



CPS

Violence against Women crime report

2009-2010

MANAGEMENT INFORMATION BRANCH

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Foreword by the Director of Public Prosecutions

I welcome the third Violence against Women (VAW) crime report, outlining prosecutions of offences across a range of VAW crimes in 2009-10. The Attorney General, Solicitor General and I are all committed to driving forward this agenda, as an ongoing key priority for the Service.

Starting in early 2010, my visits to CPS Areas have addressed VAW, with a focus on improving prosecutions, and supporting victims through the criminal justice system (CJS). We recognise the effect of VAW, not only on the victims of these traumatic crimes but also the many living in fear of such violence and its impact on children. Some of the cases outlined in this report illustrate the breadth, and inter-relationship, of this form of abuse – cases of domestic violence, trafficking, prostitution, honour-based violence, rape and pornography – many of which involve children.

I am pleased to see that we have continued to see real progress in the last year, building on improvements in VAW prosecutions since 2006-07. Our VAW programme is part of our implementation of the Gender Equality Duty under our Single Equality Scheme. As a public authority we are committed to ensuring transparency in our delivery of services through the publication of this data annually.

In 2010-11 we are moving into the third year of the strategy and we are moving away from a centralist approach, to a more local approach. We are now building capability in the CPS Groups to ensure better local implementation and to ensure that these improvements in efficiency and quality continue and are embedded in local systems.

In April 2010, I launched the introduction of the Core Quality Standards within the Service. Monitoring of VAW will continue in a new Core Quality Standard Monitoring (CQSM) framework. There will be validation measures alongside an assessment of 12 Core Quality Standards. Rape cases specifically will be sampled as part of CQSM to assess the quality of prosecutions. From January 2011, we are setting up a VAW Assurance system for Groups to assure our Chief Operating Officer of the performance across domestic violence, rape and sexual offence prosecutions.

This report is the last VAW crime report based on the previous performance management system and data reports from 2010-11 will be revised to reflect the CQSM system. To recognise the shift in work from Area to Group delivery we have included data in this report at a Group level as well as by Area.

We are working as part of a cross-government response to violence against women and girls (VAWG), as outlined in the VAWG narrative published in November 2010.

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.

Keir Starmer QC
Director of Public Prosecutions

Executive summary

This is the third Crown Prosecution Service (CPS) annual Violence against Women (VAW) performance report, and covers the following strands of VAW for 2009-10: domestic violence; rape and sexual offences; forced marriage; honour based violence; female genital mutilation; child abuse; human trafficking; prostitution 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 and pornography. The United Kingdom Human Trafficking Centre has provided data on the prosecution of human trafficking cases. For all of the VAW strands, information is detailed on current and planned work and a number of case studies are given as examples.

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. As such, this should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

The CPS has moved away from a regime of national targets towards a set of measures supporting improvements at a regional, down to a local, level.

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 four years ending March 2010, over 308,800 defendants were prosecuted for VAW offences
- the volume of VAW crimes prosecuted has risen by 25% from 68,930 in 2006-07 to 85,904 in 2009-10
- 94% of defendants were men in 2009-10 (constant at 94-95% over the four year period)
- 85% of victims were women in 2009-10¹ (constant at 85-86% over the four year period)
- 86% of VAW crimes were domestic violence (rising from 83% in 2006-07); 5% were rape and 9% sexual offences
- the proportion of VAW cases charged increased from 53% in 2006-07 to 61% in 2009-10
- unsuccessful prosecutions fell from 35% in 2006-07 to 28% in 2009-10
- successful prosecutions rose from 65% in 2006-07 to 72% in 2009-10
- guilty pleas increased from 56% in 2006-07 to 63% in 2009-10
- unsuccessful outcomes due to victim issues accounted for 15% of all VAW outcomes in 2006-07 falling to 13% in 2009-10.

¹ Note 19 per cent of victim gender for VAW cases was not recorded.

Domestic violence: key findings

- In the five years² ending in March 2010, more than 312,100 defendants were prosecuted for domestic violence
- the volume of domestic violence crimes prosecuted has risen by 29% from 57,361 in 2006-07 to 74,113 in 2009-10
- 93% of defendants were men in 2009-10 (constant at 93-94% over last four years)
- 85% of victims were women in 2009-10³ (constant at 85-86% over the last four years)
- the number of DV cases charged increased from 56% in 2006-07 to 63% in 2009-10
- unsuccessful prosecutions fell from 35% in 2006-07 to 28% in 2009-10
- successful prosecutions rose from 65% in 2006-07 to 72% in 2009-10
- guilty pleas increased from 58% in 2006-07 to 65% in 2009-10
- unsuccessful outcomes due to victim issues accounted for 17% of all domestic violence outcomes in 2006-07 falling to 14% in 2009-10.

Rape: key findings

- In the four years ending in March 2010, more than 14,000 defendants were prosecuted for rape
- the volume of rape crimes prosecuted has risen by 17% from 3,264 in 2006-07 to 3,819 in 2009-10
- in the last four years 99% of defendants were men
- 89% of victims were women in 2009-10⁴, 2% more than in 2006-07
- the proportion of rape cases in which the CPS took a decision to charge increased from 30% in 2006-07 to 36% in 2009-10
- unsuccessful prosecutions fell from 46% in 2006-07 to 41% in 2009-10
- successful prosecutions rose from 54% in 2006-07 to 59% in 2009-10
- guilty pleas rose from 33% in 2006-07 to 37% in 2009-10.

Sexual offence: key findings⁵

- In the four years ending in March 2010, more than 32,300 defendants were prosecuted for sexual offences (other than rape)
- the volume of sexual offence crimes prosecuted has fallen by 4% from 8,305 in 2006-07 to 7,972 in 2009-10
- 96% of defendants were men in 2009-10 (little changed compared with the three previous years)
- unsuccessful prosecutions fell from 32% in 2006-07 to 24% in 2009-10
- successful prosecutions rose from 68% in 2006-07 to 76% in 2009-10
- guilty pleas increased from 53% in 2006-07 to 63% in 2009-10.

² The majority of domestic violence data is held as from 2005-06, but data from 2006-07 will be mainly used in the executive summary to allow comparison.

³ Note 18% of victim gender for domestic violence cases was not recorded.

⁴ Note 36% of victim gender for rape cases was not recorded.

⁵ CPS data on sexual offences is 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.

Child abuse

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

- In the four years ending in March 2010, 143 defendants were prosecuted for homicide⁶; 9,348 defendants were prosecuted for offences against the person and 15,947 defendants were prosecuted for child sexual offences
- the volume of child abuse crimes prosecuted has risen by 33% for defendants in homicide cases, 13% for defendants in offences against the person cases and 8% for defendants in sexual offence cases, including rape
- in 2009-10, 70% of defendants in homicide cases, 73% of defendants for offences against the person, and 98% of defendants in sexual offences were men (a fall in proportion of men prosecuted for homicides and offences against the person)
- in 2009-10 there were conviction rates of 83% for homicides⁷; 72% for offences against the persons (both similar in 2006-07) and 76% for sexual offences (an increase from 69% in 2006-07).

Trafficking

Data on the prosecution of human trafficking offences for 2009-10, available in a later chapter of this report, is provided by the UK Human Trafficking Centre. In 2009-10, 65 defendants were prosecuted for trafficking for sexual exploitation under Sections 57, 58 and 59 of the Sexual Offences Act 2003. There were 706 referrals of potential and deemed victims, 520 were women and 186 were men, in all trafficking crimes. The majority of victims were aged between 26 and 30.

Prostitution

Some data is 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 2009-10, 121 offences of controlling prostitution, 44 of managing a brothel, 396 offences of kerb crawling and 457 offences of advertising prostitution were prosecuted.

Pornography

Some data is 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 2009-10, 4,117 offences of possession of an indecent photograph of a child and 14,595 of sexual exploitation of children through photographs were prosecuted.

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.

Introduction

This is the third CPS annual Violence against Women (VAW) performance report. The report covers a range of VAW strands for 2009-10:

- 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.

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 2009-10 is compared with data from previous years. The United Kingdom Human Trafficking Centre (UKHTC) has provided data on the prosecution of human trafficking cases. Some data is 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 is 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 2009-10 the CPS implemented key actions linked to the then 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
- addressing any disproportionality across all the equality strands within VAW.

Although these PSAs ceased in 2010, this report addresses the actions for 2009-10 during a period of work related to the PSAs. During 2009-10 the VAW strategy continued to be designated as one of nine 'mission critical' projects within the CPS, indicating the importance given to this work. In January 2010, the Director of Public Prosecutions started a series of visits across all CPS Areas during which there is a focus on their VAW work and performance.

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 has addressed these issues through carrying out a VAW stakeholder satisfaction survey and is developing plans across the CJS to set up systems to measure VAW victim support, safety and satisfaction. Research also looked into any potential disproportionality in relation to the prosecution of domestic violence cases by defendant ethnicity, through a research project to be completed in late 2010.

2009-10 was the second year of monitoring a VAW Indicator through quarterly Area Performance Reviews to evaluate bringing more VAW offenders to justice. Each Area was assessed on a six monthly basis, with reports to the Director of Public Prosecutions and Chief Executive, either by a written report or meeting. All Areas had at least one meeting a year.

In 2009-10 the CPS continued to address performance through the VAW Indicator in relation to domestic violence, rape and sexual offences.

Implementation of VAW action plans 2009-10

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

- *Reducing unsuccessful prosecution outcomes:*
The proportion of unsuccessful VAW outcomes remained steady in 2009-10 at 28% against an increase in volume of charged cases. The volume increased from 78,523 in 2008-09 to 85,904 in 2009-10 a rise of over 9%. From 2006-07 to 2009-10, there was an increase of 25% in the volume of VAW cases prosecuted.

The greatest increase in volume was for domestic violence - 10.5% in the last year and 29% from 2006-07. Unsuccessful outcomes also remained steady at 28% in the last two years. Rape volume increased by just over 9% from the previous year, with a fall in unsuccessful outcomes from 42% in 2008-09 to 41% in 2009-10. Sexual offences had the lowest volume increase of cases charged (0.5% last year) but the lowest proportion of unsuccessful outcomes at 24% in 2009-10.

Area scrutiny panels have involved local community experts to advise on improvements in VAW prosecutions – 26 Area panels cover domestic violence, six panels cover all VAW strands and four panels cover rape.

This report provides further detailed data within each section. Overall, prosecution of domestic violence cases increased in volume, but not the proportion of cases charged and remained steady for conviction outcomes including guilty pleas, discontinuances, cases where no evidence was offered, unsuccessful outcomes due to victim issues and acquittals. The 141 Specialist Domestic Violence Courts aim to provide support and improved prosecution outcomes. The 26 Area Domestic Violence Scrutiny Panels have helped identify issues for improvement.

Rape prosecutions have improved overall. The volume, but not the proportion of charged cases, increased in 2009-10 compared with 2008-09. Against the increase in volume of prosecuted cases, there was a reduction in unsuccessful outcomes, a 3% fall in discontinued cases and fewer unsuccessful outcomes due to victim issues. Guilty pleas increased by just under 2%. However jury acquittals rose by nearly 2%, accounting for nearly one in five prosecution cases. This indicates the continued need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the CJS.

Outcomes for sexual offence prosecutions have improved, with a small increase in volume of cases from 2008-09 to 2009-10, a small decrease in the proportion of unsuccessful outcomes, including those for victim issues. Discontinued cases also fell slightly and there was an increase in guilty pleas (63%). Similar to rape cases there was a slight increase in jury acquittals.

Work was developed during 2009-10 to monitor outcomes on child abuse, trafficking, forced marriage and honour based violence, with formal flagging of cases for monitoring across the Service starting in April 2010. In addition, offences of prostitution and pornography continue to be monitored annually.

- *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 were also included.

ACPO/CPS Joint Rape Guidance was launched in June 2009 with six regional workshops. All Areas were visited by a joint ACPO/CPS team during 2009-10 to support Areas in improving rape prosecutions.

- *Coordinating and rationalizing VAW coordinators:*
A seminar for all VAW coordinators was held in April 2009. Specialists were selected in 2009-10 to prosecute forced marriage and honour based violence. Specialist rape prosecutors and dedicated prosecutors in Specialist Domestic Violence Courts (SDVCs) also continue.
- *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 child pornography as well as trafficking was also carried out in October 2009. A new training programme for selected specialist prosecutors on forced marriage and honour based violence was held in early 2010.

All Chief Crown Prosecutors attended a rape training programme in early 2010. All rape specialist prosecutors will be trained by 2011.

Improving public and stakeholder confidence in the CPS

- *Involving community stakeholders locally and nationally:*
An external consultation group involving key national VAW stakeholders was established to advise the CPS on VAW issues in 2007-08 and has now been running for three years.

Locally Areas involve their community stakeholders and a number of Areas have specific VAW scrutiny panels⁸ to scrutinise local cases and draw out learning points. Any extension to the panels will be considered in 2010-11 in a review of all scrutiny/community panels.

Area community engagement was reviewed in 2009-10, including a brief assessment of VAW work.

- *Developing a system to measure stakeholder satisfaction:*
A survey of the satisfaction of VAW stakeholders through questionnaires and focus groups was carried out in 2009-10. The survey provided information on ways to improve VAW community engagement, support for victims and effective implementation of the VAW policies. Any consideration of future assessment of stakeholder satisfaction will be part of the scrutiny/community panel review in 2010-11.

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 provided information on some key VAW specialist support services to all Witness Care Units and are carrying out a VAW audit in summer 2010.

⁸ 26 Area Domestic Violence Panels, six VAW panels and four rape panels.

- *Support for VAW victims:*
By April 2010, there were 141 SDVCs, with support for victims through Independent DV Advisers (IDVAs). Local Criminal Justice Boards were provided with training and support in the devolution of SDVC governance and performance management to them in 2009-10.
- *VAW employee policies:*
The domestic violence employee policy was extended to address the needs of any CPS staff facing other forms of VAW in March 2010.
- *Developing a system to measure victim support, safety and satisfaction:*
The CPS worked with the Home Office in developing further VAW victim questions in the revision of the British Crime Survey.

Work with the Ministry of Justice considered a potential extension of the Witness and Victim Evaluation Survey (WAVES) to victims of domestic violence and/or sexual violence. A review is underway in the Ministry of Justice on all surveys in 2010.

CPS commissioned a report from the Women's National Commission on the views of VAW victims of their support, safety and satisfaction within the CJS.

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 further development. Guidance on the monitoring of equality and diversity profiles of defendants, victims and witnesses was provided for Areas in March 2010.
- *Assessment of prosecutions by ethnicity:*
Following the initial VAW Equality & Diversity Impact Assessment, work is underway to assess domestic violence prosecutions by ethnicity of defendant and address any disproportionality. The research will report later in 2010.
- *Ensuring Witness Care Units have support systems and information on support for victims and witnesses from all communities:*
Within the work of the Witness Care Units, support systems for a range of communities are being addressed.

