



CPS

Violence against Women crime report

2008 – 2009

MANAGEMENT INFORMATION BRANCH

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Foreword by the Director of Public Prosecutions

I welcome the second Violence against Women (VAW) crime report, outlining prosecutions of offences across a range of VAW crimes in 2008-09.

CPS recognises that violence against women is both a cause and consequence of gender inequality. In April 2008 we set up the VAW strategy, with a VAW Indicator to measure performance across VAW crimes. The designation of the VAW Strategy as 'mission critical' in the organisation is in recognition of the importance we give to this work.

The VAW Indicator measures performance across domestic violence, rape and sexual offences. In addition, we record the prosecution of a number of other VAW strands, such as child abuse, prostitution and pornography. And this year, for the first time, we have started to work with the UK Human Trafficking centre to record data on the prosecution of trafficking cases. This report details prosecutions of VAW crimes in comparison, where possible, with previous years.

In 2009, there has been consultation on the development of a cross-government strategy on violence against women and girls (VAWG) which is planned for late 2009. This strategy will explicitly address ways to improve work across all government departments on dealing with VAWG. The CPS VAW strategy forms part of this work and we commit to producing these annual VAW crime reports to ensure public monitoring of our work.

Overall the report is good news, indicating not only an increase in successful outcomes across VAW but also an increase in the volume of cases being prosecuted. This data analysis has helped us understand the similarities and differences in prosecuting these cases. We are aware of the victim issues across all VAW crimes but we are also aware of the differences – for example, increased charging and guilty pleas for domestic violence compared with fewer charged cases and more acquittals for rape. This helps us focus on specific actions, for specific VAW strands, to improve prosecutions.

We recognise that we still have a long way to go, but we are committed to improving fair and just prosecutions in all VAW cases, with victim safety and support being addressed. Our thanks go to all the Area prosecutors and advocates dealing with these cases and the support agencies who work with us to provide support for victims.

Executive summary

This is the second Crown Prosecution Service (CPS) annual Violence against Women (VAW) performance report, and covers the following strands of Violence against Women for 2008-09: domestic violence; forced marriage; honour based violence; female genital mutilation; rape and sexual offences; human trafficking; prostitution; child abuse; and pornography.

These crimes have been grouped under a 'Violence against Women' umbrella because of their profile – cases committed primarily, although not exclusively, by men against women, within a context of power and control.

The report provides aggregated data on domestic violence, rape and sexual offences, followed by separate sections on each of these three strands.

In addition, further data is provided on child abuse, prostitution, trafficking and pornography. For all of the VAW strands information is detailed on current and planned work and a number of case studies are given as examples.

VAW: overall key findings

The VAW section of the report presents collated data on domestic violence, rape and sexual offences. The headline figures show that:

- In the three years ending March 2009, over 222,900 defendants were prosecuted for violence against women offences;
- 94% of defendants were men in 2008-09 (the same as in 2007-08);
- 85% of victims were women in 2008-09¹ (1% less than in 2007-08);
- 85% of VAW crimes were domestic violence; 5% were rape and 10% sexual offences;
- the number of VAW cases charged increased from 53% in 2006-07 to 63% in 2008-09;
- unsuccessful prosecutions fell from 35% in 2006-07 to 28% in 2008-09, exceeding the 29% target;
- successful prosecutions rose from 65% in 2006-07 to 72% in 2008-09;
- guilty pleas increased from 56% in 2006-07 to 63% in 2008-09;
- unsuccessful outcomes due to victim issues accounted for 15% of all VAW outcomes in 2006-07 falling to 12% in 2008-09.

Domestic violence: key findings

Domestic violence data is held as from 2005-06, enabling analysis over a four year period.

- In the four years ending in March 2009, over 238,000 defendants were prosecuted for domestic violence;
- 94% of defendants were men in 2008-09 (the same as 2007-08);
- 85% of victims were women in 2008-09² (the same as 2007-08);
- the number of DV cases charged³ increased from 56% in 2006-07 to 65% in 2008-09;
- unsuccessful prosecutions fell from 40% in 2005-06 to 28% in 2008-09, meeting the 28% target;

¹ Note 36% of victim gender for VAW cases was not recorded.

² Note 35% of victim gender for domestic violence cases was not recorded.

³ Data on charging are only available from 2006-07.

- successful prosecutions rose from 60% in 2005-06 to 72% in 2008-09;
- guilty pleas increased from 58% in 2006-07 to 65% in 2008-09;
- unsuccessful outcomes due to victim issues accounted for 17% of all domestic violence outcomes in 2006-07 falling to less than 14% in 2008-09.

Rape: key findings

- In the three years ending in March 2009, over 10,200 defendants were prosecuted for rape;
- 99% of defendants were men in 2006-07, 2007-08 and in 2008-09;
- 88% of victims were women in 2008-09⁴, 1% more than in 2007-08;
- the proportion of rape cases in which the CPS took a decision to charge increased from 30% in 2006-07 to 39% in 2008-09;
- unsuccessful prosecutions remained unchanged at 42% in 2008-09 and 2007-08, just missing the 41% target;
- successful prosecutions remained at 58% in 2007-08 and 2008-09;
- guilty pleas remained at 35% in 2007-08 and 2008-09.

Sexual offence: key findings⁵

- In the three years ending in March 2009, over 24,300 defendants were prosecuted for sexual offences (other than rape);
- 95% of defendants were men in 2008-09 (little changed compared with the two previous years);
- unsuccessful prosecutions fell from 32% in 2005-06 to 25% in 2008-09, exceeding the 28% target;
- successful prosecutions rose from 68% in 2005-06 to 75% in 2008-09;
- guilty pleas increased from 53% in 2006-07 to 62% in 2008-09.

Child abuse

The report also provides data on the prosecution of child homicides; offences against the person and sexual offences.

- In the three years ending in March 2009, 103 defendants were prosecuted for homicide⁶; 6,730 defendants were prosecuted for offences against the person and 11,810 defendants were prosecuted for child sexual offences;
- in 2008-09, 73% of defendants in homicide cases, 74% of defendants for offences against the person, and 98% of defendants in sexual offence were men;
- in 2008-09 there were conviction rates of 75% for homicides⁷; 73% for offences against the persons and 75% for sexual offences.

⁴ Note 52% of victim gender for rape cases was not recorded.

⁵ CPS data on sexual offences are more limited than for domestic violence and rape. Sexual offences are identified only at the conclusion of a prosecution, while data on domestic violence and rape is additionally held for pre-charge proceedings.

⁶ Homicide, within the CPS Case Management System comprises offences of murder or manslaughter, conspiring or attempting to kill and threats to kill.

⁷ Please note the small numbers of proceedings.

Trafficking

Data on the prosecution of human trafficking offences for 2008-09, available in a later chapter of this report, is provided by the UK Human Trafficking Centre. In 2008-09, 80 defendants were prosecuted for trafficking for sexual exploitation under Sections 57, 58 and 59 of the Sexual Offences Act 2003. There were 227 victims, 140 were women and 87 were men, in all trafficking crimes. The majority of victims were aged between 21 and 25.

Prostitution

Some data are provided on the number of offences prosecuted in relation to the control of prostitution, managing a brothel, kerb crawling or advertising prostitution by placing adverts in phone boxes. In 2008-09, 134 offences of controlling prostitution, 91 of managing a brothel, 341 offences of kerb crawling and 349 offences of advertising prostitution were prosecuted.

Pornography

Some data are also provided on the number of offences prosecuted in relation to indecent or grossly offensive materials, obscene publications and sexual exploitation of children by the making, distribution, showing and advertisement of indecent photographs. In 2008-09, 4,241 offences of possession of an indecent photograph of a child and 14,656 of sexual exploitation of children through photographs were prosecuted.

Introduction

This is the second Crown Prosecution Service (CPS) annual Violence against Women performance report. The report covers a range of Violence against Women (VAW) strands for 2008-09:

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

These crimes have been grouped under a 'Violence against Women' umbrella because of their profile – cases committed primarily, although not exclusively by men against women, within a context of power and control. For domestic violence, rape, sexual offences and where possible for child abuse, prosecution performance in 2008-09 is compared with data from previous years. Data are also included on the prosecution of crimes against older people in 2008-09. The United Kingdom Human Trafficking Centre has provided data on the prosecution of human trafficking cases. Some data are also provided on the numbers of offences prosecuted for prostitution and pornography crimes.

The report provides data in separate sections on each of the VAW strands, including current and planned work under each topic and a number of case studies. The best available data are reported, while recognising that there are some short comings in what is available. We are committed to continuous improvement of data quality.

CPS VAW strategy and action plans

In April 2008 CPS published the first government department VAW strategy and action plans. The strategy is linked to the current CPS Public Service Agreement Indicators (PSAs) of:

- Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice;
- improving public and VAW stakeholder confidence in the CPS;
- improving VAW victim and witness support, safety and satisfaction; and
- addressing any disproportionality across all the equality strands within VAW.

The VAW strategy is designated as one of nine 'mission critical' projects within the CPS, indicating the importance given to this work. Although this report focuses primarily on the quantitative assessment of prosecutions across VAW, the work overall recognises that 'success' in VAW cases is not solely measured by improvements in prosecutions. The service also is planning to assess improvements across the other PSA targets. A VAW stakeholder satisfaction survey will be developed and carried out in 2009-10. In addition, plans are underway to set up systems to measure VAW victim support, safety and satisfaction for implementation in 2010-11. Research is also looking into any potential disproportionality in relation to the prosecution of VAW cases by ethnicity, planning to address ways to develop any needed improvements.

From April 2008 a VAW Indicator was implemented, as one of the key priorities in Area Performance Reviews to monitor performance in bringing more VAW offenders to justice. Each Area is assessed on a six monthly basis, and reports to the Director of Public Prosecutions and Chief Executive, either by a written report or meeting. All Areas have at least one meeting a year.

In 2008-09 the CPS addressed performance through the VAW Indicator in relation to domestic violence, rape and sexual offences. The aim was to reduce unsuccessful outcomes, from charge to completion, to the March 2009 targets of: VAW as a whole 29%; domestic violence 28%; rape 41% and sexual offences 28%.

Implementation of VAW action plans 2008-09

Improving the effectiveness and efficiency of the criminal justice system through bringing more offenders of VAW crimes to justice:

- *Reducing unsuccessful prosecution outcomes:*
The target to reduce unsuccessful outcomes to 29% for all VAW prosecutions was exceeded at 28%. The 28% target was met for domestic violence, but the target of 41% unsuccessful rape outcomes was just missed at 42%. That of 28% for sexual offences was exceeded, at 25%.

This report provides further detailed data within each section. Overall, sexual offences and domestic violence have shown the greatest improvements in prosecutions year on year, compared with a large and increased volume of domestic violence cases. More domestic violence cases were charged (65%); and more successfully prosecuted (72%), with increased guilty pleas (65%). The majority of unsuccessful cases of domestic violence were due to victim issues, which indicates that support for victims is the key to continued improvements. The 122⁸ Specialist Domestic Violence Courts aim to provide such support and improved prosecution outcomes.

Rape prosecutions have continued to be the most challenging and plans are in place for 2009-10 as outlined in the rape section of this report. Charging of rape has remained low (39%). This may be indicative of the difficulties involved in prosecuting rape, especially when the issue in the case is whether or not the victim consented to sexual intercourse. Guilty pleas were also much lower than for domestic violence, at 35% of completed cases. The prospect of a lengthy sentence of imprisonment if convicted may mean that defendants are reluctant to plead guilty when charged with rape. Outcomes for sexual offence prosecutions have improved, due to an increase in guilty pleas (62%), against a slight fall in volume of cases prosecuted.

While many domestic violence cases can be dealt with by magistrates, rape (and other serious sexual offences), can only be tried in the Crown Court by a judge and jury. This indicates some key differences in prosecuting these cases. More unsuccessful outcomes for both rape and other sexual offences were due to acquittals after trial, particularly jury acquittals, when compared with domestic violence.

This indicates the need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the criminal justice system.

Discontinuance of cases fell for all three VAW strands, with fewer cases being unsuccessful due to no evidence being presented.

Targets for 2009-10 have been set at: 26% for VAW as a whole; 26% for domestic violence, 39% for rape and 23% for sexual offences. In 2009-10, Area performance reviews will consider the volume of cases prosecuted in Areas, as well as their attrition rates.

⁸ Five further SDVc were accredited in October 2009

Work is under development to monitor outcomes on child abuse, trafficking, forced marriage and honour based violence. In addition offences of prostitution and pornography are being monitored.

- *Developing VAW Guidance for prosecutors:*
VAW Guidance was issued to all prosecutors in June 2009, describing the gendered nature of these offences, providing information on common patterns and key requirements for prosecuting VAW crimes. It advised on ways to improve both prosecution of these cases and the safety of victims. Details of VAW support organisations are also included.
- *Coordinating and rationalizing VAW coordinators and considering rationalization of specialist prosecutors:*
During 2008-09, Areas rationalised the roles of coordinators of VAW work to integrate learning and coordinate work across the strands. A seminar for all VAW coordinators was held in April 2009.

Consideration was given to the rationalisation of specialist prosecutors, and it was agreed to continue with specialist prosecutors dealing with rape and high tech crimes (pornography), and for additional specialists to be selected in 2009-10 to prosecute forced marriage and honour based violence. Dedicated prosecutors in Specialist Domestic Violence Courts will also continue.

- *Developing cases for VAW training:*
Work is underway to develop VAW case studies for use across a range of training programmes within CPS. Training for new staff on prosecuting domestic violence crime continues. Training on prosecuting crimes related to indecent images of children as well as trafficking was also carried out in 2008-09. All rape specialists will be trained by 2011, and a new training programme for selected specialist prosecutors on forced marriage and honour based violence is planned for 2009-10.

Improving public and stakeholder confidence in the CPS

- *Involving community stakeholders locally and nationally:*
A permanent external consultation group involving key national VAW stakeholders was established to advise the CPS on VAW issues and has now been running for two years.

Locally Areas involve their stakeholders and a number of Areas have specific domestic violence hate crime scrutiny panels to scrutinise local cases and draw out learning points. Any extension to the panels will be considered in 2009-10.

In addition work is planned in 2009-10 to review Area VAW community engagement and stakeholder involvement.

- *Developing a system to measure stakeholder satisfaction:*
A system was implemented during 2009-10 to measure the satisfaction of VAW stakeholders through questionnaires and focus groups.

Improving victim support, safety and satisfaction

- *Working with the Victim & Witness Care Delivery Unit (V&WCDU) to consider support systems for VAW victims:*
The V&WCDU is considering providing further information on supporting VAW victims through Witness Care Units, additional to the current range of support agencies, for victims and witnesses the Witness Care Units already access. The V&WCDU carried out an exercise on domestic violence prosecutions in 2008-09 to plan improved assistance to victims in 2009-10. The Equality and Diversity Unit is also working with the V&WCDU aiming to improve the monitoring of victim information.

- *Area support systems for victims:*
The VAW Guidance includes lists of national VAW organisations able to provide advice to Areas on local groups.
- *Support for VAW victims:*
By April 2009 there were 122 Specialist Domestic Violence Courts, with support for victims through Independent DV Advisers (IDVAs), and further accredited courts are planned for 2009-11.
- *VAW employee policies:*
The extension of the domestic violence employee policy to address the needs of any CPS staff facing other forms of VAW will be considered in 2009-10.
- *Developing a system to measure victim support, safety and satisfaction:*
The CPS is leading a cross criminal justice system steering group developing a system to measure support, safety and satisfaction for VAW victims. This is to be completed during 2009-10.

Addressing any disproportionality across all of the equality strands

- *Analysing the equality profiles of VAW defendants and victims:*
Equality profiles of defendants, by gender and ethnicity, are assessed and reported on in this report. Data on victims is still under development.
- *Assessment of prosecutions by ethnicity:*
Following the VAW Equality & Diversity Impact Assessment work is underway to assess prosecutions by ethnicity of defendant and address any disproportionality.
- *Ensuring Witness Care Units have support systems and information on support for victims and witnesses from all communities:*
Within the work of the V&WCDU support systems for a range of communities are being addressed.

Cross-government work on Violence against Women

The CPS was part of the consultation on the development of a cross-government strategy on Violence against Women in 2008-09. The CPS is involved in a number of cross-government groups working on the separate VAW strands, which are reported on in this report.

Violence against Women crime: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of Violence against Women (VAW) crimes as part of the performance review process, measuring outcomes against a performance indicator aimed at reducing unsuccessful outcomes. VAW crimes included in this indicator, and in this section of the report, comprise domestic violence, rape, and sexual offences other than rape. Prior to April 2008, domestic violence was recorded and reported on as a hate crime. Data on VAW crimes are recorded within the Compass Case Management System (CMS), and extracted from the related Compass Management Information System (MIS).

There are slight procedural differences in the ways in which data is captured. Domestic violence and rape cases are identified by attaching to the case monitoring flags applied by the CMS user at the pre-charge stage. By contrast, sexual offences are identified by CMS users at the conclusion of proceedings. Thus, while it is possible to identify pre-charge decisions in respect of domestic violence and rape proceedings, there is no corresponding record of pre-charge decisions for sexual offences; only a record of the eventual outcome of proceedings. The regular process of auditing data quality has revealed a number of errors and omissions in the identification of VAW cases but these represent less than 3% of a limited sample examined to date.

Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals, dismissals after trial and dismissals no case to answer, judge directed acquittals and jury acquittals.

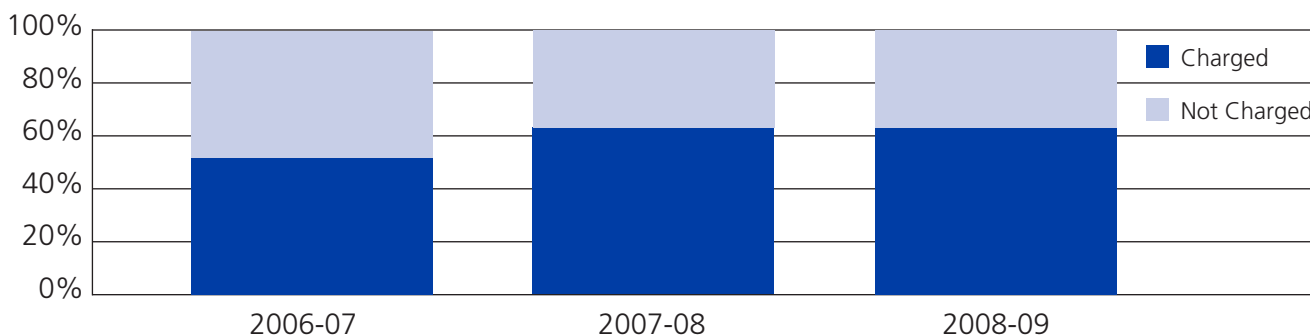
All outcomes are in relation to charged cases and include all defendants irrespective of their age and the age of their victim.

Charging

Statutory charging of defendants by CPS was fully rolled out in April 2006. In the three years following that date, 240,000 cases identified as involving violence against women were referred to the CPS for a charging decision. The table and chart below (1) show that over 143,000 of these were charged during the three year period. The charging figures do not include sexual offences other than rape, as these offences are only identified when a defendant is formally charged.

The proportion of cases charged rose from 53% of VAW cases referred to the CPS in 2006-07 to 63% in 2008-09. At the same time, the proportions of those not charged or requiring further evidence fell. The volume of cases submitted for a charging decision by CPS rose in the period. The proportion of cases charged within each offence type is reported in the relevant section of this report. Charging rates varied across the strands. In 2008-09, 65% of domestic violence cases were charged, reflecting the historical work done to improve domestic violence prosecutions. It may also be indicative of the difficulties involved in prosecuting rape, especially when there is a dispute about whether the victim gave her consent.

Table 1 – Charging decisions *



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	38,920	53.1%	49,335	61.8%	54,983	63.2%
Request for further evidence	897	1.2%	565	0.7%	510	0.6%
No prosecution	21,699	29.6%	23,113	29.0%	23,977	27.6%
All other decisions	11,713	16.0%	6,774	8.5%	7,550	8.7%
Total	73,229		79,787		87,020	

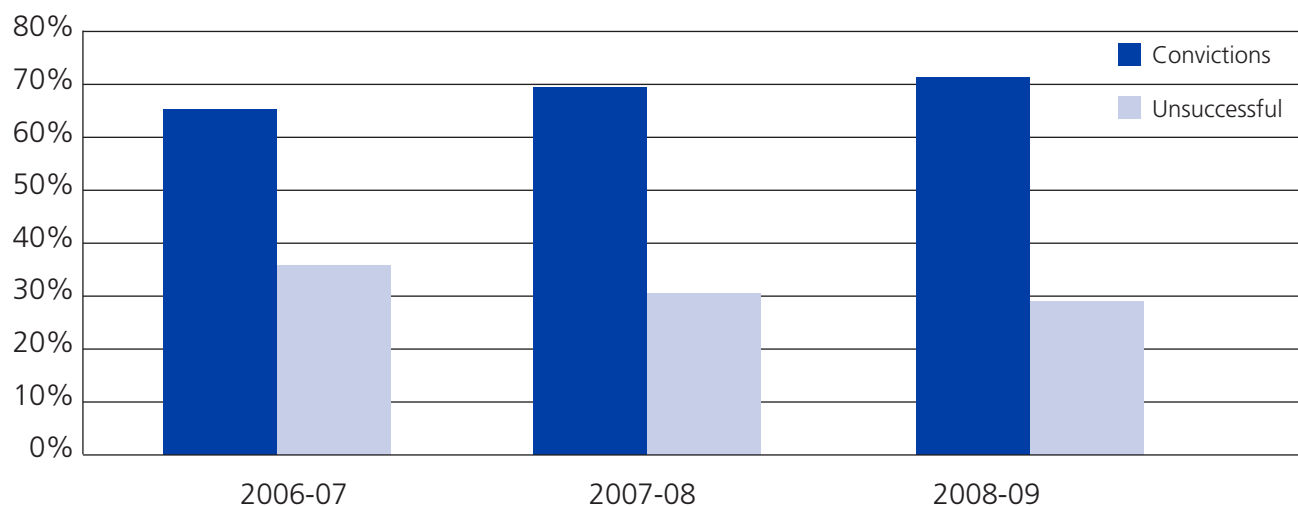
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report.

Convictions

In the three years ending March 2009, 222,900 defendants were prosecuted for Violence against Women. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 65% in 2006-07 to 72% in 2008-09.

