. The investigation and prosecution of CSA has changed significantly in the last decade. It is recognised in the National CSA Review Panel Guidelines that the police and justice system may take a different approach now, compared to how the allegation of abuse might initially have been treated. In these circumstances, the panel considers whether an allegation should be reinvestigated by the police, or whether the prosecution decision should be reviewed by the CPS, who will provide advice to the relevant Police force or CPS area.

Between the inception of the National Child Sexual Abuse Review Panel in June 2013 and the 31st March 2014, the panel secretariat received 70 referrals.

Between 1 April 2014 and 31 March 2015, a further 22 referrals were received. Between 1 April 2015 and 31 March 2016, a further 58 referrals were received.

Child Sexual Abuse Network

A network of child sexual abuse specialists, established in each of the CPS Areas in 2013, serves as a source of expertise, guidance and good practice for colleagues dealing with child sexual abuse cases, both locally and nationally. The network discussed issues and shared best practice. Membership of the network will be refreshed during 2016.

Grooming

Three men were convicted of sexual offences against five teenagers aged between 14 and 17 years at a takeaway and a nearby hotel.

The victims were sexually harassed and groomed by all three men at the take-away. They were taken to the nearby hotel where they were plied with alcohol, cannabis, cigarettes and money before being sexually abused. The men pretended to be professional photographers and promised the girls that they would make them models if they posed for indecent photographs. They then subjected them to serious and prolonged sexual assaults whilst photographing and filming them. They were jailed for a total of over 23 years.

Rape and Child Sexual Abuse Advocate Panel

All child sexual abuse cases are now handled by specialist teams in the RASSO units. Only specialist in-house advocates or counsel who have been selected to join the Rape and Child Sexual Abuse Panel, are instructed to appear in court on behalf of the CPS in these cases.

¹²⁹ The Child Sexual Abuse Review Panel looks again at cases where a person is concerned that they have made previous allegations of being a victim of a sexual offence when they were under the age of 18, and the police or CPS decided that no action should be taken at the time, but the person is not satisfied that the original allegations were dealt with appropriately.

Membership to the Rape and Child Sexual Abuse panel was renewed during 2016, as outlined in the Rape section of this report.

Abuse by carers

- A carer was convicted for offences against five children, all aged under-13 which took place between 2011 and 2015. He was sentenced to a total of 10 years' imprisonment with an extended licence of 5 years for two offences of rape, 13 sexual assaults on a child under the age of 13, and 24 offences relating to indecent images of children.
- A foster carer was convicted of a large number of historic sexual offences involving children. Given the seriousness of the offences, the sentencing judge gave little weight to his previous good character. He received concurrent sentences for offences associated with an individual victim; the sentences for each victim were then made consecutive. In total, the judge sentenced him to 22 years' imprisonment.

Gangs

The Government published its refreshed approach to gangs in January 2016 – *Ending Gang Violence and Exploitation* focuses on both reducing violence and preventing the exploitation of vulnerable people by gangs. It sets out priorities for 2015-16 and onwards, including plans to safeguard gang-associated women and girls.

The refreshed approach clearly sets out the importance of agencies having access to relevant information and tools to help vulnerable girls and young women, whether as victims of abuse or to help them leave gangs. It emphasises how vital it is that vulnerable girls and young women are identified and receive appropriate help and interventions.

Recognising the new focus on gang-associated women and girls, the CPS has created a section on the CPS knowledge hub that raises awareness of this issue and has included a module on gang-related sexual exploitation and violence, within the rape refresher training course for rape specialist prosecutors to be delivered in 2016.

Local partnership working

- In CPS Wales, Operation Lenten focused on Child Sexual Exploitation (CSE) cases with vulnerable young girls from the travelling community. The Deputy CCP attended a workshop to address CSE cases across Wales.
- In CPS Thames and Chiltern, LSIPs considered the CPS approach to offences of stalking and harassment and the sexual assault of a child victim.
- CPS London is involved in a multi-agency steering group working on a specific 'Children's House'.
- CPS Surrey is implementing the recommendations of the HMIC report to improve the handling of child abuse investigations.
- The Director's Legal Adviser and CPS Yorkshire and Humberside (Y&H) attended a local event 'Out of the darkness' organised by those who support victims in a large scale CSE case. A multi-agency 'lessons learned' event took place in July 2016. Y&H are involved in a number of large scale CSE cases.

Human trafficking and modern slavery

Since April 2010, the CPS has flagged and monitored all cases of human trafficking and slavery¹³⁰. The volume of human trafficking referrals from the police rose from 234 in 2014-15 to 246 in 2015-16, the highest volume ever recorded. 189 (76.8%), of these referrals were charged; falling from the previous year where 195 referrals (83.3%) were charged.

The volume of human trafficking prosecutions completed in 2015-16 reached 295 – a rise of 108 (57.8%) from 2014-15 and the highest level ever recorded. In these cases there can be a large number of defendants per case and this may vary, by case, each year.

Of the 295 defendants prosecuted, 229 defendants were male, 64 defendants were female and the gender of two defendants was not recorded. As with the previous year, 99% of gender of defendants was recorded. Where the gender of the defendant was recorded, 78.2% were male and 21.8% female, a rise in female defendants over the last two years from 29 in 2013-14 to 64 in 2015-16. The majority of defendants (79.3%) were aged 25-59 years.

In respect of data extracted from the Witness Management System, 218 victims were recorded. Of all victims, 106 were female, 69 were male and the gender of 43 was not recorded. The recording of victim gender at 80% is robust enough to include gender proportions in this report. Where the gender of the victim was recorded, 60.6% of victims were female and 39.4% male. Data from the National Referral Mechanism is provided below to add further information on the gender patterns of potential victims.

There was a rise in the volume of successful human trafficking outcomes from 130 in 2014-15 to 192 in 2015-16, the highest volume recorded (although there was a fall from 69.5% to 65.1% in the conviction rate over the same period). In 2015-16, 45.8%, (135), of prosecutions resulted in a guilty plea; this compares with 48.7% (91) in the previous year, with a slight fall in proportions. The volume of convictions secured after trial, rose from 39 in 2014-15 to 57 in 2015-16, (19.3%), out of all human trafficking prosecutions, and 62.0% out of all human trafficking prosecutions contested at trial (excluding mixed pleas¹³¹).

63 cases (21.4%) were unsuccessful due to a prosecution being dropped; this compares with 42 cases (22.5%) in the previous year. The volume and proportion of cases where there was an unsuccessful outcome due to victim issues (includes a retraction, victim non-attendance or where the evidence of the victim does not support the case) rose from 11 (19.3%) in 2014-15 to 32 (31.1%) in 2015-16. Due to the small numbers, caution should be applied when interpreting this data.

¹³⁰ Offence data is not held by defendant or outcome; hence a flag has been set up to provide outcome data by defendant. Offences flagged are ss. 57, 58, 59 and 59A Sexual Offences Act 2003 and ss.4(1), (2) and (3) Asylum and Immigration [Treatment of Claimants] Act 2004; s.71 Coroners and Justice Act 2009; ss.1 and 2 Modern Slavery Act 2015 and any conspiracy to commit any of those offences. 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. The quality and accuracy of the data therefore needs to be considered with caution. From January 2013, the accuracy of flagging was checked quarterly.

¹³¹ 'Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues

Table 9: Completed human trafficking prosecutions by outcome

| | 2010 - 11 | | 2011 - 12 | | 2012 - 13 | | 2013-14 | | 2014-15 | | 2015-16 | |
|--------------|------------|-------|------------|-------|------------|-------|------------|-------|------------|-------|------------|-------|
| | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % | Volume | % |
| Convictions | 73 | 70.9% | 94 | 66.2% | 99 | 71.2% | 155 | 68.6% | 130 | 69.5% | 192 | 65.1% |
| Unsuccessful | 30 | 29.1% | 48 | 33.8% | 40 | 28.8% | 71 | 31.4% | 57 | 30.5% | 103 | 34.9% |
| Total | 103 | | 142 | | 139 | | 226 | | 187 | | 295 | |

Table 10 below outlines human trafficking offences¹³², for which prosecutions were commenced, from 2010-11 to 2015-16. There has been a rise in all offences. As the Modern Slavery Act only came into force on 31 July 2015, cases have only been recorded in 2015-16.

In total there were 49 offences of labour exploitation under s.71 Coroner's and Justice Act 2009 and s.1 Modern Slavery Act 2015. In total there were 248 offences of trafficking for sexual exploitation, ss.57, 58, 59, 59A; Sexual Offences Act 2003, a rise from 85 in the previous year. However there will have been other offences linked to labour exploitation or sexual exploitation prosecuted under the Asylum and Immigration Act 2004 (s.4 Treatment of Claimants, etc.) – 68 offences were recorded – and s.2 Modern Slavery Act 2015 – five offences were recorded.