Cross-government work on VAW

The CPS VAW programme was part of a cross-government strategy on Violence against Women and Girls launched in November 2009. A new strategy is being developed in 2010-11, with publication of a strategic narrative in November 2010. The CPS is also 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 CPS has reported on the prosecution of 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 in 2009-10 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). The CPS data is drawn from the CPS's administrative IT system, and are used for internal performance management. As such, these should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

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.

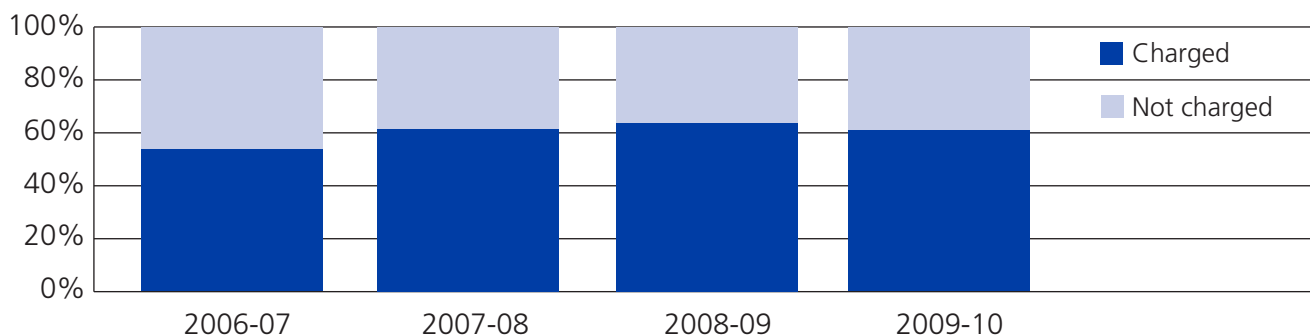
Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals,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

Charging

Statutory charging of defendants by the CPS was fully rolled out in April 2006. From 2006, the numbers referred to the CPS rose by over 25,600 or 35% (from 73,229 in 2006-07 to 98,867 in 2009-10). 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 61% in 2009-10. 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 2009-10, 63% of domestic violence cases were charged, reflecting the historical work done to improve domestic violence prosecutions. In the same period a decision to charge was taken in 36% of rape offences submitted to the CPS for a pre-charge decision. This may be indicative of the difficulties involved in prosecuting rape, especially when there is a dispute about whether the victim gave her consent.

Table 1 – Pre-charging decisions *



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Charged	38,920	53.1%	49,335	61.8%	54,983	63.2%	60,054	60.7%
Request for further evidence	897	1.2%	565	0.7%	510	0.6%	596	0.6%
No prosecution	21,699	29.6%	23,113	29.0%	23,977	27.6%	28,460	28.8%
All other decisions	11,713	16.0%	6,774	8.5%	7,550	8.7%	9,757	9.9%
Total	73,229		79,787		87,020		98,867	

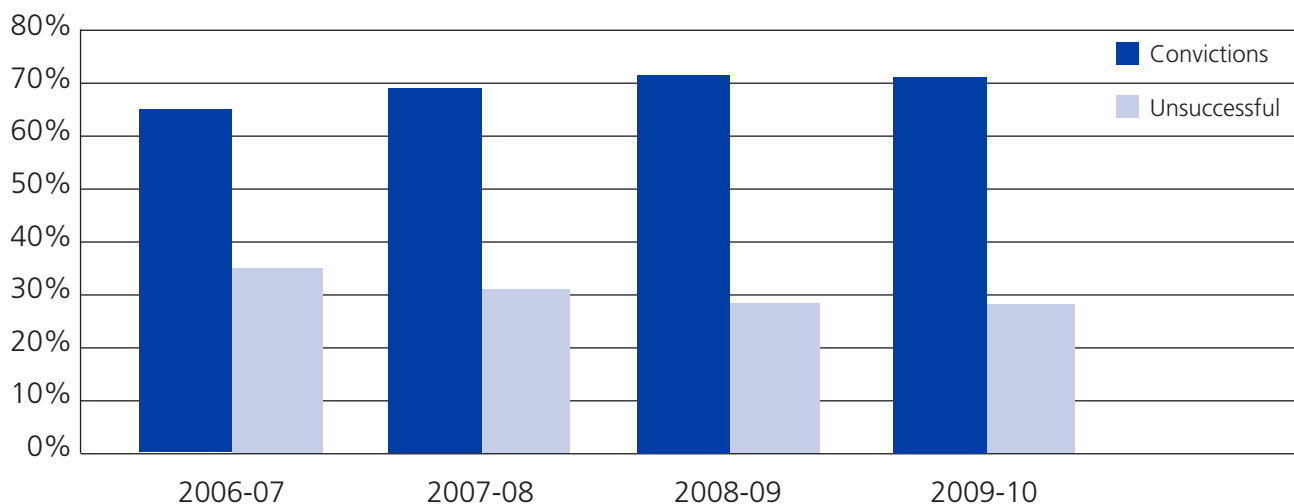
Statutory Charging was fully rolled out on 3 April 2006

* Pre-charge decisions are shown inclusive of cases in which the outcome of the decision was not fully captured in CPS records. The present figures therefore differ from those in the 2007-08 report

Convictions

Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 65% in 2006-07 to 72% in 2009-10. During the four year period the numbers prosecuted by the CPS rose by over 16,900, or 25%, from 68,930 in 2006-07 to 85,904 in 2009-10.

Table 2 – Completed prosecutions by outcome



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	44,836	65.0%	51,974	68.9%	56,438	71.9%	61,677	71.8%
Unsuccessful	24,094	35.0%	23,478	31.1%	22,085	28.1%	24,227	28.2%
Total	68,930		75,452		78,523		85,904	

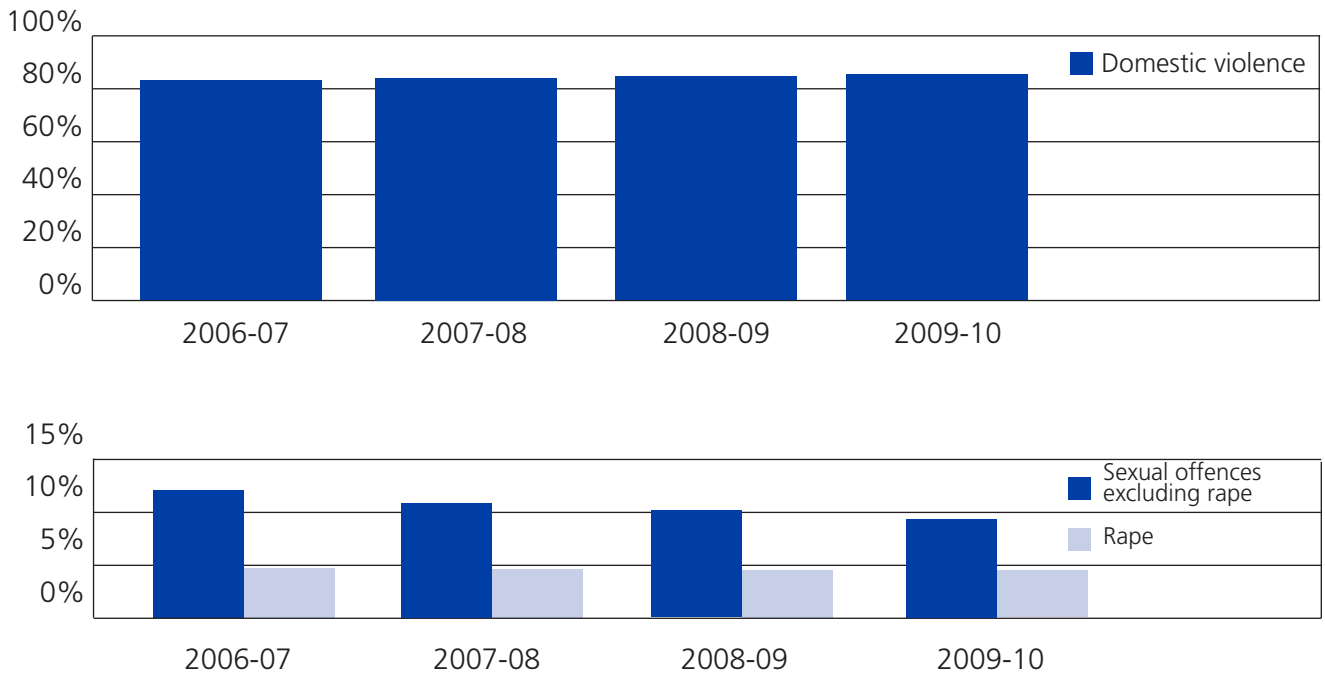
The table below shows a detailed breakdown of prosecution outcomes for VAW in 2009-10. Comparisons of outcomes in 2009-10 and earlier years will be found in the chapters covering domestic violence, rape and sexual offences, which follow. In the four year period ending March 2010, guilty pleas increased from 56% to 63%, contributing to an improved conviction rate of 72% overall in 2009-10. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 26% to less than 21%.

Table 3 – Prosecution outcomes

	2009-10	
	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	17,735	20.6%
<i>of which - no evidence offered</i>	9,642	11.2%
Dismissed after trial	3,067	3.6%
Judge directed acquittal	227	0.3%
Jury acquittal	2,058	2.4%
All other unsuccessful outcomes	1,140	1.3%
Unsuccessful outcomes	24,227	28.2%
Guilty plea	54,484	63.4%
Conviction after trial	7,069	8.2%
Proved in absence	124	0.1%
Convictions	61,677	71.8%
Total prosecutions	85,904	

Prosecution by VAW crime type

The table and charts below (4) show prosecutions by VAW crime type for 2006-07 to 2009-10. Domestic violence comprised the largest proportion of the total throughout the four years, from 83% in 2006-07 rising to 86% in 2009-10. The volume of rape cases prosecuted has risen over this time period, but proportionally is lower across all VAW crimes.

Table 4 – Completed prosecution by VAW crime types

	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Domestic violence	57,361	83.2%	63,819	84.6%	67,094	85.4%	74,113	86.3%
Sexual offences excluding rape	8,305	12.0%	8,130	10.8%	7,934	10.1%	7,972	9.3%
Rape	3,264	4.7%	3,503	4.6%	3,495	4.5%	3,819	4.4%
Total	68,930		75,452		78,523		85,904	

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 2009-10, 2.6% were unsuccessful for administrative reasons compared with 3.2% in 2008-09; 37.8% for evidential reasons, a fall of just over a percentage point compared to the previous year; 7.5% for public interest reasons, an increase from 6.7% recorded in 2008-09; 29.1% were unable to proceed, a little above the 28.5% outturn the year before; and 23% fell into other reasons, slightly above the earlier year. While there was a rise in prosecution volumes of 9.4% in 2009-10 the proportion failing overall (28%) remained the same as the previous 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 where a conflict of evidence occurred or an essential legal element was missing, those resulting in a bindover, cases in which a

defendant was cautioned and those in which the defendant was acquitted. Within these key reasons, victim retraction fell by more than one percentage point from 18.9% in 2007-08 to 17.3% in 2009-10, while there was a small rise of just over a percentage point 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 in the same period because of victim issues remained the same at 45% of all unsuccessful outcomes. Whilst other key reasons, such as conflict of evidence, cautions or unreliable witnesses remained broadly the same over the three years, the proportion resulting in a bindover fell from 5.7% in 2007-08 to 3.3% in 2009-10, and acquittals rose by more than three percentage points, from 15.7% to 19.1%. Overall key reasons accounted for 87% of all reasons for case failures in VAW crimes, little changed from 2007-08.

Table 5 – Comparison of key reasons for unsuccessful prosecutions

	2009-10	
	Volume	%
Victim retraction	4,201	17.3%
Victim non-attendance	2,688	11.1%
Evidence of victim does not support case	3,966	16.4%
Total victim issues	10,855	44.8%
Caution	277	1.1%
Bind over	810	3.3%
Conflict of evidence	1,255	5.2%
Essential legal element missing	1,268	8.0%
Unreliable witness	1,268	5.2%
Effect on victim/witness mental health	116	0.5%
Acquittals	4,627	19.1%
Total key reasons	21,135	87.2%
All other reasons	2,468	10.2%
Administrative finalisations	624	2.6%
Total	24,227	

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 key victim issues 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. The main reason for unsuccessful prosecutions in rape or sexual offences is acquittals; other key reasons include essential legal elements missing, unreliable witnesses, and conflicts of evidence.

Table 6 shows the volume and proportion of victim issues in relation to all outcomes. The proportion fell, from 14.6% in 2006-07 to 12.6% in 2009-10. Total unsuccessful outcomes fell from 35% in 2006-07 to 28% in 2009-10.

Victim issues accounted for 15.7% of domestic violence outcomes in 2007-08, falling to 14% in 2009-10.

Table 6 – Victim issues in relation to all outcomes

	2009-10	
	Volume	%
<i>Total unsuccessful due to victim issues</i>	10,855	12.6%
Total convictions	61,677	71.8%
Total unsuccessful	24,227	28.2%
Total prosecutions	85,904	

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 2009-10; the same as the previous year. Sexual offences and criminal damage accounted for a further 15% and 11% respectively. 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 62% and 12%, while sexual offences were lower at 7%. Public order offences formed a higher proportion for women than for men, at 9% compared to 5%. Men comprised 93% 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% similar to 2008-09.

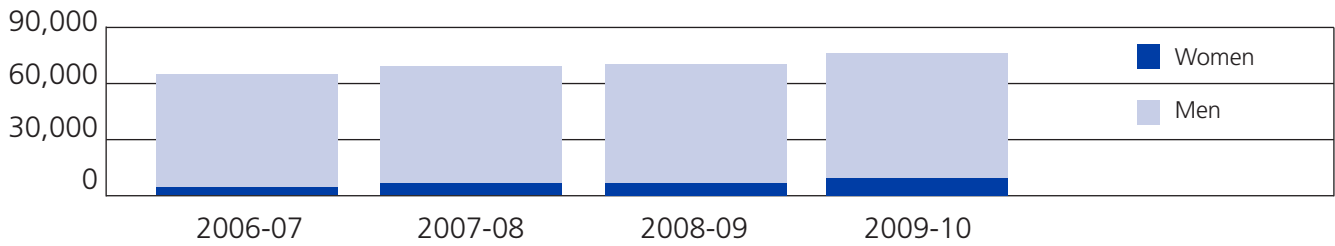
Equalities

(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 2009-10. In the latter period, 93% of defendants in domestic violence prosecutions, 99% in cases of rape, and 96% in sexual offences other than rape, were men.