Table 2 – Completed prosecutions by outcome



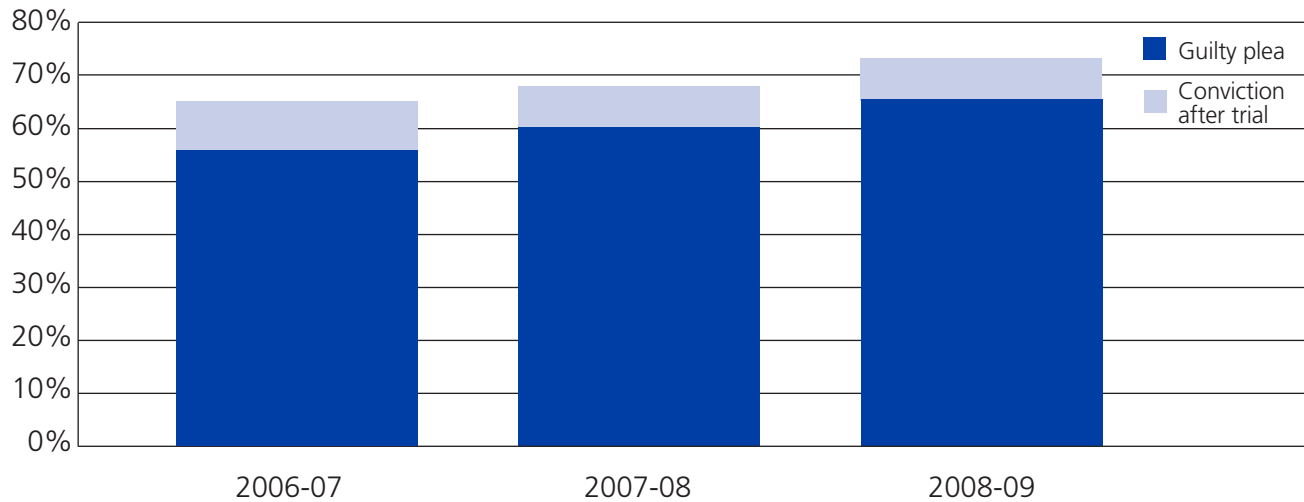
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Convictions	44,836	65.0%	51,974	68.9%	56,438	71.9%
Unsuccessful	24,094	35.0%	23,478	31.1%	22,085	28.1%
Total	68,930		75,452		78,523	

The table and charts below show a detailed breakdown of prosecution outcomes for VAW between 2006-07 and 2008-09. Guilty pleas increased from 56% to 63%, contributing to an improved conviction rate of 72% overall in 2008-09. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 26% to less than 21%.

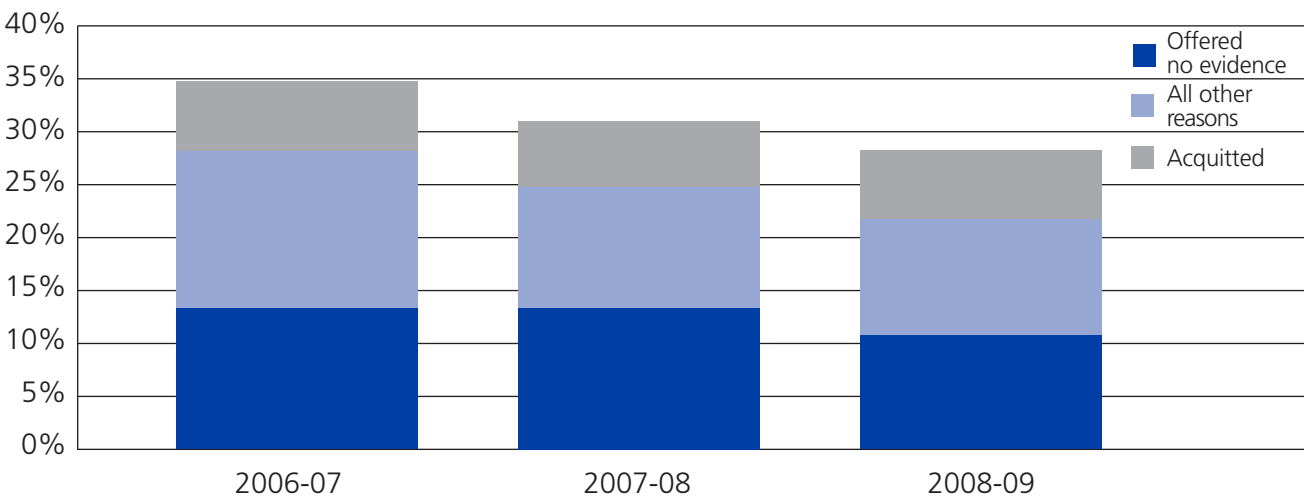
An overall target for reductions in unsuccessful outcomes in VAW crimes was set at 29% in 2008-09. This was exceeded with an outturn of 28% by the final quarter of the year. Within the overall target were separate sub targets for domestic violence, rape and sexual offences. While the targets for domestic violence and sexual offences were exceeded in the period, the target for rape was not met. Further details can be found in the rape section of this report.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



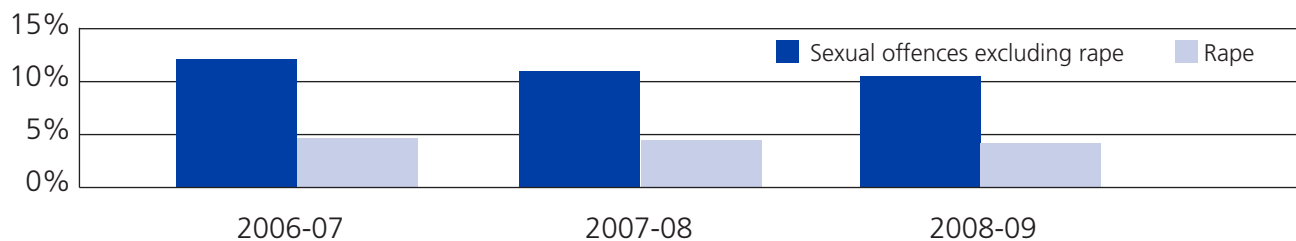
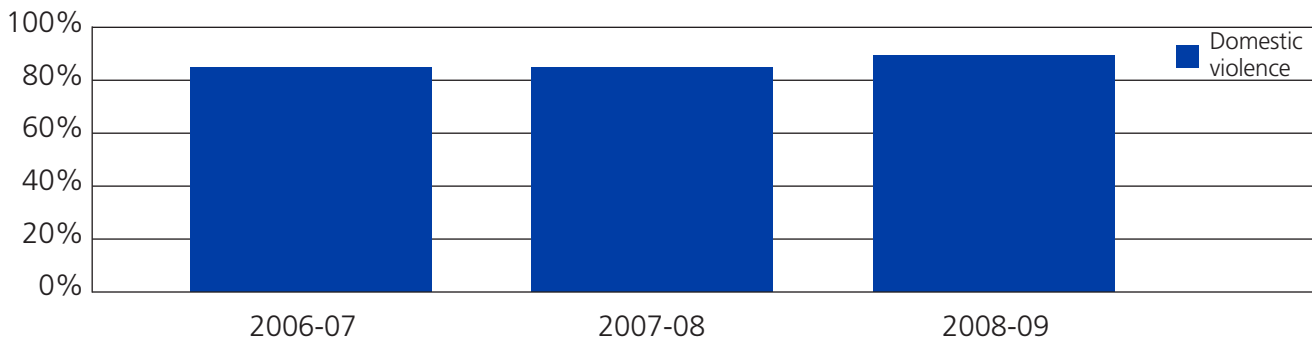
Completed prosecutions by VAW crime type

	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	774	1.1%	858	1.1%	701	0.9%
Discharged committal	199	0.3%	209	0.3%	203	0.3%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	18,142	26.3%	17,723	23.5%	16,197	20.6%
<i>of which - no evidence offered</i>	8,890	12.9%	9,635	12.8%	8,657	11.0%
Dismissed after trial	2,532	3.7%	2,559	3.4%	2,702	3.4%
No case to answer	313	0.5%	266	0.4%	293	0.4%
Judge directed acquittal	275	0.4%	252	0.3%	204	0.3%
Jury acquittal	1,859	2.7%	1,611	2.1%	1,785	2.3%
Unsuccessful outcomes	24,094	35.0%	23,478	31.1%	22,085	28.1%
Guilty plea	38,495	55.8%	45,307	60.0%	49,725	63.3%
Conviction after trial	6,209	9.0%	6,548	8.7%	6,605	8.4%
Proved in absence	132	0.2%	119	0.2%	108	0.1%
Convictions	44,836	65.0%	51,974	68.9%	56,438	71.9%
Total prosecutions	68,930		75,452		78,523	

Prosecution by VAW crime type

The table and charts below (4) show prosecutions by VAW crime type for 2006-07 to 2008-09. Domestic violence comprised the largest proportion of the total at 83% in 2006-07 and 85% in 2008-09.

Table 4 – Prosecution by VAW crime types



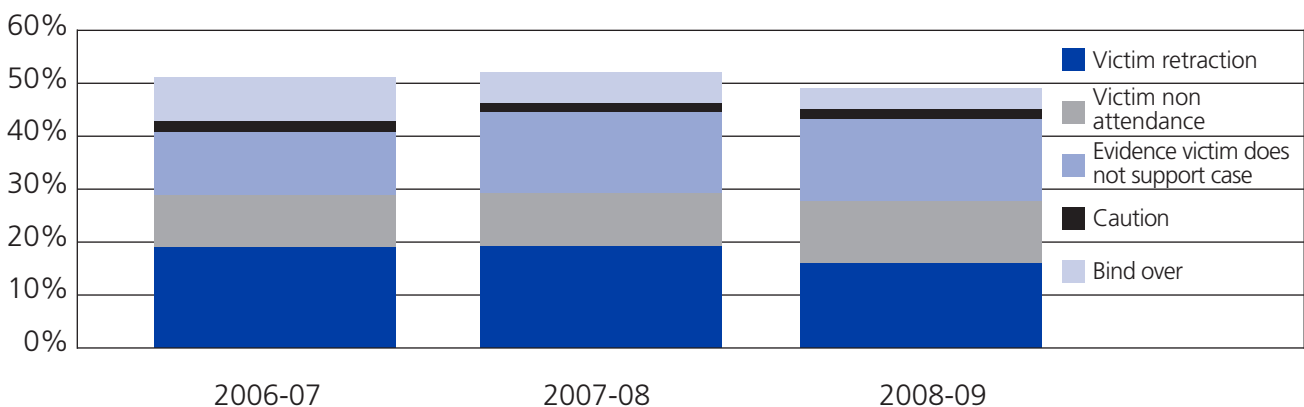
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Domestic violence	57,361	83.2%	63,819	84.6%	67,094	85.4%
Rape	3,264	4.7%	3,503	4.6%	3,495	4.5%
Sexual offences excluding rape	8,305	12.0%	8,130	10.8%	7,934	10.1%
Total	68,930		75,452		78,523	

Unsuccessful prosecutions

Cases mainly fail for reasons of insufficient evidence, because a prosecution is not in the public interest or because the defendant is acquitted at trial. In addition there are cases which are unable to proceed because of non-attendance or retraction by a victim or witness, and those proceedings subject to an administrative finalisation. The proportions falling within each category varied slightly from the previous year. In 2008-09, 3.2% were unsuccessful for administrative reasons compared with 3.7% in 2007-08; 39.1% for evidential reasons, an increase of 3 percentage points on the previous year; 6.7% for public interest reasons, a fall from 7.4% in 2007-08; 28.5% were unable to proceed, compared with 30.8% the year before; and 22.4% fell into other reasons, a rise of 1.5 percentage points on the earlier year.

Table 5 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bind over, and those in which the defendant was cautioned. Within these key reasons, victim retraction fell by 3 percentage points from 19.7% to 16.7% during the period under review, while there was a large rise of just over 5 percentage points in the proportion failing owing to non attendance of the victim and in the proportion in which the evidence of victims did not support the prosecution case. The proportion failing overall because of key reasons reduced slightly, from 51% to 49% of all unsuccessful outcomes.

Table 5 – Key reasons for unsuccessful prosecutions



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Victim retraction	4,747	19.7%	4,440	18.9%	3,690	16.7%
Victim non-attendance	1,976	8.2%	2,465	10.5%	2,280	10.3%
Evidence of victim does not support case	3,370	14.0%	3,654	15.6%	3,757	17.0%
Total victim issues	10,093	41.9%	10,559	45.0%	9,727	44.0%
Caution	332	1.4%	282	1.2%	219	1.0%
Bind over	1,942	8.1%	1,343	5.7%	900	4.1%
Total key reasons	12,367	51.3%	12,184	51.9%	10,846	49.1%
All other reasons	10,953	45.5%	10,436	44.5%	10,538	47.7%
Administrative finalisations	774	3.2%	858	3.7%	701	3.2%
Total	24,094		23,478		22,085	

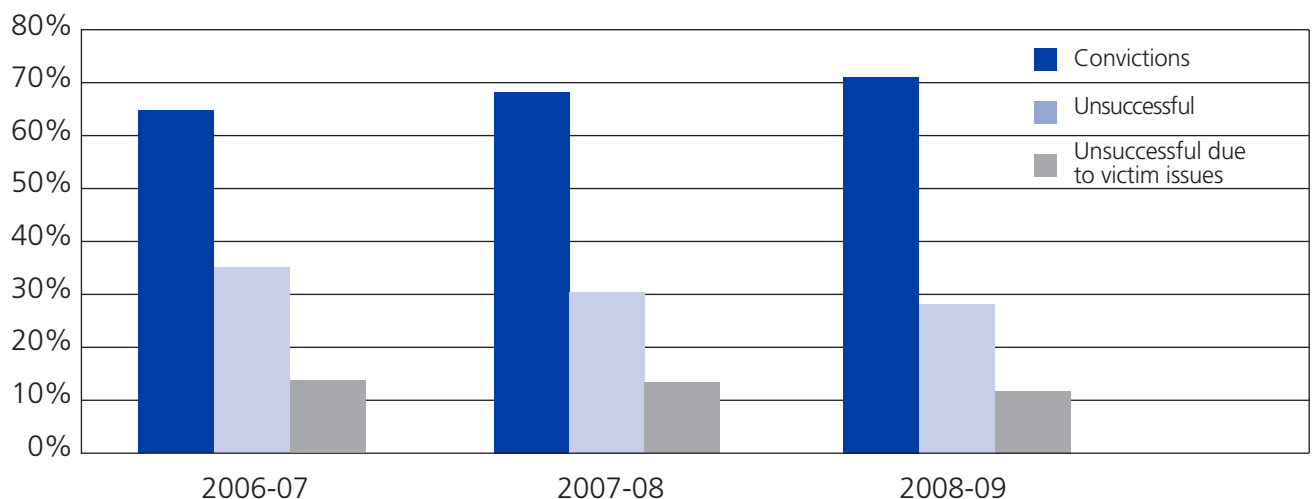
The reasons for unsuccessful outcomes in each individual strand of VAW crime are reported in the relevant section of this report. There were differences in the key issues responsible for unsuccessful outcomes across the strands: victim issues are particularly prevalent as a factor in the failure of domestic violence cases, but are less predominant for other crime strands. Key reasons for unsuccessful prosecutions in rape or sexual offences include acquittals, essential legal elements missing, unreliable witnesses, and conflicts of evidence.

Table and chart 6 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell, from 10,093 (14.6%) in 2006-07 to 9,727 (12.4%) in 2008-09. Total unsuccessful outcomes fell from 35% in 2005-06 to 28% in 2008-09.

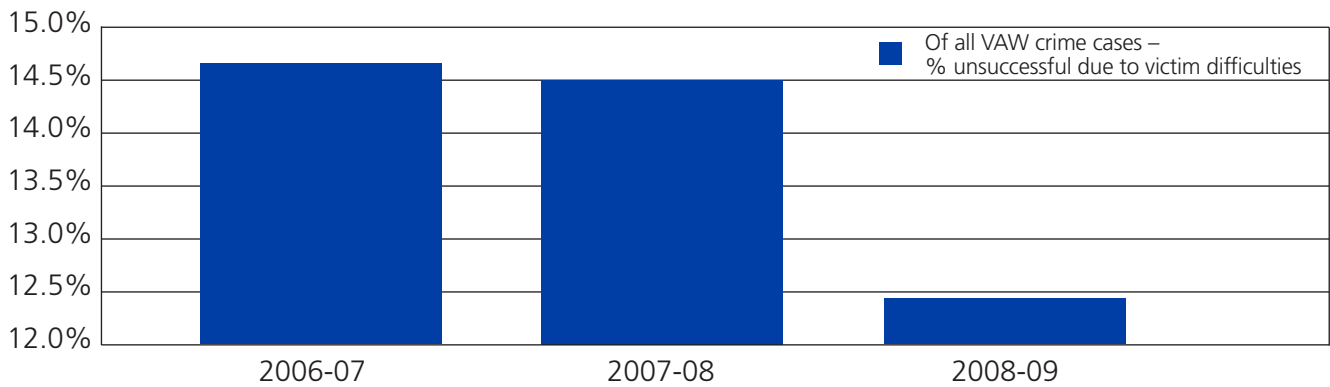
Victim issues accounted for 16.9% of domestic violence outcomes in 2005-06, falling to 13.8% in 2008-09.

Table 6 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	10,093	14.6%	10,559	14.0%	9,727	12.4%
Total unsuccessful	24,094	35.0%	23,478	31.1%	22,085	28.1%
Total convictions	44,836	65.0%	51,974	68.9%	56,438	71.9%
Total prosecutions	68,930		75,452		78,523	

Principal offence category

At the conclusion of proceedings each defendant case is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 59% of VAW crime prosecutions in 2008-09; slightly lower than the previous year (62%). Sexual offences and criminal damage accounted for a further 16% and 11% respectively. Splitting each category by gender shows that a similar pattern was recorded for defendants who were men, with 59% being categorised as offences against the person, 16% as sexual offences and 11% as criminal damage. There was a slightly different pattern for defendants who were women, offences against the person and criminal damage being higher at 61% and 12%, while sexual offences were lower at 9%. Public order offences formed a higher proportion for women than for men, at 9% compared to 5%. Men comprised 94% of defendants whose principal offence was identified as offences against the person, similar to the previous year. In domestic violence cases, offences against the person were the most numerous for both men and women, at 69% and 66% respectively compared to 73% and 72% in 2007-08.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data still remains under development. Work is underway in 2009-2010 to improve data collection and quality.

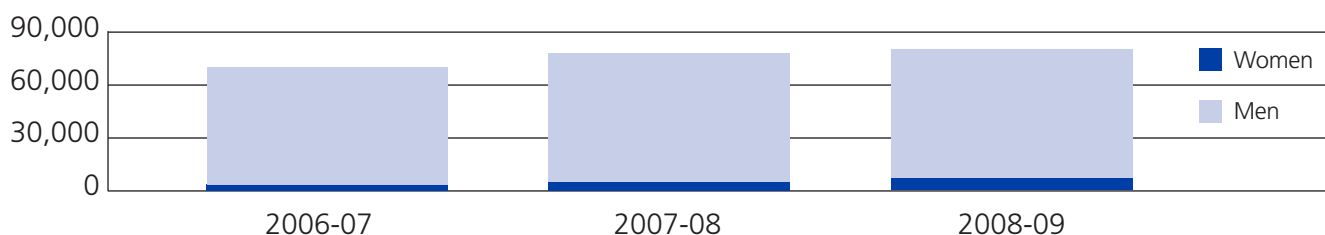
Equalities

(i) Defendants

Gender

Table 7 provides a breakdown of the gender of defendants and of victims respectively. The proportion of men prosecuted remained little changed, at 95% in 2006-07 and 94% in 2008-09. In the latter period 94% of defendants in domestic violence prosecutions, 99% in cases of rape, and 95% in sexual offences other than rape were men.

Table 7 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	3,339	4.8%	4,176	5.5%	4,668	5.9%
Men	65,580	95.1%	71,263	94.4%	73,827	94.0%
Unknown	11	0.0%	13	0.0%	28	0.0%
Total	68,930		75,452		78,523	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09 76% of VAW crime defendants were identified as belonging to the White British category and 79% were categorised as White (77% and 80% in 2007-08). 5% of defendants were identified as Asian, and a further 6% were identified as Black, a similar figure to the previous year. 3% of defendants did not state an ethnicity on arrest and in a further 4% of cases, the record of ethnicity was not completed.

Other equality data

Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remain under development.

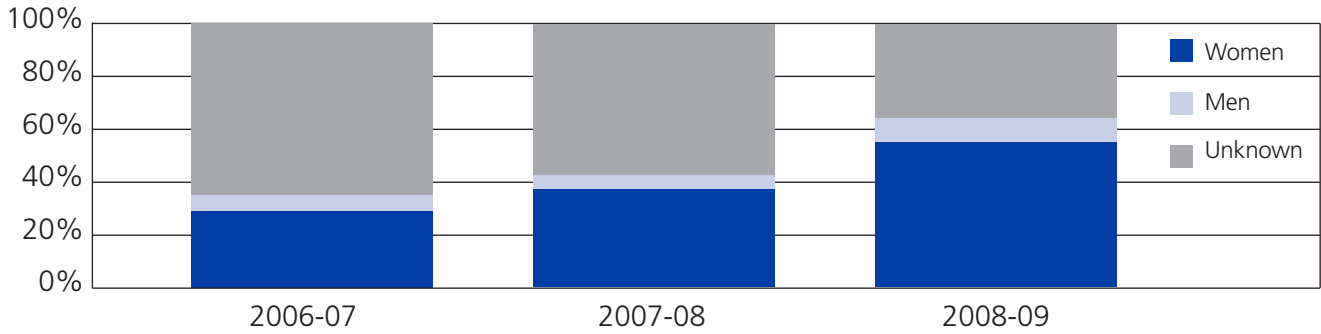
(ii) Victims

Gender

Table 8 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. There were improvements in the recording of gender. In 2006-07, the gender of 66% of victims was not recorded. This fell to 36% in 2008-09.

However, the completeness and accuracy of this information remains under development. No data is held on the victims of sexual offences other than rape. Of those victims whose gender has been identified, the highest proportion, were women, at 85% in 2006-07, 86% in 2007-08 and 85% in 2008-09. Where gender has been identified, 85% of victims were women in domestic violence cases, and 88% were women in cases of rape.

Table 8 – Gender of victims*



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	7,892	29.3%	19,514	37.3%	34,705	54.5%
Men	1,405	5.2%	3,239	6.2%	6,064	9.5%
Unknown	17,682	65.5%	29,524	56.5%	22,914	36.0%
Total	26,979		52,277		63,683	

*Data does not include victims of sexual offences that exclude rape.
Data from 2006-07 was reported for all victims whether civilian or not, 2007-08 data only reports civilian victims.

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remain under development, and the figures have therefore not been included in the present report. Work is underway in 2009-2010 to improve data collection and quality.

Domestic Violence Crime Services

Information on specialist support services for hate crime victims, which previously included domestic violence, has been collected since April 2007, and also remains under development. No system has, as yet, been established for VAW overall, so the data below refers only to domestic violence cases in 2008-09. Of those victims and witnesses of domestic violence referred to a support service or specialist agency, just under 1% were recorded as being referred to a specific 'hate crime specialist agency'. The completeness and accuracy of this information remains under development: however, just over 76% were referred to either a victim or witness support agency, while 23% were subject to an 'other referral'.

Relationships – Domestic violence cases only

While the facility to collect information on the relationship between defendant and victim in domestic violence cases has been in place since April 2007, the completeness and reliability of the data remains under development. Work is underway in 2009-2010 to improve data collection and quality.

Domestic violence

The Crown Prosecution Service published the second revision of its Policy and Guidance on Prosecuting Cases of Domestic Violence in March 2009. This latest edition drew together the significant changes in law, policy and procedure that have occurred since the second revision in 2005. These included breach of non-molestation orders becoming a criminal offence and were also supported by a new victim and witness leaflet, which tackles some of the most frequently asked questions, arising in domestic violence cases.