Perpetrators may also be prosecuted and convicted for serious offences other than trafficking and slavery, where there are links to trafficking, including, for example, conspiracy to traffic, false imprisonment, controlling prostitution for gain and rape. Alternative offences may be more representative of the actual offending and carry more serious penalties.

Table 10: Human trafficking offences

| | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|------------------------------------------------------------------------------------------------|------------|------------|-----------|------------|------------|------------|
| Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 { 4 } | 21 | 37 | 26 | 32 | 60 | 68 |
| Trafficking for labour and other exploitation | | | | | | |
| Coroners and Justice Act 2009 { 71 } | | | | | | |
| To hold another in slavery or servitude or require them to perform forced or compulsory labour | 0 | 15 | 20 | 18 | 31 | 40 |
| Modern Slavery Act 2015 { 1 } | | | | | | |
| Slavery, servitude and forced or compulsory labour | 0 | 0 | 0 | 0 | 0 | 9 |
| Modern Slavery Act 2015 { 2 } | | | | | | |
| Human trafficking | 0 | 0 | 0 | 0 | 0 | 5 |
| Sexual Offences Act 2003 { 57 } | | | | | | |
| Trafficking into the UK for sexual exploitation | 41 | 45 | 24 | 26 | 41 | 70 |
| Sexual Offences Act 2003 { 58 } | | | | | | |
| Trafficking within the UK for sexual exploitation | 55 | 61 | 16 | 94 | 31 | 72 |
| Sexual Offences Act 2003 { 59 } | | | | | | |
| Trafficking out of the UK for sexual exploitation | 0 | 7 | 3 | 8 | 0 | 9 |
| Sexual Offences Act 2003 { 59A } | | | | | | |
| Trafficking into, out of and within the UK for sexual exploitation ¹³³ | 0 | 0 | 0 | 12 | 13 | 97 |
| TOTAL HUMAN TRAFFICKING OFFENCES | 117 | 165 | 89 | 190 | 176 | 370 |

¹³² The table does not include conspiracy to commit any of the offences.

¹³³ S.59A Sexual Offences Act 2003 replaced ss.57,58,59 SOA 2003 in 2013-14.

For trends in trafficking, CPS also has access to the National Referral Mechanism (NRM) assessment data, based on potential victims¹³⁴ referred to them. Data is available through the [National Crime Agency website](#).

This data also allows exploration of the gender of potential victims.

The NRM in England and Wales received slightly more referrals of cases in 2015¹³⁵ with 1,648 female victims compared with 1,416 male victims. The data indicates differences in gender and trends under different types of claimed exploitation of trafficking and modern slavery:

- Sexual exploitation or domestic servitude: 88% potential female victim, 12% potential male victims¹³⁶.
- Labour exploitation: 86% potential male victim, 14% potential female victims¹³⁷.
- From 2014 to 2015, labour exploitation of men and boys rose from 554 to 931 potential victims (a rise of 68.1%).
- From 2014 to 2015, sexual exploitation of women and girls rose from 753 to 946 potential victims (a rise of 25.6%); domestic servitude of women and girls rose from 237 to 314 potential victims (a rise of 32.5%)¹³⁸.

Legislation

The Modern Slavery Act 2015 introduced new powers to help police prevent or prohibit convicted defendants from activities which would enable them to commit offences of human trafficking or slavery and forced labour. These new orders are called Slavery and Trafficking Prevention Orders (STPOs) and Risk Orders (STROs). They are civil orders enabling the court to impose both restrictions and positive requirements upon those convicted of, or at risk of committing, a relevant offence.

The CPS has drafted and advised on a number of granted orders since the end of July 2015. To grant an order the court must be satisfied that there is a risk that the defendant may commit further offences and that it is necessary to protect others from harm. STPOs are effective when the defendant has completed their sentence and can last up to five years; STROs are effective immediately. A breach of an Order is an offence punishable with up to five years' imprisonment.

¹³⁴ NRM Data refers to potential victims, not persons who have received a positive conclusive grounds decision that they are a victim of trafficking.

¹³⁵ This follows proactive investigations in relation to trafficking for labour exploitation.

¹³⁶ Of 1,430 potential female victims – i.e. 1,648 excluding organ harvesting (1) and unknown exploitation (217)

¹³⁷ Of 1,083 potential male victims – i.e. 1,416 excluding organ harvesting (4) and unknown exploitation (329)

¹³⁸ Note there was a greater rise in the % of potential male victims of labour exploitation in 2015 (from the previous year) than potential female victims for sexual exploitation and domestic servitude – but the overall volumes were lower (931 potential male victims of labour exploitation and 1260 potential female victims of sexual exploitation and domestic servitude).

Sexual trafficking

The defendant was responsible for organising and financing the travel arrangements for those involved in prostitution to travel to the UK from Poland. He ran seven brothels across England and used an online adult website to advertise the services of the women. In addition to his custodial sentence, the judge granted the first Slavery and Trafficking Protection Order against the defendant. The provisions in the Order restricted the defendant's travel, prevented him from organising transport and accommodation for anyone, prevented him from possessing identity documents belonging to others, prevented him from contacting any of his 16 named victims, restricted him to owning one mobile phone, prohibited him from residing with anyone connected with the sex industry or travelling with them in a car, prevented him from operating accounts on adult sites on the internet and included a requirement to report his name and address to the police whenever he may be resident in the UK.

Legal Guidance and training

Since the Modern Slavery Act came into force on 31 July 2015, the CPS has been working with a range of partners to deliver training and presentations to the police and Law Society and provide guidance and training to prosecutors on the effects of the new provisions (12 regional policing training sessions have been delivered). This has included emphasising different prosecution strategies and the importance of financial investigation, upstream investigation and greater joint working with EU partners. It also included training on the use of the new legislative powers and the range of options available.

Guidance has been prepared and promoted on the statutory defence for suspects who might be victims and how it dovetails with CPS guidance. Presentations to the Law Society and the Bar have focused on the need to be aware that suspects may be potential victims of trafficking and the steps that advocates should take. The CPS has also delivered a presentation on the new provision at the International Human Rights Conference.

Local good practice:

- The Training Sub Group of the Wales Anti-Slavery Leadership Group has put in place a training programme across Wales aimed at developing the skills and confidence to identify report and deal with slavery. These training courses are being delivered to Local Authorities, Police and other Law Enforcement Agencies, Health, Education, Universities, Airport and Port staff, the voluntary sector and community groups.
- CPS Mersey and Cheshire prosecuted a high profile modern slavery case involving prostitution. Financial and phone evidence was used to prove the charges, without the necessity to call the complainants. The first Slavery and Trafficking Prevention Order was issued in this case to prevent further offending upon release from prison (see case study below).

Work across the United Kingdom

The CPS is working closely with other UK prosecuting authorities (Northern Ireland and Scotland) and with the Republic of Ireland as an observer, to provide a more coordinated and robust UK response to trafficking and slavery. Work undertaken has included exchanging experiences of new legislation and new initiatives.

The DPP chaired a Summit on Human Trafficking and Modern Slavery in February 2016. This was attended by the Lord Advocate of Scotland and the Directors of Public Prosecutions for Northern Ireland and the Republic of Ireland and their policing chiefs. The event was attended by 40 guests including NGOs, parliamentarians and law enforcement officers. At the event, current trends on the subject of human trafficking were discussed along with the challenges faced by investigators and prosecutors dealing with this crime. To help build on this and improve joint working, the heads of prosecution services have agreed a series of commitments for how the prosecuting authorities will work together to disrupt networks, prosecute traffickers and safeguard victims' rights. This work will be progressed through regular meetings and contact with officials across the UK jurisdictions.

International work

The CPS international network is building capacity in many of the countries where victims of trafficking are recruited, through the CPS International Justice and Organised Crime Division (IJOC). IJOC is working with investigators and prosecutors in those countries to improve the way in which they investigate and prosecute; to disrupt traffickers at source and strengthen their rule of law. As part of the government's response to organised immigration crime (OIC), IJOC has deployed a number of specialist prosecutors over 2015-16 to tackle OIC in priority countries. The IJOC support and encourage prosecutors and investigators to engage with Eurojust¹³⁹, to maximise collaborative working with international partners to successfully disrupt the traffickers and secure criminal justice outcomes for victims. Improving asset recovery through building capability in other countries is also being achieved, through better linking of Regional Asset Recovery Teams (RARTs) with human trafficking investigators, to improve financial investigation.