Table 7 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	3,339	4.8%	4,176	5.5%	4,668	5.9%	5,476	6.4%
Men	65,580	95.1%	71,263	94.4%	73,827	94.0%	80,413	93.6%
Unknown	11	0.0%	13	0.0%	28	0.0%	15	0.0%
Total	68,930		75,452		78,523		85,904	

Ethnicity

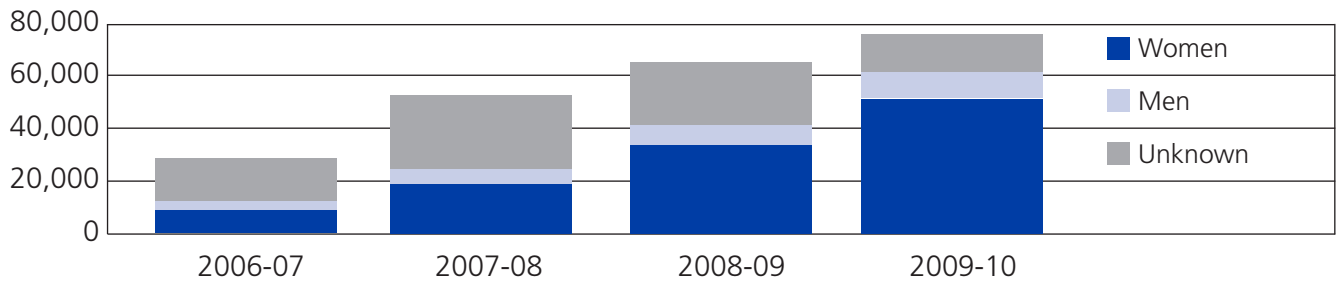
Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 75% of VAW crime defendants were identified as belonging to the White British category and 79% were categorised as White (76% and 79% in 2007-08). 5% of defendants were identified as Asian, and a further 6% were identified as Black, similar figures to the previous year. Just under 3% of defendants did not state an ethnicity on arrest and more than 4% of defendant’s ethnicity was not provided to the CPS by the police.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 18-24 years (25%) and those aged between 25-59 years (67%) were the most numerous categories similar to 2007-08, at 23% and 69% respectively. Age varied across the strands, in domestic violence the majority of defendants (94%) were aged between 18-24 and 25-59 years whereas in rape 81% of defendants were recorded within these age bands (18-59) with a further 12% aged 17 or under.

(ii) Victims

Table 8 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System (WMS), and is available only from April 2006. Recording of gender has improved from 35% of victims in 2006-07 to 81% in 2009-10. The completeness and accuracy of this information, while improving, 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 and 2009-10. Where gender has been identified, 85% of victims were women in domestic violence cases, and 89% were women in cases of rape.

Table 8 – Gender of victims *

	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	7,882	29.3%	19,514	37.3%	34,705	54.5%	51,970	68.7%
Men	1,405	5.2%	3,239	6.2%	6,064	9.5%	9,336	12.3%
Unknown	17,682	65.5%	29,524	56.5%	22,914	36.0%	14,367	19.0%
Total	26,979		52,277		63,683		75,673	

* 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 WMS. Data on ethnicity is available from April 2006, and data on age from April 2007. The completeness and accuracy of this information remains under development. For example, 53% of victim's ethnicity remains not stated or not provided, and 25% of age band data is recorded as not provided, this data has therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

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 numbers recorded are too low for any conclusions to be drawn. However, despite the limitations of these data, the numbers of relationships recorded have improved from 5.2% in 2007-08, to 28.8% in 2008-09 and to 20.4% in 2009-10. Of those recorded the main relationships were those between partners and ex-partners. Discussions are planned with CPS Groups to consider ways to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton⁹ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in this data.

⁹ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report are not complete. In addition, no data is held on the victims of sexual offences other than rape. The WMS is intended for use as a CMS and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the CPS VAW crime annual report.

Table 9 – VAW crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	44,504	
Referrals offered	23,902	53.7%
Referrals made	11,255	47.1%
Types of referrals made **		
Total referrals	12,971	
Hate crime agency referrals	146	1.1%
Victim Support agency referrals	2,156	16.6%
Witness Services agency referrals	8,412	64.9%
Other referrals	2,257	17.4%
Total victims *	44,504	
Other support explored	15,181	34.1%
<i>(ii) Attendance measures</i>		
Required to attend	30,881	69.4%
Actual attendance	23,926	77.5%
Pre-trial court visit accepted	7,042	22.8%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

Referrals to support services

During 2009-10, 23,902 (53.7%) referrals were offered to VAW crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing. Of these, 11,255 or 47.1% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 64.9% of referrals were to the Witness Service, 16.6% to Victim Support and 1.1% to a hate crime agency. The remaining 2,257 or 17.4% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

34.1% of VAW crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 22.8% of victims required to attend court accepted pre-trial court visits.

Attendance at court

69.4% of VAW crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 77.5% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Domestic violence

The CPS published the second revision of its Policy and Guidance on Prosecuting Cases of Domestic Violence in March 2009. The period 2009/10 was a time of consolidation and embedding of the new policy and guidance. The aim of the revised policy and guidance was to build capacity and confidence in CPS prosecutors, to be able to tackle these often challenging cases.

The presence of the national network of domestic violence co-ordinators and/or VAW co-ordinators means that there is a well established operational and strategic network of experienced prosecutors, who are crucial in ensuring the implementation of the policy, locally.

The extension of restraining orders to all criminal offences on conviction, and in certain circumstances on acquittal, was introduced in September 2009. This provision better enabled the CPS to protect victims of domestic abuse who are frequently in fear of further violence. The Policy Lead worked with the Police, the Home Office and the Ministry of Justice to ensure that there was a co-ordinated and consistent approach by the criminal justice agencies prior to the implementation of the legislation. Legal Guidance was produced to support prosecutors wishing to remind the court of their powers at the conclusion of a relevant case. Additionally, the victim and witness leaflet that includes a list of 'frequently asked questions' in domestic violence and which is seen as an example of good practice was revised in 2009-10 to include information about restraining orders.

The CPS continues to play a key role in the National Specialist Domestic Violence Court (SDVC) Programme. The number of SDVCs has exceeded the target of 128, set by the previous administration, with 141 courts in place by the 1 April 2010. The governance, performance management and quality assurance of SDVCs has been successfully devolved to local criminal justice boards (LCJBs) with effect from the 1 April 2010. As part of the national team, the CPS facilitated a number of workshops for LCJBs, to help build capacity for the devolution. Written guidance was also drafted, to provide ongoing support for LCJBs, post April 2010.

There are 26 Area Domestic Violence Scrutiny Panels involving community partners in scrutinising and advising on improved practice.

In 2009-10, the decision to charge fell to 63% of pre-charge decisions, from 65% in 2008-09, against a 13% rise in the number of cases coming forward for charging. Guilty pleas remained at 65% indicating an ongoing reduction in time from charge to outcome, with proportionally fewer trials required.

The proportion of defendants who were men remained similar to 2008-09 at 93%. 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 93% of defendants whose principal offence was identified as offences against the person. 80% of defendants were White, 6% Black and 5% Asian, with 2% not stating ethnicity and 4% not provided by the police.

Compared with the previous year, a similar proportion of cases were discontinued, including those where no evidence was offered. Victim issues continued to account for half of all unsuccessful cases. Proportionally, slightly fewer were due to the victims' evidence not supporting the case, but slightly more

victims retracted or did not attend. 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 cross-government Domestic Violence Virtual Unit, linking into the broader cross-government VAW strategy.

In March 2010, the CPS theme for the Government's national domestic violence Month of Action was a poster campaign to support the publication of *An Employee's Guide on Violence against Women*. The posters were displayed across the organisation to highlight the new policy and the benefits to staff.

Serial perpetrator – use of bad character and hearsay

The defendant, a serial perpetrator, had assaulted his new partner. The case went to the Crown Court, but the victim refused to attend as she was very frightened of this man. The lawyer had previously handled a case with this defendant and had obtained a conviction despite an appeal. The lawyer therefore drafted a full bad character notice, and then a hearsay notice was submitted when the victim refused to attend. The family of the witness gave an account of her fear, the judge considered the application to admit her statement under the hearsay provisions, and allowed it, together with the bad character.

The counsel at court was a CPS Higher Court Advocate. The defendant was convicted and sentenced to six years' imprisonment in total.

West Mercia, North Wales and Cumbria: Violence against Women/Domestic Violence Scrutiny Panels

The VAW/Domestic Violence Scrutiny Panels bring members of the Voluntary and Community Sector (VCS) into the CPS, together with CPS lawyers and independent legal advisors to jointly review and scrutinise a random selection of completed Violence against Women cases – including domestic violence, rape and sexual assault. The purpose of the panel meetings is to ask the VCS what the CPS could be doing better to improve the handling and outcome of such cases. The panels also raise awareness of the CJS and improve confidence in the decisions it makes thereby encouraging victims and witnesses to report incidents. Working closely with the VCS in this scrutiny has assisted the CPS in working towards local priorities.

In a survey in 2009-10, 98% of community members indicated that they felt the CPS listened to their views and 78% were confident that recommendations made by the panels would be implemented by the CPS in the near future. The panels also provide the CPS with a valuable insight into the issues faced by victims as they proceed through the CJS. This has enabled prosecutors and Witness Care Officers to be more sensitive to their needs and provide better support to enable them to give better quality evidence and enhance the prospects of bringing offenders to justice.

Domestic violence crime: key findings

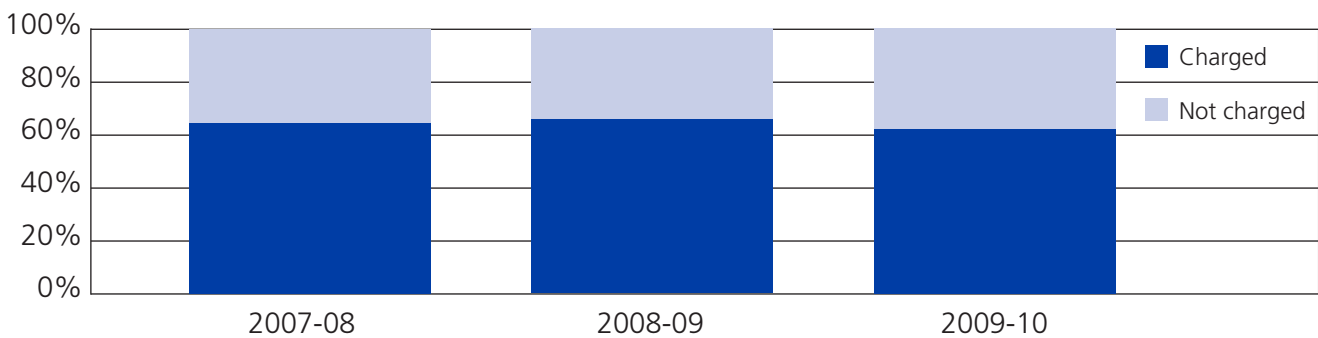
Since April 2005 the CPS has reported on the prosecution of domestic violence crimes as part of the performance review process. Domestic violence was included in CPS reports on hate crime up until March 2008, but from April 2008 was reported as part of the VAW strategy, measuring performance against a new VAW Indicator.

The CPS data is drawn from the CPS’s administrative IT system, and are used for internal performance management. As such, these should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Charging

Cases in which the CPS decided that a defendant should be charged fell slightly from 63.6% of domestic violence cases referred to the Service in 2007-08 to 62.8% in 2009-0. During the period under review the numbers referred to the CPS for a charging decision rose by over 17,100 or 23% from 74,065 to 91,184 in 2009-10.

Table 1 – Pre-charge decisions*



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	47,115	63.6%	52,418	65.2%	57,256	62.8%
Request for further evidence	510	0.7%	467	0.6%	507	0.6%
No prosecution	20,088	27.1%	20,466	25.4%	24,274	26.6%
All other decisions	6,352	8.6%	7,072	8.8%	9,147	10.0%
Total	74,065		80,423		91,184	

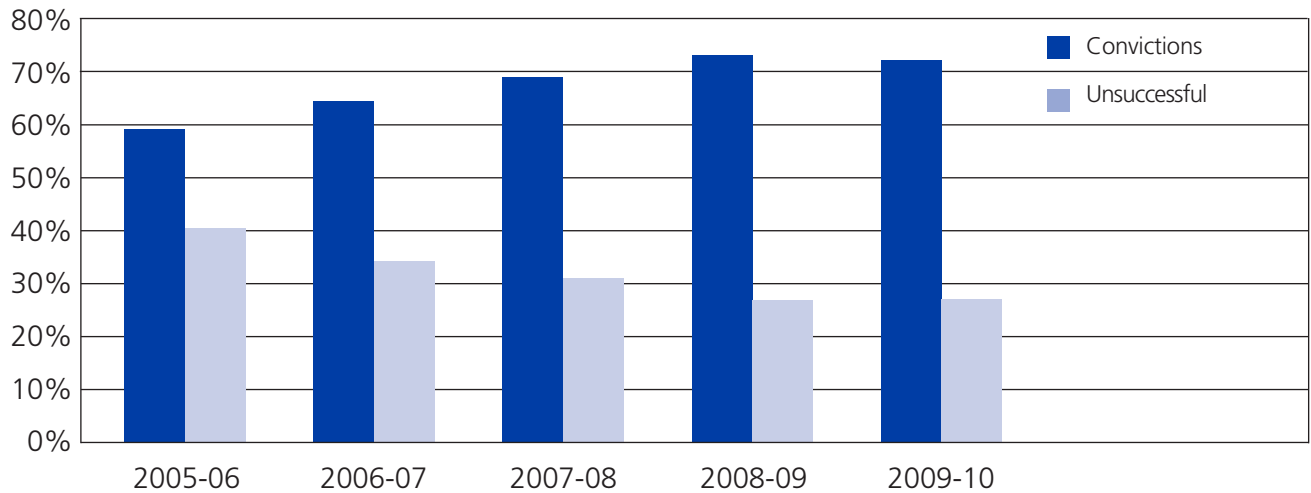
Statutory Charging was fully rolled out on 3 April 2006

* Pre-charge decisions are shown inclusive of cases in which the outcome of the decision was not fully captured in CPS records. The present figures therefore differ from those in the 2007-08 report

Convictions:

Table and chart 2 below provide a breakdown of prosecutions over the five year period, showing that convictions rose from 60% in 2005-06 to 72% in 2009-10. During the four year period from 2006-07, the numbers prosecuted by the CPS rose by 16,752, or 29%, from 57,361 in 2006-07 to 74,113 in 2009-10.