The 2001 Policy and Guidance were supported by the establishment of a network of Domestic Violence Coordinators (DVCs) in each CPS Area. In 2008-09 all Areas considered the role of coordinators of Violence against Women work as a whole. Some Areas selected VAW Coordinators and others maintained separate DV and Rape coordinators, integrating the other VAW strands within their work. The Coordinators have an operational and strategic role within the Areas and are crucial in ensuring the implementation of the policy, locally.

The initial tranche of domestic violence training for CPS prosecutors and caseworkers was completed in December 2008. The training programme was evaluated in September 2008. The key findings from the evaluation were that the training had contributed to the increase in successful prosecutions and had had a positive impact on prosecutors' attitudes towards domestic violence.

A new case study based training programme was developed for use of staff from 2009. This face to face programme is supported by an e-learning module, which provides foundational learning. New staff⁹ will be required to complete this training within two years of joining the organisation.

The CPS is also part of the National Specialist Domestic Violence Court (SDVC) Programme. This programme continues to expand and the number of SDVCs reached 122¹⁰, by April 2009. In addition, Independent DV Advisers were provided to support victims, and over 200 Multi-Agency Risk Assessment Conferences were held. The programme is well on course to meet the government target of 128 SDVCs by 2011. Governance of SDVCs and their performance management has been devolved to Local Criminal Justice Boards (LCJBs), with 2009-10 acting as a transitional year.

Domestic violence is now monitored as part of the Violence against Women (VAW) indicator. The target of reducing unsuccessful prosecution outcomes to 28% by March 2009 was met and exceeded at 27.8% in 2008-09. The new target for unsuccessful cases for 2009-10 is 26% by March 2010.

In 2008-09, the decision to charge increased to 65% of pre-charge decisions, with fewer cases needing requests for further evidence, thereby increasing the speed of prosecutions. The increase in guilty pleas to 65% also indicated a reduction in time from charge to outcome, with proportionally fewer trials required.

94% of defendants were men as in the previous year. The proportion of victims who were women remained the same at 85%. The types of offences differed slightly by gender with more men responsible for offences against the person (69% for men and 66% for women, of all their offences) and more women responsible for public order offences (10% of offences committed by women compared with 6% of those committed by men). Men comprised 94% of defendants whose principal offence was identified as offences against the person. 81% of defendants were White, 5% Black and 5% Asian, with 3% not stating ethnicity and a further 4% not recorded.

⁹ This includes staff returning from any period of long term absence.

¹⁰ 127 SDVCs by October 2009

Fewer cases were discontinued, both in volume and proportional terms, including those where no evidence was offered. Out of *all prosecutions*, victim issues accounted for fewer unsuccessful cases by volume and proportion. However, victim issues accounted for half of all *unsuccessful cases*. The patterns however have changed recently, in that proportionally fewer cases were recorded as unsuccessful due to victim retraction. Proportionally more were due to victim non-attendance than in previous years and the highest proportion was due to the victims' evidence not supporting the case. This continues to indicate the need for support for victims, especially through Independent DV Advisers (IDVAs) to ensure not only a reduction in retractions, but also a willingness to attend court or continue with supportive evidence. Work with the Victim and Witness Care Delivery Unit to improve referrals may help.

The CPS is part of the national cross-government team delivering the government's work on domestic violence. The group is underpinned by a national delivery plan, which is reported on each year.

In March 2009, the CPS theme for the government's national domestic violence Month of Action was domestic violence and disability. As well as providing training for a range of community partners, particularly those offering specific support for disabled victims, CPS prosecutors also received training from the support service to enable them to better prosecute crimes of domestic violence involving disabled victims.

During 2009-10 the CPS DV leads will be working closely with the Victim and Witness Care Delivery Unit taking forward the findings of a domestic violence thematic review conducted during 2008-09.

Section 12 of the Domestic Violence Crime and Victims Act 2004 was implemented on the 30 September 2009. Detailed guidance was produced to help prosecutors obtain restraining orders on any offence. This should help victims in a criminal case to become safer, irrespective of the outcome of the decision of the case; given that orders will be available on conviction or acquittal in appropriate circumstances.

During 2009-10 there will be a cross-government review of the definition of domestic violence and implementation of the recommendations arising out of the Home Office lead consultation on 'Together we can end Violence Against Women and Girls'.

A domestic violence press pack will also be developed in 2009-10.

Double jeopardy

A defendant with a history of serious sexual violence against women became the first person in Britain to be convicted of a crime for which he had previously been found not guilty.

The defendant when aged fifteen had been given a four year prison sentence for serious sexual offences. In 2002 he was cleared of the murder of his girlfriend. She had suffered four or five hard blows to her head leaving her unconscious and had died shortly afterwards. As there was no evidence of a sustained assault or the use of weapons the Crown had to accept his plea to manslaughter.

However, six years later he attacked another girlfriend with a hammer. She suffered serious injuries but was able to identify her attacker. A change to the double jeopardy law was used to reopen the case of the original murder. He pleaded guilty and was given two life sentences.

Communication between agencies

In one case within the Sikh community, the Witness Care Service received regular phone calls from the defendant's father telling them that the victim wanted to withdraw her complaint. The WCS informed him that they would only discuss the case and issues with the victim. However, every time they tried to contact her, the father-in-law was present and it became quite clear that he was dominating the conversations. Whilst he was in the background, the victim told the WCS that she wished to withdraw her complaint.

The WCS contacted the prosecutor with this information who then spoke with the police and it was agreed that a female Asian officer would visit the victim at a time when she was out of the family home and away from her father-in-law. During this visit, she told the officer that she just wanted her husband to get help. She stated that she did not want to have to give evidence against him in court and CPS received a retraction statement. CPS contacted the officer and had a long discussion with her about the family set-up and cultural issues and asked her to speak with the victim about future risk. They wanted to be sure that they were not putting her at further risk by proceeding with the case. The officer spoke with the victim in private and the victim said she was quite happy for CPS to proceed with the prosecution without her.

The case came to trial and the victim, to the complete surprise of CPS, turned up on the day to give evidence. The defendant was convicted after trial and sentenced to a 12 month community order and 12 month supervision requirement.

The WCS were proactive in this case and were alert to the issues with the father-in-law from the outset. The use of a female Asian officer assisted and helped with the cultural issues faced by the victim. The different agencies were able to work together and communicate to get the result that they did.

The importance of appropriate charging

Following a two-year relationship where the defendant was drinking, gambling and in serious debt, the police were called to a breach of the peace. Following that incident the victim moved house but the defendant made numerous threats through texts, phone calls and voicemails, including threats to maim and threats to kill. Some days later the defendant savagely attacked the victim in her garden, using weapons and causing serious injuries in a prolonged assault.

The prosecutor charged attempted murder and s4 Harassment and continued to press these charges rather than offer a lesser charge of wounding with intent, which the defendant would have been ready to accept and plead guilty to. The prosecutor's continued determination resulted in the defendant pleading guilty on the day of the trial to attempted murder and s4 harassment. An indeterminate sentence for public protection (IPP) and a lifetime restraining order were imposed. The CPS prosecutor in the case was awarded a Chief Constable's Commendation for the work on this case.

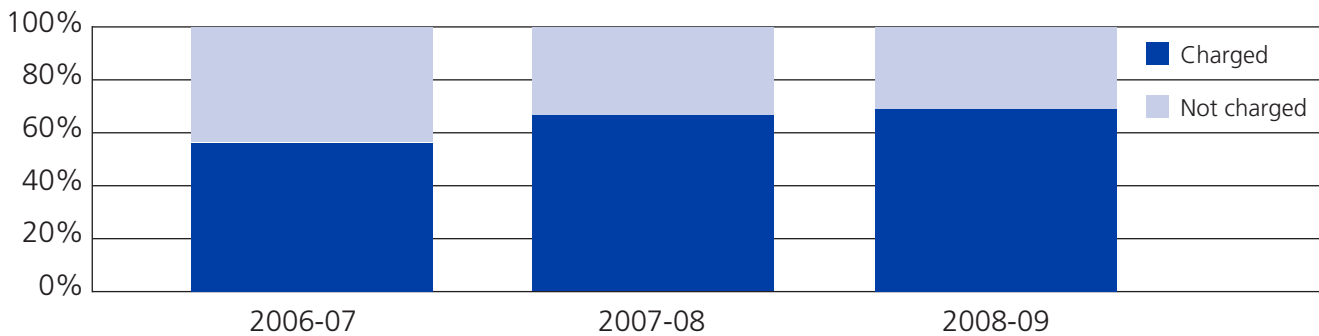
Domestic violence crime: key findings

Since April 2005 the Crown Prosecution Service has reported on the prosecution of domestic violence crimes as part of the performance review process. Domestic violence was included in CPS reports on hate crime up until March 2008, but from April 2008 was reported as part of the Violence against Women (VAW) strategy, measuring performance against a new VAW Indicator. All outcomes are in relation to charged cases and include all defendants irrespective of their age and the age of their victim.

Charging

Cases in which the CPS decided that a defendant should be charged rose from 55.5% of domestic violence cases referred to the Service in 2006-07 to 65.2% in 2008-09. The proportions of cases not charged or requiring further evidence reduced.

Table 1 – Pre-charge decisions*



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	36,957	55.5%	47,115	63.6%	52,418	65.2%
Request for further evidence	787	1.2%	510	0.7%	467	0.6%
No prosecution	18,140	27.2%	20,088	27.1%	20,466	25.4%
All other decisions	10,755	16.1%	6,352	8.6%	7,072	8.8%
Total	66,639		74,065		80,423	

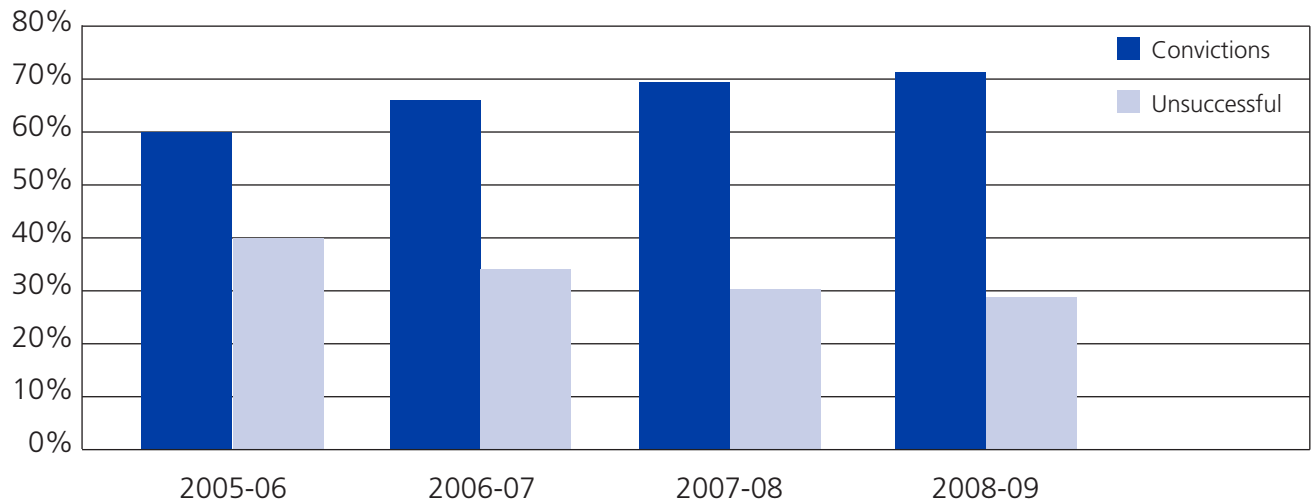
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report

Convictions

In the four years ending March 2009, over 238,000 defendants were prosecuted for crimes involving domestic violence. Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 60% in 2005-06 to 72% in 2008-09.

Table 2 – Completed prosecutions by outcome



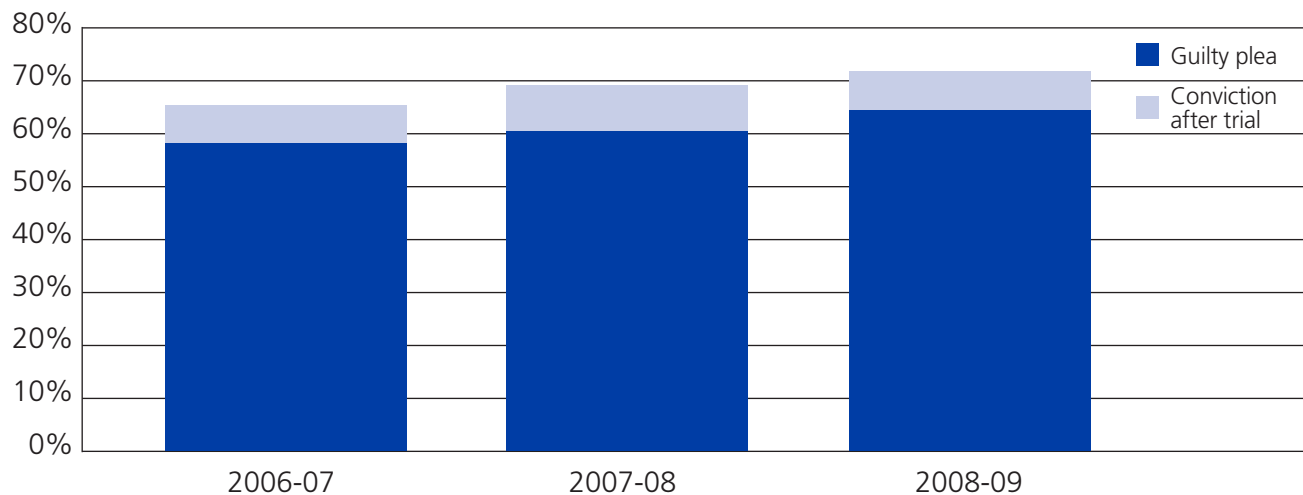
	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	29,719	59.7%	37,383	65.2%	43,977	68.9%	48,465	72.2%
Unsuccessful	20,063	40.3%	19,978	34.8%	19,842	31.1%	18,629	27.8%
Total	49,782		57,361		63,819		67,094	

The table and charts below show a detailed breakdown of prosecution outcomes for domestic violence crimes from 2006-07 to 2008-09. Guilty pleas increased from 58% to 65%, contributing to an improved conviction rate of 72.2% overall in 2008-09. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 28% to less than 22%.

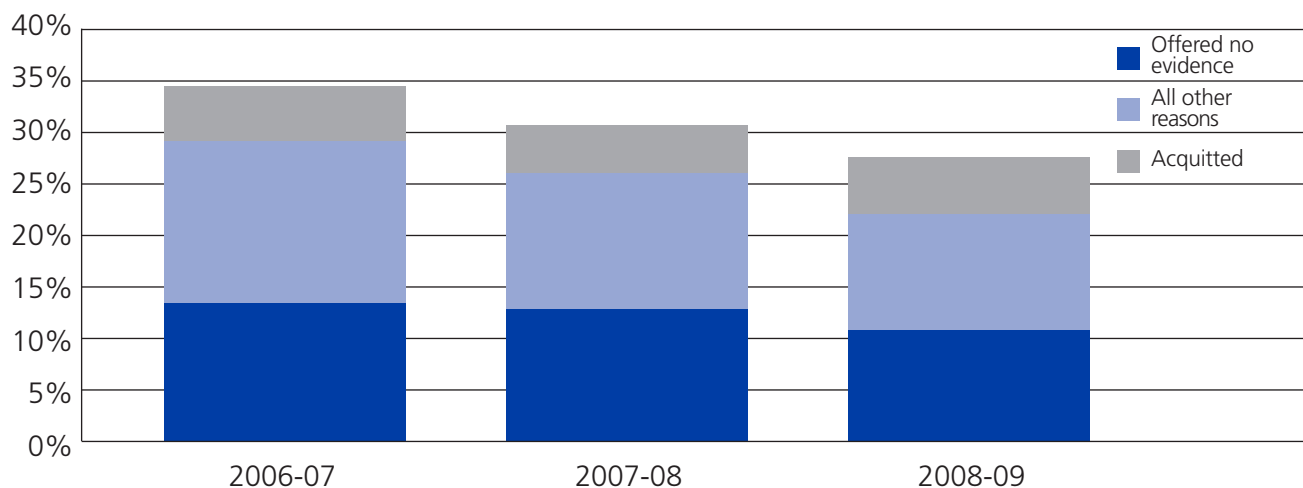
The 2008-09 target was to reduce unsuccessful domestic violence prosecutions to 28% of the total. This was exceeded by the end of the year at 27.8%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



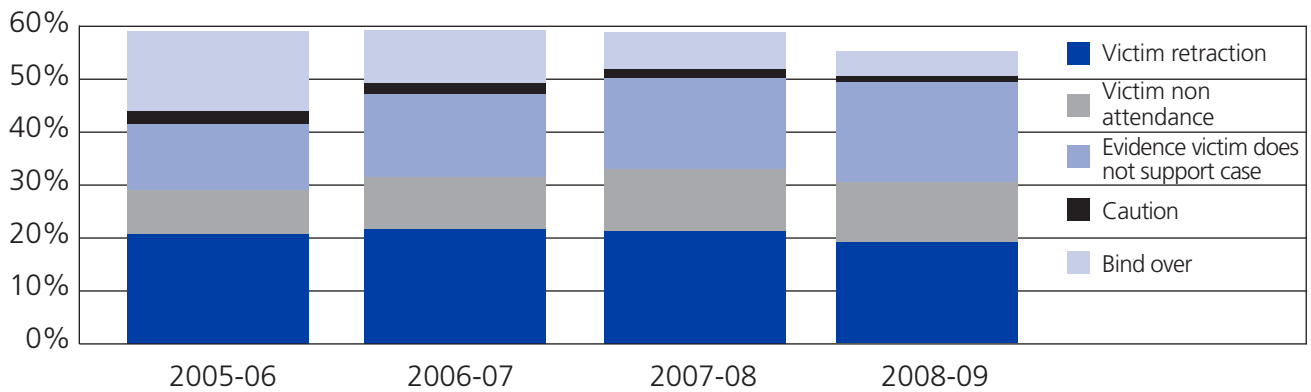
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	689	1.2%	772	1.2%	597	0.9%
Discharged committal	137	0.2%	146	0.2%	151	0.2%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	16,023	27.9%	15,788	24.7%	14,425	21.5%
<i>of which - no evidence offered</i>	7,730	13.5%	8,505	13.3%	7,632	11.4%
Dismissed after trial	2,302	4.0%	2,359	3.7%	2,554	3.8%
No case to answer	274	0.5%	253	0.4%	278	0.4%
Judge directed acquittal	87	0.2%	83	0.1%	77	0.1%
Jury acquittal	466	0.8%	441	0.7%	547	0.8%
Unsuccessful outcomes	19,978	34.8%	19,842	31.1%	18,629	27.8%
Guilty plea	33,020	57.6%	39,326	61.6%	43,586	65.0%
Conviction after trial	4,246	7.4%	4,552	7.1%	4,781	7.1%
Proved in absence	117	0.2%	99	0.2%	98	0.1%
Convictions	37,383	65.2%	43,977	68.9%	48,465	72.2%
Total prosecutions	57,361		63,819		67,094	

Unsuccessful prosecutions

Table 4 gives a more refined analysis of the reasons for unsuccessful outcomes, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. The second revision of the Policy and Guidance on prosecuting domestic violence cases suggests ways in which cases can proceed in the absence of the victim or where a victim is no longer supportive of the prosecution. These include using 'hearsay' provisions, 999 tapes or other corroborative evidence; and in some circumstances applying to the court for a witness summons to compel attendance at a trial hearing.

Within these key reasons the proportion failing due to victim retraction remained the largest single category; however the rate has fallen, from a peak of 22% to 18.6% in 2008-09. There was, however, a marked rise in the proportion failing owing to non attendance of the victim, from 8% to 12%, and in the proportion in which the evidence of victims did not support the prosecution case, from 13% to 19%. The proportion failing because of key reasons overall fell from 58% to 55% of all unsuccessful outcomes, mainly due to the reduction in bindovers from 15% to 5%.

Table 4 – Key reasons for unsuccessful prosecutions

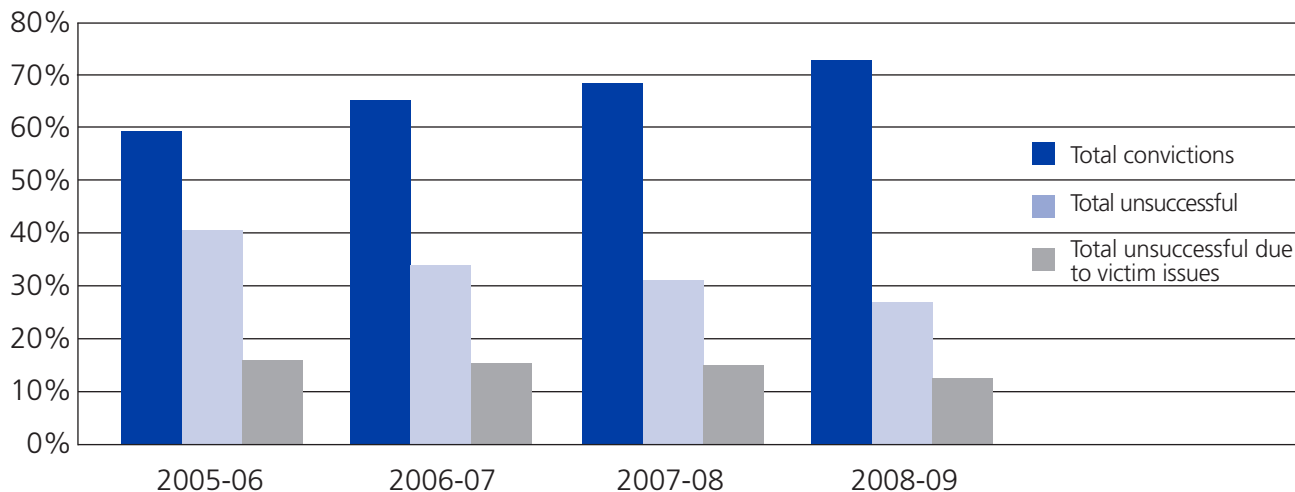


	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Victim retraction	4,214	21.0%	4,441	22.2%	4,207	21.2%	3,470	18.6%
Victim non-attendance	1,593	7.9%	1,914	9.6%	2,409	12.1%	2,226	11.9%
Evidence of victim does not support case	2,613	13.0%	3,142	15.7%	3,406	17.2%	3,536	19.0%
Total victim issues	8,420	42.0%	9,497	47.5%	10,022	50.5%	9,232	49.6%
Caution	296	1.5%	274	1.4%	234	1.2%	196	1.1%
Bind over	2,997	14.9%	1,909	9.6%	1,311	6.6%	881	4.7%
Total key reasons	11,713	58.4%	11,680	58.5%	11,567	58.3%	10,309	55.3%
All other reasons	7,585	37.8%	7,609	38.1%	7,503	37.8%	7,723	41.5%
Administrative finalisations	765	3.8%	689	3.4%	772	3.9%	597	3.2%
Total	20,063		19,978		19,842		18,629	

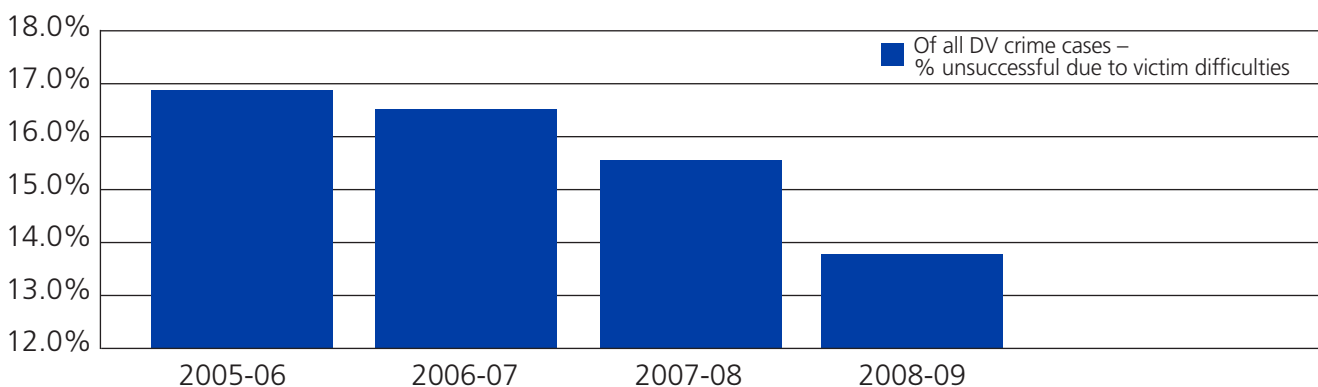
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 8,420 in 2005-06 to 9,232 in 2008-09, they fell in proportional terms, from 17% to less than 14%. Total unsuccessful outcomes fell from 40% in 2005-06 to 28% in 2008-09.