¹³⁹ Eurojust is an EU agency dealing with judicial co-operation in criminal matters.

Forced labour

A factory owner who employed large numbers of Hungarian men as a "slave workforce" in his multi-million pound bed manufacturing business was sentenced for 27 months imprisonment for conspiracy to traffic. These men were vulnerable and desperate for work; they were promised good wages and accommodation. Once in the UK they faced a very different reality living in shared, squalid and grossly overcrowded accommodation. They worked for anything up to 20 hours a day, five to seven days a week, for little or no wages. The money they earned was passed to the trafficking gang, who then handed over minimal amounts to the victims.

In December 2015 the trial judge found that there was no case for the factory owner to answer. He indicated that there was no evidence capable of proving that the defendant was a party to the conspiracy to arrange or facilitate travel of any of the victims; there was no evidence that the defendant was a party to the conspiracy; and he had insufficient evidence of knowledge of exploitation of the victims. The CPS appealed this decision and the case was taken to the Court of Appeal. The Court found in favour of the CPS on the point of law and agreed that a conspiracy to traffic offence would cover the circumstances of this case.

Prostitution

In 2015-16 there were 100 prosecutions commenced for controlling prostitution compared to 83 in the previous year. The number of kerb crawling prosecutions commenced fell from 227 offences in 2014-15 to 153 in 2015-16. Brothel keeping offences rose slightly from 99 in 2014-15 to 111 in 2015-16. Prosecutions commenced for offences of advertising prostitution (through distribution of cards in public places) remained the same at 37.

The number of prosecutions started that related to street prostitution fell significantly from 456 in 2014-15 to 163 in 2015-16.

Offence data is not available by gender of defendant or victim. Table 11 outlines the CPS data collected on prostitution¹⁴⁰.

Table 11: VAWG crime prosecutions: prostitution offences, 2009-10 to 2015-16

| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|----------------------------------|-----------|------------|-----------|-----------|-----------|-----------|------------|
| A Control of prostitution | | | | | | | |
| Sexual offences act (2003) {52} | 11 | 24 | 19 | 11 | 9 | 25 | 13 |
| Sexual offences act (2003) {53} | 87 | 87 | 61 | 39 | 49 | 58 | 87 |
| TOTAL | 98 | 111 | 80 | 50 | 58 | 83 | 100 |

| B Brothel keeping | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|--------------------------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Sexual offences act 1956 {33} | 39 | 48 | 35 | 31 | 19 | 19 | 28 |
| Sexual offences act 1956 {33A of and schedule 2} | 70 | 106 | 92 | 54 | 31 | 72 | 75 |
| Sexual offences act 1956 {34} | 0 | 0 | 1 | 2 | 0 | 1 | 1 |
| Sexual offences act {35(1)} | 2 | 3 | 3 | 1 | 2 | 2 | 2 |
| Sexual offences act {36} | 3 | 0 | 2 | 1 | 3 | 2 | 3 |
| Sexual Offences Act 2003 {53A} ¹⁴¹ | 0 | 40 | 7 | 8 | 0 | 3 | 2 |

¹⁴⁰ Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data is 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.

¹⁴¹ In 2010 a new offence s.53A of the SOA 2003 criminalised those who make or promise payment for sexual services from a prostitute who is subject to force or exploitation.

| | | | | | | | |
|--------------|------------|------------|------------|-----------|-----------|-----------|------------|
| TOTAL | 114 | 197 | 140 | 97 | 55 | 99 | 111 |
|--------------|------------|------------|------------|-----------|-----------|-----------|------------|

| C Kerb crawling | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|-----------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Sexual offences act 1985 {1(1)(a)} | 375 | 161 | 7 | 2 | 0 | 0 | 0 |
| Sexual offences act 1985 {1(1)(b)} | 21 | 5 | 0 | 0 | 0 | 0 | 0 |
| Sexual offences act 1985 {2(1)} | 23 | 38 | 2 | 1 | 0 | 0 | 1 |
| Sexual offences act 2003 {51A} ¹⁴² | 0 | 123 | 305 | 230 | 237 | 227 | 152 |
| TOTAL | 419 | 327 | 314 | 233 | 237 | 227 | 153 |

| D Advertising prostitution | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|-------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Criminal Justice and Police Act 2001 {46} | 457 | 331 | 149 | 80 | 91 | 37 | 37 |

| E Street Prostitution | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Street Offences Act 1959 {1} | 864 | 586 | 484 | 396 | 553 | 456 | 163 |

CPS policy is to focus on the prevention of people leading or forcing others into prostitution. It targets those who make a living from the earnings of those who sell sex, by charging offences of causing, inciting or controlling prostitution for gain, or trafficking for sexual exploitation, rather than prosecuting street prostitution. In addition to attracting more significant sentences, these offences also provide opportunities for seizure of assets through Proceeds of Crime Act orders and the application of Trafficking Prevention Orders.

Wales Strategy

CPS Wales is participating in the Strategic Sex Work Group that has been set up in Wales, working with academics, to develop a strategy to address prostitution, human trafficking and modern slavery.

For those offences which are summary only – loitering and soliciting, kerb crawling, paying for sexual services, keeping a brothel and advertising prostitution – the police retain the discretion not to arrest or report to the CPS those suspected of committing an offence; the police can charge the offence without reference to a prosecutor, regardless of whether the suspect intends to plead guilty or not guilty. The police can also issue a simple caution to a suspect, or decide that no further action should be taken. If the police consider that the suspect might be suitable for a conditional caution, they can issue it.

¹⁴² In relation to prosecutions, a new offence s.51A 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 s.1 and s.2 of SOA 1985.

For offences of keeping a brothel, which are summary only, where cases are referred to the CPS there is discretion to charge and prosecute cases where maids are involved, depending on their role. It is unlikely to be in the public interest to prosecute those whose role is restricted to assisting in looking after those involved in prostitution. Prosecutors will consider the degree of coercion and control exerted, as well as whether profit has been made, when considering the public interest in prosecuting.

Cross government work

The CPS contributed to briefings for the Westminster Hall debate on prostitution in October 2015 and provided [written evidence](#) to the Home Affairs Select Committee in March 2016.

Pornography and obscenity

In 2015-16 there was an increase of 965 offences of child abuse image related offences starting prosecutions – from 21,580 in 2014-15 to 22,545 in 2015-16, a rise of 4.5%. The number of prosecutions across all relevant offences rose or remained relatively steady. This included 16,672 prosecutions commenced for sexual exploitation of children through photographs and a rise of 8.9% in the prosecutions related to the possession of an indecent photograph of a child of 428 to 5,248 prosecutions commenced.

Offence data is not available by gender of defendant or victim. Table 12 outlines CPS data on child abuse image offences¹⁴³.

Table 12: Child abuse image offences, 2009-10 to 2015-16

| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child | 4,117 | 4,543 | 3,885 | 3,849 | 4,265 | 4,820 | 5,248 |
| Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child ¹⁴⁴ | 0 | 21 | 179 | 394 | 534 | 631 | 625 |
| Sexual exploitation of children through photographs of which: | | | | | | | |
| • Protection of Children Act 1978 (1 (1)(a)) - Making an indecent photograph of a child | 13,652 | 15,768 | 14,570 | 13,596 | 14,443 | 14,518 | 14,930 |
| • Protection of Children Act 1978 (1 (1)(b)) - Distributing an indecent photograph of a child | 804 | 670 | 695 | 803 | 907 | 1,318 | 1,422 |
| • Protection of Children Act 1978 (1 (1)(c)) - Showing indecent photographs of children | 137 | 410 | 333 | 294 | 224 | 292 | 319 |
| • Protection of Children Act 1978 (1(1)(d)) – publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children | 2 | 3 | 1 | 1 | 0 | 1 | 1 |

During 2015–16, pornography and other offences were charged and reached at least one hearing in magistrates' courts under a number of Acts¹⁴⁵. CPS records identify the volume of proceedings which

¹⁴³ Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data is 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.

¹⁴⁴ s.62 of the Coroners and Justice Act 2009 ('the Act') created a new offence of possession of a prohibited image of a child, punishable by up to three years' imprisonment. This offence came into force on the 6 April 2010.

commenced under the individual offences, but do not distinguish between ‘communications related to pornography’ and those which were not.