Table 2 – Completed prosecutions by outcomes

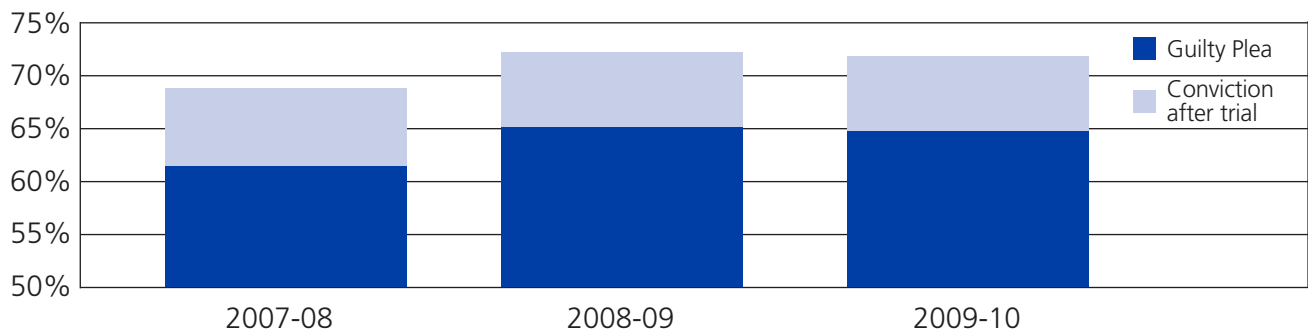


	2005-06		2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	29,719	59.7%	37,383	65.2%	43,977	68.9%	48,465	72.2%	53,347	72.0%
Unsuccessful	20,063	40.3%	19,978	34.8%	19,842	31.1%	18,629	27.8%	20,766	28.0%
Total	49,782		57,361		63,819		67,094		74,113	

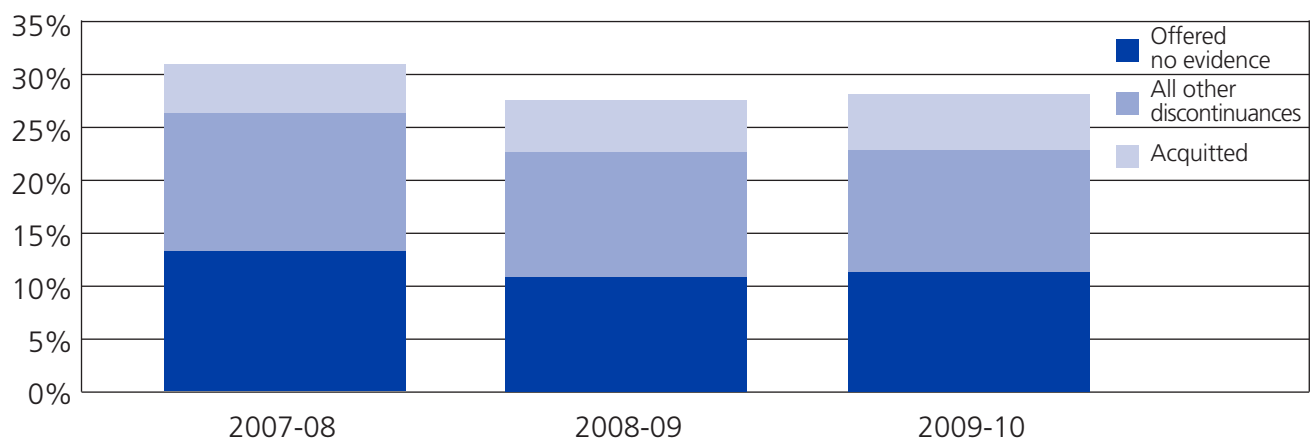
The table and charts below show a detailed breakdown of prosecution outcomes for domestic violence crimes from 2007-08 to 2009-10. Over the three year period ending March 2010, prosecution volumes increased by 16% or 10,294. Guilty pleas increased from 62% to 65%, contributing to improved conviction rates of 72% overall in 2008-09 and 2009-10. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 25% to less than 22%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes

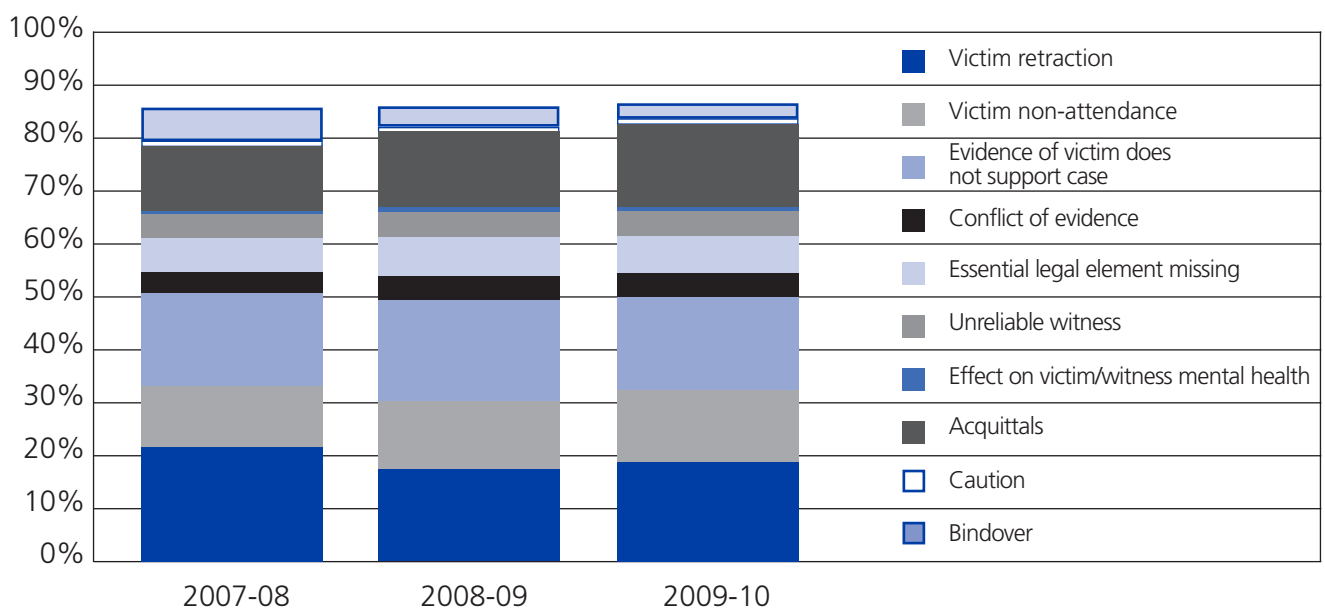


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	15,788	24.7%	14,425	21.5%	16,101	21.7%
<i>of which - no evidence offered</i>	8,505	13.3%	7,632	11.4%	8,665	11.7%
Dismissed after trial	2,359	3.7%	2,554	3.8%	2,916	3.9%
Judge directed acquittal	83	0.1%	77	0.1%	104	0.1%
Jury acquittal	441	0.7%	547	0.8%	658	0.9%
All other unsuccessful outcomes	1,171	1.8%	1,026	1.5%	987	1.3%
Unsuccessful outcomes	19,842	31.1%	18,629	27.8%	20,766	28.0%
Guilty plea	39,326	61.6%	43,586	65.0%	48,027	64.8%
Conviction after trial	4,552	7.1%	4,781	7.1%	5,204	7.0%
Proved in absence	99	0.2%	98	0.1%	116	0.2%
Convictions	43,977	68.9%	48,465	72.2%	53,347	72.0%
Total prosecutions	63,819		67,094		74,113	

Unsuccessful prosecutions

Table 4 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 where a conflict of evidence occurred or an essential legal element was missing, those resulting in a bindover, cases in which a defendant was cautioned and those in which the defendant was acquitted. Within these key reasons the proportion failing due to victim retraction remained the largest single category; remaining at around 50% in each of the last three years. While victim retraction fell by just under two percentage points in the period to 19.3% the proportion in which the evidence of victims did not support the prosecution case, rose slightly from 17% to 18%. There was an increase in acquittals from 12% to 15% and a reduction in bindovers from 7% to 4%.

Table 4 – Key reasons for unsuccessful prosecutions

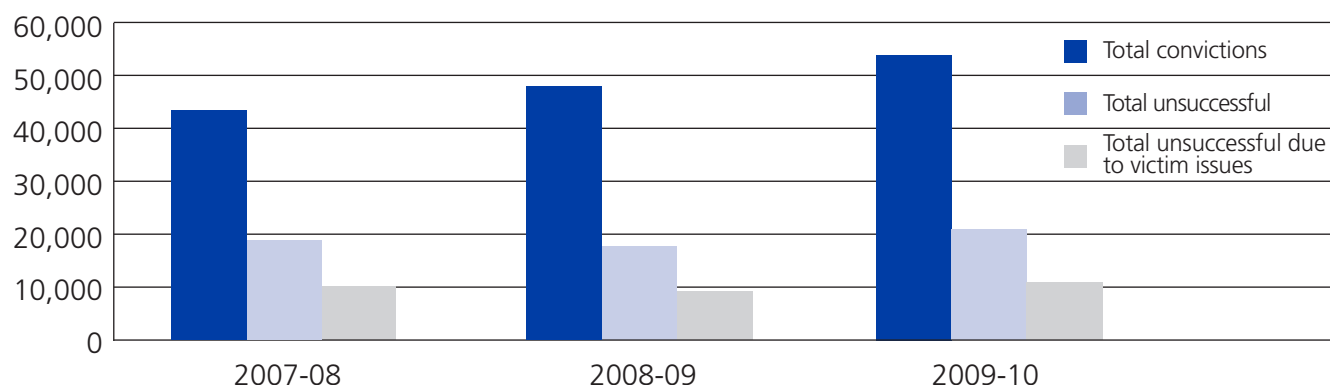


	2006-07		2007-08		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	4,207	21.2%	3,470	18.6%	4,002	19.3%
Victim non-attendance	2,409	12.1%	2,226	11.9%	2,647	12.7%
Evidence of victim does not support case	3,406	17.2%	3,536	19.0%	3,731	18.0%
Total victim issues	10,022	50.5%	9,232	49.6%	10,380	50.0%
Conflict of evidence	764	3.9%	833	4.5%	948	4.6%
Essential legal element missing	1,376	6.9%	1,451	7.8%	1,578	7.6%
Unreliable witness	957	4.8%	924	5.0%	994	4.8%
Effect on victim/witness mental health	79	0.4%	103	0.6%	77	0.4%
Acquittals	2,357	11.9%	2,591	13.9%	3,131	15.1%
Caution	234	1.2%	196	1.1%	244	1.2%
Bind over	1,311	6.6%	881	4.7%	794	3.8%
Total key reasons	17,100	86.2%	16,211	87.0%	18,146	87.4%
All other reasons	1,970	9.9%	1,821	9.8%	2,085	10.0%
Administrative finalisations	772	3.9%	597	3.2%	535	2.6%
Total	19,842		18,629		20,766	

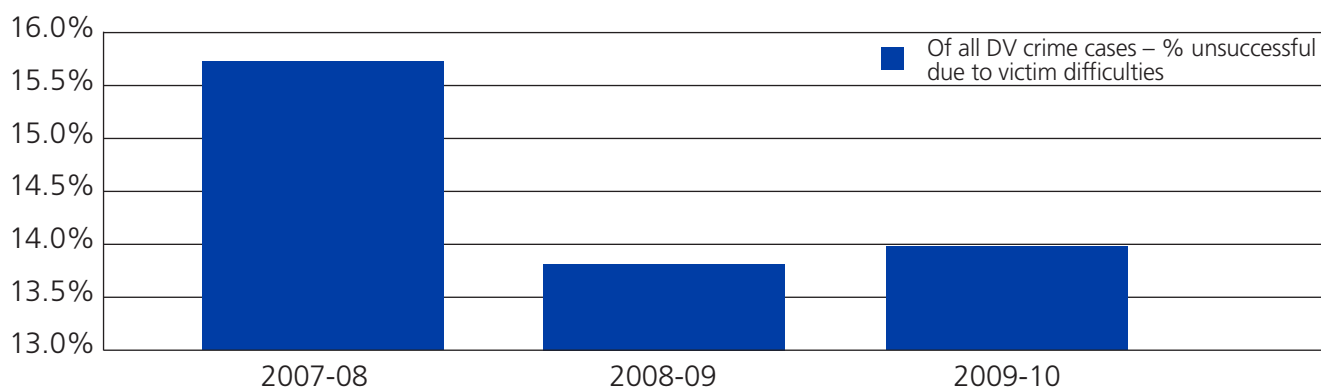
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 10,022 in 2007-08 to 10,380 in 2009-10, they fell in proportional terms, from 16% to 14%. Total unsuccessful outcomes fell from 40% in 2005-06 to 28% in 2009-10.

Table 5 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	10,022	15.7%	9,232	13.8%	10,380	14.0%
Total convictions	43,977	68.9%	48,465	72.2%	53,347	72.0%
Total unsuccessful	19,842	31.1%	18,629	27.8%	20,766	28.0%
Total prosecutions	63,819		67,094		74,113	

Principal offence category

Offences against the person were the most numerous category, representing 69% of domestic violence crime prosecutions in 2009-10. Criminal damage and public order accounted for a further 13% and 7% respectively. An analysis of the categories 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 93% of defendants whose principal offence was identified as offences against the person.

Retraction

While the facility to collect information on the issue of victim retraction in domestic violence cases has been in place since April 2007, the data is incomplete and therefore not reliable. Only 0.7% of domestic violence cases recorded details of prosecutions after retraction in 2009-10. Discussions are planned with CPS Groups to consider potential ways to improve data collection and quality.

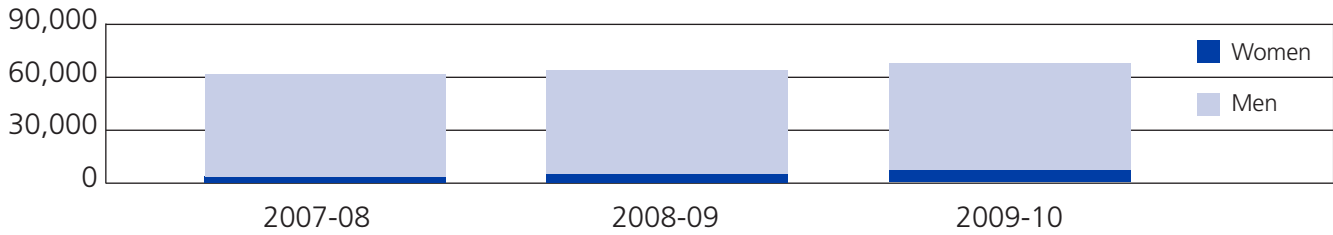
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men fell slightly from 94% in 2007-08 to 93% in 2009-10.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	3,770	5.9%	4,266	6.4%	5,082	6.9%
Men	60,037	94.1%	68,805	93.6%	69,019	93.1%
Unknown	12	0.0%	23	0.0%	12	0.0%
Total	63,819		67,094		74,113	

Ethnicity

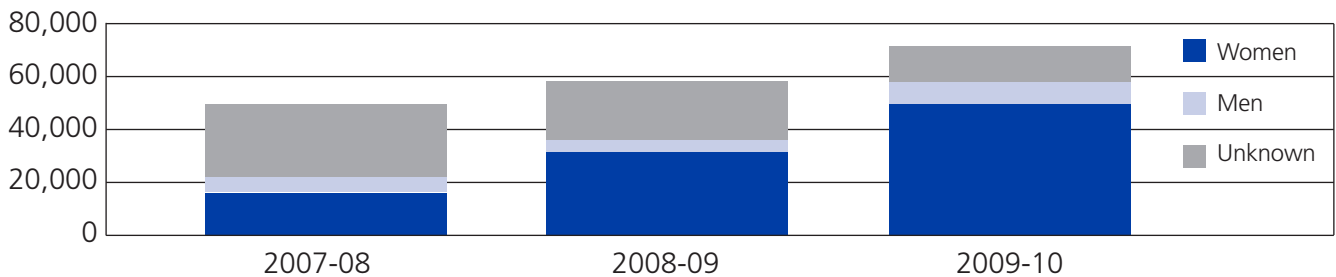
Ethnicity data on defendants is collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 80% of all domestic violence crime defendants were categorised as White. 76% of White domestic violence crime defendants were identified as belonging to the White British category. 5% of defendants were identified as Asian, and a further 6% were identified as Black. 2% of defendants did not state an ethnicity on arrest and 4% of ethnicity was not provided to the CPS by the police.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 18-24 years (26%) and those aged between 25-59 years (68%) were the most numerous categories similar to 2007-08, at 24% and 70% respectively. In each of the last three years, 4% of defendants were aged between 14-17 years.