Table 5 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	8,420	16.9%	9,497	16.6%	10,022	15.7%	9,232	13.8%
Total unsuccessful	20,063	40.3%	19,978	34.8%	19,842	31.1%	18,629	27.8%
Total convictions	29,719	59.7%	37,383	65.2%	43,977	68.9%	48,465	72.2%
Total prosecutions	49,782		57,361		63,819		67,094	

Principal offence category

Offences against the person were the most numerous category, representing 69% of domestic violence crime prosecutions in 2008-09. Criminal damage and public order accounted for a further 13% and 7% respectively. Analysis by gender shows that a similar pattern was recorded for men, with 69% being categorised as offences against the person, 13% as criminal damage, and 6% as public order. The pattern for women differed only slightly, offences against the person being a lower at 66% and criminal damage the same at 13%, while public order was higher at 10%. Men comprised 94% of defendants whose principal offence was identified as offences against the person.

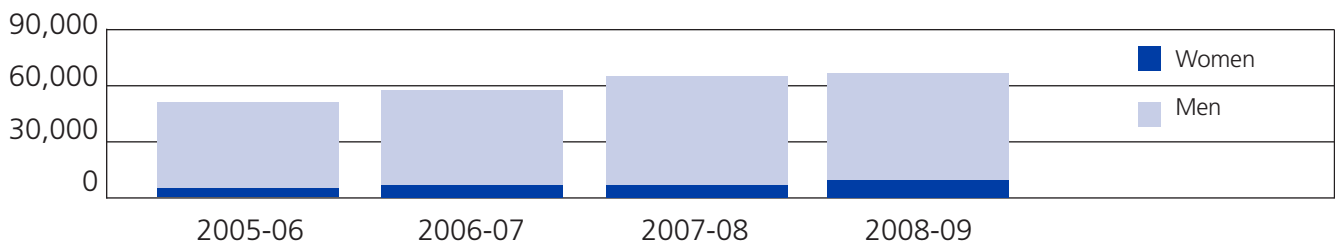
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men stayed at 94% as in 2007-08.

Table 6 – Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	2,579	5.2%	2,956	5.2%	3,770	5.9%	4,266	6.4%
Men	47,198	94.8%	54,396	94.8%	60,037	94.1%	62,805	93.6%
Unknown	5	0.0%	9	0.0%	12	0.0%	23	0.0%
Total	49,782		57,361		63,819		67,094	

Ethnicity

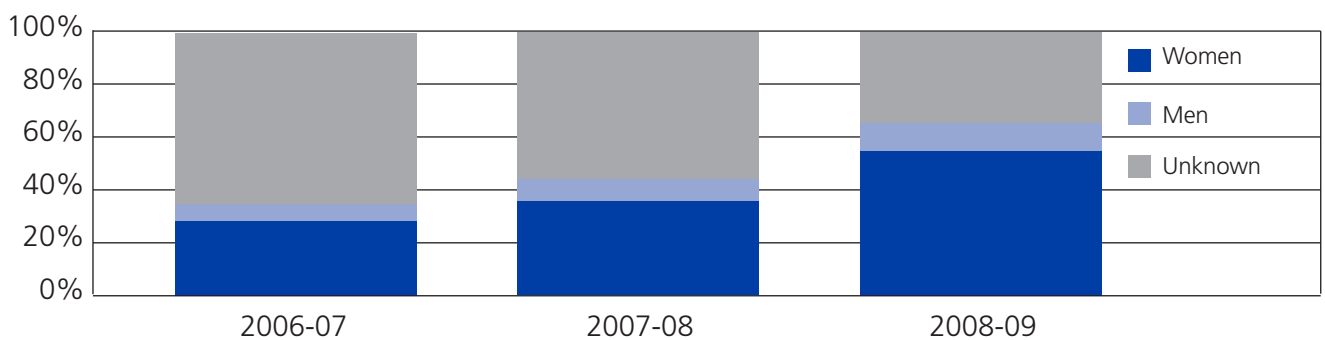
Data on defendant ethnicity are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, just under 78% of domestic violence crime defendants were identified as belonging to the White British category, and 81% were categorised as White. Just under 5% of defendants were identified as Asian, and a further 5% were identified as Black. 3% of defendants did not state an ethnicity on arrest and in a further 4% of cases, the record of ethnicity was not completed.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. Although the recording of this data has improved in the last year, from 56% of victim gender not recorded in 2007-08 to 35% in 2008-09, its completeness and accuracy remain under development. Of those victims whose gender was identified the highest proportion were women, at 85% in 2006-07 and in 2008-09.

Table 7 – Gender of victims



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	7,477	29.3%	18,461	37.5%	33,073	55.3%
Men	1,341	5.3%	3,078	6.3%	5,841	9.8%
Unknown	16,693	65.4%	27,695	56.3%	20,921	35.0%
Total	25,511		49,234		59,835	

Domestic Violence Crime Services

This information has been collected since April 2007, and also remains under development. Of those victims and witnesses referred to a support service or specialist agency, just under 1% were recorded as being referred to a specific 'specialist agency'. The completeness and accuracy of this information remain under development. However 76% were referred to either a victim or witness support agency compared to 22% in 2007-08, while 23% were subject to an 'other' referral compared to 77% in the previous year

Rape

Following a public consultation the Crown Prosecution Service published a revised version of its Policy for Prosecuting Cases of Rape in March 2009, aimed especially at those who support victims of rape, whether professionally or personally. The revised version reflects changes to the law, procedure, and other developments and includes:

- the admissibility of visually recorded evidence of adult victims (Section 27 of the Youth Justice and Criminal Evidence Act 1999);
- new initiatives relating to the care of victims and witnesses;
- an improved section on rape myths and stereotypes; and
- a glossary of legal terms.

Compulsory training for all rape specialist prosecutors, which was introduced in 2008, continues to be delivered by CPS Areas. The training emphasises the importance of pro-actively building the strongest possible cases and focusing on victims. It includes sessions from external partners on the effects of rape including rape trauma syndrome and the nature and extent of the forensic medical examination. It is complemented by an e-learning programme based on the CPS Rape Manual.

Rape is now being monitored as part of the VAW Indicator quarterly. More detailed qualitative assessments by local VAW/Rape Coordinators are provided to the national Rape Prosecutions Delivery Unit to help inform their Area Performance Review assessments. It is important to note that for CPS, successful outcomes include cases that were initially charged as rape but where convictions were obtained for an alternative or lesser offence. The target for reducing unsuccessful outcomes, from charge to conviction, (41%) was just missed at 42% in 2008-09. The new target for 2009 -10 is 39%, with an added emphasis on increasing the volume of cases prosecuted as well as improving attrition.

In 2008-09 charging increased to 39%. However this remains at a low level and indicates the need for further work with the police to identify ways to improve the possibility of charging where appropriate. The proportion of men prosecuted remained the same from 2006-2009 at 99%. The proportion of women victims rose slightly to 88%. 65% of defendants were White, 8% Asian and 12% Black, with 5% not stating ethnicity and a further 5% not recorded.

The increase in guilty pleas to 35% was welcome, but indicates the difficulties of securing guilty pleas given the seriousness of the charge and the likely sentence. However, more cases in volume, and proportionally, were convicted after trial. Proportionally fewer cases were discontinued, including those where no evidence was offered. Victim issues accounted for few unsuccessful cases by volume and proportion (7%). Victim issues were the reason for less than one in five unsuccessful outcomes. Similar to domestic violence, the patterns have changed in relation to victim issues. Proportionally fewer cases were recorded as unsuccessful due to victim retraction. Proportionally more were due to victim non-attendance (although small in number) and the greatest number and proportions were where the victims' evidence did not support the case. This indicates the need for support for victims, especially through Independent Sexual Violence Advisers (ISVAs). Work with the Witness Care Service to improve referrals may help. The greatest number and proportion of unsuccessful outcomes were due to jury acquittals at just under 40%. This indicates the need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the criminal justice system.

Proving the absence of consent is usually the most difficult part of a rape prosecution, and is the most common reason for a rape case to fail. The capacity to consent at the time of the offence can also be an important issue, especially where the complainant was voluntarily intoxicated. CPS rape specialist prosecutors are trained to recognise myths and stereotypes¹¹ and challenge them at every opportunity.

Joint ACPO/CPS Guidance on Investigating and Prosecuting Rape was circulated in 2009, the first to be co-written by the National Policing Improvement Agency and CPS. To mark the launch of the joint guidance six regional police/ CPS workshops were held reinforcing the need to apply CPS policies and good practice consistently and to ensure the concept of joint working is fully understood and implemented.

The launch of the Guidance coincided with the introduction of another police/ CPS initiative that involves joint visits to CPS Areas and police forces by a team from the CPS Rape Prosecutions Delivery Unit and the Association of Chief Police Officers. Following receipt of comprehensive self-assessments from the CPS Area and local police force, the team will conduct interviews with CPS and police personnel responsible for handling rape cases to identify good practice and tease out obstacles to consistent high quality performance. The team will provide written reports that share good practice and provide recommended actions for improvement. Subsequent progress will be monitored against a local police/ CPS action plan.

In June 2009 the Director of Public Prosecutions wrote to all Chief Crown Prosecutors emphasising the importance of taking a decisive lead in driving up local performance in relation to rape cases. He also announced the introduction of specialist training for all Chief Crown Prosecutors on prosecuting rape including a session on myths and stereotypes and the psychological effects of sexual trauma on victims. He instructed that, when reviewing cases prosecutors should actively consider holding a pre-trial witness interview and record reasons for their decisions.

A rape press pack will be developed in 2009-10.

The CPS is supporting the Department of Health (DH) and Home Office initiative to develop a Sexual Assault Referral Centre (SARC) in every police force and to introduce minimum standards for new and existing facilities. This involves CPS specialists visiting areas as part of a cross-agency National Support Team of experts to deliver advice and guidance. There are currently 29 SARCs with a further 16 in development.

Youth rapes

A number of challenging rape convictions have been secured involving youth defendants. A seventeen-year-old was convicted after a re-trial and sentenced to eight years for attacking a fifteen-year-old girl.

In a second case two seventeen-year-old youths each received nine years for raping a teenage girl. The defendants were tried separately – at two courts. The trial judge commended the victim for her bravery in having to give evidence twice.

¹¹ Myths and stereotypes challenged in the rape guidance and training include: rape occurs between strangers in dark alleys; victims provoke rape by the way they dress or act; victims who drink alcohol or use drugs are asking to be raped; rape is a crime of passion; if they did not scream, fight or get injured, it was not rape; you can tell if they 'really' have been raped by how they act; victims cry rape when they regret having sex or want revenge; only gay men get raped/only gay men rape men; and prostitutes cannot be raped.

Domestic violence/rape case

This case first involved allegations of domestic violence by a man upon his seventeen-year-old girlfriend, including assault, criminal damage and false imprisonment. Shortly after this was reported to police, the victim indicated she did not want to proceed with the case and wanted to withdraw the allegations. Within days of this, the defendant raped her. She reported this, and the defendant was charged with various offences.

In the period before the trial it appeared likely that victim would withdraw as the police had difficulty in maintaining contact with her, but she did attend and gave evidence from behind screens. The defence tried to make much of the fact that the victim maintained contact with the defendant both after the initial offences and whilst he was in custody on remand. Despite this, the jury returned guilty verdicts and the defendant was sentenced to six years' imprisonment.

Rape by multiple offenders

Nine young men were found guilty of the rape, kidnap and false imprisonment of a fourteen-year-old girl.

Two of the defendants were given an indeterminate sentence for public protection. Another defendant was sentenced to nine years. A fourth was sentenced to eight years in a Young Offenders Institution and three defendants to six years. Two others were convicted of rape but on the basis they "aided and abetted." The fourteen-year-old was ordered to be detained in secure accommodation for two years and five months because of his age while the sixteen-year-old was sentenced to three years and nine months in a Young Offenders Institution.

The court heard how the victim was on her way home when she saw suspect 'A' with a group of men. She argued with them over an existing dispute in which she told the suspect's girlfriend that she shouldn't be with him, and one of the group took her mobile phone. She was taken to a number of addresses where the nine boys raped her, while recording it on a mobile phone.

The motive for this assault appeared to be that the victim had previously 'disrespected' suspect A. The others defendants were members of a local group and followed his lead. The police worked well within the community to gather evidence to ensure successful prosecution of these crimes.

Rape by multiple offenders of a young woman with learning difficulties – appeal against unduly lenient sentence

A young girl with learning difficulties befriended a young man and agreed to go with him with the intention of having sexual intercourse with him alone.

Once taken to a disused house she was then subjected to multiple rapes by various men, whilst others watched and kept her prisoner. After the ordeal one youth then picked up a bucket of what he thought was water and threw it over her. The bucket contained caustic soda, which burnt her skin.

Ten youths were originally charged with four convictions.

The main three offenders were given custodial sentences and the case was referred to the Attorney General for consideration of an unduly lenient sentence. The appeal was successful, with the sentences being increased. The main defendant's sentence was increased from nine to fourteen years in total for rape and causing grievous bodily harm with intent.

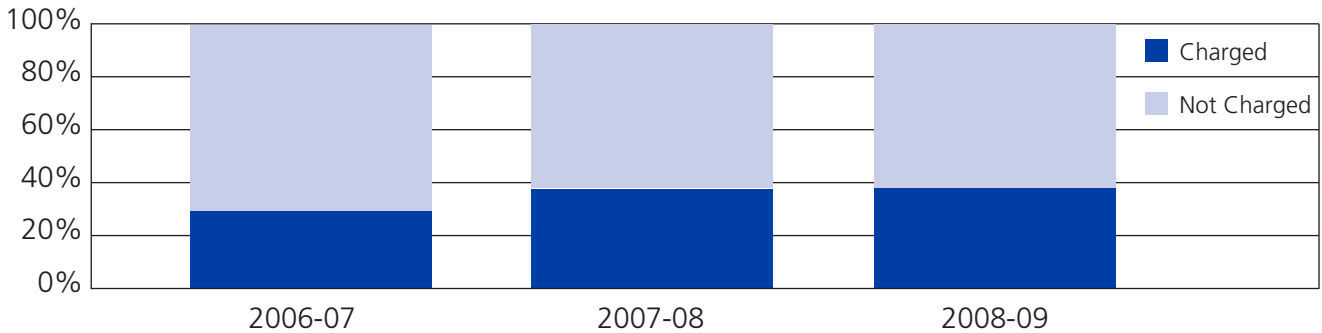
Rape crime: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of rape crimes as part of the Violence against Women (VAW) strategy, as well as measuring performance within the performance review process.

Charging

Cases in which the CPS decided that a defendant should be charged rose from 29.8% of rape cases referred to the Service in 2006-07 to 38.9% in 2008-09, similar to 2007-08. Further work is underway to improve charging rates.

Table 1 – Pre-charge decisions



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	1,963	29.8%	2,220	38.8%	2,565	38.9%
Request for further evidence	110	1.7%	55	1.0%	43	0.7%
No prosecution	3,559	54.0%	3,025	52.9%	3,511	53.2%
All other decisions	958	14.5%	422	7.4%	478	7.2%
Total	6,590		5,722		6,597	

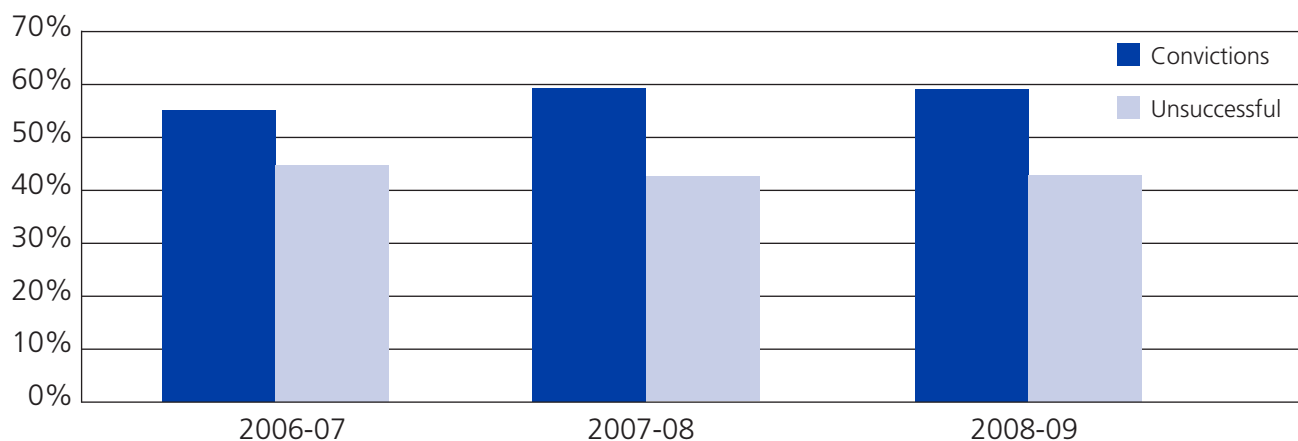
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report

Convictions

In the three years ending March 2009, over 10,200 defendants were prosecuted for crimes involving rape. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 55% in 2006-07 to 58% in 2007-08 and remained at the same level in 2008-09. CPS records include the outcome of all charged cases. Successful outcomes include cases initially charged as rape, but where a conviction was obtained for an alternative or lesser offence.

Table 2 – Completed prosecutions by outcome

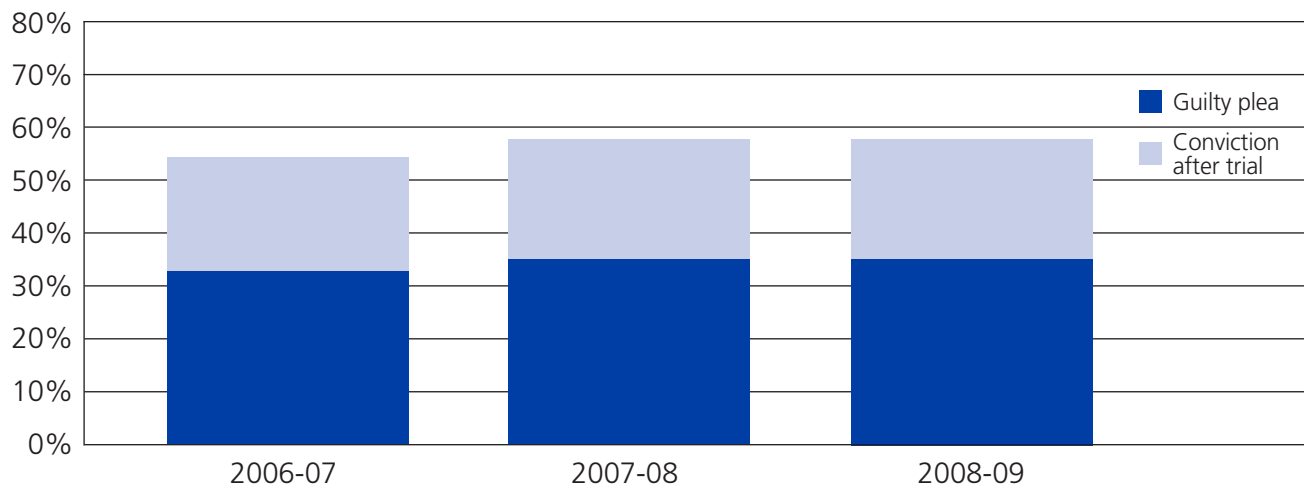


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Convictions	1,778	54.5%	2,021	57.7%	2,018	57.7%
Unsuccessful	1,486	45.5%	1,482	42.3%	1,477	42.3%
Total	3,264		3,503		3,495	

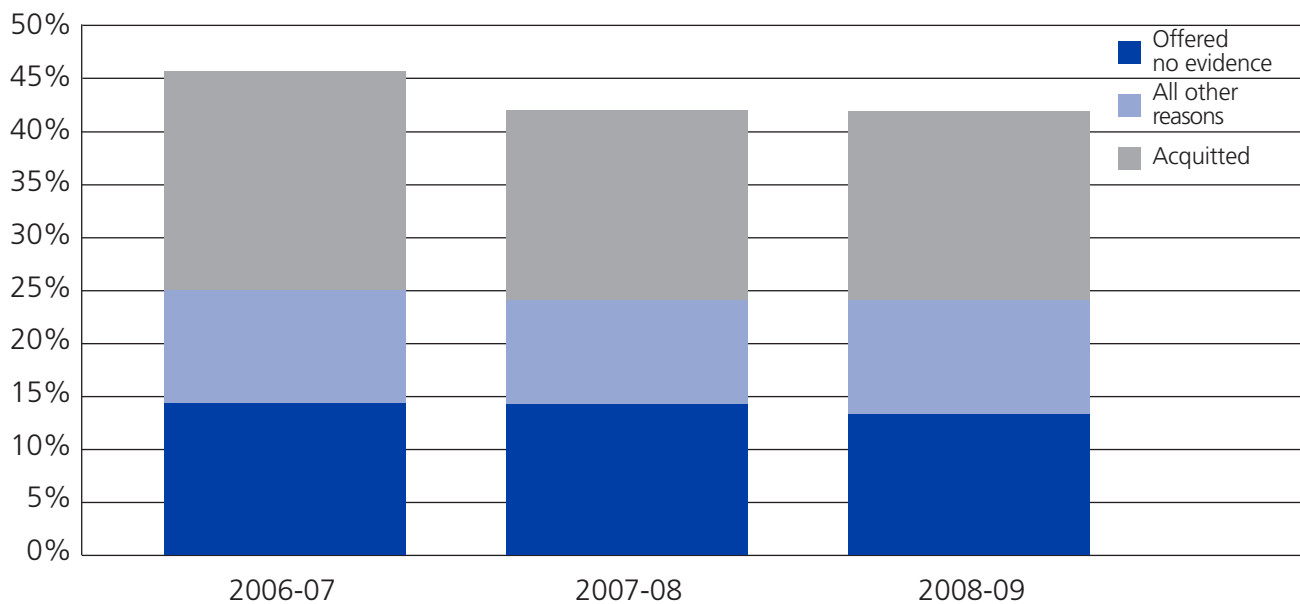
The table and charts below show a detailed breakdown of prosecution outcomes for rape crimes from 2006-07 to 2008-09. Guilty pleas increased from 33% to 35%, the same in both 2007-08 and 2008-09. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 24% to less than 23%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