Table 13 below outlines CPS data¹⁴⁶ on obscenity offences¹⁴⁷. There was a rise of 20.0% in obscenity offences prosecuted from 5,782 in 2014-15 to 6,940 in 2015-16. Over the last few years, with the rise of the use of technology and the internet, there have been more offences prosecuted under s.127 of the Communications Act¹⁴⁸ and s.1 of the Malicious Communications Act 1988¹⁴⁹, with fewer prosecutions under the Obscene Publications Act. Under s.127, in 2015-16 there was a rise in prosecutions related to grossly offensive or indecent communications to 2,026 (20.6%), alongside a small fall of 848 (1.9%) in prosecutions related to causing annoyance, inconvenience or needless anxiety to another. In total the offences under s.127 of the Communications Act rose by 13% and s.1 of the Malicious Communications Act 1988 by 32%.

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 1,737 in 2015-16.

Table 13: Obscenity offences, 2009-10 to 2015-16

| | 2009-10 | 2010-11 | 2011-12 | 2012 - 13 | 2013-14 | 2014-15 | 2015-16 |
|---------------------------------------------------------------------------------------------------------|---------|---------|---------|-----------|---------|---------|---------|
| Malicious Communications Act 1988 Sections (1 (1)(a) & (1)(b)) - Indecent or grossly offensive material | 899 | 1,273 | 1,301 | 1,250 | 1,210 | 1,586 | 2,094 |
| Obscene publications Act 1959 (2 (1)) - Obscene publications | 82 | 71 | 76 | 34 | 33 | 88 | 26 |
| Communications Act 2003 (127 (1)(a), (1)(b) & (3))Grossly offensive or indecent communications | 1,315 | 1,869 | 1,924 | 1,909 | 1,190 | 1,680 | 2,026 |

¹⁴⁵ 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.

¹⁴⁶ See footnote 144.

¹⁴⁷ The Obscene Publications Acts (OPA) 1959 and 1964 set out the law on obscene publications. The test for obscenity is set out at s.1 (1) OPA 1959. The offences are created by s.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. ss.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.

¹⁴⁸ S.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.

¹⁴⁹ 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.

| | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----|-------|-------|-------|-------|-------|-------|
| Communications Act 2003 (127 (2)(a), (2)(b), (2)(c) and (3)) - Causing annoyance, inconvenience or needless anxiety to another person | 888 | 1,037 | 1,181 | 1,003 | 936 | 864 | 848 |
| Criminal Justice and Immigration Act 2008 (63 (1), (7)(d) and 67(3)) - Possession of extreme pornographic images ¹⁵⁰ | 270 | 1,165 | 1,319 | 1,312 | 1,395 | 1,564 | 1,737 |
| Criminal Justice and Immigration Act 2008 (63(1), (7A)) - Possess an extreme pornographic image portraying rape/assault by penetration | | | | | | | 3 |
| Criminal Justice and Courts Act 2015 { 33(1) and (9) } - Disclose private sexual photographs and films with intent to cause distress | | | | | | | 206 |

Disclosing Private Sexual Images without Consent

From 13 April 2015 ss.33-35 of, and Schedule 8 to, the Criminal Justice and Courts Act 2015, created a new criminal offence of disclosing private sexual photographs and films without the consent of an individual who appears in them, with intent to cause that individual distress.

Typically circumstances may involve an adult ex-partner, uploading onto the internet intimate sexual images of the victim, to cause the victim humiliation or embarrassment. These cases involving so-called 'revenge pornography' may be considered under the social media guidelines¹⁵¹ which have been updated to reflect this new offence. The offence carries a maximum prison sentence of two years on conviction.

There were 206 prosecutions commenced in relation to the offence of disclosing private sexual photographs and films with an intent to cause distress in 2015-16.

¹⁵⁰ Only a sub-section of s.63 data was reported in previous VAWG Crime Reports – data has been amended in this report to incorporate all offences under s.63.

¹⁵¹ The offence contrary to s.33 of the Criminal Justice and Courts Act 2015 has an overlap with s.1 of the Malicious Communication Act 1988, s.127 of the Communications Act 2003 and s.2 and s.4 of the Harassment Act 1997.

Disclosing Private Sexual Images without Consent

- A defendant who sent intimate photos of a woman to members of her family via Facebook and threatened to post further pictures online was sentenced to 12 weeks' imprisonment suspended for 18 months after he pleaded guilty to an offence of disclosing private sexual images without consent.
- Another defendant posted intimate pictures of a woman on Facebook – the victim was not aware the photo had even been taken, causing further distress. He was sentenced to a 12 month Community Order, fined £110, ordered to pay court costs of £295 and given an indefinite restraining order.
- Another defendant sent an intimate image of a woman to her friend. He was sentenced to an 18 week suspended sentence, received a tagged curfew and ordered to pay costs and compensation.
- After sending pictures of a woman to her brother, a defendant was sentenced to 12 weeks' imprisonment and a restraining order was granted for 3 years.
- Another defendant distributed intimate pictures of a woman inside and outside a supermarket. He received a sentence of 24 weeks in prison, suspended for 18 months, a two year restraining order and costs were awarded against.

Rape Pornography

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

There were three prosecutions commenced in relation to the offence of possession of an extreme pornographic image portraying rape/assault by penetration in 2015-16.

Prosecution of rape pornography

A former partner of a defendant found extreme pornography and indecent images of children on his computer. Police examination found more than 100 indecent photographs and videos of children and a smaller number of extreme pornographic images, including images depicting rape. He pleaded guilty and was sentenced to a Community Order lasting 3 years, with a requirement that he attended a Sex Offender Treatment programme. The Court also imposed a Sexual Harm Prevention Order for 5 years.

From 3 May 2015 s.69 of the Serious Crime Act 2015 created a new offence of possession of a paedophile manual, which is any item that contains advice or guidance about abusing children sexually, including grooming. One offence commenced prosecution in 2015-16.

As outlined in the child abuse section of this report, the CPS supported the introduction of legislation to criminalise sexualised-messaging between adults and children. The offence of 'Sexual Communications with a Child' received Royal Assent on 3 March 2015 but has no commencement date at publication of this report.

The CPS, police and judiciary jointly agreed to adopt nationally a new approach to prosecuting a select number of online image offenders, from 1 April 2016. The approach uses the Child Abuse Image Database (CAID) to enable low risk cases to be progressed more quickly, meaning more offenders can be prosecuted in shorter time. Revised CPS guidance on Indecent Images of Children was published in July 2016.

Exploitation of vulnerable victims

A police officer targeted seven domestic abuse victims over three years, exploiting their vulnerability. He sent indecent images and photographs and engaged in sexual activity with three of the victims. One victim received over 900 text messages in 13 months. He was sentenced to four years' imprisonment.

Annex 1: Prosecutions by Area

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

VAWG prosecutions by CPS Areas:

| | 2015-2016 | | | | |
|------------------------|---------------|--------------|---------------|--------------|----------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Cymru Wales | 5,768 | 75.4% | 1,880 | 24.6% | 7,648 |
| Eastern | 6,008 | 76.2% | 1,880 | 23.8% | 7,888 |
| East Midlands | 7,076 | 76.2% | 2,206 | 23.8% | 9,282 |
| London | 11,197 | 65.0% | 6,036 | 35.0% | 17,233 |
| Merseyside & Cheshire | 5,365 | 80.2% | 1,324 | 19.8% | 6,689 |
| North East | 5,117 | 72.9% | 1,901 | 27.1% | 7,018 |
| North West | 10,319 | 79.0% | 2,739 | 21.0% | 13,058 |
| South East | 5,051 | 73.8% | 1,795 | 26.2% | 6,846 |
| South West | 4,781 | 73.7% | 1,703 | 26.3% | 6,484 |
| Thames and Chiltern | 4,859 | 72.0% | 1,891 | 28.0% | 6,750 |
| Wessex | 4,100 | 77.5% | 1,192 | 22.5% | 5,292 |
| West Midlands | 8,886 | 74.1% | 3,112 | 25.9% | 11,998 |
| Yorkshire & Humberside | 8,748 | 76.9% | 2,634 | 23.1% | 11,382 |
| Total | 87,275 | 74.2% | 30,293 | 25.8% | 117,568 |