(ii) Victims**Gender**

Table 7 provides a breakdown of the gender of victims. Data on victims is extracted from the WMS, and is available only from April 2006. Although the recording of this data has improved year on year, from 44% of gender recorded in 2007-08 to 82% in 2009-10, its completeness and accuracy remain under development. Of those victims whose gender was identified the highest proportion were women, at 86% in 2007-08 and 85% in 2008-09 and 2009-10.

Table 7 – Gender of victims*

	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	18,461	37.5%	33,073	55.3%	49,522	69.3%
Men	3,078	6.3%	5,841	9.8%	9,042	12.7%
Unknown	27,695	56.3%	20,921	35.0%	12,850	18.0%
Total	49,234		59,835		71,414	

Other equality data

Data on ethnicity is available from April 2006, and data on age from April 2007. The completeness and accuracy of this information remains under development. For example, 52% of victim's ethnicity remains not stated or not provided and 24% of age band data is recorded as not provided, this data has therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Domestic violence relationships

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 numbers recorded are too low for any conclusions to be drawn. However, despite the limitations of these data, the numbers of relationships recorded have improved from 5.2% (3,288 out of 63,819 defendants prosecuted) in 2007-08, to 28.8% (19,296 out of 67,094 defendants in total) in 2008-09 and to 20.4% (15,150 out of 74,113 defendants) in 2009-10. Of those recorded the main relationships were those between partners and ex-partners.

Victim care measures in domestic violence cases

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton¹⁰ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in this data.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report is not complete. The WMS is intended for use as a case management system and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the Domestic violence crime: key findings chapter of the CPS VAW crime annual report.

Table 8 – Domestic violence crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	41,583	
Referrals offered	22,319	53.7%
Referrals made	10,270	46.0%
Types of referrals made **		
Total referrals	11,768	
Hate crime agency referrals	142	1.2%
Victim Support agency referrals	1,878	16.0%
Witness Services agency referrals	7,668	65.2%
Other referrals	2,080	17.7%
Total victims *	41,583	
Other support explored	14,038	33.8%
<i>(ii) Attendance measures</i>		
Required to attend	29,047	69.9%
Actual attendance	22,143	76.2%
Pre-trial court visit accepted	6,233	21.5%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

⁹ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

Referrals to support services

During 2009-10, 22,319 (53.7%) referrals were offered to domestic violence victims associated with cases where a not guilty plea has been entered or with a witness related hearing. Of these, 10,270 or 46% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 65.2% of referrals were to the Witness Service, 16% to Victim Support and 1.2% to a hate crime agency. The remaining 2,080 or 17.7% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

33.8% of domestic violence crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 21.5% of victims required to attend court accepted pre-trial court visits.

Attendance at court

69.9% of domestic violence crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 76.2% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-11 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Rape

The serious and sensitive nature of rape continued to present prosecutors with particular challenges, especially in cases involving the issue of consent. In 2009-10 CPS acknowledged the key need to improve rape prosecutions within the overall VAW designated "mission critical".

Closer working between the police and the CPS was a key objective, with particular emphasis on the concept of early consultation between investigating police officers and CPS prosecutors at the beginning of the police investigation. The need for a joined up approach was emphasised in joint ACPO/ CPS Guidance on Investigating and Prosecuting Rape, published in 2009. The launch of the guidance, the first rape guidance to be co-written by the National Policing Improvement Agency and the CPS, was marked with six regional police/CPS workshops attended by representatives of all police forces and CPS Areas. Each event included a presentation on a recent local successful rape prosecution that demonstrated the benefits of joint working.

Joint visits to 39 CPS Areas and police forces during 2009-10, by a team drawn from the CPS and the Association of Chief Police Officers, further encouraged a joint approach by CPS Areas and their respective police forces. Each visit involved in-depth interviews with police and CPS personnel responsible for handling rape cases. As well as police investigators and CPS prosecutors, interviewees included police call handlers, police officers specially trained in sexual offences and CPS rape advocates. Sessions were also held with representatives from specialist support services including Sexual Assault Referral Centre (SARC) staff, Independent Sexual Violence Advisors and members of voluntary sector organisations, as well as forensic physicians responsible for conducting victims' forensic medical examinations. Following the visit, Chief Crown Prosecutors (CCPs) and Chief Police Officers received written reports that identified and shared good practice and provided recommended actions for improvement.

All CPS Areas have rape specialist prosecutors responsible for handling the Area's rape cases. Specialists receive training based on real life case studies that demonstrate some of the complex issues they may confront. External speakers deliver sessions on common rape myths and stereotypes and the psychological effects of rape, and the role and responsibilities of the forensic physician in responding to sexual assault. The delivery of this training will be completed by March 2011. In addition, in 2009-10, specialist training was given to all CCPs to equip them to improve local performance in prosecuting rape cases.

The Director of Public Prosecutions (DPP), the head of CPS, emphasised his commitment to driving up performance in rape prosecutions in a letter addressed to all CCPs in 2009. Together with the CPS Chief Executive, the DPP has demonstrated the priority he attaches to this area of CPS work in visits to CPS Areas, part of which focuses specifically on how rape is handled locally as part of the VAW work.

In 2009-10 charging fell slightly to 36%. One explanation may be 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 to 89%. 65% of defendants were White, 8% Asian and 13% Black, with 4% not stating ethnicity and 6% not being provided by the police.

The increase in guilty pleas to 37% was welcome, a rise of 4% since 2006-07. More cases in volume, and proportionally, were convicted after trial - a rise in volume of 17%, and a rise in successful outcomes by nearly 5%, since 2006-07. Proportionally fewer cases were discontinued, including those where no

evidence was offered. Victim issues accounted for fewer unsuccessful cases by volume and proportion (7%). Victim issues were the reason for less than one in six unsuccessful outcomes. The greatest number and proportion of unsuccessful outcomes were due to jury acquittals at just under 45%. This indicates the need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the CJS.

Historic abuse

A series of historic child abuse, rape & indecent assaults were successfully prosecuted, alongside the rape of a defendant's mother in law. All offences occurred in the 1970s & 1980s. Sadly, the mother-in-law died after making a video interview but there was corroboration of her complaint from other witnesses and the trial judge allowed the mother-in-law's evidence to be admitted.

There were numerous conferences with counsel and the victims gave live evidence with the help of special measures. Local Authority unused material was ordered to be disclosed.

The defendant was convicted of all counts and was sentenced to 19 years' imprisonment. The case then went to Appeal on the hearsay evidence of the dead complainant but the Appeal was lost and the conviction upheld.

Rape specialist skills

A young woman was married to the defendant when she was 15 under Sharia law and suffered a period of serious violence and controlling behaviour over a number of years. Following a particularly vicious assault, a report was made to the police. Initially the woman was reluctant to co-operate with the police, believing she should not speak against her husband. When the police explained that it could not be a legal marriage she agreed to an interview and gave an account of serious and sustained domestic violence. During the description of the 30 to 40 assaults, the victim also mentioned to the police that she had had a termination because of her fear of further violence and had attempted to commit suicide.

Early liaison between the police and the CPS allowed a rape specialist to review the full file, picking up on the risk factors in the case. With their awareness that VAW cases can often involve a number of different VAW strands, the lawyer was concerned that the original information only referred to the physical violence, with no reference to possible sexual offences. The lawyer requested that the police conduct a second interview giving detailed direction as to the questioning that should be employed to discover whether this woman had also suffered sexual offences. The woman disclosed a catalogue of sexual offences including rape. Following this further interview, the lawyer authorised three counts of sexual activity with a child and four counts of rape to what was originally an assault case. The defendant denied all the offences in interview.

On the day of trial, the defendant offered guilty pleas to all assaults and three sexual offences. Having consulted the victim (who was said to be very pleased) the pleas were accepted. The defendant was sentenced to four and a half years' imprisonment.

This is a case which was correctly charged as a result of good early consultation with the police and the involvement of a specialist prosecutor whose knowledge of the dynamics of VAW assisted in bringing the offender to justice.

Rape crime: key findings

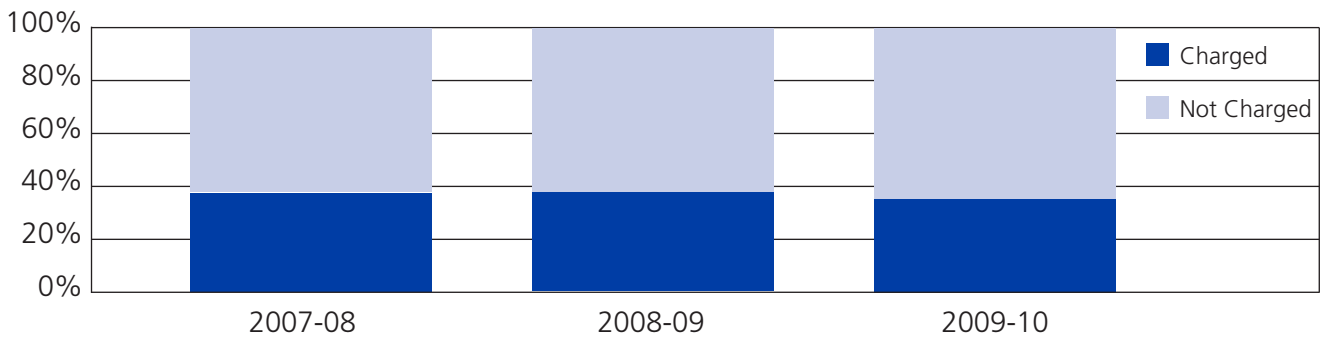
Since April 2008 the CPS has reported on the prosecution of rape crimes as part of the VAW strategy, as well as measuring performance within the performance review process.

The CPS data is drawn from the CPS’s administrative IT system, and is used for internal performance management. As such, it should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Charging

Cases in which the CPS decided that a defendant should be charged fell from 38.8% of rape cases referred to the Service in 2007-08 to 36.4% in 2009-10. Further work is underway to improve charging rates.

Table 1 – Pre-charge decisions



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	2,220	38.8%	2,565	38.9%	2,798	36.4%
Request for further evidence	55	1.0%	43	0.7%	89	1.2%
No prosecution	3,025	52.9%	3,511	53.2%	4,186	54.5%
All other decisions	422	7.4%	478	7.2%	610	7.9%
Total	5,722		6,597		7,683	

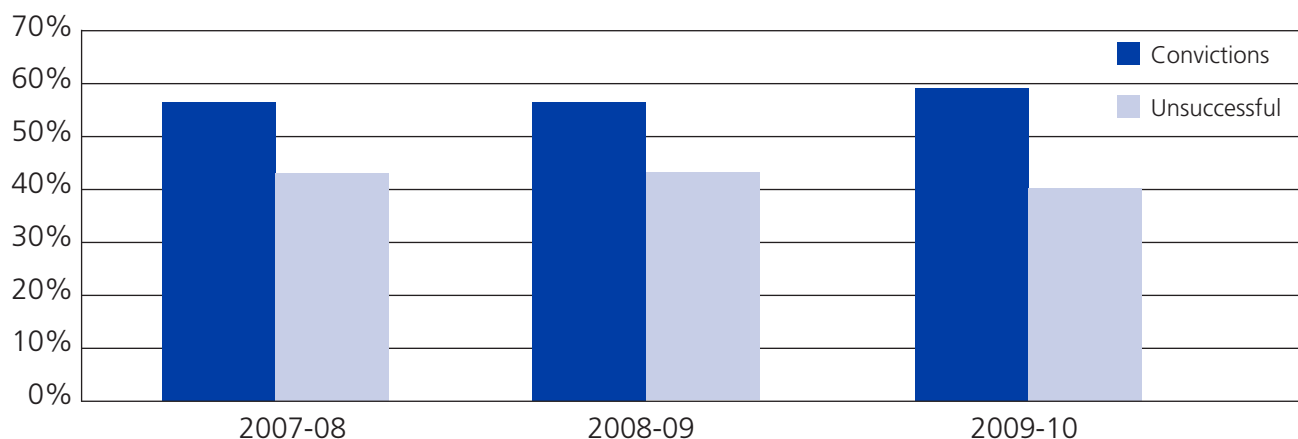
Statutory Charging was fully rolled out on 3 April 2006

* Pre-charge decisions are shown inclusive of cases in which the outcome of the decision was not fully captured in CPS records. The present figures therefore differ from those in the 2007-08 report

Convictions

During the four year period from 2006-07, the numbers prosecuted by the CPS rose by 17% from 3,264 in 2006-07 to 3,819 in 2009-10. In the three years ending March 2010, over 10,800 defendants were prosecuted for crimes involving rape. Overall prosecutions rose by 316 or 9% from 2007-08 to 2009-10. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 57.7% in 2007-08 to 59.4% in 2009-10. 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