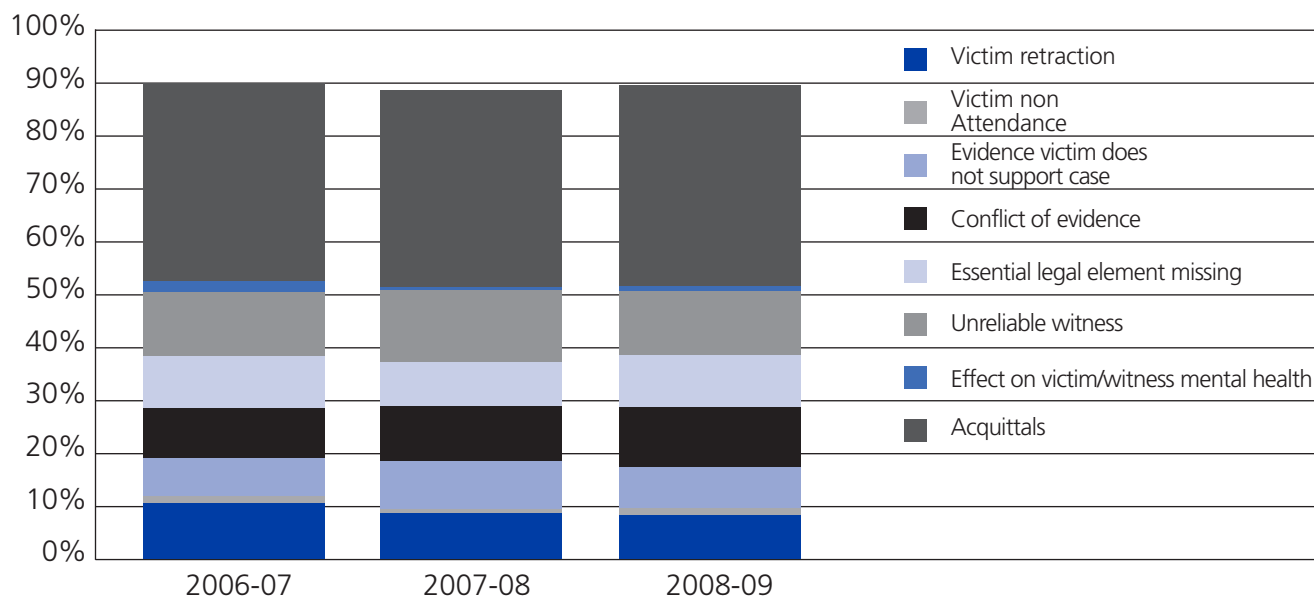
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	29	0.9%	37	1.1%	45	1.3%
Discharged committal	7	0.2%	7	0.3%	6	0.3%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	780	23.9%	795	22.7%	787	22.5%
<i>of which - no evidence offered</i>	486	14.9%	494	14.1%	474	13.6%
Dismissed after trial	7	0.2%	5	0.1%	0	0.0%
No case to answer	1	0.0%	0	0.0%	0	0.0%
Judge directed acquittal	84	2.6%	99	2.8%	64	1.8%
Jury acquittal	578	17.7%	539	15.4%	575	16.5%
Unsuccessful outcomes	1,486	45.5%	1,482	42.3%	1,477	42.3%
Guilty plea	1,077	33.0%	1,235	35.3%	1,230	35.2%
Conviction after trial	701	21.5%	786	22.4%	788	22.5%
Proved in absence	0	0.0%	0	0.0%	0	0.0%
Convictions	1,778	54.5%	2,021	57.7%	2,018	57.7%
Total prosecutions	3,264		3,503		3,495	

Unsuccessful prosecutions

Table 4 gives a more refined analysis of the reasons for unsuccessful outcomes, showing the proportion failing due to: victim issues (including victim retraction and cases in which a victim failed to attend a court hearing); conflicts of evidence or circumstances where the witness was unreliable; the absence of essential legal element; the effect on the victim or witness's mental health; and acquittals after trial.

Within these key reasons, acquittals after trial remained the largest category, varying little over the three year period, from 38.4% to 38.1%, the majority of which were acquittals by a jury rather than directed by the judge. Key victim issues fell slightly from 19.2% of all unsuccessful outcomes to 17.5% in 2008-09. Within victim issues, fewer were due to victim retractions than in earlier years and more cases failed because the victim's evidence did not support the prosecution case.

Table 4 – Key reasons for unsuccessful prosecutions

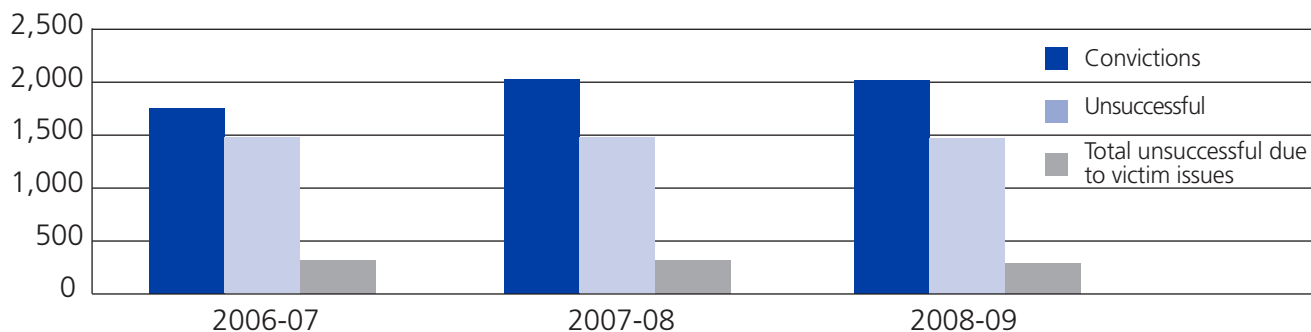


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Victim retraction	162	10.9%	128	8.6%	111	7.5%
Victim non-attendance	15	1.0%	9	0.6%	23	1.6%
Evidence of victim does not support case	109	7.3%	131	8.8%	124	8.4%
Total victim issues	286	19.2%	268	18.1%	258	17.5%
Conflict of evidence	134	9.0%	159	10.7%	164	11.1%
Essential legal element missing	128	8.6%	131	8.8%	141	9.5%
Unreliable witness	199	13.4%	197	13.3%	178	12.1%
Effect on victim/witness' mental health	19	1.3%	14	0.9%	18	1.2%
Acquittals	570	38.4%	530	35.8%	562	38.1%
Total key reasons	1,336	89.9%	1,299	87.7%	1,321	89.4%
All other reasons	121	8.1%	146	9.9%	111	7.5%
Administrative finalisations	29	2.0%	37	2.5%	45	3.0%
Total	1,486		1,482		1,477	

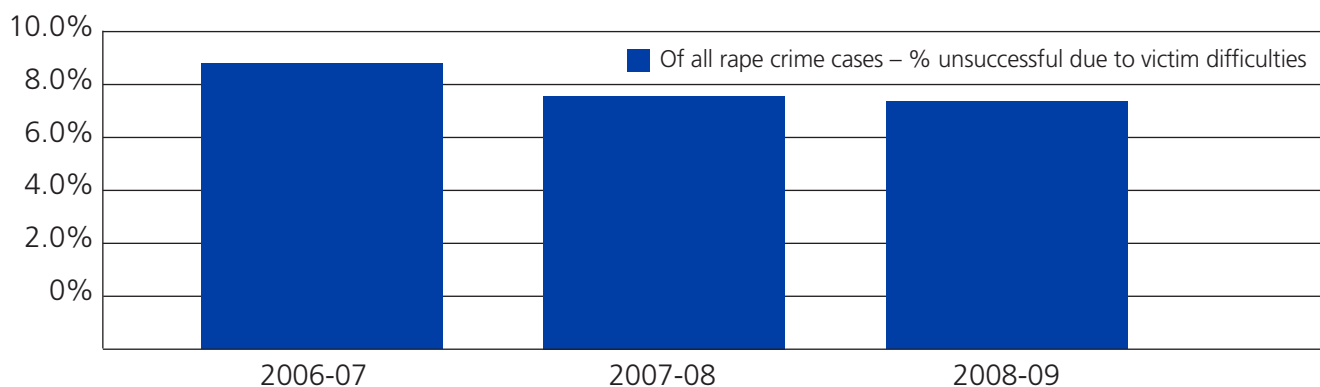
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell slightly from 286 (8.8%) in 2006-07 to 258 (7.4%) in 2008-09. Total unsuccessful outcomes fell from over 45% in 2006-07 to 42% in 2008-09, just missing the annual target of 41%.

Table 5 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	286	8.8%	268	7.7%	258	7.4%
Total unsuccessful	1,486	45.5%	1,482	42.3%	1,477	42.3%
Total convictions	1,778	54.5%	2,021	57.7%	2,018	57.7%
Total prosecutions	3,264		3,503		3,495	

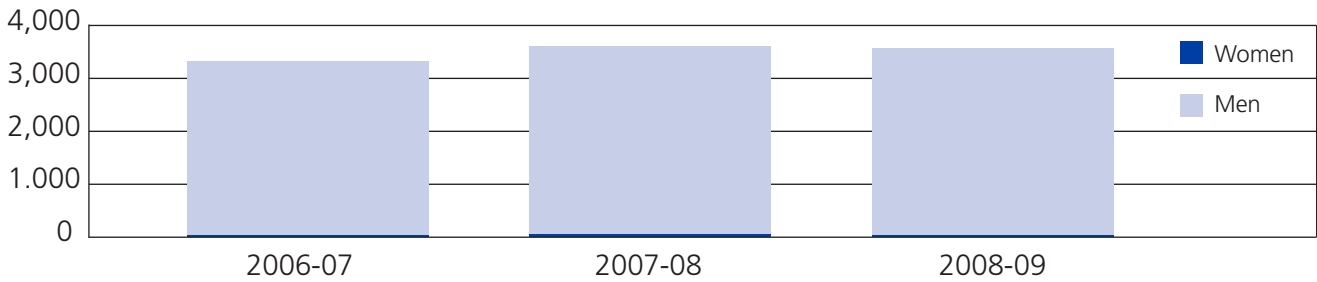
Equalities

(i) Defendants

Gender

Table 6 provide a breakdown of the gender of defendants and of victims respectively. The proportion of defendants who were men remained the same at 99% in 2006-07, 2007-08 and 2008-09.

Table 6 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	35	1.1%	38	1.1%	43	1.2%
Men	3,227	98.9%	3,465	98.9%	3,451	98.5%
Unknown	2	0.1%	0	0.0%	1	0.0%
Total	3,264		3,503		3,495	

Ethnicity

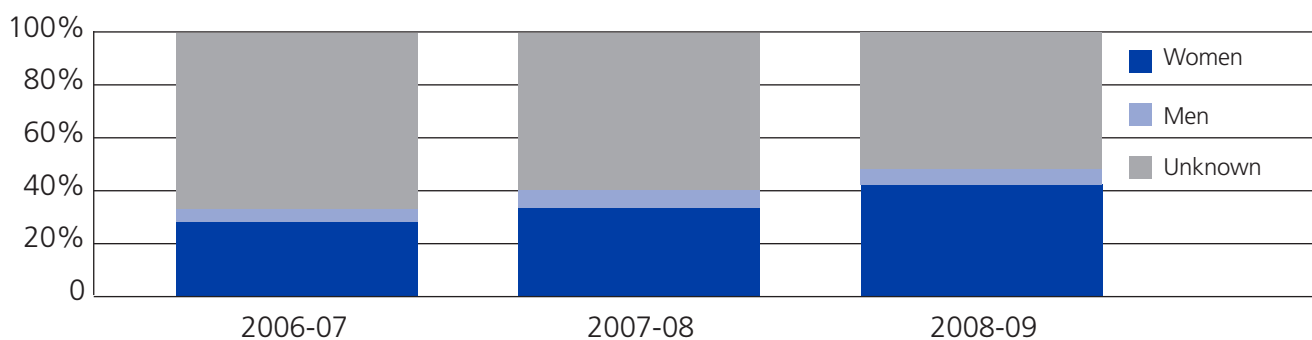
Ethnicity data on defendants is collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, 60% of rape crime defendants were identified as belonging to the White British category, and 65% were categorised as White, similar to the previous year. 8% of defendants were identified as Asian, and a further 12% were identified as Black. 5% of defendants did not state an ethnicity on arrest and in a further 5% of cases the record of ethnicity was not completed.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. The completeness and accuracy of this information remain under development, with 52% of victim gender not recorded. Of those victims whose gender has been identified the highest proportion were women, rising from 87% in 2007-08 to 88% in 2008-09.

Table 7 – Gender of victims



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	415	28.3%	1,053	34.6%	1,632	42.4%
Men	64	4.4%	161	5.3%	223	5.8%
Unknown	989	67.4%	1,829	60.1%	1,993	51.8%
Total	1,468		3,043		3,848	

Sexual offences

Sexual offences, other than rape, are now monitored as part of the VAW Indicator quarterly. The target for reducing unsuccessful outcomes for charged cases (28%) was exceeded at 25% in 2008-09. The new target for 2009-10 is 23%.

Data on charging and victims is not available for sexual offences as explained in the section below.

The proportion of defendants who were men remained the same from 2006-2009-at 95%. 74% of defendants were White, 7% Asian and 6% Black, with 4% not stating an ethnicity while in a further 6% of cases the record of ethnicity was not completed.

The increase in guilty pleas to 62% indicated a reduction in time from charge to outcome, with proportionally fewer trials required. Fewer cases, in volume and proportionally, were discontinued, including those where no evidence was offered. Victim issues accounted for few unsuccessful cases by volume and proportion (3%). Out of all the unsuccessful cases, victim issues only accounted for 12% of the reasons. The greatest proportion of unsuccessful outcomes were due to jury acquittals, at just below 34% of unsuccessful outcomes. As with rape, this may indicate the need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the criminal justice system.

Sexual abuse and learning disabilities – use of an intermediary

A man was convicted of sexually abusing four brothers after they gave evidence at trial with the help of an intermediary. The defendant was sentenced to 15 years' imprisonment, an indeterminate sentence for public protection and a sexual offences prevention order after he was found guilty of 19 counts, including six of *'sexual activity with a person with a mental disorder impeding choice'* and one of rape.

The victims were aged between seven and 18. Three had severe learning disabilities while the fourth suffered from Attention Deficit Hyperactivity Disorder. During the trial they provided evidence via a video link, with the intermediary sitting next to them in a separate room in the court. The reviewing lawyer said: "The intermediary built up a good rapport with the family members. We ensured that the prosecuting advocate introduced herself personally to each of the witnesses before they gave evidence. The judge and the defence barristers agreed a system for how they would intervene in the questioning."

Sexual offences excluding rape crime: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of sexual offences (excluding rape crimes) as part of the Violence against Women (VAW) strategy, as well as measuring performance within the performance review process.

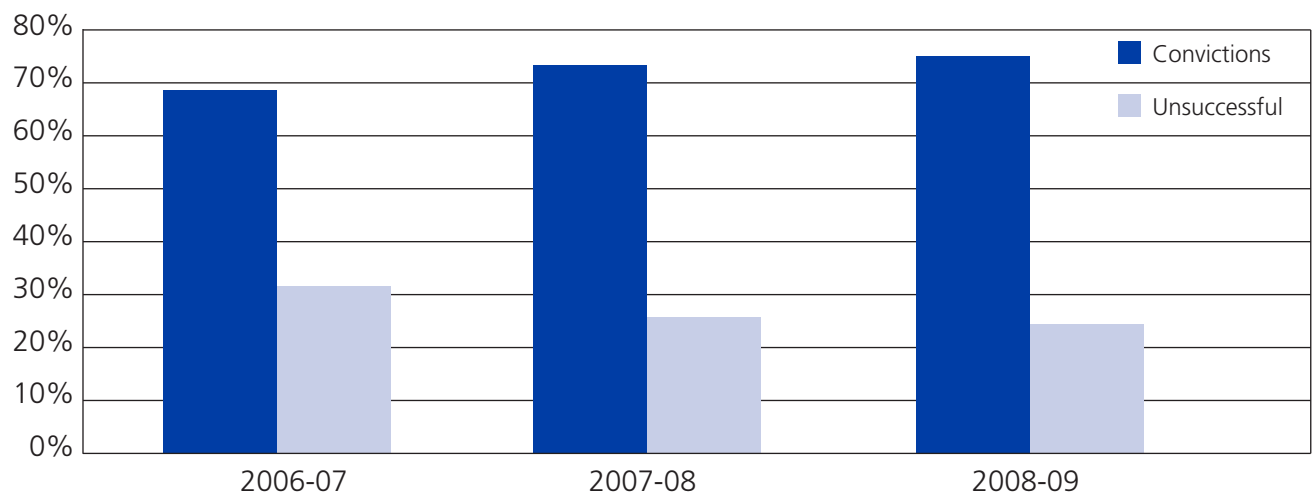
Charging

CPS records include no indication of pre-charge decisions regarding sexual offences, as a principal offence category is allocated to cases only at the conclusion of prosecution proceedings.

Convictions

In the three years ending March 2009, over 24,300 defendants were prosecuted for crimes involving sexual offences other than rape. Table and chart 1 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 68% in 2006-07 to 75% in 2008-09.

Table 1 – Completed prosecutions by outcome

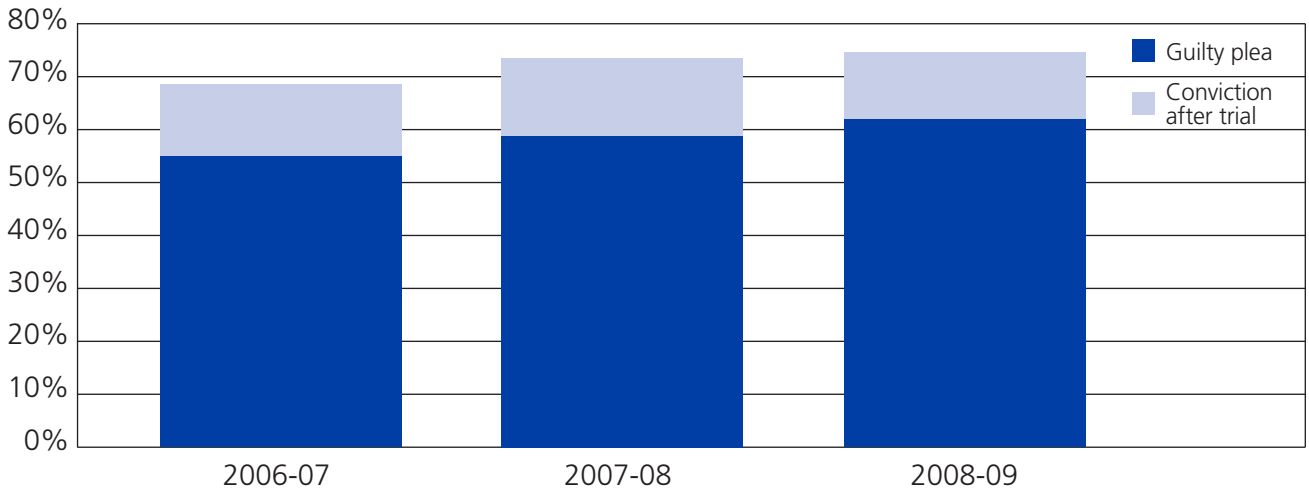


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Convictions	5,675	68.3%	5,976	73.5%	5,955	75.1%
Unsuccessful	2,630	31.7%	2,154	26.5%	1,976	24.9%
Total	8,305		8,130		7,934	

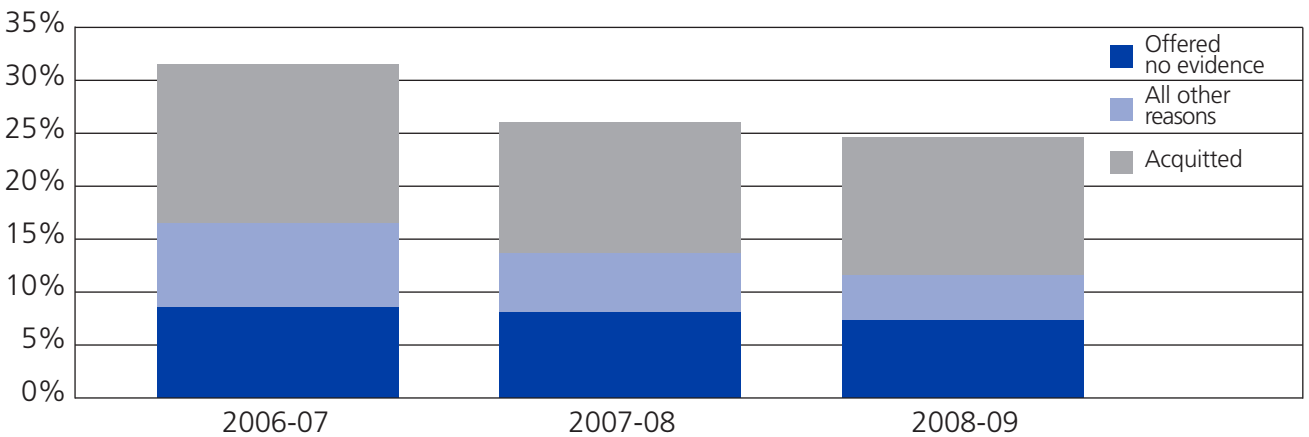
The table and charts below show a detailed breakdown of prosecution outcomes for sexual offences from 2006-07 to 2008-09. Guilty pleas increased from 53% to 62%, contributing to an improved conviction rate of 75% in 2008-09 compared with 68% in 2006-07. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 16% to just over 12%.