| | VAWG prosecutions by police force areas 2015-2016 | | | | |
|--------------------------|---------------------------------------------------|--------------|---------------|--------------|----------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Avon & Somerset | 2,232 | 73.8% | 794 | 26.2% | 3,026 |
| Bedfordshire | 747 | 73.5% | 270 | 26.5% | 1,017 |
| British Transport Police | 381 | 81.4% | 87 | 18.6% | 468 |
| Cambridgeshire | 1,031 | 78.0% | 290 | 22.0% | 1,321 |
| Cheshire | 2,006 | 80.3% | 491 | 19.7% | 2,497 |
| Cleveland | 1,150 | 75.1% | 382 | 24.9% | 1,532 |
| Cumbria | 731 | 83.0% | 150 | 17.0% | 881 |
| Derbyshire | 1,867 | 78.6% | 507 | 21.4% | 2,374 |
| Devon & Cornwall | 1,904 | 74.4% | 655 | 25.6% | 2,559 |
| Dorset | 1,004 | 76.7% | 305 | 23.3% | 1,309 |
| Durham | 1,225 | 76.6% | 375 | 23.4% | 1,600 |
| Dyfed-Powys | 636 | 73.4% | 231 | 26.6% | 867 |
| Essex | 2,593 | 74.0% | 910 | 26.0% | 3,503 |
| Gloucestershire | 653 | 72.6% | 247 | 27.4% | 900 |
| Greater Manchester | 6,558 | 79.7% | 1,675 | 20.3% | 8,233 |
| Gwent | 1,012 | 76.9% | 304 | 23.1% | 1,316 |
| Hampshire | 2,219 | 76.1% | 696 | 23.9% | 2,915 |
| Hertfordshire | 1,349 | 73.4% | 489 | 26.6% | 1,838 |
| Humberside | 1,312 | 83.4% | 262 | 16.6% | 1,574 |
| Kent | 2,139 | 74.6% | 727 | 25.4% | 2,866 |
| Lancashire | 3,032 | 76.7% | 920 | 23.3% | 3,952 |
| Leicestershire | 1,100 | 75.4% | 359 | 24.6% | 1,459 |
| Lincolnshire | 1,047 | 80.7% | 251 | 19.3% | 1,298 |
| London Police | 11,092 | 64.9% | 5,997 | 35.1% | 17,089 |
| Mersey and Cheshire | 3,350 | 80.1% | 832 | 19.9% | 4,182 |
| Norfolk | 1,414 | 75.7% | 453 | 24.3% | 1,867 |
| North Wales | 1,223 | 77.4% | 357 | 22.6% | 1,580 |
| North Yorkshire | 838 | 80.4% | 204 | 19.6% | 1,042 |
| Northamptonshire | 980 | 72.0% | 382 | 28.0% | 1,362 |
| Northumbria | 2,741 | 70.5% | 1,145 | 29.5% | 3,886 |
| Nottinghamshire | 2,084 | 74.8% | 701 | 25.2% | 2,785 |
| South Wales | 2,883 | 74.5% | 985 | 25.5% | 3,868 |
| South Yorkshire | 1,964 | 74.3% | 678 | 25.7% | 2,642 |
| Staffordshire | 1,588 | 74.9% | 533 | 25.1% | 2,121 |
| Suffolk | 960 | 81.0% | 225 | 19.0% | 1,185 |
| Surrey | 1,088 | 73.5% | 392 | 26.5% | 1,480 |
| Sussex | 1,814 | 72.8% | 678 | 27.2% | 2,492 |
| Thames Valley | 2,744 | 70.8% | 1,133 | 29.2% | 3,877 |
| Warwickshire | 622 | 79.5% | 160 | 20.5% | 782 |
| West Mercia | 1,762 | 76.8% | 533 | 23.2% | 2,295 |
| West Midlands | 4,685 | 71.6% | 1,856 | 28.4% | 6,541 |
| West Yorkshire | 4,611 | 75.6% | 1,485 | 24.4% | 6,096 |
| Wiltshire | 898 | 82.8% | 187 | 17.2% | 1,085 |
| Total | 87,269 | 74.2% | 30,293 | 25.8% | 117,562 |

DA prosecutions by CPS Area:

| | 2015-2016 | | | | |
|------------------------|---------------|--------------|---------------|--------------|----------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Cymru Wales | 5,087 | 76.3% | 1,577 | 23.7% | 6,664 |
| Eastern | 5,243 | 76.6% | 1,600 | 23.4% | 6,843 |
| East Midlands | 6,204 | 76.2% | 1,938 | 23.8% | 8,142 |
| London | 9,400 | 64.5% | 5,179 | 35.5% | 14,579 |
| Merseyside & Cheshire | 4,771 | 80.9% | 1,125 | 19.1% | 5,896 |
| North East | 4,510 | 73.3% | 1,643 | 26.7% | 6,153 |
| North West | 9,070 | 79.6% | 2,319 | 20.4% | 11,389 |
| South East | 4,234 | 74.7% | 1,436 | 25.3% | 5,670 |
| South West | 4,024 | 73.5% | 1,450 | 26.5% | 5,474 |
| Thames and Chiltern | 4,154 | 72.3% | 1,592 | 27.7% | 5,746 |
| Wessex | 3,465 | 78.4% | 956 | 21.6% | 4,421 |
| West Midlands | 7,515 | 73.9% | 2,659 | 26.1% | 10,174 |
| Yorkshire & Humberside | 7,558 | 77.3% | 2,221 | 22.7% | 9,779 |
| Total | 75,235 | 74.5% | 25,695 | 25.5% | 100,930 |

| | DA prosecutions by police force areas 2015-2016 | | | | |
|--------------------------|-------------------------------------------------|--------------|---------------|--------------|----------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Avon & Somerset | 1,898 | 74.1% | 664 | 25.9% | 2,562 |
| Bedfordshire | 629 | 73.3% | 229 | 26.7% | 858 |
| British Transport Police | 162 | 81.0% | 38 | 19.0% | 200 |
| Cambridgeshire | 878 | 79.7% | 224 | 20.3% | 1,102 |
| Cheshire | 1,743 | 81.0% | 410 | 19.0% | 2,153 |
| Cleveland | 988 | 75.2% | 326 | 24.8% | 1,314 |
| Cumbria | 620 | 83.0% | 127 | 17.0% | 747 |
| Derbyshire | 1,644 | 78.2% | 459 | 21.8% | 2,103 |
| Devon & Cornwall | 1,582 | 73.9% | 560 | 26.1% | 2,142 |
| Dorset | 873 | 77.2% | 258 | 22.8% | 1,131 |
| Durham | 1,088 | 77.3% | 319 | 22.7% | 1,407 |
| Dyfed-Powys | 550 | 74.7% | 186 | 25.3% | 736 |
| Essex | 2,298 | 74.3% | 795 | 25.7% | 3,093 |
| Gloucestershire | 560 | 71.6% | 222 | 28.4% | 782 |
| Greater Manchester | 5,775 | 80.6% | 1,389 | 19.4% | 7,164 |
| Gwent | 906 | 77.8% | 259 | 22.2% | 1,165 |
| Hampshire | 1,836 | 77.2% | 541 | 22.8% | 2,377 |
| Hertfordshire | 1,195 | 73.7% | 427 | 26.3% | 1,622 |
| Humberside | 1,089 | 85.1% | 190 | 14.9% | 1,279 |
| Kent | 1,831 | 75.3% | 602 | 24.7% | 2,433 |
| Lancashire | 2,681 | 76.8% | 811 | 23.2% | 3,492 |
| Leicestershire | 946 | 76.4% | 293 | 23.6% | 1,239 |
| Lincolnshire | 899 | 79.8% | 227 | 20.2% | 1,126 |
| London Police | 9,345 | 64.4% | 5,167 | 35.6% | 14,512 |
| Mersey and Cheshire | 3,019 | 80.9% | 712 | 19.1% | 3,731 |
| Norfolk | 1,215 | 75.8% | 387 | 24.2% | 1,602 |
| North Wales | 1,045 | 78.1% | 293 | 21.9% | 1,338 |
| North Yorkshire | 652 | 80.5% | 158 | 19.5% | 810 |
| Northamptonshire | 854 | 72.8% | 319 | 27.2% | 1,173 |
| Northumbria | 2,433 | 70.9% | 998 | 29.1% | 3,431 |
| Nottinghamshire | 1,870 | 74.6% | 638 | 25.4% | 2,508 |
| South Wales | 2,578 | 75.5% | 838 | 24.5% | 3,416 |
| South Yorkshire | 1,734 | 75.5% | 563 | 24.5% | 2,297 |
| Staffordshire | 1,342 | 74.5% | 460 | 25.5% | 1,802 |
| Suffolk | 850 | 81.6% | 192 | 18.4% | 1,042 |
| Surrey | 932 | 74.0% | 327 | 26.0% | 1,259 |
| Sussex | 1,459 | 74.2% | 506 | 25.8% | 1,965 |
| Thames Valley | 2,329 | 71.3% | 936 | 28.7% | 3,265 |
| Warwickshire | 527 | 79.4% | 137 | 20.6% | 664 |
| West Mercia | 1,439 | 77.4% | 419 | 22.6% | 1,858 |
| West Midlands | 4,094 | 71.6% | 1,627 | 28.4% | 5,721 |
| West Yorkshire | 4,067 | 75.7% | 1,307 | 24.3% | 5,374 |
| Wiltshire | 778 | 83.4% | 155 | 16.6% | 933 |
| Total | 75,233 | 74.5% | 25,695 | 25.5% | 100,928 |