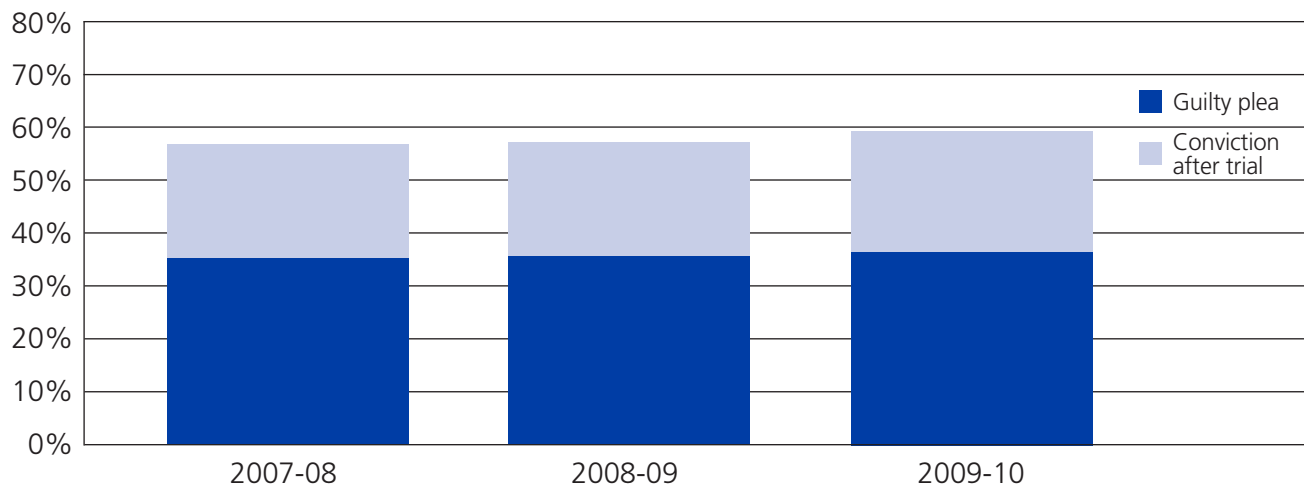


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	2,021	57.7%	2,018	57.7%	2,270	59.4%
Unsuccessful	1,482	42.3%	1,477	42.3%	1,549	40.6%
Total	3,503		3,495		3,819	

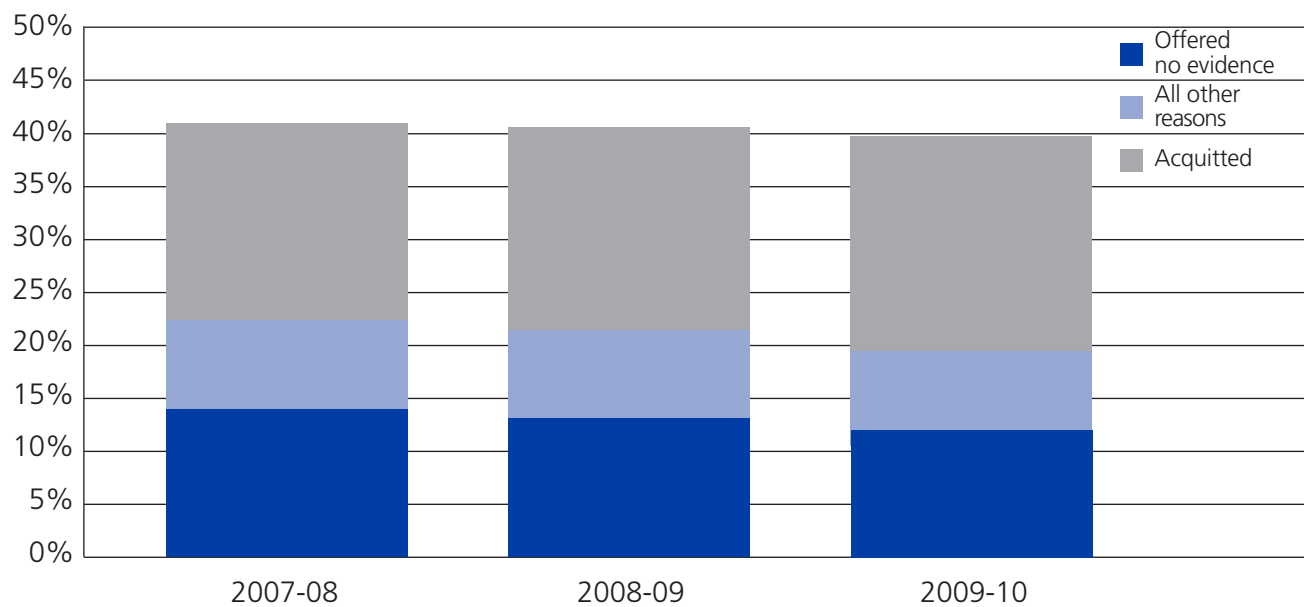
The table and charts below show a detailed breakdown of prosecution outcomes for rape crimes from 2007-08 to 2009-10. In the period guilty pleas increased from 35% to 37%. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 23% to just over 19%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



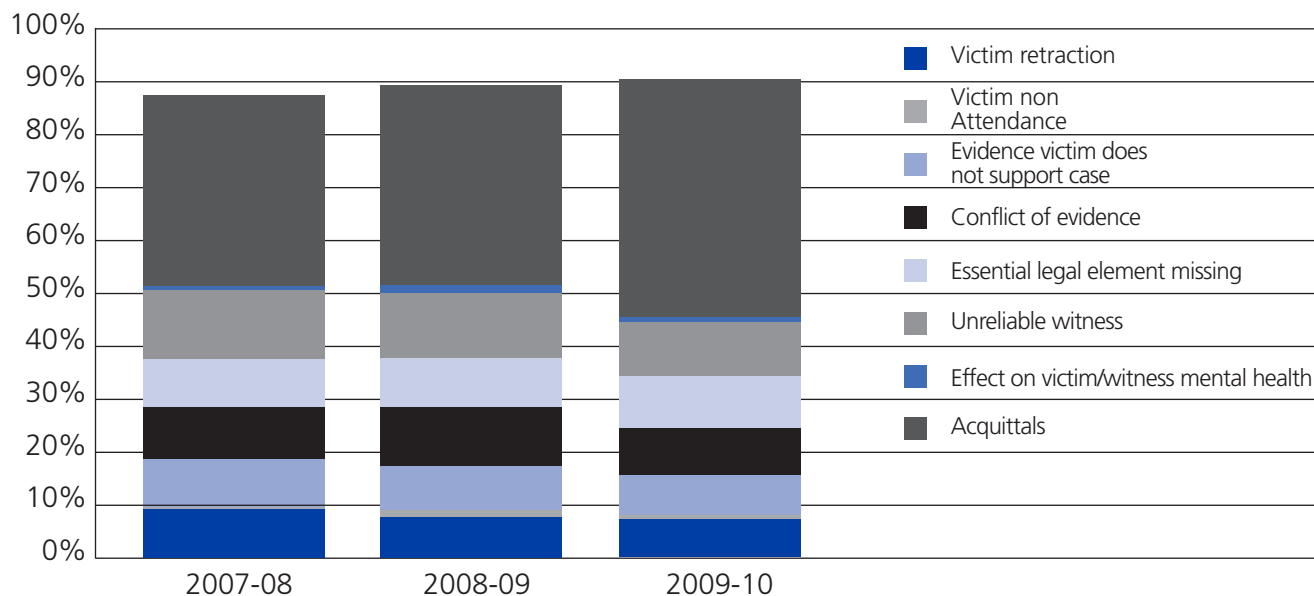
	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	795	22.7%	787	22.5%	740	19.4%
<i>of which - no evidence offered</i>	494	14.1%	474	13.6%	488	12.8%
Dismissed after trial	5	0.1%	0	0.0%	14	0.4%
Judge directed acquittal	99	2.8%	64	1.8%	62	1.6%
Jury acquittal	539	15.4%	575	16.5%	691	18.1%
All other unsuccessful outcomes	44	1.3%	51	1.5%	42	1.1%
Unsuccessful outcomes	1,482	42.3%	1,477	42.3%	1,549	40.6%
Guilty plea	1,235	35.5%	1,230	35.2%	1,409	36.9%
Conviction after trial	786	22.4%	788	22.5%	858	22.5%
Proved in absence	0	0.0%	0	0.0%	3	0.1%
Convictions	2,021	57.7%	2,018	57.7%	2,270	59.4%
Total prosecutions	3,503		3,495		3,819	

Unsuccessful prosecutions

Table 4 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); 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 rising from 35.8% to 44.7% over the three year period, the majority of which were acquittals by a jury rather than directed by the judge. Key victim issues fell slightly from 18.1% of all unsuccessful outcomes to 16.5%. Within the 16.5%, recorded in 2009-10, victim retraction fell by just more than one percentage point to 7.4%, while cases in which the victim's evidence did not support the prosecution case or the victim did not attend remained similar at 9.1% compared to 9.4% in the earlier period. Conflicts of evidence fell by just under two percentage points to 9% while unreliable witness or witnesses fell by nearly three points to 10.5% of the total reasons for unsuccessful outcomes.

Table 4 – Key reasons for unsuccessful prosecutions

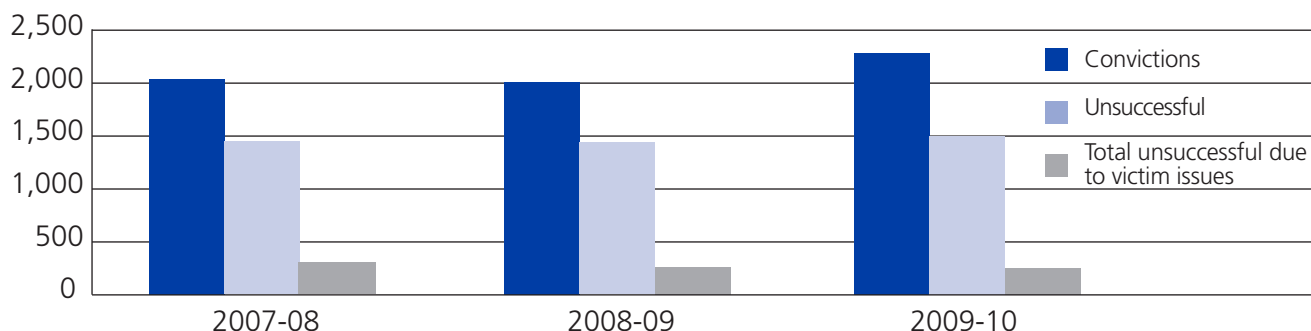


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	128	8.6%	111	7.5%	114	7.4%
Victim non-attendance	9	0.6%	23	1.6%	15	1.0%
Evidence of victim does not support case	131	8.8%	124	8.4%	126	8.1%
Total victim issues	268	18.1%	258	17.5%	255	16.5%
Conflict of evidence	159	10.7%	164	11.1%	140	9.0%
Essential legal element missing	131	8.8%	141	9.5%	136	8.8%
Unreliable witness	197	13.3%	178	12.1%	162	10.5%
Effect on victim/witness' mental health	14	0.9%	18	1.2%	22	1.4%
Acquittals	530	35.8%	562	38.1%	693	44.7%
Total key reasons	1,299	87.7%	1,321	89.4%	1,408	90.9%
All other reasons	146	9.9%	111	7.5%	104	6.7%
Administrative finalisations	37	2.5%	45	3.0%	37	2.4%
Total	1,482		1,477		1,549	

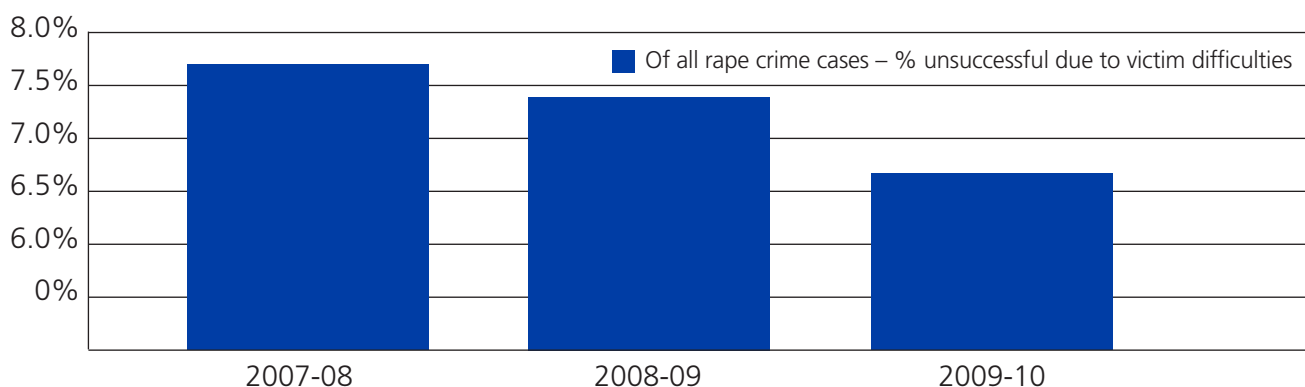
Table and chart 5 show the volume and proportion of victim issues in relation to *all* outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell slightly from 268 (7.7%) in 2007-08 to 255 (6.7%) in 2009-10. Total unsuccessful outcomes fell from just over 42% in 2007-08 to 41% in 2009-10.

Table 5 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	268	7.7%	258	7.4%	255	6.7%
Total convictions	2,021	57.7%	2,018	57.7%	2,270	59.4%
Total unsuccessful	1,482	42.3%	1,477	42.3%	1,549	40.6%
Total prosecutions	3,503		3,495		3,819	

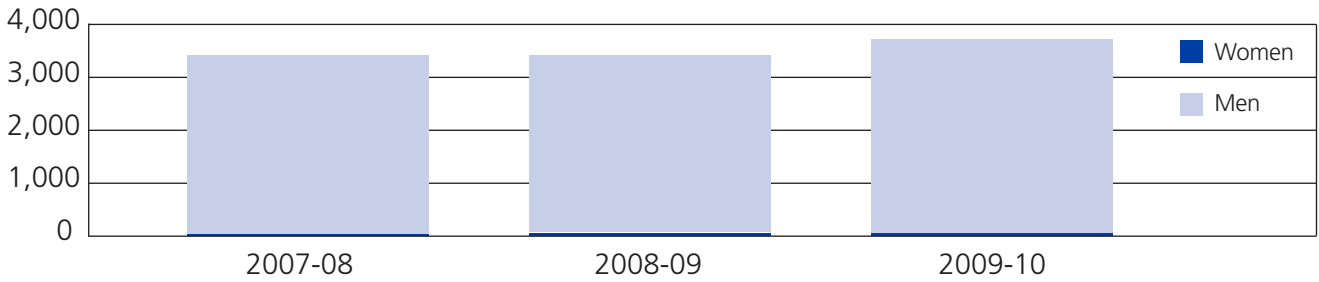
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men remained the same at 99% in each of the last three years.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	38	1.1%	43	1.2%	43	1.1%
Men	3,465	98.9%	3,451	98.7%	3,774	98.8%
Unknown	0	0.0%	1	0.0%	2	0.1%
Total	3,503		3,495		3,819	

Ethnicity

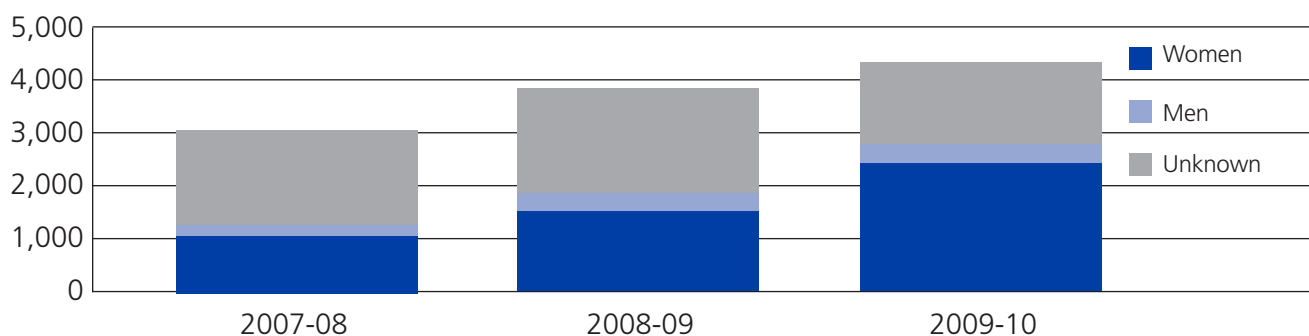
Ethnicity data on defendants is collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 65% of rape crime defendants were categorised as White, similar to the previous year. Of these, 59% were identified as belonging to the White British category. 8% of defendants were identified as Asian, and a further 13% were identified as Black. 4% of defendants did not state an ethnicity on arrest and 6% of defendant ethnicity was not provided by the police.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 18-24 years (23%) and those aged between 25-59 years (59%) were the most numerous categories similar to 2007-08, at 22% and 60% respectively. Nearly 12% of defendants prosecuted for rape crimes were aged 17 or under in 2009-10, similar to the previous two years, and 5% of defendants were aged between 60-69 years compared to 4% in 2007-08.