Table 2 – Prosecution outcomes

Convictions



Unsuccessful outcomes



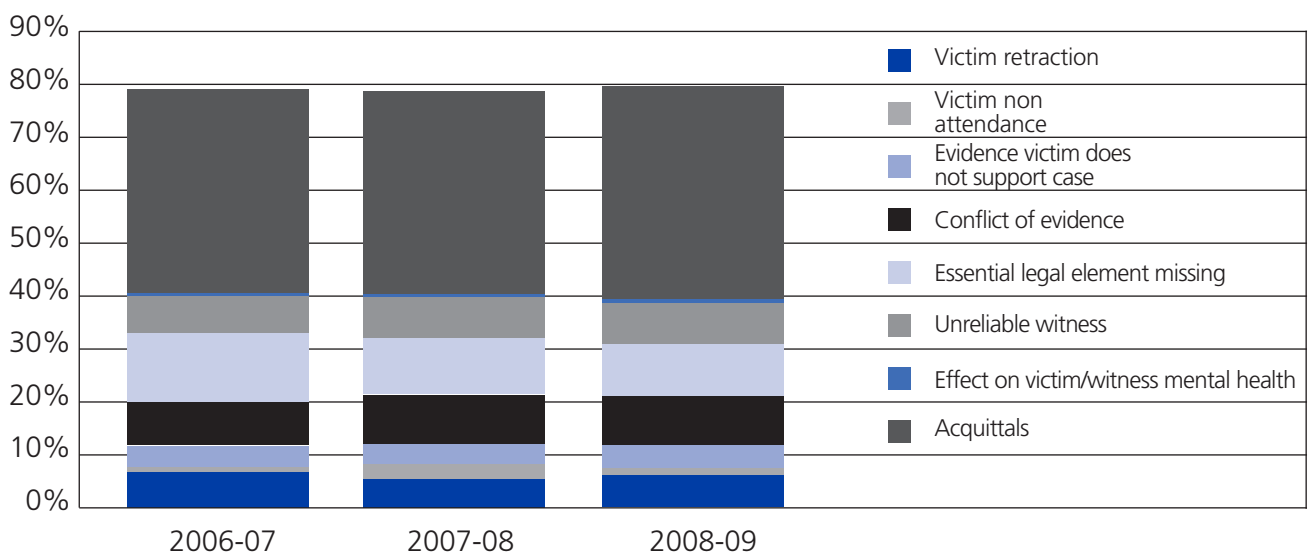
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	56	0.7%	49	0.6%	59	0.7%
Discharged committal	55	0.7%	56	0.7%	46	0.6%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,339	16.1%	1,140	14.0%	985	12.4%
<i>of which - no evidence offered</i>	674	8.1%	636	7.8%	551	6.9%
Dismissed after trial	223	2.7%	195	2.4%	148	1.9%
No case to answer	38	0.5%	13	0.2%	15	0.2%
Judge directed acquittal	104	1.3%	70	0.9%	63	0.8%
Jury acquittal	815	9.8%	631	7.8%	663	8.4%
Unsuccessful outcomes	2,630	31.7%	2,154	26.5%	1,979	24.9%
Guilty plea	4,398	53.0%	4,746	58.4%	4,909	61.9%
Conviction after trial	1,262	15.2%	1,210	14.9%	1,036	3.1%
Proved in absence	15	0.2%	20	0.2%	10	0.1%
Convictions	5,675	68.3%	5,976	73.5%	5,955	75.1%
Total prosecutions	8,305		8,130		7,934	

Unsuccessful prosecutions

Table 3 gives a more refined analysis of reasons for unsuccessful outcomes, showing the proportion failing due to: victim issues (including victim retraction and cases in which a victim failed to attend a court hearing); a conflict of evidence, or where the witness was unreliable; the absence of an essential legal element; the effect of the victim or witness's mental health; and acquittals after trial.

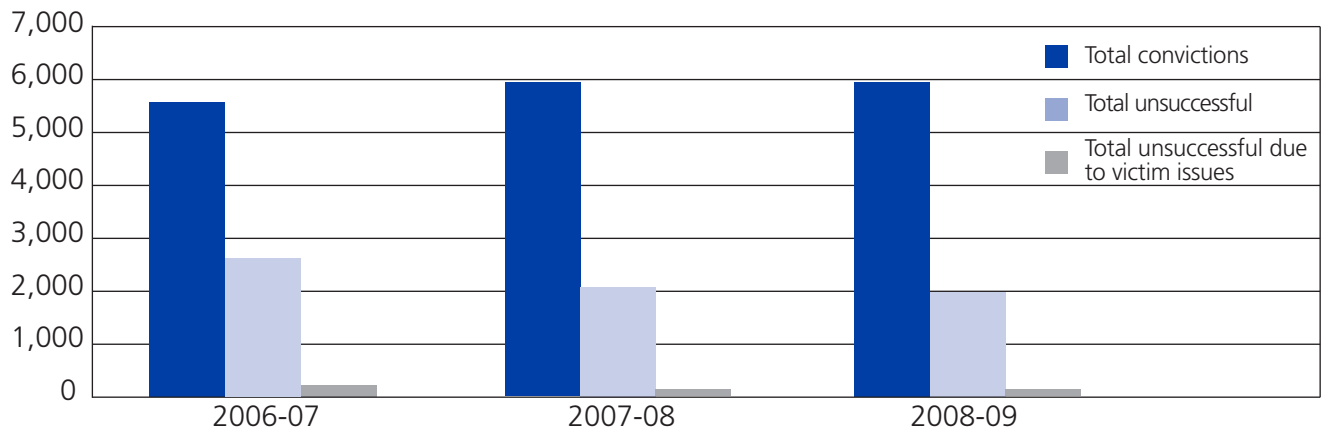
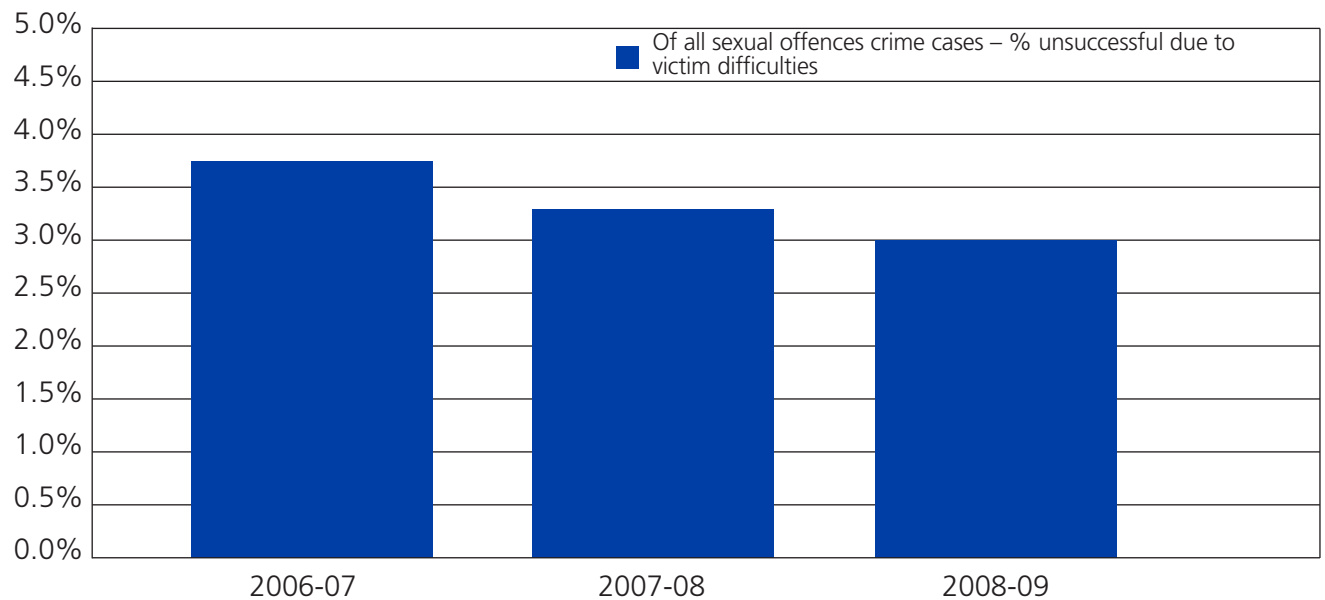
Within these key reasons, acquittals after trial remained the largest category, increasing over the three year period, from 36.3% to 39.9%. Table 2 indicates that the majority of these were acquittals by a jury rather than directed by the judge. Victim issues were little changed at 11.8% in 2006-07 compared with 12% in 2008-09.

Table 3 – Key reasons for unsuccessful prosecutions



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Victim retraction	144	5.5%	105	4.9%	109	5.5%
Victim non-attendance	47	1.8%	47	2.2%	31	1.6%
Evidence of victim does not support case	119	4.5%	117	5.4%	97	4.9%
Total victim issues	310	11.8%	269	12.5%	237	12.0%
Conflict of evidence	212	8.1%	188	8.7%	175	8.8%
Essential legal element missing	349	13.3%	252	11.7%	214	10.8%
Unreliable witness	204	7.8%	156	7.2%	126	6.4%
Effect on victim/witness' mental health	27	1.0%	16	0.7%	23	1.2%
Acquittals	954	36.3%	791	36.7%	790	39.9%
Total key reasons	2,056	78.2%	1,672	77.6%	1,565	79.1%
All other reasons	518	19.7%	433	20.1%	355	17.9%
Administrative finalisations	56	2.1%	49	2.3%	59	3.0%
Total	2,630		2,154		1,979	

Table and chart 4 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell slightly from 269 (3.3%) in 2007-08 to 237 (3.0%) in 2008-09. Total unsuccessful outcomes fell from just under 32% in 2006-07 to just under 25% in 2008-09, exceeding the annual target of 28%.

Table 4 – Comparison of key victim issues**Victim issues in relation to all outcomes****% Victim issues**

	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	310	3.7%	269	3.3%	237	3.0%
Total unsuccessful	2,630	31.7%	2,154	26.5%	1,979	24.9%
Total convictions	5,675	68.3%	5,976	73.5%	5,955	75.1%
Total prosecutions	8,305		8,130		7,934	

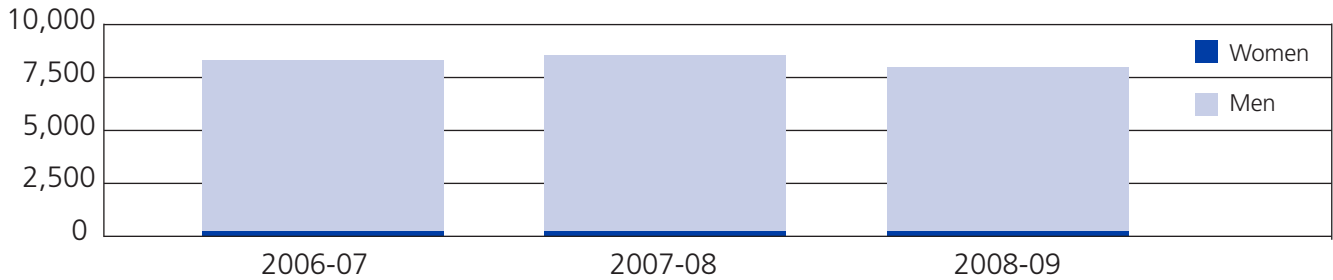
Equalities

(i) Defendants

Gender:

Table 5 provides a breakdown of the gender of defendants and of victims respectively. The proportion of defendants who were men remained little changed at 95% of the total.

Table 5 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	348	4.2%	368	4.5%	359	4.5%
Men	7,957	95.8%	7,761	95.5%	7,571	95.4%
Unknown	0	0.0%	1	0.0%	4	0.1%
Total	8,305		8,130		7,934	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, 69% of defendants in proceedings relating to sexual offences excluding rape were identified as belonging to the White British category, and 74% were categorised as White. 7% of defendants were identified as Asian, and a further 6% were identified as Black. These proportions were little changed compared with the preceding year. Just over 4% of defendants did not state an ethnicity on arrest, compared with 5% in 2007 - 08. In a further 6% of cases the record of ethnicity was not completed.

(ii) Victims

Gender

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

Forced marriage, honour based violence and female genital mutilation

The Crown Prosecution Service included honour based violence, forced marriage and female genital mutilation within the domestic violence policy and guidance. To date no cases of female genital mutilation (FGM) have been brought for prosecution. The CPS has however, continued to make prosecutors aware of the issues around this subject within its domestic violence training and has worked across government to help tackle this practice. This work is ongoing and forms part of the cross government National Domestic Violence Delivery Plan for 2009-10.

The Policy lead is part of a cross-governmental Steering Group aiming to identify and produce practical tools to assist victims and potential victims to tackle FGM.

The CPS conducted a pilot on forced marriage and honour based violence between July 2007 and March 2008 to identify and monitor these cases for the first time. Specialist prosecutors were specifically selected, provided with guidance and trained to lead on the prosecution of these cases. The project aimed:

- to identify the number and pattern of forced marriage and honour based violence cases;
- identify any issues facing prosecutors in accurately identifying, managing and prosecuting such cases; and
- inform the development of any national guidance and training for prosecutors.

A report on the 2007-08 pilot study on the prosecution of forced marriage and honour based violence cases was published in December 2008. The recommendations focused on three main areas:

- the prosecution of cases;
- support for victims and witnesses; and
- future flagging of cases.

Implementation of the recommendations started in 2008 - 09 and continues into 2009-10. Groups were requested to select specialist prosecutors to deal with these cases in 2009-10. Guidance for these prosecutors will be developed in 2009-10 in conjunction with CPS stakeholders including specialist support services. Training for the selected prosecutors will take place and flagging of all cases to record performance will then begin in April 2010.

The Policy lead on forced marriage and honour based violence has worked with Police leads to inform the ACPO honour based violence strategy. Launched in October 2008, it sought to improve the police response to honour-based violence, including forced marriage nationally.

The Forced Marriage (Civil Protection) Act 2007 was implemented in November 2008 and offers civil remedies to victims or potential victims of forced marriage. The Act allows the court the power to make Forced Marriage Protection Orders (FMPO). These can be used to prevent forced marriages occurring or to protect victims who have already been forced into marriage. Since the Act came into force, 23 Protection Orders have been issued.

The Policy lead has worked across government in 2008-2009 to develop multi-agency statutory guidance for dealing with forced marriage. Issued to coincide with the launch of the Act, this guidance makes clear the strategic functions that agencies must follow in order to improve handling of forced marriage cases. This government led statutory guidance will be supplemented by a revision of the existing front-line practitioner guidelines, which will be published in multi-agency single volume format during 2009.

The CPS will continue to work closely with ACPO and other government departments throughout 2009-10 to develop a co-ordinated community response to help prevent and reduce honour based violence including forced marriage.

Forced marriage

A mother was jailed for three years after forcing her two young daughters to marry their cousins in Pakistan. The Muslim woman tricked the pair, aged 14 and 15, into thinking they were going on a family holiday.

When the schoolgirls arrived they discovered preparations were being made for them to marry their first cousins in a joint ceremony. Following the marriage both girls faced extreme violence and forced sex with their 'husbands'.

The mother was prosecuted and convicted of child sex offences and attempting to pervert the course of justice as there is no current law which bans forced marriage.

Honour crime

A girl and two brothers were at a party consuming alcohol. The girl received a text message to say her brothers had been informed she had been drinking and as a result were on their way to the party to confront her and seek revenge on her friends for getting her to drink alcohol.

Her two brothers (the defendants) attended the party with a number of Asian men armed with weapons, including knives and chains. They sought out the two brothers (the victims) and attacked them with weapons. The other men also assaulted them, using different weapons. The attack was witnessed by the girl, who accompanied the victims to the hospital. Police attended the incident and identified three separate crime scenes. The victims received deep cuts and bruises. The case was prosecuted and both defendants received an 18 months custodial sentence.

Child abuse

The Crown Prosecution Service Children and Young People Policy was published in 2006. Children's organisations and young people themselves were involved in reviewing draft versions of the policy and children's versions of the policy have also been produced.

Safeguarding Children – Guidance on Children as Victims and Witnesses was published in 2008 and Guidance on Prosecuting Child Abuse cases was published in 2009.

All these documents reflect the CPS' commitment to working with other agencies to safeguard children. A permanent external consultation group works with the CPS on children's issues.

Training concerning Safeguarding Children is being incorporated into existing courses. A separate, specific, CPS course on prosecuting child abuse cases is available nationally.

Recommendations from the HMCPSI Second Review of the Role and Contribution of the CPS to Safeguarding Children Report (August 2008) are being implemented as are the recommendations for CPS from the 2009 NSPCC Report *Measuring Up? Evaluating government commitments to young witnesses in criminal proceedings*.

The CPS has worked closely with ACPO in their revisions of the Senior Investigating Officers' Handbook and their Guidance on Investigating Child Abuse and Safeguarding Children and with OCJR in their Young Witnesses review.

The CPS is represented on the working group looking at s.28 Youth Justice and Criminal Evidence Act 1999 (pre-trial video recorded cross-examination).

Work continues on agreeing a CPS definition of "child abuse" to be disseminated to Areas for the purpose of monitoring prosecution performance.

CPS has also been working on the quality of Achieving Best Evidence videos; advocacy in child witness cases; safeguarding disabled children; the new vetting and barring provisions; Lord Laming's review; cases involving very young witnesses; and responding to the Serious Case Review consultation.

Historic rape case - defendant prosecuted after leaving UK

The defendant was living abroad when the police initially consulted CPS on the case. The complainant was the ex-step daughter of the defendant. The allegations were dated from 1981 to 1987.

A European Arrest Warrant (EAW) was applied for and granted and the defendant arrested abroad and, although he appealed the extradition process, he was eventually successfully extradited to the UK.

He was indicted with three counts of gross indecency with a child and three counts of rape on his ex-step daughter between 1981 and 1987. He was convicted on all six counts and sentenced to 12 years' imprisonment.

The caseworker on the case kept the witnesses reassured and supported at Court. CPS and the police received an e-mail from the family after the trial thanking all the Prosecution Team for their hard work and efforts in bringing the case to Court.

Child abuse crime: key findings

Child Abuse cases are identified by attaching to the case a monitoring flag applied by the CMS user at the pre-charge stage. In addition prosecution outcomes are reported by principal offence category (homicide, offences against the person and sexual offences), allocated at the conclusion of proceedings. Pending the finalisation of an agreed national CPS definition of child abuse during 2009-10, caution is required in the interpretation of the child abuse data below.

The proportion of defendants prosecuted for child homicide who were men, prosecuted for child homicides fell from 77% in 2006-07 to 73% in 2008-09, with fewer convictions at 78%, compared with 87%. Similarly the proportion of men prosecuted for offences against the person fell from 76% in 2006-07 to 74% in 2008-09, whilst convictions remained the same at 72%. Men prosecuted for sexual offences remained similar at 98% with a rise in convictions from 69% to 75%.

Homicide

In the three years ending March 2009, 103 defendants were prosecuted for child abuse crimes with a principal offence category of homicide. This category includes proceedings for making threats to kill, assisting an offender in a case of murder, infanticide, child destruction, and causing death by careless driving when under the influence of drink or drugs, as well as murder and manslaughter. Convictions fell from 83% in 2006-07 (25 out of 30 defendants) to 75% in 2008-09 (33 out of 44 defendants).

The proportion of men prosecuted in this category varied from 77% in 2006-07 to 73% in 2008-09.

	2006-07				2007-08				2008-09			
	Men		Women		Men		Women		Men		Women	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	20	87.0%	5	71.4%	14	70.0%	6	66.7%	25	78.1%	8	66.7%
Unsuccessful	3	13.0%	2	28.6%	6	30.0%	3	33.3%	7	21.9%	4	33.3%
Total	23		7		20		9		32		12	

Offences against the person

In the three years ending March 2009, 6,730 defendants were prosecuted for child abuse crimes with the principal offence category of offences against the person. Convictions increased slightly to 73% in 2008-09 from 72% in both 2006-07 and 2007-08.

The proportion of men prosecuted in this category has fallen slightly from 76% in 2006-07 to 74% in 2008-09.

	2006-07				2007-08				2008-09			
	Men		Women		Men		Women		Men		Women	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	1,260	71.7%	408	72.9%	1,269	72.0%	417	72.5%	1,107	72.1%	406	75.2%
Unsuccessful	497	28.3%	152	27.1%	493	28.0%	158	27.5%	429	27.9%	134	24.8%
Total	1,757		560		1,762		575		1,536		540	

Sexual offences

In the three years ending March 2009, 11,810 defendants were prosecuted for child abuse crimes with the principal offence category of sexual offences. Convictions rose from 69% in 2006-07 to 75% in 2008-09.

The proportion of men prosecuted in this category has remained virtually the same at 98% in 2006-07, 2007-08 and 2008-09.

	2006-07				2007-08				2008-09			
	Men		Women		Men		Women		Men		Women	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	2,607	69.3%	53	67.9%	2,797	72.3%	43	58.1%	2,948	74.7%	63	75.9%
Unsuccessful	1,157	30.7%	25	32.1%	1,069	27.7%	31	41.9%	997	25.3%	20	24.1%
Total	3,764		78		3,866		74		3,945		83	

Human trafficking

The Crown Prosecution Service published updated legal guidance on human trafficking in March 2009 to reflect further policy changes; in particular those arising from the implementation of the Council of Europe Convention.

The Council of Europe Convention was ratified by the Government in December 2008 and implemented in April 2009. It introduced a number of provisions which will improve the ability of CPS to identify victims and bring more cases to justice. The provisions include:

- A national referral mechanism to enable efficient victim identification and referral to appropriate support;
- a reflection period of 45 days, which will be extendable in some circumstances, for example extreme trauma;
- a residence permit: granted for a minimum of one year and is renewable, for victims who cooperate with an investigation or criminal proceedings.

The CPS continued to contribute to the delivery of the government-wide UK Action Plan on tackling trafficking of human beings, published in July 2008. A revised plan was published in October 2009. There are a number of actions which the CPS is responsible for and can contribute to in terms of victim protection and support, and improving the prosecution rate. CPS continues to monitor human trafficking legislation and is working with Home Office officials to ensure it is sufficiently robust to enable successful prosecutions. One such amendment sought to enable prosecutors to prosecute those who traffic babies and young children to acquire benefits, was given Royal Assent in July 2009.

The CPS Policy lead now chairs the UK Human Trafficking Centre (UKHTC) Victim Care Group, whose remit is to contribute to the delivery of actions in the provision of protection and assistance to adult and child victims of trafficking. A senior prosecutor from Organised Crime Division also contributes to the UKHTC Prevention Group.

The numbers of cases of human trafficking prosecuted continued to rise year on year and last year saw the first convictions for trafficking for forced labour. In addition to prosecuting traffickers, CPS is also pursuing the financial assets of traffickers under Proceeds of Crime.

The CPS is actively pursuing capacity building projects in jurisdictions that are a priority for the UK; that is in countries where most can be done to reduce harm to the UK. By building capacity in the source country, the aim is to help to prosecute its offenders and its offences better, thereby reducing the potential harm through crime in both the home country and the UK. Currently there is work on a joint project with Netherlands to address trafficking from Nigeria through capacity building. Last year the UK became a signatory and a party to an ongoing Joint Investigation Team (JIT) with Romania to address the trafficking of Romanian children into the UK.

Training was delivered to an experienced prosecutor in each of the 42 CPS Areas, to the 14 Complex Casework Unit Heads and to prosecutors working in each of the three HQ Casework Divisions in 2008-09. In advance of the national police Operation Pentameter 2, prosecutors received the same briefing as senior investigating officers covering legislation, financial investigation, evidence gathering and victims. Further training is planned for prosecutors in South and West Yorkshire through their learning and development partner. A senior prosecutor contributes to the UK Human Trafficking Centre (UKHTC) led steering group which identifies the training needs of investigators and prosecutors and develops relevant training material.