Rape prosecutions by CPS Area:

| | 2015-2016 | | | | |
|------------------------|--------------|--------------|--------------|--------------|--------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Cymru Wales | 115 | 53.0% | 102 | 47.0% | 217 |
| Eastern | 167 | 56.0% | 131 | 44.0% | 298 |
| East Midlands | 179 | 64.6% | 98 | 35.4% | 277 |
| London | 394 | 53.7% | 340 | 46.3% | 734 |
| Merseyside & Cheshire | 100 | 56.8% | 76 | 43.2% | 176 |
| North East | 125 | 54.6% | 104 | 45.4% | 229 |
| North West | 342 | 61.4% | 215 | 38.6% | 557 |
| South East | 175 | 50.3% | 173 | 49.7% | 348 |
| South West | 194 | 63.4% | 112 | 36.6% | 306 |
| Thames and Chiltern | 162 | 60.2% | 107 | 39.8% | 269 |
| Wessex | 99 | 49.5% | 101 | 50.5% | 200 |
| West Midlands | 309 | 61.1% | 197 | 38.9% | 506 |
| Yorkshire & Humberside | 328 | 62.4% | 198 | 37.6% | 526 |
| Total | 2,689 | 57.9% | 1,954 | 42.1% | 4,643 |

| | Rape prosecutions by police force areas 2015-2016 | | | | |
|--------------------------|---------------------------------------------------|--------------|--------------|--------------|--------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Avon & Somerset | 79 | 58.1% | 57 | 41.9% | 136 |
| Bedfordshire | 13 | 61.9% | 8 | 38.1% | 21 |
| British Transport Police | 2 | 66.7% | 1 | 33.3% | 3 |
| Cambridgeshire | 38 | 54.3% | 32 | 45.7% | 70 |
| Cheshire | 48 | 59.3% | 33 | 40.7% | 81 |
| Cleveland | 23 | 51.1% | 22 | 48.9% | 45 |
| Cumbria | 23 | 67.6% | 11 | 32.4% | 34 |
| Derbyshire | 50 | 67.6% | 24 | 32.4% | 74 |
| Devon & Cornwall | 87 | 66.4% | 44 | 33.6% | 131 |
| Dorset | 20 | 52.6% | 18 | 47.4% | 38 |
| Durham | 37 | 58.7% | 26 | 41.3% | 63 |
| Dyfed-Powys | 20 | 64.5% | 11 | 35.5% | 31 |
| Essex | 62 | 50.8% | 60 | 49.2% | 122 |
| Gloucestershire | 28 | 73.7% | 10 | 26.3% | 38 |
| Greater Manchester | 211 | 58.8% | 148 | 41.2% | 359 |
| Gwent | 26 | 61.9% | 16 | 38.1% | 42 |
| Hampshire | 56 | 43.8% | 72 | 56.3% | 128 |
| Hertfordshire | 19 | 52.8% | 17 | 47.2% | 36 |
| Humberside | 64 | 61.5% | 40 | 38.5% | 104 |
| Kent | 70 | 51.1% | 67 | 48.9% | 137 |
| Lancashire | 108 | 67.1% | 53 | 32.9% | 161 |
| Leicestershire | 43 | 71.7% | 17 | 28.3% | 60 |
| Lincolnshire | 20 | 62.5% | 12 | 37.5% | 32 |
| London Police | 400 | 54.1% | 339 | 45.9% | 739 |
| Mersey and Cheshire | 54 | 54.0% | 46 | 46.0% | 100 |
| Norfolk | 48 | 64.0% | 27 | 36.0% | 75 |
| North Wales | 26 | 53.1% | 23 | 46.9% | 49 |
| North Yorkshire | 34 | 60.7% | 22 | 39.3% | 56 |
| Northamptonshire | 32 | 56.1% | 25 | 43.9% | 57 |
| Northumbria | 65 | 53.3% | 57 | 46.7% | 122 |
| Nottinghamshire | 32 | 65.3% | 17 | 34.7% | 49 |
| South Wales | 43 | 45.3% | 52 | 54.7% | 95 |
| South Yorkshire | 59 | 51.3% | 56 | 48.7% | 115 |
| Staffordshire | 42 | 54.5% | 35 | 45.5% | 77 |
| Suffolk | 17 | 58.6% | 12 | 41.4% | 29 |
| Surrey | 19 | 47.5% | 21 | 52.5% | 40 |
| Sussex | 88 | 50.3% | 87 | 49.7% | 175 |
| Thames Valley | 124 | 60.2% | 82 | 39.8% | 206 |
| Warwickshire | 20 | 69.0% | 9 | 31.0% | 29 |
| West Mercia | 79 | 58.5% | 56 | 41.5% | 135 |
| West Midlands | 166 | 62.9% | 98 | 37.1% | 264 |
| West Yorkshire | 170 | 68.0% | 80 | 32.0% | 250 |
| Wiltshire | 24 | 68.6% | 11 | 31.4% | 35 |
| Total | 2,689 | 57.9% | 1,954 | 42.1% | 4,643 |

Sexual offence prosecutions by CPS Area:

| | 2015-2016 | | | | |
|------------------------|--------------|--------------|--------------|--------------|---------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Cymru Wales | 566 | 73.8% | 201 | 26.2% | 767 |
| Eastern | 598 | 80.1% | 149 | 19.9% | 747 |
| East Midlands | 693 | 80.3% | 170 | 19.7% | 863 |
| London | 1,403 | 73.1% | 517 | 26.9% | 1,920 |
| Merseyside & Cheshire | 494 | 80.1% | 123 | 19.9% | 617 |
| North East | 482 | 75.8% | 154 | 24.2% | 636 |
| North West | 907 | 81.6% | 205 | 18.4% | 1,112 |
| South East | 642 | 77.5% | 186 | 22.5% | 828 |
| South West | 563 | 80.0% | 141 | 20.0% | 704 |
| Thames and Chiltern | 543 | 73.9% | 192 | 26.1% | 735 |
| Wessex | 536 | 79.9% | 135 | 20.1% | 671 |
| West Midlands | 1,062 | 80.6% | 256 | 19.4% | 1,318 |
| Yorkshire & Humberside | 862 | 80.0% | 215 | 20.0% | 1,077 |
| Total | 9,351 | 78.0% | 2,644 | 22.0% | 11,995 |

| | Sexual offence prosecutions by police force areas 2015-2016 | | | | |
|--------------------------|-------------------------------------------------------------|--------------|--------------|--------------|---------------|
| | Convictions | | Unsuccessful | | Total |
| | Volume | % | Volume | % | |
| Avon & Somerset | 255 | 77.7% | 73 | 22.3% | 328 |
| Bedfordshire | 105 | 76.1% | 33 | 23.9% | 138 |
| British Transport Police | 217 | 81.9% | 48 | 18.1% | 265 |
| Cambridgeshire | 115 | 77.2% | 34 | 22.8% | 149 |
| Cheshire | 215 | 81.7% | 48 | 18.3% | 263 |
| Cleveland | 139 | 80.3% | 34 | 19.7% | 173 |
| Cumbria | 88 | 88.0% | 12 | 12.0% | 100 |
| Derbyshire | 173 | 87.8% | 24 | 12.2% | 197 |
| Devon & Cornwall | 235 | 82.2% | 51 | 17.8% | 286 |
| Dorset | 111 | 79.3% | 29 | 20.7% | 140 |
| Durham | 100 | 76.9% | 30 | 23.1% | 130 |
| Dyfed-Powys | 66 | 66.0% | 34 | 34.0% | 100 |
| Essex | 233 | 80.9% | 55 | 19.1% | 288 |
| Gloucestershire | 65 | 81.3% | 15 | 18.8% | 80 |
| Greater Manchester | 572 | 80.6% | 138 | 19.4% | 710 |
| Gwent | 80 | 73.4% | 29 | 26.6% | 109 |
| Hampshire | 327 | 79.8% | 83 | 20.2% | 410 |
| Hertfordshire | 135 | 75.0% | 45 | 25.0% | 180 |
| Humberside | 159 | 83.2% | 32 | 16.8% | 191 |
| Kent | 238 | 80.4% | 58 | 19.6% | 296 |
| Lancashire | 243 | 81.3% | 56 | 18.7% | 299 |
| Leicestershire | 111 | 69.4% | 49 | 30.6% | 160 |
| Lincolnshire | 128 | 91.4% | 12 | 8.6% | 140 |
| London Police | 1,347 | 73.3% | 491 | 26.7% | 1,838 |
| Mersey and Cheshire | 277 | 78.9% | 74 | 21.1% | 351 |
| Norfolk | 151 | 79.5% | 39 | 20.5% | 190 |
| North Wales | 152 | 78.8% | 41 | 21.2% | 193 |
| North Yorkshire | 152 | 86.4% | 24 | 13.6% | 176 |
| Northamptonshire | 94 | 71.2% | 38 | 28.8% | 132 |
| Northumbria | 243 | 73.0% | 90 | 27.0% | 333 |
| Nottinghamshire | 182 | 79.8% | 46 | 20.2% | 228 |
| South Wales | 262 | 73.4% | 95 | 26.6% | 357 |
| South Yorkshire | 171 | 74.3% | 59 | 25.7% | 230 |
| Staffordshire | 204 | 84.3% | 38 | 15.7% | 242 |
| Suffolk | 93 | 81.6% | 21 | 18.4% | 114 |
| Surrey | 137 | 75.7% | 44 | 24.3% | 181 |
| Sussex | 267 | 75.9% | 85 | 24.1% | 352 |
| Thames Valley | 291 | 71.7% | 115 | 28.3% | 406 |
| Warwickshire | 75 | 84.3% | 14 | 15.7% | 89 |
| West Mercia | 244 | 80.8% | 58 | 19.2% | 302 |
| West Midlands | 425 | 76.4% | 131 | 23.6% | 556 |
| West Yorkshire | 374 | 79.2% | 98 | 20.8% | 472 |
| Wiltshire | 96 | 82.1% | 21 | 17.9% | 117 |
| Total | 9,347 | 78.0% | 2,644 | 22.0% | 11,991 |