(ii) Victims**Gender**

Table 7 provides a breakdown of the gender of victims. Data on victims is extracted from the WMS, and is available only from April 2006. Despite improvements in the recording of gender from 40% to 64% of all victims, completeness and accuracy of this information remains under development. Of those victims whose gender has been identified the highest proportion were women, rising from 87% in 2007-08 to 89% in 2009-10.

Table 7 – Gender of victims

	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	1,053	34.6%	1,632	42.2%	2,448	57.5%
Men	161	5.3%	223	5.8%	294	6.9%
Unknown	1,829	60.1%	1,993	51.8%	1,517	35.6%
Total	3,043		3,848		4,259	

Other equality data

Data on ethnicity is available from April 2006, and data on age from April 2007. The completeness and accuracy of this information remains under development. For example, 79% of victim's ethnicity remains not stated or not provided and 40% of age band data is recorded as not provided, this data has therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures in rape cases

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton¹¹ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in this data.

¹¹ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully, therefore data provided in this report is not complete. The WMS is intended for use as a case management system and not as a monitoring tool, therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the Rape crime: key findings chapter of the CPS VAW crime annual report.

Table 8 – Rape crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	2,921	
Referrals offered	1,583	54.2%
Referrals made	985	62.2%
Types of referrals made **		
Total referrals	1,203	
Hate crime agency referrals	4	0.3%
Victim Support agency referrals	278	23.1%
Witness Services agency referrals	744	61.8%
Other referrals	177	14.7%
Total victims *	2,921	
Other support explored	1,143	39.1%
<i>(ii) Attendance measures</i>		
Required to attend	1,834	62.8%
Actual attendance	1,783	97.2%
Pre-trial court visit accepted	809	44.1%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

Referrals to support services

During 2009-10, 1,583 (54.2%) referrals were offered to rape crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing. Of these, 985 or 62.2% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 61.8% of referral types were to the Witness Service, 23.1% to Victim Support and 0.3% to a hate crime agency. The remaining 177 or 14.7% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

39.1% of rape crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 44.1% of victims required to attend court accepted pre-trial court visits.

Attendance at court

62.8% of rape crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 97.2% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sexual offences

Sexual offences, other than rape, have continued to be monitored as part of the VAW Indicator quarterly.

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 similar from 2006-2010 – at 95-96%. 73% of defendants were White, 7% Asian and 6% Black, with 3% not stating an ethnicity while in a further 7% of cases the record of ethnicity was not completed.

The increase in guilty pleas to 63% 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 out of all cases, by volume and proportion (3%). Out of all the *unsuccessful* cases, victim issues only accounted for less than 12% of the reasons. The greatest proportion of unsuccessful outcomes were due to acquittals, at 42%. 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 CJS.

An issue of consent

The victim had significant mental disabilities as a result of a car accident in 1982 where she suffered serious head injuries. The defendant was an old family friend who was aware of the victim's car accident and resulting injuries. The defendant was found by a family friend sexually assaulting the victim by kissing her and touching her breasts. In interview the defendant stated that he had been involved with consensual sexual activity with both her and her husband for some time. As a result of her mental disabilities, the victim was assessed as having a 'mental disorder' within the meaning of section 79 Sexual Offences Act 2003 and therefore unable to consent to sexual activity. The defendant disputed that the victim did not have the capacity to consent/refuse to such activity.

Special measures were provided for use of TV link, pre-recorded video and removal of wigs and gowns for the husband to give evidence. The neighbour also gave evidence. The victim did not have to give evidence. The defendant was convicted of 'sexual activity with a person with a mental disorder'. He will now be on the sex offenders register and there are conditions not to approach or communicate with the victim for two years. He is managed under the Multi-agency Public Protection Arrangements. The victim now has the support of a social worker.

The case was highlighted as one of good practice by the local Hate Crime Scrutiny Panel.

Sexual offences excluding rape crime: key findings

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

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. As such, it should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

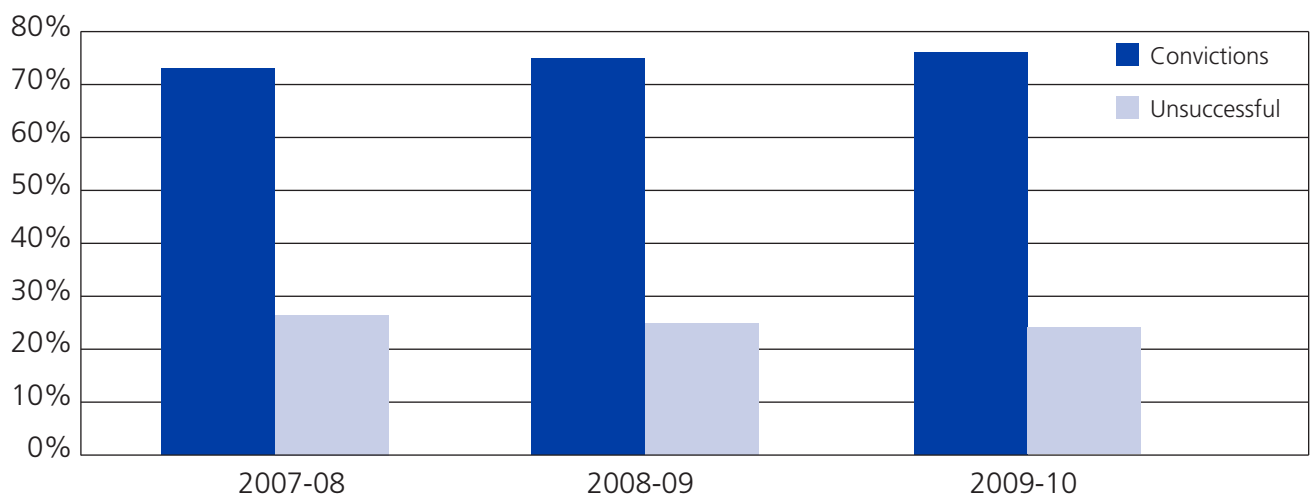
Charging

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

The volume of sexual offence crimes prosecuted has fallen by 4% from 8,305 in 2006-07 to 7,972 in 2009-10. Table and chart 1 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 74% in 2007-08 to 76% in 2009-10.

Table 1 – Completed prosecutions by outcome

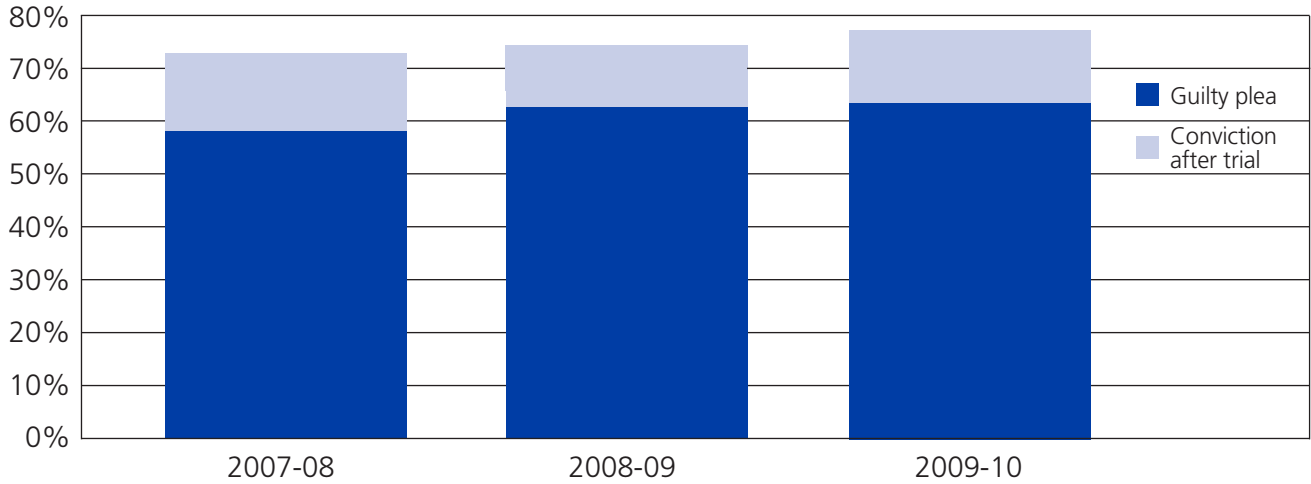


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	5,976	73.5%	5,955	75.1%	6,060	76.0%
Unsuccessful	2,154	26.5%	1,979	24.9%	1,912	24.0%
Total	8,130		7,934		7,972	

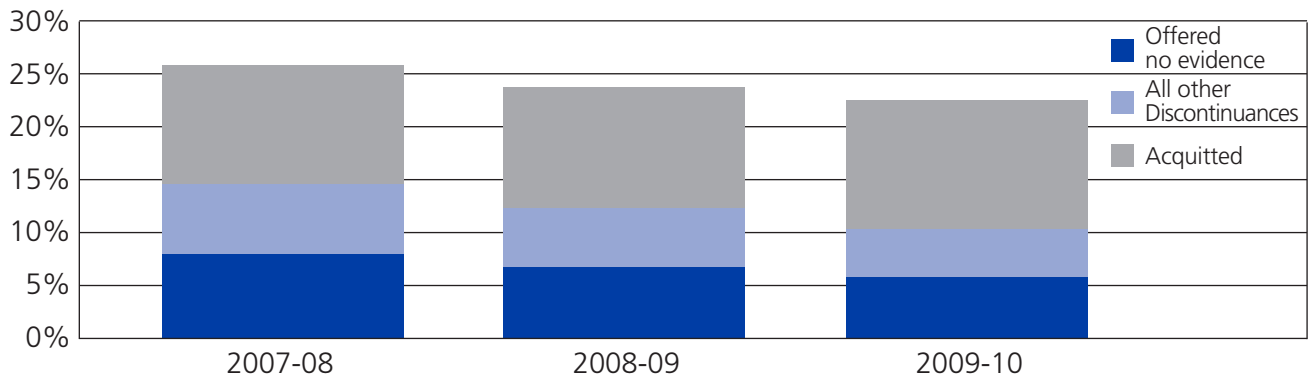
The table and charts below show a detailed breakdown of prosecution outcomes for sexual offences from 2007-08 to 2009-10. Guilty pleas increased from 58% to 63%, contributing to an improved conviction rate of 76% in 2009-10 compared with 74% in 2007-08. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 14% to just over 11%.

Table 2 – Prosecution outcomes

Convictions



Unsuccessful outcomes



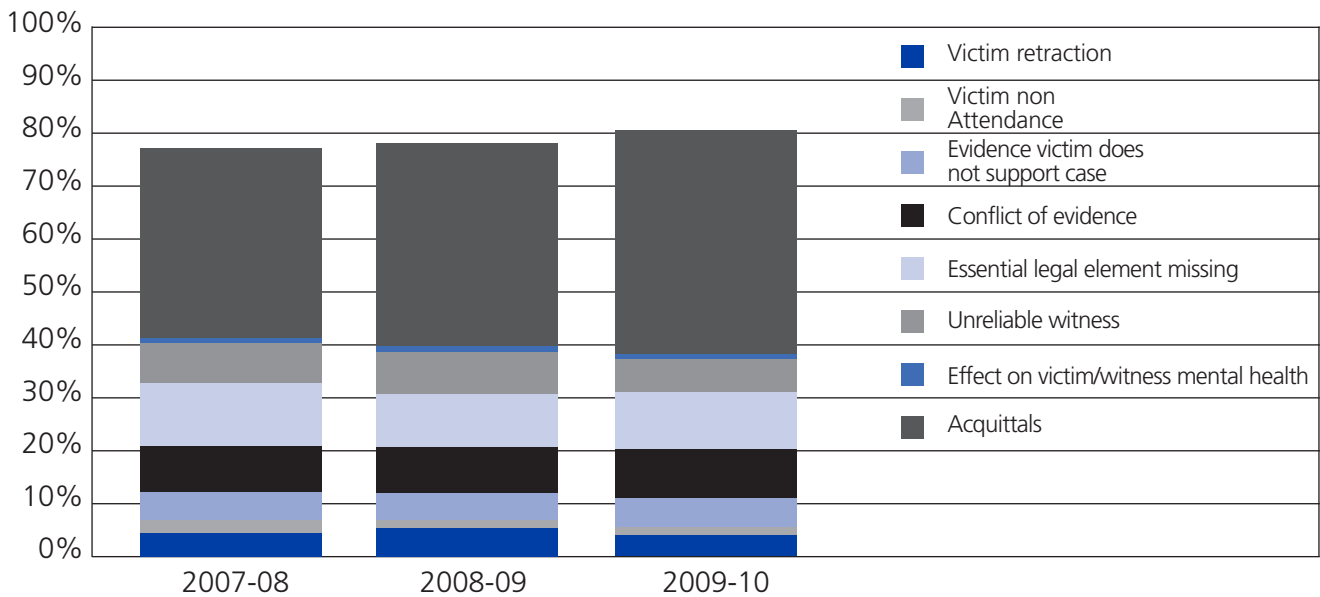
	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,140	14.0%	985	12.4%	894	11.2%
<i>of which - no evidence offered</i>	636	7.8%	551	6.9%	489	6.1%
Dismissed after trial	195	2.4%	148	1.9%	137	1.7%
Judge directed acquittal	70	0.9%	63	0.8%	61	0.8%
Jury acquittal	631	7.8%	663	8.4%	709	8.9%
All other unsuccessful outcomes	118	1.5%	120	1.5%	111	1.4%
Unsuccessful outcomes	2,154	26.5%	1,979	24.9%	1,912	24.0%
Guilty plea	4,746	58.4%	4,909	61.9%	5,048	63.3%
Conviction after trial	1,210	14.9%	1,036	13.1%	1,007	12.6%
Proved in absence	20	0.2%	10	0.1%	5	0.1%
Convictions	5,976	73.5%	5,955	75.1%	6,060	76.0%
Total prosecutions	8,130		7,934		7,972	

Unsuccessful prosecutions

Table 3 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); 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.