The CPS is a member of the multi-agency steering group led by the UK Human Trafficking Centre on internal trafficking of young British girls within the UK; girls as young as 12 and 13 years of age who are groomed and trafficked for sexual exploitation within the UK. This work links closely to the cross-Government work on the preparation of the safeguarding guidance on sexually exploited children and on Young Runaways and Children Missing from Care and Home led by the Department for Children, Schools and Families and the Home Office.

CPS is working with the UKHTC and Home Office Officials to develop improved data collection and monitor prosecution outcomes. The aim is to develop an electronic monitoring system for human trafficking cases, sharing data across government departments.

The data provided for this report are from the UK Human Trafficking Centre for 2008-09. During 2008-09 219 arrests for human trafficking offences were recorded. Of these, 82 were for offences of trafficking for sexual exploitation, 26 for domestic servitude and 111 for forced labour.

80 defendants were prosecuted in 2008-09, for trafficking for sexual exploitation under Sections 57 - 59 Sexual Offences Act 2003, half from the European Union. 50 defendants were men. 28 defendants were found guilty; One was deported under European warrant, three convicted of conspiracy to traffic; three lie on file with no other offences and 21 lie on file with a conviction for other offences¹². 23 defendants were found not guilty.

Of the 227 victims for all trafficking crimes, 140 were female and 87 were male. The majority were aged 21-25.

Trafficking

The Organised Crime Division of the CPS successfully prosecuted a number of defendants who were trafficking female victims into the UK from or via Lithuania. The traffickers received substantial prison sentences.

When the Lithuanian authorities arrested those responsible in Lithuania for recruiting and deceiving the women, the CPS prosecutor supplied evidence in support of their prosecutions by utilising powers under section 74 of the Serious Organised Crime and Police Act 2005. This provides for a review of sentence for assistance provided by a defendant whereby a specified prosecutor may, at any time, refer the case back to the court by which the sentence was passed if the person is still serving his sentence, and the prosecutor thinks it is in the interests of justice to do so.

These powers enabled a convicted trafficker to travel from the UK to Vilnius in May 2008 to give evidence against the men from whom he had purchased the women. As a result, around 30 defendants in Lithuania were convicted of trafficking and other offences. The judge thanked the UK authorities for their great assistance to the case.

This was the first time that these powers had been used in respect of a defendant who helped to secure convictions in another jurisdiction and required the CPS prosecutor to use, innovatively, new legislation in order to assist foreign authorities. When the convicted trafficker returned to the UK, his original sentence was reviewed by the original sentencing court and was reduced from seven to three and half years to reward his assistance in bringing a substantial number of additional defendants to justice. He was subsequently deported.

¹² Lie on File - indicates a guilty plea and sentence for other offences.

Trafficking

A case was prosecuted by the first CPS Crown Advocate appointed to Queens Counsel. Four out of five defendants were convicted and the principal traffickers were sentenced to 13 years' and 12 years' imprisonment.

Two of the Albanian defendants trafficked a young teenage girl who lived in a children's home in a small Lithuanian town and did not speak English, into the UK with the promise of working in a shop for the summer holidays in 2007. When she arrived here, she was forcibly made to work as a prostitute in saunas and flats as well as having sex with her traffickers. She was assaulted when she attempted to get away.

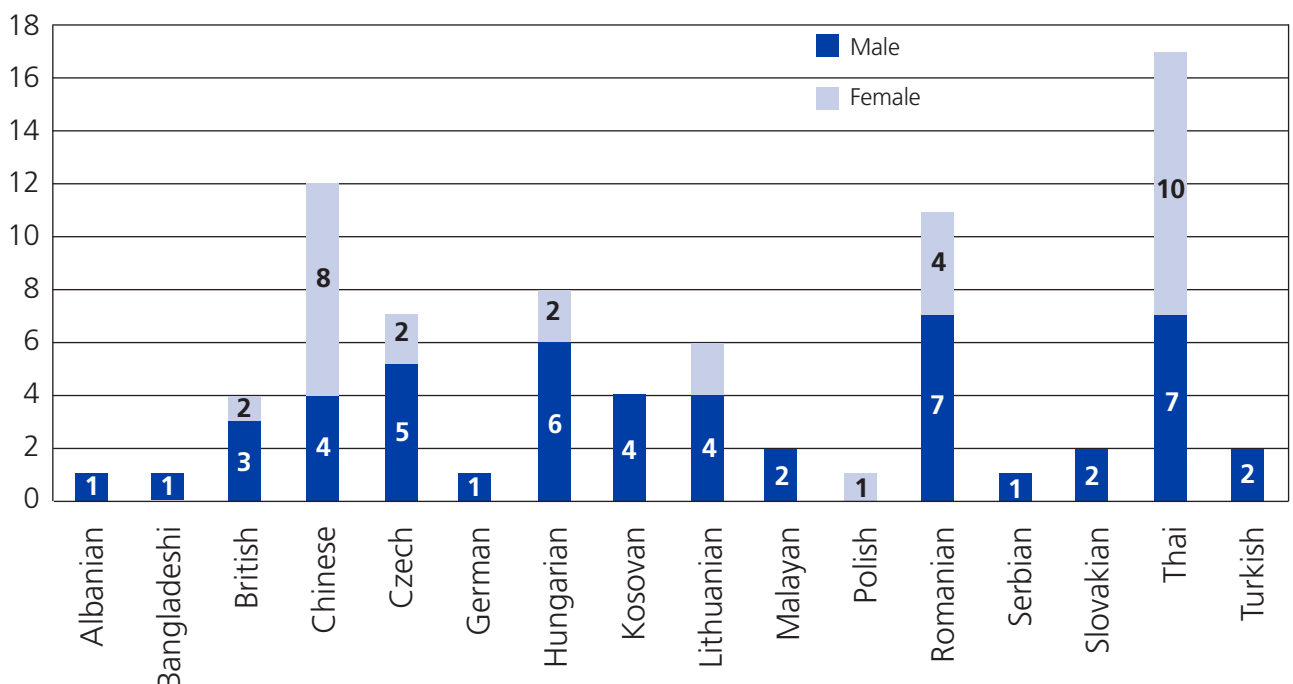
She was then sold onto the remaining defendants and driven to an address in South Wales where she met another young Lithuanian woman (victim 2) who had also been bought by the traffickers. The young women were threatened and forced to work as prostitutes in Wales; all their earnings were taken by the traffickers. Police recovered the girls in October 2007.

Human trafficking statistical data: 2008-09

The United Kingdom Human Trafficking Centre (UKHTC) has been in existence since October 2006, and in that time has commenced a programme of data collection, in relation to victims and suspects, connected to trafficking of human beings (THB), into, within and out of the UK. The data in this section has been compiled by the UKHTC. Queries in respect of data should be directed to Andy Eddison (Andy.Eddison@southyorks.pnn.police.uk) and any other queries to Glynn Rankin, Director of Legal Services, UKHTC (Glynn.Rankin@southyorks.pnn.police.uk).

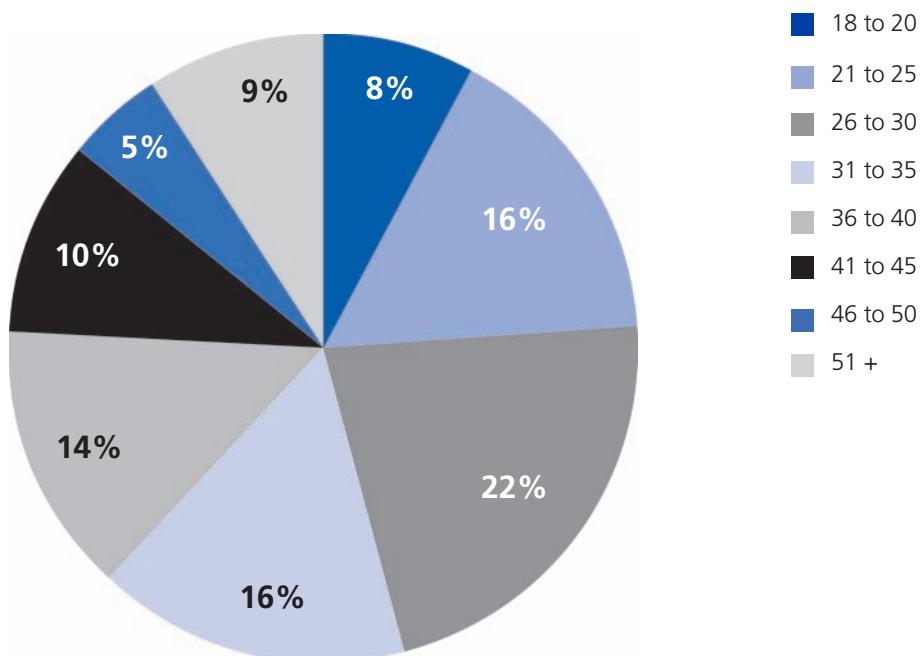
Defendants dealt with for trafficking for sexual exploitation under sections 57 - 59 Sexual Offences Act 2003

Table 1 – Nationality and gender of defendants appearing at court ‡



Nationality	Total	Male	Female
Albanian	1	1	0
Bangladeshi	1	1	0
British	4	3	1
Chinese	12	4	8
Czech	7	5	2
German	1	1	0
Hungarian	8	6	2
Kosovan	4	4	0
Lithuanian	6	4	2
Malayan	2	2	0
Polish	1	0	1
Romanian	11	7	4
Serbian	1	1	0
Slovakian	2	2	0
Thai	17	7	10
Turkish	2	2	0
Total	80	50	30

Table 2 – Age range of defendants ‡



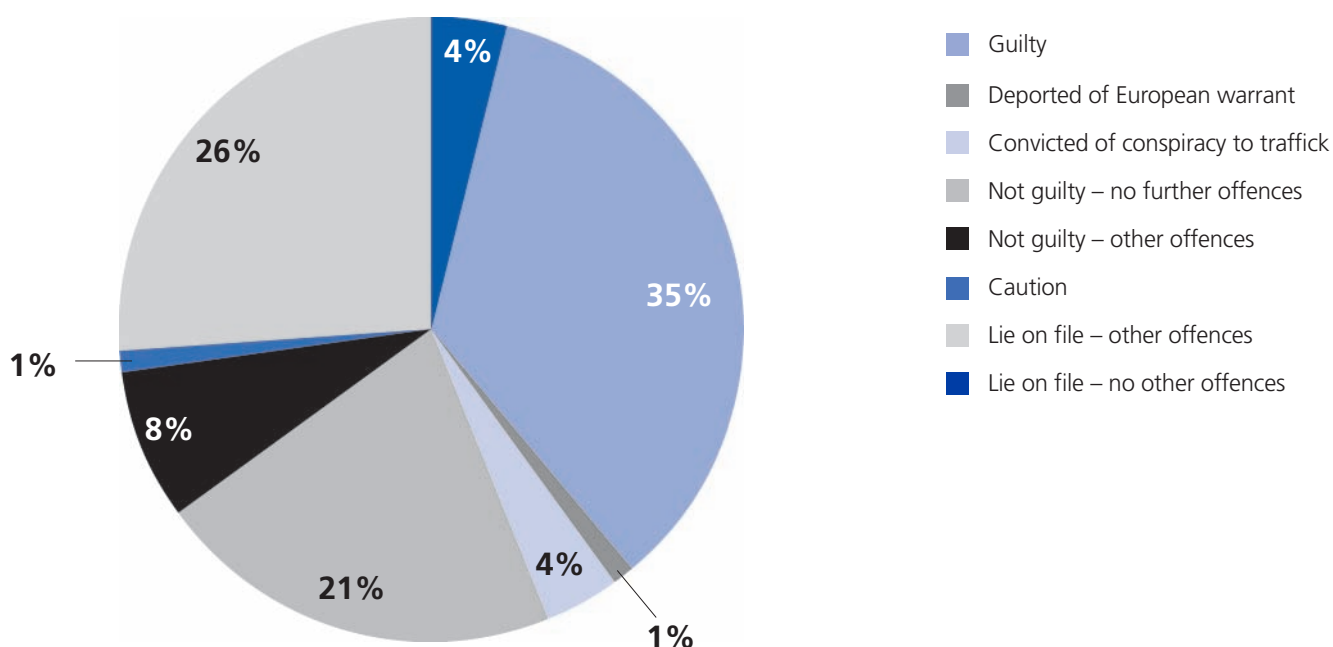
‡ Data Source: UK Human Trafficking Centre

- 50% of all defendants are from the EU

Age range	Volume
18 - 20	6
21 - 25	13
26 - 30	18
31 - 35	13
36 - 40	11
41 - 45	8
46 - 50	4
51+	7
Total	80

‡ Data Source: UK Human Trafficking Centre

Table 3 – Disposal of defendants at court

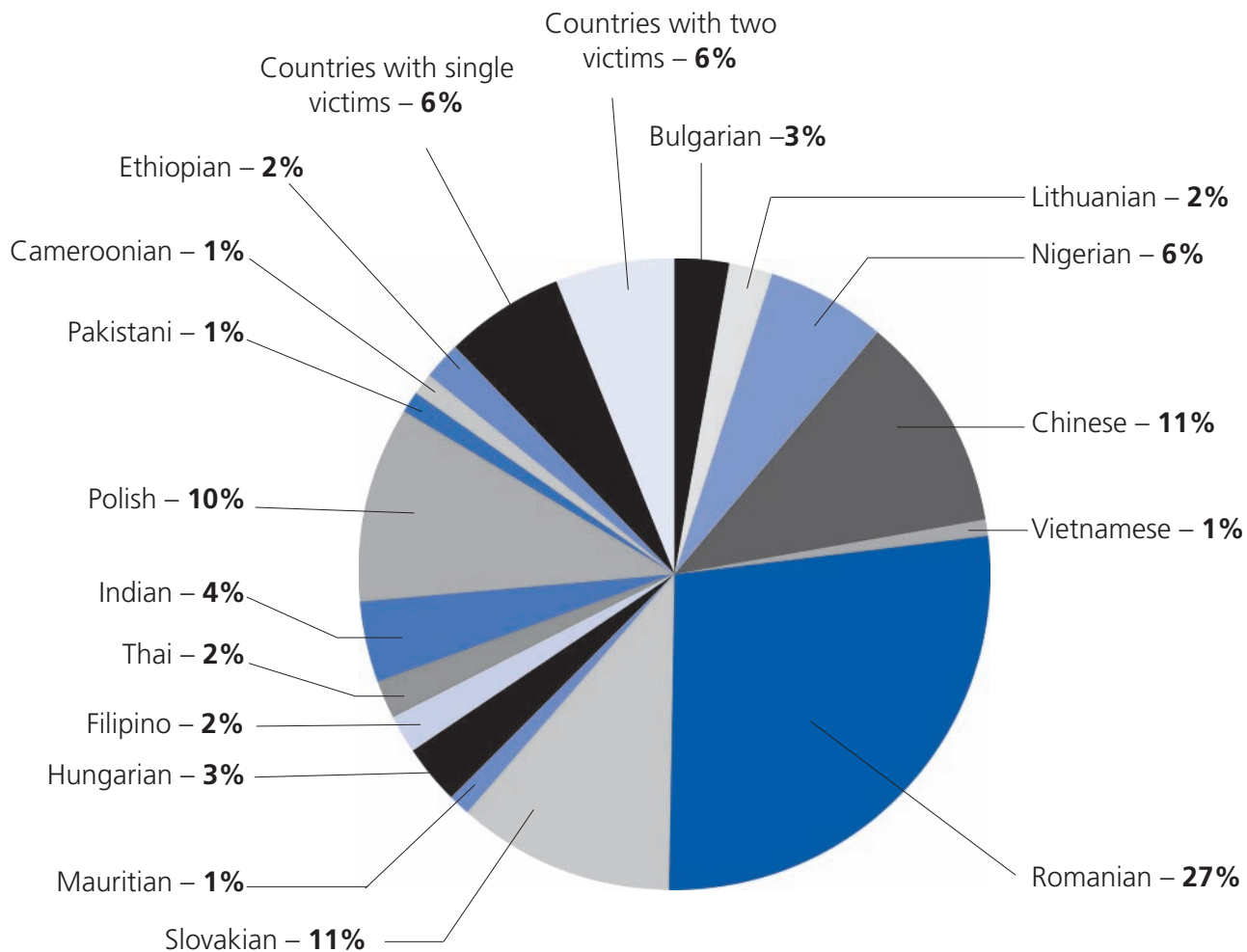


Outcome type	Volume
Guilty	28
Deported under European warrant	1
Convicted of conspiracy to traffick	3
Not guilty - no further offences	17
Not guilty - other offences	6
Caution	1
Lie on file - other offences*	21
Lie of file - no other offences*	3
Total	80

* Lie on File – indicates a guilty plea and sentence for other offences

- Labour Exploitation – There were four convictions this year under The Asylum and Immigration Act 2004.

Table 4 – Nationality of victims ‡

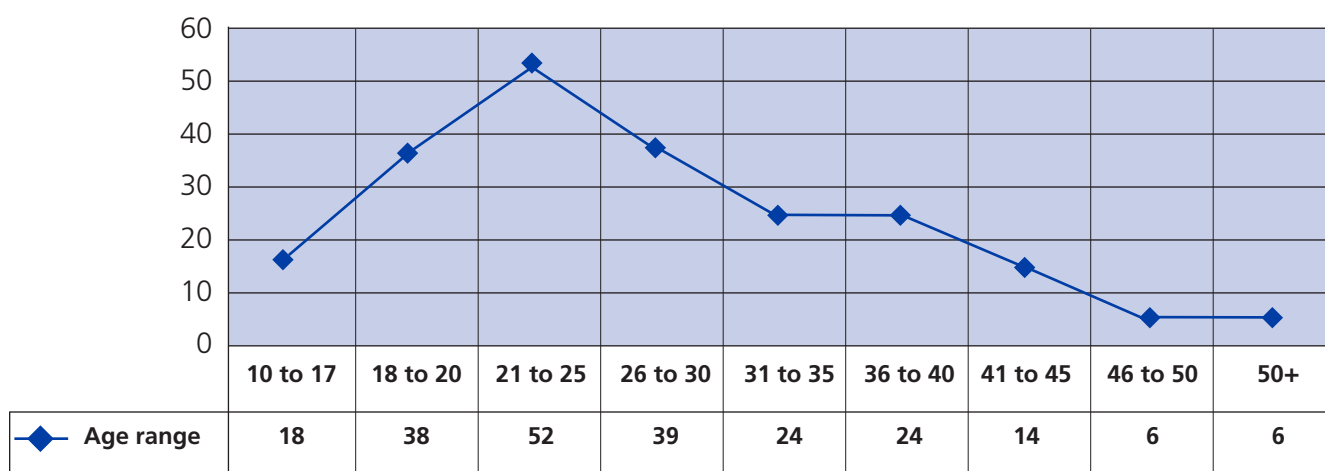


Nationality	Volume
Bulgarian	7
Lithuanian	4
Nigerian	13
Chinese	26
Vietnamese	3
Romanian	61
Slovakian	25
Mauritian	3
Hungarian	7
Filipino	4
Thai	5
Indian	8
Polish	22
Pakistani	3
Cameroonian	3
Ethiopian	5
Countries with single victims	14
Countries with two victims	14
Total	227

‡ Data Source: UK Human Trafficking Centre

- Of the 227 victims 140 were female and 87 were male.
- There were single victims from Estonia, Nepal, Czech Republic, Congo, Morocco, Gambia, Sierra Leone, Uganda, United Kingdom, Sri Lanka, Kenya, Angola, Iraq and Bangladesh.
- There were two victims from each of Zimbabwe, S Africa, Ghana, Indonesia, Belarus, Brazil and Eritrea.

Table 5 – Age range of victims ‡

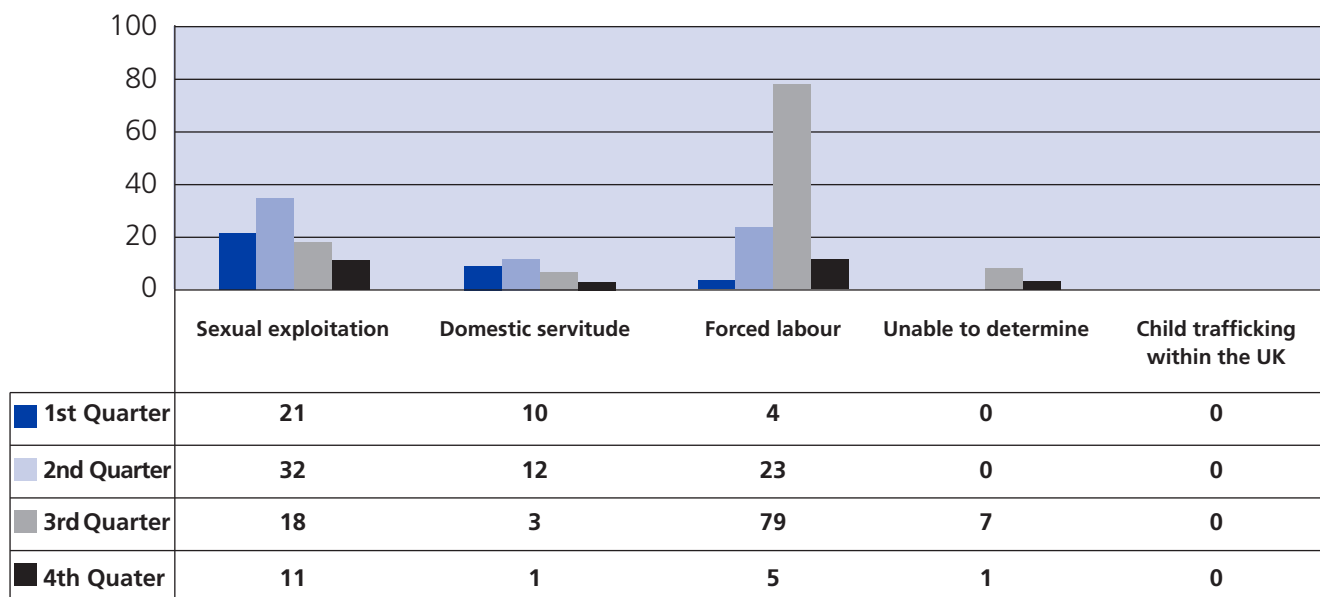


Age range	Volume*
10 - 17	18
18 - 20	38
21 - 25	52
26 - 30	39
31 - 35	24
36 - 40	24
41 - 45	14
46 - 50	6
51 +	6
Total	221

* 6 Victims whose age was not recorded at the time of encounter are not included.

‡ Data Source: UK Human Trafficking Centre

Table 6 – Types of exploitation ‡



‡ Data Source: UK Human Trafficking Centre

- ‘Child Trafficking within the UK’ – is defined as internal trafficking of UK children or those normally domiciled within the UK for sexual exploitation.
- ‘Unable to Determine’ – is defined as data not being recorded at the time the victim was encountered.