Annex 2: Ministry of Justice data

Ministry of Justice (MoJ) statistics on Stalking, Harassment and Restraining Orders

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

- CPS data is for the financial year; MoJ data for the calendar year.
- CPS data in Tables 2a and 2b above is based on the financial year (2015-16) which includes *all* offences *starting* a prosecution rather than completed. The data is by offence and does not provide data by defendant. There may be a number of offences carried out by each defendant.
- MoJ statistics on restraining orders relate only to where defendants were issued restraining orders in relation to their principal offence.
- MoJ statistics on breaches of restraining orders relate only to defendants prosecuted for such a breach as their principal offence. CPS data includes all offences starting a prosecution, not just those where the restraining order or breach relates to a principal offence.
- MoJ offenders prosecuted data covers cases completed in magistrates' court in 2015, and therefore includes both completed and live cases in the Crown Court.
- MoJ offenders convicted covers those convicted in 2015, who may have been prosecuted in previous years.
- MoJ conviction ratio is the number of defendants convicted divided by the number of defendants prosecuted (there may be some convictions in 2015 for cases that were prosecuted prior to 2015; and there will be some prosecutions in this data that are not yet completed at the Crown Court).

Stalking and Harassment

In 2015, the MoJ figures^{152, 153, 154, 155} for England and Wales show that 7,243 defendants were prosecuted for s.2 of the Protection of Harassment Act 1997 (s.2 PHA) offences of harassment

¹⁵² The figures given relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences, it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe - although this does not apply to the number of restraining orders issued since this takes into account those given as secondary or tertiary disposals for the principle offence.

¹⁵³ 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.

¹⁵⁴ The number of defendants found guilty in a particular year may differ from the group proceeded against if the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

¹⁵⁵ Due to updates following quality assurance in the latest year, including the reclassification of some offences, pre-2015 results may not match those previously published.

without violence, compared with 6,660 in 2014. The conviction ratio¹⁵⁶ has remained relatively stable since 2013, and was 76% in 2015.

1,176 defendants were prosecuted for s.4 PHA offences of harassment – putting people in fear of violence in 2015, compared with 1,215 in 2014; with 835 convicted, compared with 779 convicted in 2014. The conviction ratio rose from 64% to 71%.

481 defendants were prosecuted for the s.2A PHA offences of pursuing a course of conduct which amounts to stalking with fear/alarm/distress in 2015, compared with 509 in 2014. 335 were convicted, compared with 348 convicted in 2014. The conviction ratio rose slightly, from 68% to 70%.

74 defendants were prosecuted in 2015 under the s.4A PHA offences of stalking involving fear of violence, compared with 94 in 2014; with 45 convicted, compared with 38 in 2014. There was a rise in the conviction ratio to 61% compared with 40% in the previous year.

225 defendants were prosecuted in 2015 under the s.4A offences of stalking involving serious alarm or distress compared with 218 in 2014; with 149 convicted, compared with 109 in 2014. There was a rise in the conviction ratio to 66% compared with 50% in the previous year.

It is interesting to note that although there were fewer stalking prosecutions completed in 2015, compared with the previous year, there were more convictions overall and for the more serious stalking offences. There was an increase of 40 convictions under s.4A stalking involving serious alarm or distress; an increase of seven convictions under s.4A stalking involving fear of violence and a fall of 13 convictions under s.2A stalking with fear/alarm/distress.

Restraining orders and breaches

MoJ figures^{157, 158, 159, 160} show that in 2015, 20,693 restraining orders were issued on conviction in England and Wales (compared with 19,410 in 2014) and 2,328 were issued on acquittal (compared with 2,062 in 2014).

¹⁵⁶ Conviction ratios are calculated as the number of convictions as a proportion of the number of proceedings. This gives a measure of the relative number of defendants who are found guilty within a given year for a certain offence, when compared with the number who are prosecuted that year for the same offence.

¹⁵⁷ The figures given relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe – although this does not apply to the number of restraining orders issued since this takes into account those given as secondary or tertiary disposals for the principle offence.

¹⁵⁸ 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.

¹⁵⁹ The number of defendants found guilty in a particular year may differ from the group proceeded against if the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

¹⁶⁰ Due to updates following quality assurance in the latest year, including the reclassification of some offences, pre-2015 results may not match those previously published.

During 2015, there were 9,292 defendants prosecuted for breaches of restraining orders that had been imposed on conviction, with 8,395 convicted. This was an increase from 8,265 prosecutions and 7,371 convictions in 2014.

There were also 302 defendants prosecuted for breaches of restraining orders issued following the acquittal of the defendant, with 236 convicted. This was an increase from 241 prosecutions and 172 convictions in 2014.

There was a 90% conviction ratio¹⁶¹ across all prosecutions for breaches of restraining orders this year, remaining broadly stable compared to 2014.

MoJ Rape national statistics^{162 163 164 165}

National statistics from the MoJ include the [official statistics on defendants prosecuted for rape](#). These figures show that in the calendar year 2015 there were 3,851 defendants, on a principal offence basis^{166 167 168 169 170} prosecuted for rape at magistrates' courts in England and Wales, with 3,706 cases sent to the Crown Court for trial. In 2015 there were 1,297 offenders convicted of rape in

¹⁶¹ Conviction ratios are calculated as the number of convictions as a proportion of the number of proceedings. This gives a measure of the relative number of defendants who are found guilty within a given year for a certain offence, when compared with the number who are prosecuted that year for the same offence.

¹⁶² 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.

¹⁶³ 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.

¹⁶⁴ 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.

¹⁶⁵ Due to improvements in data processing, pre-2014 results may not match those previously published.

¹⁶⁶ The figures given relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe, although this does not apply to the number of restraining orders issued since this takes into account those given as secondary or tertiary disposals for the principle offence.

¹⁶⁷ 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.

¹⁶⁸ The number of defendants found guilty in a particular year may differ from the group proceeded against if the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

¹⁶⁹ Due to updates following quality assurance in the latest year, including the reclassification of some offences, pre-2015 results may not match those previously published.

¹⁷⁰ Rape figures here include offences of rape and attempted rape, against males and females, for consistency with the rest of this report.

England and Wales, with a conviction ratio of 34%¹⁷¹. These figures are slightly higher than 2014, when 3,538 defendants were prosecuted for rape, of whom 1,164 were convicted, with a 33% conviction ratio. This ratio only counts those prosecuted for rape that have been convicted; some of those prosecuted for rape may go on to be convicted of other offences at the Crown Court¹⁷². MoJ prosecution data is where the hearing has been completed in the magistrates' court in 2015, and therefore includes both completed and live cases in the Crown Court. Almost 100% of defendants prosecuted and convicted for rape were male¹⁷³.