Prostitution

Revised policy and legal guidance on prostitution related offences is due for publication in autumn 2009. The guidance emphasises that prosecutors should view those involved in prostitution as victims and, in dealing with offences of soliciting and loitering, give consideration to diversion supported by conditions to engage with projects to find routes out. Links are made with other VAW crimes and the Corston Report, dealing with women as offenders, highlights the need for a multi-agency approach and alternative sentences to imprisonment. To inform the guidance, there has been some consultation with Sex Worker Project Groups, ACPO and cross government departments.

The CPS has continued to work with Home Office Officials on the provisions relating to prostitution in the Policing and Crime Bill. There are nine provisions which amend existing legislation, provide for Brothel Closure Orders, and change licensing arrangements for lap dancing clubs to give greater powers to local authorities and communities in controlling their opening and regulation.

CPS has been invited to work with the Mayor of London's office, the police and voluntary groups to help crack down on prostitution and human trafficking ahead of the London 2012 Games; in particular the advertising of brothels and prostitution services. The Chief Executives of the major mobile operators have also been invited to discuss how mobile numbers on advertising cards could be taken out of use. In clamping down on these services ahead of the Games, it is hoped that the demand for prostitution and the consequential trafficking of women to feed that demand can be reduced.

165 offences of controlling prostitution were prosecuted in 2007-08, and 134 in 2008-09, with more prosecuted for controlling prostitution for gain (93 in 2008-09 compared with 67 in 2007-08) and less for soliciting of a woman by a man (24 in 2008-09 compared with 82 in 2007-08). There was an increase in prosecution of offences related to managing a brothel (91 prosecutions in 2008-09 compared with 58 in 2007-08), in line with the government policy of focusing on those controlling prostitution and viewing those working within prostitution as victims, thereby aiming to divert them from the criminal justice system. There were also less prosecutions for kerb crawling possibly related to diversion of crimes e.g. conditional cautions and more prosecutions for advertising prostitution.

Prostitution

Eight people – six women and two men – were sentenced in February 2009 to a total of 17 and a half years' imprisonment for a range of offences including trafficking a woman for sexual exploitation, managing a brothel, conspiracy to control prostitution for gain, money laundering and causing or inciting prostitution for gain. All the defendants had pleaded guilty to the offences.

The court heard how the victim, a young mother of two, was trafficked into the UK to pay off a vast debt. She had been told she would be a waitress, but on arrival she was put to work against her will in a series of brothels across Britain. Each day she was forced to have sex with up to 15 men, some of whom beat her or forced her to perform perverse and violent sexual acts. At one stage she fled her "owners'" clutches only to be tricked into the hands of another trafficker. She was eventually rescued by one of her clients who alerted police. In sentencing them the judge said that each of them were exploiting her and profiting from her.

Offences reaching a hearing in magistrates' courts

Table 1 - Control of prostitution

	2007-08	2008-09
	Volume	Volume
Causing or inciting prostitution for gain Sexual Offences Act 2003 {52}	16	17
Controlling prostitution for gain Sexual Offences Act 2003 {53}	67	93
Persistent soliciting of a woman by a man for the purpose of prostitution Sexual Offences Act 1985 {2(1)}	82	24
Total	165	134

Table 2 - Managing a brothel

	2007-08	2008-09
	Volume	Volume
Keeping a brothel Sexual Offences Act 1956 {33}	56	83
Landlord letting for use as a brothel Sexual Offences Act 1956 {34}	0	0
Tenant permitting premises to be used as a brothel Sexual Offences Act 1956 {35(1)}	1	6
Tenant permitting premises to be used for prostitution Sexual Offences Act 1956 {36}	1	2
Total	58	91

Table 3 - Kerb crawling

	2007-08	2008-09
	Volume	Volume
Sexual Offences Act 1985 {1(1)(a)}	439	331
Sexual Offences Act 1985 {1(1)(b)}	13	10
Total	452	341

Table 4 - Advertising prostitution

	2007-08	2008-09
	Volume	Volume
Placing of adverts in phone boxes Criminal Justice and Police Act 2001{46}	330	349

* The figures in Tables 1 to 4 represent numbers of offences in which a prosecution commenced, not defendants.

Pornography

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

The Pornography and Obscenity seminar held in October 2008 equipped prosecutors with an understanding of the relevant laws and procedure required to prosecute cases involving indecent images of children, obscenity offences, and the new offence of possession of extreme pornography.

During 2008-09, a number of pornography and other offences were charged and reached at least one hearing in magistrates' courts under 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 and Communications Act 2003. CPS records identify the volume of proceedings commencing under the Communications Act but do not distinguish communications related to pornography from those which were not.

Pornography offence findings

In 2008-09 a prosecution commenced in respect of 791 offences of indecent or grossly offensive material, 152 offences related to obscene publications, 1,278 offences of sending a grossly offensive or indecent communication, 659 offences of causing annoyance, inconvenience or needless anxiety to another person, and 2 (new) offences of possession of extreme pornographic images. Table 1 shows the numbers of obscenity offences in 2007-08 and 2008-09.

Table 1 - Obscenity offences

	2007-08	2008-09
	Volume	Volume
Malicious Communications Act 1988 Sections {1(1)(a) & (1)(b)} - indecent or grossly offensive material	566	791
Obscene Publications Act 1959 {2(1)} - obscene publications	111	152
Communications Act 2003 {127(1)(a), (1)(b) and (3)} - grossly offensive or indecent communications	1,037	1,278
Communications Act 2003 {127(2)(a), (2)(b), (2)(c) and (3)} - causing annoyance, inconvenience or needless anxiety to another person	568	2,659
Criminal Justice and Immigration Act 2008 {63(1), (7)(d) and (67)(3)} - possession of extreme pornographic images	0	2

Table 2 shows the number of offences involving images of child abuse in 2007-08 and 2008-09. These comprised 4,241 offences of possession of an indecent photograph of a child, and 14,656 offences of sexual exploitation of children through photographs, of which 13,454 were offences of making an indecent photograph of a child, 931 were offences of distributing an indecent photograph of a child, 258 were offences of showing indecent photographs, and 13 were offences of publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children.

Table 2 - Child abuse image offences

	2007-08	2008-09
	Volume	Volume
Criminal Justice Act 1988 (160) - possession of an indecent photograph of a child	3,079	4,241
<i>Sexual exploitation of children through photographs... of which</i>	<i>11,873</i>	<i>14,656</i>
Protection of Children Act 1978 {1(1)(a)} - making an indecent photograph of a child	10,832	13,454
Protection of Children Act 1978 {1(1)(b)} - distributing an indecent photograph of a child	678	931
Protection of Children Act 1978 {1(1)(c)} - showing indecent photographs of children	345	258
Protection of Children Act 1978 {1(1)(d)} - publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children	18	13

* The figures in Tables 1 and 2 represent numbers of offences in which a prosecution commenced, not defendants.

Case study 1

A sex offender received an indeterminate sentence of imprisonment with a minimum term of five years after raping a child and sexually assaulting young children. The defendant had a sexual preference for young girls and was arrested as part of a Scotland Yard operation.

The defendant admitted one charge of raping a child under 13, six sexual assaults of children and two sexual assaults by penetration of children. He also admitted two offences of making indecent images of children, four charges of distributing indecent photographs of children and ten offences of possessing indecent photographs of children.

36,146 indecent pictures of children and 660 movies were found on the defendant's computer. There was evidence that the defendant had distributed images and traded them with others and that the defendant had groomed his victims before taking advantage of them.

The defendant has been placed on the sex offenders' register and is disqualified from working with children for life.

Case study 2

A defendant caught with more than 1,000 indecent images of children, including an "instructional video" on how to abuse babies, has been jailed for 16 months.

The defendant also created an online alter ego of a young girl to trick other children into chatting with him. One of the movies he sent to a fellow chat room user was called Pre-teen Story, which showed how to abuse children of all ages.

He was sentenced after admitting to 20 charges of making indecent images, five of possession of images and five of distributing indecent images of children. He also asked for a further 37 offences of distributing indecent images to be taken into account.

Many of the pictures were at category five, the most serious level. The defendant has to sign the sex offenders' register for 10 years, and was also made the subject of a sexual offences prevention order.

Case study 3

A man caught with indecent images of children was apprehended by officers after authorities in Italy alerted police to the fact he had been accessing child abuse websites and sharing indecent images of children. Police discovered he had sent out more than 3,100 indecent images of children to other people through chat rooms.

The defendant was sentenced to 18 months' imprisonment, and was also indefinitely banned from working with children and ordered to sign the sex offenders' register for the next 10 years. He was also made the subject of a sexual offences prevention order, which means he has to notify police if he uses a computer, and cannot use software which deletes images.

Crimes against older people

The Crown Prosecution Service recognises that crimes against older people (CAOP) take place in a context of a growing older population in which older people can experience negative and even prejudiced attitudes. CPS addresses the effective and successful prosecution of CAOP as an age equality issue. CPS is determined to play its part in challenging negative attitudes towards older people manifest as crimes against them.

To this end, the crimes against older people public policy statement and guidance for prosecutors was launched in July 2008. The CPS published the public policy statement and guidance for prosecutors to help older people, their families, communities and the general public to be confident that the serious nature of these crimes is understood.

In order to monitor the effectiveness of CPS prosecutions in this area, the crimes against older people 'flag' was created for use on the electronic case management system. The flag applies to crimes:

- where there is a relationship and an expectation of trust. For example, theft or assault by a carer or family member;
- which are specifically targeted at the old person because they are perceived as being vulnerable or an 'easy target'. For example, a distraction burglary or a mugging;
- which are not initially related to the older person's age but later do so. For example, a burglary where the burglar does not know the age of the householder but later exploits the situation on discovering that the householder is an older person; and
- which appear to be in part, or wholly motivated by hostility based on age, or perceived age. For example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age.

The volume of cases coming through the system, and the successful prosecution outcome rate during this first year that the policy has been in place, are encouraging. However, of course there is always room for improvement.

The CPS is planning a themed review of the progress in implementing the crimes against older people policy and guidance across the country which will commence later in 2009-10. Themed reviews allow further analysis of factors affecting the performance of a particular service delivery area and help Areas to identify action needed to improve outcomes. This review will provide the necessary focus to respond to concerns about CPS performance and send the clear message that CPS is committed to improving the service to older people.

Historically CAOP were included in the VAW work as the majority of older people are women and therefore more women are likely to be victims of these crimes. The research also indicates that there can be an overlap with domestic violence - abuse by partners over decades or abuse by a family carer – within a pattern of power and control. However, CPS recognises that CAOP are different from other VAW crimes in that the prime factor within CAOP is age rather than gender. In addition, the 2008-09 data also indicates that more perpetrators are women (24%) than in VAW crimes generally, where the pattern is primarily of violence by men against women.

1004 defendants were prosecuted in 2008-09 as crimes against older people, with 78% successful and 21% unsuccessful outcomes. 76% of defendants were men.

Table 1 - Crimes against the older person in 2008-2009

	Male		Female		Unknown	
	Volume	%	Volume	%	Volume	%
Convictions	601	79.1%	188	77.4%	1	100.0%
Unsuccessful	159	20.9%	55	22.6%	0	0.0%
Total	760		243		1	

Annex 1: Prosecutions by Area**CPS total violence against women prosecutions**

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	56,438	71.9%	22,085	28.1%	78,523
Avon & Somerset	1,359	73.6%	488	26.4%	1,847
Bedfordshire	467	68.3%	217	31.7%	684
Cambridgeshire	673	73.0%	249	27.0%	922
Cheshire	1,247	73.4%	451	26.6%	1,698
Cleveland	933	69.9%	402	30.1%	1,335
Cumbria	595	75.6%	192	24.4%	787
Derbyshire	1,265	71.1%	513	28.9%	1,778
Devon & Cornwall	1,202	75.1%	398	24.9%	1,600
Dorset	683	72.0%	265	28.0%	948
Durham	897	79.7%	229	20.3%	1,126
Dyfed Powys	395	79.5%	102	20.5%	497
Essex	1,110	68.9%	502	31.1%	1,612
Gloucestershire	712	75.0%	237	25.0%	949
Greater Manchester	3,515	74.3%	1,219	25.7%	4,734
Gwent	663	68.8%	301	31.2%	964
Hampshire	2,143	68.4%	988	31.6%	3,131
Hertfordshire	706	68.1%	330	31.9%	1,036
Humberside	1,297	81.8%	288	18.2%	1,585
Kent	1,417	75.5%	459	24.5%	1,876
Lancashire	3,745	77.8%	1,070	22.2%	4,815
Leicestershire	1,052	71.1%	428	28.9%	1,480
Lincolnshire	530	75.5%	172	24.5%	702
Merseyside	1,635	68.1%	765	31.9%	2,400
Metropolitan & City	5,791	62.0%	3,545	38.0%	9,336
Norfolk	979	80.2%	242	19.8%	1,221
Northamptonshire	412	73.2%	151	26.8%	563
Northumbria	1,901	70.1%	812	29.9%	2,713
North Wales	964	80.7%	230	19.3%	1,194
North Yorkshire	577	75.4%	188	24.6%	765
Nottinghamshire	1,001	70.0%	429	30.0%	1,430
South Wales	1,527	68.4%	707	31.6%	2,234
South Yorkshire	1,595	75.1%	530	24.9%	2,125
Staffordshire	1,220	72.8%	455	27.2%	1,675
Suffolk	814	83.3%	163	16.7%	977
Surrey	445	73.0%	165	27.0%	610
Sussex	1,357	72.1%	524	27.9%	1,881
Thames Valley	1,726	69.5%	758	30.5%	2,484
Warwickshire	396	85.5%	67	14.5%	463
West Mercia	989	81.1%	230	18.9%	1,219
West Midlands	3,320	69.4%	1,465	30.6%	4,785
West Yorkshire	2,475	72.2%	953	27.8%	3,428
Wiltshire	708	77.5%	206	22.5%	914

CPS total domestic violence prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	48,465	72.2%	18,629	27.8%	67,094
Avon & Somerset	1,186	75.0%	396	25.0%	1,582
Bedfordshire	412	68.4%	190	31.6%	602
Cambridgeshire	547	73.5%	197	26.5%	744
Cheshire	1,107	73.4%	401	26.6%	1,508
Cleveland	789	68.7%	360	31.3%	1,149
Cumbria	537	77.7%	154	22.3%	691
Derbyshire	1,132	71.6%	449	28.4%	1,581
Devon & Cornwall	1,022	74.7%	347	25.3%	1,369
Dorset	580	70.9%	238	29.1%	818
Durham	785	80.8%	187	19.2%	972
Dyfed Powys	339	80.3%	83	19.7%	422
Essex	953	69.1%	427	30.9%	1,380
Gloucestershire	650	76.7%	198	23.3%	848
Greater Manchester	3,022	75.1%	1,001	24.9%	4,023
Gwent	569	69.0%	256	31.0%	825
Hampshire & IOW	1,839	68.9%	829	31.1%	2,668
Hertfordshire	618	69.1%	277	30.9%	895
Humberside	1,143	82.6%	240	17.4%	1,383
Kent	1,152	75.5%	373	24.5%	1,525
Lancashire	3,436	78.3%	954	21.7%	4,390
Leicestershire	929	71.8%	365	28.2%	1,294
Lincolnshire	459	76.2%	143	23.8%	602
Merseyside	1,458	67.5%	702	32.5%	2,160
Metropolitan & City	4,452	61.9%	2,741	38.1%	7,193
Norfolk	839	80.0%	210	20.0%	1,049
Northamptonshire	317	72.9%	118	27.1%	435
Northumbria	1,695	70.2%	712	29.8%	2,416
North Wales	854	80.4%	208	19.6%	1,062
North Yorkshire	477	76.7%	145	23.3%	622
Nottinghamshire	863	69.7%	376	30.3%	1,239
South Wales	1,354	69.0%	607	31.0%	1,961
South Yorkshire	1,388	74.8%	468	25.2%	1,856
Staffordshire	1,042	72.8%	389	27.2%	1,431
Suffolk	732	84.2%	137	15.8%	869
Surrey	339	74.2%	118	25.8%	457
Sussex	1,160	72.7%	436	27.3%	1,596
Thames Valley	1,487	69.4%	657	30.6%	2,144
Warwickshire	345	87.1%	51	12.9%	396
West Mercia	840	81.6%	189	18.4%	1,029
West Midlands	2,799	68.8%	1,269	31.2%	4,068
West Yorkshire	2,183	72.2%	842	27.8%	3,025
Wiltshire	635	77.9%	180	22.1%	815

CPS total rape prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	2,018	57.7%	1,477	42.3%	3,495
Avon & Somerset	37	47.4%	41	52.6%	78
Bedfordshire	9	39.1%	14	60.9%	23
Cambridgeshire	29	58.0%	21	42.0%	50
Cheshire	34	69.4%	15	30.6%	49
Cleveland	26	63.4%	15	36.6%	41
Cumbria	9	37.5%	15	62.5%	24
Derbyshire	38	53.5%	33	46.5%	71
Devon & Cornwall	35	71.4%	14	28.6%	49
Dorset	22	68.8%	10	31.3%	32
Durham	53	69.7%	23	30.3%	76
Dyfed Powys	6	46.2%	7	53.8%	13
Essex	50	65.8%	26	34.2%	76
Gloucestershire	25	56.8%	19	43.2%	44
Greater Manchester	179	60.9%	115	39.1%	294
Gwent	27	58.7%	19	41.3%	46
Hampshire & IOW	72	55.0%	59	45.0%	131
Hertfordshire	25	54.3%	21	45.7%	46
Humberside	39	70.9%	16	29.1%	55
Kent	68	65.4%	36	34.6%	104
Lancashire	77	64.7%	42	35.3%	119
Leicestershire	21	43.8%	27	56.3%	48
Lincolnshire	13	61.9%	8	38.1%	21
Merseyside	37	62.7%	22	37.3%	59
Metropolitan & City	340	47.0%	384	53.0%	724
Norfolk	29	67.4%	14	32.6%	43
Northamptonshire	16	53.3%	14	46.7%	30
Northumbria	42	58.3%	30	41.7%	72
North Wales	23	67.6%	11	32.4%	34
North Yorkshire	19	55.9%	15	44.1%	34
Nottinghamshire	29	69.0%	13	31.0%	42
South Wales	52	52.5%	47	47.5%	99
South Yorkshire	55	72.4%	21	27.6%	76
Staffordshire	50	64.1%	28	35.9%	78
Suffolk	12	48.0%	13	52.0%	25
Surrey	19	59.4%	13	40.6%	32
Sussex	44	58.7%	31	41.3%	75
Thames Valley	46	52.3%	42	47.7%	88
Warwickshire	16	66.7%	8	33.3%	24
West Mercia	34	69.4%	15	30.6%	49
West Midlands	127	57.7%	93	42.3%	220
West Yorkshire	106	65.4%	56	34.6%	162
Wiltshire	28	71.8%	11	28.2%	39

CPS total sexual offences excluding rape prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	5,955	75.1%	1,979	24.9%	7,934
Avon & Somerset	136	72.7%	51	27.3%	187
Bedfordshire	46	78.0%	13	22.0%	59
Cambridgeshire	97	75.8%	31	24.2%	128
Cheshire	106	75.2%	35	24.8%	141
Cleveland	118	81.4%	27	18.6%	145
Cumbria	49	68.1%	23	31.9%	72
Derbyshire	95	75.4%	31	24.6%	126
Devon & Cornwall	145	79.7%	37	20.3%	182
Dorset	81	82.7%	17	17.3%	98
Durham	59	75.6%	19	24.4%	78
Dyfed Powys	50	80.6%	12	19.4%	62
Essex	107	68.6%	49	31.4%	156
Gloucestershire	37	64.9%	20	35.1%	57
Greater Manchester	314	75.3%	103	24.7%	417
Gwent	67	72.0%	26	28.0%	93
Hampshire & IOW	232	69.9%	100	30.1%	332
Hertfordshire	63	66.3%	32	33.7%	95
Humberside	115	78.2%	32	21.8%	147
Kent	197	79.8%	50	20.2%	247
Lancashire	232	75.8%	74	24.2%	306
Leicestershire	102	73.9%	36	26.1%	138
Lincolnshire	58	73.4%	21	26.6%	79
Merseyside	140	77.3%	41	22.7%	181
Metropolitan & City	999	70.4%	420	29.6%	1,419
Norfolk	111	86.0%	18	19.4%	129
Northamptonshire	79	80.6%	19	19.4%	98
Northumbria	164	72.9%	61	27.1%	225
North Wales	87	88.8%	11	11.2%	98
North Yorkshire	81	74.3%	28	25.7%	109
Nottinghamshire	109	73.2%	40	26.8%	149
South Wales	121	69.5%	53	30.5%	174
South Yorkshire	152	78.8%	41	21.2%	193
Staffordshire	128	77.1%	38	22.9%	166
Suffolk	70	84.3%	13	15.7%	83
Surrey	87	71.9%	34	28.1%	121
Sussex	153	72.9%	57	27.1%	210
Thames Valley	193	76.6%	59	23.4%	252
Warwickshire	35	81.4%	8	18.6%	43
West Mercia	115	81.6%	26	18.4%	141
West Midlands	394	79.3%	103	20.7%	497
West Yorkshire	186	77.2%	55	22.8%	241
Wiltshire	45	75.0%	15	25.0%	60

Glossary

Violence against Women

- Domestic violence:** any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those¹³ who are or have been intimate partners or family members, regardless of gender or sexuality. Family members include mother, father, son, daughter, sister, and grandparents, whether directly related, in laws or step family.
- Rape:** any defendant charged with one or more of the following offences –
- S1 Sexual Offences Act 1956
 - S5 Sexual Offences Act 1956
 - An attempt to commit one of the above offences under the Criminal Attempts Act 1981
 - S1 Sexual Offences Act 2003
 - S5 Sexual Offences Act 2003
 - S30(3) Sexual Offences act 2003
 - An attempt to commit one of the above offences under the Criminal Attempts Act 1981
- Incitement or conspiracy to commit any of the above offences
- Sexual offences exc. rape:** any defendant whose principal offence category, at finalisation, is a sexual offence excluding rapes.

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.

Case outcomes

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

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

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

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

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

¹³ In CPS cases are monitored for both adults and under 18s

Prosecutions:	all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
<u>Unsuccessful outcomes:</u>	all completed prosecutions where the defendant is not convicted, comprising the following:
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead: or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.
Discharged committals:	committal proceedings in which the defendant is discharged. Following a discharge a case can be reinstated.
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.
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.
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.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences which are heard by the court in the absence of the defendant.

Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
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Public interest:	where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.
Unable to proceed:	where the evidence and the public interest support a prosecution, but circumstances make it impossible for the case to proceed.
Other reasons:	where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	CPS records an 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.

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
Caution:	the defendant is charged with a criminal offence, but it is subsequently decided that a caution is more suitable than prosecution.
Bindover:	the defendant is charged with a criminal offence, but agrees to be bound over.
Essential legal element:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Witness or witnesses were unreliable:	the evidence of a prosecution witness or witnesses, other than the victim, is considered unreliable, leading to an unsuccessful outcome.
Conflicts of evidence:	contradictions in prosecution evidence lead to an unsuccessful outcome.
Effect on victim or witness's physical or mental health:	the case does not proceed because the victim or witness is in ill health, whether physical or mental.
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.

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.

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