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

- CPS data is for the financial year; MoJ data for the calendar year.
- CPS data is for completed prosecutions in 2015-16; MoJ offenders prosecuted data covers cases completed in magistrates' court in 2015, and therefore includes both completed and live cases in the Crown Court.
- CPS convictions are for rape flagged cases convicted for rape, or for an alternative or lesser offence; MoJ offenders convicted covers only those convicted of rape in 2015, who may have been prosecuted in previous years.
- CPS conviction rate is the proportion of convictions out of completed rape flagged prosecutions in 2015-16; MoJ conviction ratio is the number of defendants convicted of rape divided by the number of defendants prosecuted (as defined in the footnote).

Timeliness from charge to trial

Overall data on the timeliness of rape cases from charge to completion, across England and Wales, has been provided from the MoJ from 2010-15.

From the MoJ data, the timeliness from charge to completion appears to be relatively steady over the last five-six years.

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|-------------------------------------------------------------------------|------|------|------|------|------|------|
| MoJ data - Median ¹⁷⁴ time in days from charge to completion | 187 | 201 | 198 | 190 | 194 | 192 |

¹⁷¹ Conviction ratios are calculated as the number of convictions as a proportion of the number of proceedings. This gives a measure of the relative number of defendants who are found guilty within a given year for a certain offence, when compared with the number who are prosecuted that year for the same offence.

¹⁷² To contextualise the difference in conviction ratios/rates between MoJ and CPS, it is useful to compare CPS figures with a MoJ analysis from 2013, which assessed the proportion of defendants prosecuted for rape offences in 2009 ultimately convicted of any offence between 2009 and 2011. This analysis indicated that, of those initially prosecuted for rape, 56% were convicted for any offence, including 33% who were convicted for rape. The proportion convicted for any offence was more comparable to the CPS conviction rates in 2008-09 of 57.7%; 2009-10 of 59.4% and 2010-11 of 58.6%.

¹⁷³ The figures for those defendants with recorded gender are rounded up to 100%, noting that a very small number were women defendants.

¹⁷⁴ The median is the value at the middle of the data distribution; half of the recorded durations in the time period are longer than the median, and half are shorter. The median is relatively unaffected by extreme values and is better suited as a measure of the 'average' for heavily skewed data.

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 18¹⁷⁵.

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

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

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

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

Domestic abuse:

From April 2013:

any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse: psychological; physical; sexual; financial; emotional.

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependant by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Family members are defined as mother, father, son, daughter, brother, sister and grandparents whether directly related, in-laws or step-family. However

¹⁷⁵ Working Together to Safeguard Children – A guide to interagency working to safeguard and promote the welfare of children. 2006. <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060>

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

This definition, which is not a legal definition, includes so called 'honour' based violence, FGM (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Forced marriage:

The definition of forced marriage is: "A marriage without the consent of one or both parties and where duress is a factor".

Duress is: "whether the mind of the applicant has been overborne, howsoever that was caused". Where forced marriage is within the family, and/or involves child abuse, and/or a young offender, then all appropriate flags must be applied.

The flag should be applied to any case where:

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

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

In addition, the flag should also be applied where any offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) that has been carried out in the context of a forced marriage, either:

- to coerce a party/parties into marrying without their consent, which would be prosecuted under the specific offence committed, e.g. harassment, kidnap, threats to kill; *or*
- after a forced marriage without the consent of one or both parties and where duress is a factor, which would be prosecuted under the specific offence e.g. rape, sexual assault

Honour based violence:

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".

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.

Human trafficking:

The flag for human trafficking is applied to:

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

- Coroners and Justice Act 2009 s.71
- Modern Slavery Act 2015 s.1 and s.2

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

From April 2013:

ss.57, 58 and 59 of the Sexual Offences Act 2003 were replaced by s.59A SOA ; and

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

Rape:

any defendant charged with one or more of the following offences
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- s.1 Sexual Offences Act 1956
- s.5 Sexual Offences Act 1956
 - An attempt to commit one of the above offences under the Criminal Attempts Act 1981
- s.1 Sexual Offences Act 2003
- s.5 Sexual Offences Act 2003
- s.30(3) Sexual Offences act 2003
 - An attempt to commit one of the above offences under the Criminal Attempts Act 1981

Incitement or conspiracy to commit any of the above offences

Sexual offences exc. rape:

any defendant whose principal offence category, at finalisation, is a sexual offence excluding rape.

Performance management terms

Monitoring flags:

sensitive case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case. The data is accurate only to the extent that the flag has been correctly applied; there may be a small number of cases where the use of the flag has been omitted.

Principal offences:

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

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

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| Homicide: | 'Homicide' comprises a range of offences including - murder & attempted murder, manslaughter, infanticide, child destruction, conspiring or soliciting to commit murder and causing death by dangerous driving. |
| Offences against the person: | 'Offences against the person' comprises a range of offences including - grievous bodily harm, assault occasioning actual bodily harm, common assault, possession of a firearm with intent to cause fear of violence and child abduction. |
| Sexual offences: | 'Sexual Offences' comprises a range of offences including - rape, buggery, sexual assault, bigamy, procuration 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

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| Pre-charge decisions: | The Director's Guidance on charging (5 th Edition) provides that the police may charge any Summary only offence (one that can only be dealt with in the magistrates' court) irrespective of plea and any either way offence (can be tried in either the magistrates' court or Crown Court) where a guilty plea is anticipated and it is suitable for sentence in the magistrates' court subject to certain exceptions such as DV, hate crime and a case involving a death. CPS prosecutors must make the charging decisions in all indictable only cases (those cases which can only be tried in the Crown Court), either way offences not suitable for magistrates' court and where a not guilty plea is anticipated |
| Charged: | cases where the CPS' decision is to charge. |
| No prosecution: | those cases where the CPS' decision is not to prosecute, for evidential or public interest reasons. |
| Out of court disposal: | where a caution, conditional caution, reprimand or final warning has been given or where the offence has been taken into consideration in relation to other charges. |
| Administrative Finalisation: | the suspect has failed to answer to bail and a warrant is outstanding or the case has been finalised administratively for various reasons. |
| Other: | the outcome of the charging decision has not been recorded or is undefined. |
| Prosecutions: | all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed. |

Contests inclusive of mixed pleas (a) The Defendant enters at least one guilty plea to a set of Mixed Guilty/Not Guilty and Contest: charges, and

- (b) a plea of not guilty to one or more charges, and
- (c) these pleas are not acceptable to the CPS, and
- (d) the matter proceeds to trial

Contests exclusive of mixed pleas
Not Guilty and Contest:

- (a) The Defendant enters only not guilty pleas, AND
- (b) a trial takes place

Unsuccessful outcomes:

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

Administrative finalisation:

when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead: or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.

Discharged committals:

committal proceedings in which the defendant is discharged. Following a discharge a case can be reinstituted.

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

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| Acquittals after trial: | the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case. (Cases dismissed, no case to answer or judge directed acquittals are not included). |
| Victim evidence does not support case: | the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted. (the 'reason title' was amended in April 2013 to: The evidence of the victim does not come up to proof, but there is no retraction). |
| Victim non-attendance: | the victim is called as a witness in a trial, but fails to attend court. |
| Victim retraction: | where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint. |
| Conflict of evidence: | Conflict of prosecution evidence (from April 2013 the guidance was amended to clarify that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof). |
| Essential Legal Element Missing: | Essential legal element missing (the 'reason title' was amended in April 2013 to 'Incorrect charging decision – legal element missing'; the updated guidance made it clear that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof). |
| Unreliable witness: | Unreliable witness or witnesses (The 'reason title' was Amended in April 2013 to: 'Key witness (non-victim) refuses to give evidence/retracts/not up to proof' to provide clarity). |

Legal terminology

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| Hearsay: | Section 116(1) Criminal Justice Act 2003. In criminal proceedings a statement not made in oral evidence in the proceedings is admissible as evidence of any matter stated if – (a) oral evidence given in the proceedings by the person who made the statement would be admissible as evidence of that matter, (b) the person who made the statement (the relevant person) is identified to the court's satisfaction, and (c) any of the five conditions mentioned in subsection (2) is satisfied. |
| Res gestae: | Any rule of law under which in criminal proceedings a statement is admissible as evidence of any matter stated if— (a) the statement was made by a person so emotionally overpowered by an event that the possibility of concoction or distortion can be disregarded, |

- (b) the statement accompanied an act which can be properly evaluated as evidence only if considered in conjunction with the statement, or
- (c) the statement relates to a physical sensation or a mental state (such as intention or emotion).

Glossary of acronyms

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