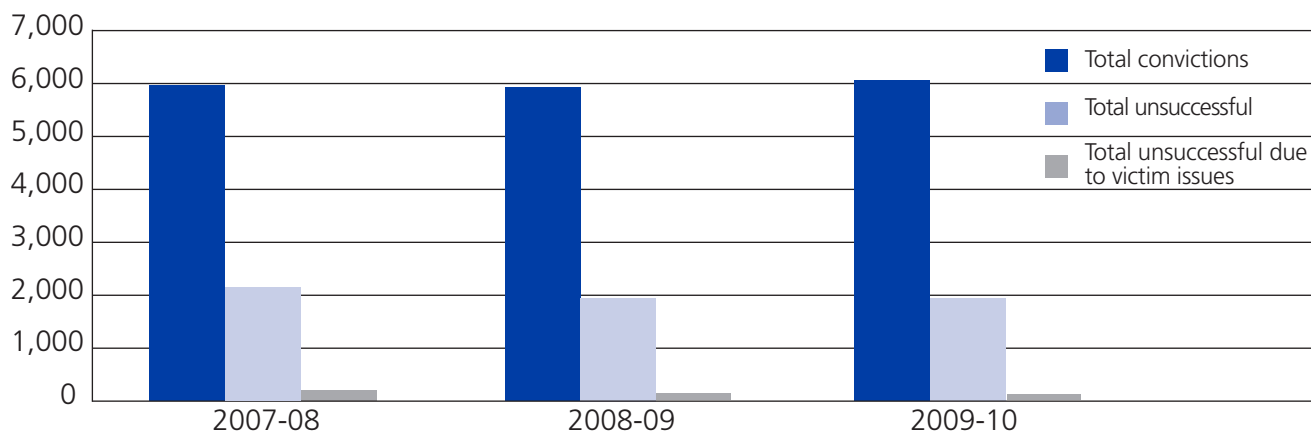
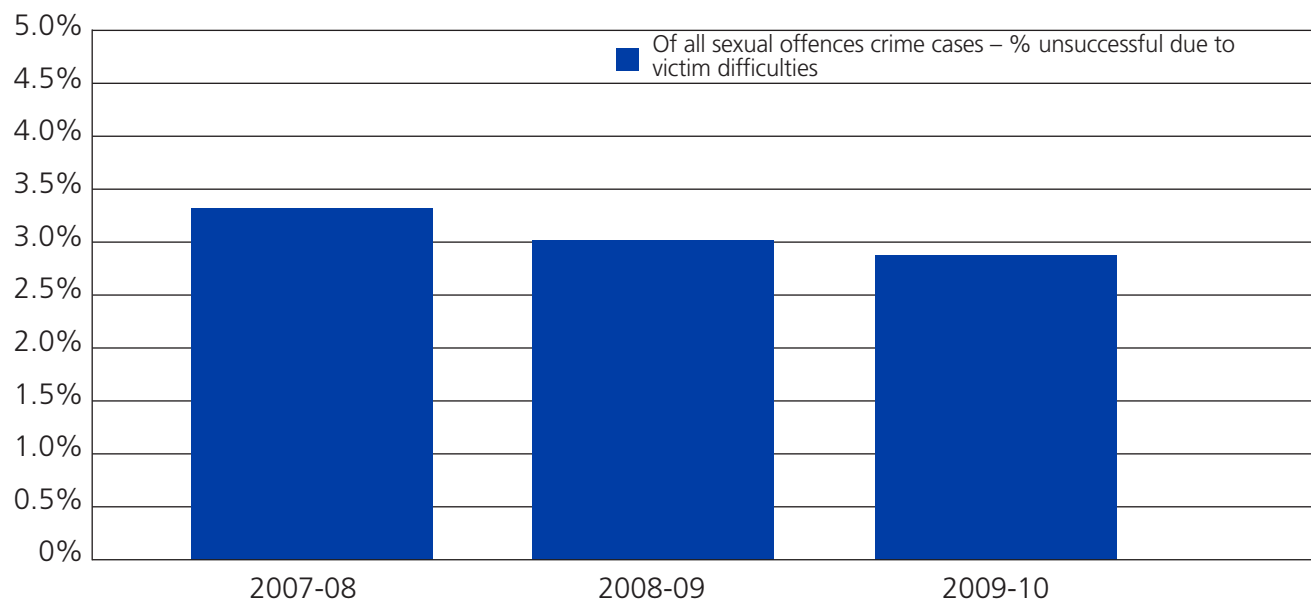
Within these key reasons, acquittals after trial remained the largest category, increasing over the three year period, from 36.7% to 42.0%. Table 2 indicates that the majority of these were acquittals by a jury rather than directed by the judge. Key victim issues were little changed at 11.5% in 2009-10 compared with 12.5% in 2007-08. Conflicts of evidence remained similar over each of the last three years at 8.7%, while cases failing due to an essential legal element missing and unreliable witness or witnesses both fell.

Table 3 – Key reasons for unsuccessful prosecutions



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	105	4.9%	109	5.5%	85	4.4%
Victim non-attendance	47	2.2%	31	1.6%	26	1.4%
Evidence of victim does not support case	117	5.4%	97	4.9%	109	5.7%
Total victim issues	269	12.5%	237	12.0%	220	11.5%
Conflict of evidence	188	8.7%	175	8.8%	167	8.7%
Essential legal element missing	252	11.7%	214	10.8%	213	11.1%
Unreliable witness	156	7.2%	126	6.4%	112	5.9%
Effect on victim/witness' mental health	16	0.7%	23	1.2%	17	0.9%
Acquittals	791	36.7%	790	39.9%	803	42.0%
Total key reasons	1,672	77.6%	1,565	79.1%	1,532	80.1%
All other reasons	433	20.1%	355	17.9%	328	17.2%
Administrative finalisations	49	2.3%	59	3.0%	52	2.7%
Total	2,154		1,979		1,912	

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 220 (2.8%) in 2009-10. Total unsuccessful outcomes fell from just under 27% in 2007-08 to 24% in 2009-10.

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

	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	269	3.3%	237	3.0%	220	2.8%
Total convictions	5,976	73.5%	5,955	75.1%	6,060	76.0%
Total unsuccessful	2,154	26.5%	1,979	24.9%	1,912	24.0%
Total prosecutions	8,130		7,934		7,972	

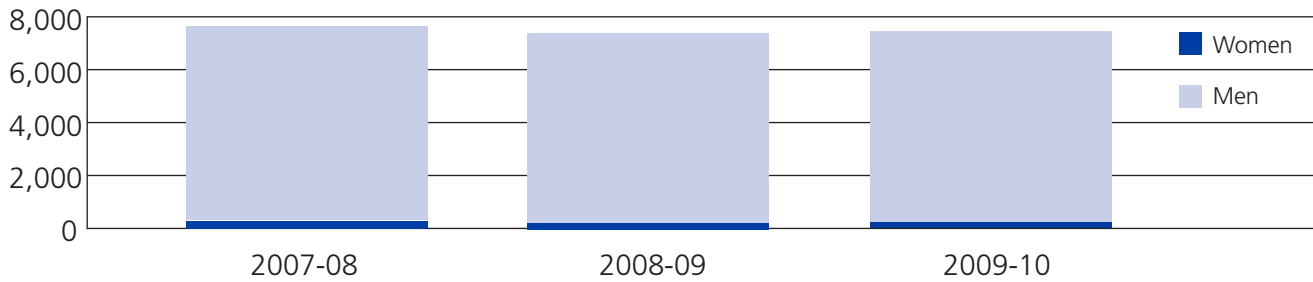
Equalities

(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 96% of the total.

Table 5 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	368	4.5%	359	4.5%	351	4.4%
Men	7,761	95.5%	7,571	95.4%	7,620	95.6%
Unknown	1	0.0%	4	0.1%	1	0.0%
Total	8,130		7,934		7,972	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 68% of defendants in proceedings relating to sexual offences excluding rape were identified as belonging to the White British category, and 73% 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 3% of defendants did not state an ethnicity on arrest, compared with 5% in 2007-08 and 7% of ethnicity was not provided by the police, an increase of two percentage points on 2007-08.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 18-24 years (17%) and those aged between 25-59 years (66%) were the most numerous categories similar to 2007-08, at 16% and 65% respectively. Similarly to defendants prosecuted for rape a higher proportion of defendants were aged 17 and under than in domestic violence at just over 7% in 2008-09 and 2009-10 and 9% in 2007-08. A higher proportion of defendants prosecuted for sexual offences were older; in each of the last three years, 9% of defendants were aged between 60-79 years.

(ii) Victims

Data on victims is extracted from the WMS 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 CPS has historically included honour based violence, forced marriage and female genital mutilation (FGM) within the domestic violence policy and guidance. In 2010, it developed specific prosecution guidance for forced marriage and honour-based violence. Legal guidance for prosecutors on FGM will be developed in 2010-11.

The CPS published a report on a pilot on forced marriage and honour based violence in December 2008. The report recommendations focused on three main areas:

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

Taking these recommendations forward, a multi-disciplined Steering Group including support organisations, police, government departments and eminent academics guided and advised the CPS. By December 2009, CPS Groups had selected specialist prosecutors to deal with these cases. These prosecutors were trained during Spring 2010. The training included information about definitions, background, measures to improve victim safety and capacity to give evidence together with casework examples. It was greatly enhanced by contributions from Special Support Agencies; Imkaan and Southall Black Sisters as well as a presentation and film detailing the role of the Forced Marriage Unit.

Legal guidance and an Aide Memoire were developed and launched in April 2010 which consolidated the training and helped support all prosecutors to deliver robust advice. The identification and flagging of these cases was rolled-out nationally from April 2010. This will assist us to monitor performance and improve the way in which we deal with these complex cases.

In addition to training specialist prosecutors during 2009-10, the CPS, both locally and nationally, continued to contribute by working across agencies to raise awareness about risk and relevant information sharing. To this end the CPS has supported the use of the police Domestic Abuse Stalking and Harassment and Honour Based Violence risk identification tool (D.A.S.H) .

The policy lead on forced marriage and honour based violence has worked with Police leads and other government departments to develop a co-ordinated community response to help prevent and reduce honour based violence, including forced marriage.

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 VAW Strategy for 2010-11.

The policy lead is part of a cross-governmental FGM Steering Group aiming to identify and produce practical tools to assist victims and potential victims to tackle FGM. This work will lead to the production of legal guidance for prosecutors during autumn 2010.

Honour crime rape

A young woman was brought to England to marry the defendant who then raped and assaulted her, keeping her a virtual prisoner in her home. Her family refused to assist her as they indicated that she should stay with him as to leave would bring dishonour on the family. She had no money and no support. She could not speak English.

She ran away from the matrimonial home and the police found her accommodation in a refuge out of the area. The defendant was charged with counts of rape (vaginal, oral and anal), threats to kill and assaults.

The CPS worked closely with the police to build the case. The victim had to give evidence through an interpreter, and was in the box for around five days.

The defendant was convicted after trial of 19 counts and of common assault on the final count.

Child abuse

Guidance on Prosecuting cases of Child Abuse was published in 2009, building on the 2008 *Safeguarding Children – Guidance on Children as Victims and Witnesses* and the *CPS Children and Young People Policy* published in 2006. All these documents reflect the CPS's commitment to work with other agencies to safeguard children.

The CPS definition of "child abuse" was agreed in March 2010, for the purpose of monitoring prosecution performance, following consultation with specialist prosecutors, external reference groups and Group Chairs. It covers any criminal offence which falls within the Working Together to Safeguard Children criteria, for a victim under the age of 18, including physical, emotional and sexual criminal offences, as well as neglect, of a child¹².

The CPS is represented on several national groups addressing a wide range of children issues, such as:

- the ACPO's Child Protection Plenary Group - all child abuse issues including trafficking, child pornography, abduction, ill-treatment and neglect
- the Ministry of Justice led working groups - looking at implementation of s.28 Youth Justice and Criminal Evidence Act 1999 (pre-trial video recorded cross-examination) and at the revision of Achieving Best Evidence Guidance
- the Family Criminal Interface Committee - addressing issues that arise where there are parallel proceedings in the criminal and family courts.

Since the Baby Peter case, prosecutors have noticed a significant increase in the number of cases involving both criminal and family proceedings and over the past year there have been several key judgments by the Court of Appeal and Supreme Court, in both criminal and family cases involving children. For example:

- *R v Barker [2010] EWCA Crim 4* regarding case management and appropriate advocacy in criminal cases involving very young children (in this case the witness was four years old)
- *Henderson, Butler and Oyediran [2010] EWCA Crim 1269* regarding case management of complex and conflicting medical evidence in "shaken baby syndrome" cases
- *Re W (Children) (Family Proceedings; Evidence) March 2010*, removing the presumption against child witnesses being called to give evidence in family proceedings.

Recommendations for the CPS from the 2009 NSPCC report *Measuring Up? Evaluating government commitments to young witnesses in criminal proceedings* were implemented and CPS continues to work closely with the NSPCC and with others to improve the standards of advocacy in cases involving young witnesses.

For example, CPS Instructions to Prosecuting Advocates, which accompany all briefs to external advocates, explicitly refer to the need to ensure questioning techniques are appropriate for every child witness. The CPS is also considering providing a specific training module for its prosecutors on child and vulnerable witness handling.

¹² This CPS child abuse definition, similar to the CPS definition of domestic violence, recognises that this may cover a wide range of offences and to ascertain which offences would be flagged the following summary is provided. Such cases would normally include, for example: parental assault where reasonable chastisement is not a defence; sexual offences; child homicides; child cruelty, including neglect; child prostitution; harassment; abandonment of a child; forced marriage involving an under 18 year-old; child pornography; trafficked children; familial abduction; historical child abuse where victim is now an adult. Cases that would not normally be expected to be flagged include: motoring offences where the child has been injured or killed; medical negligence or property offences.

Multi-agency working

The case below, together with that of *R v Barker [2010]* for example, demonstrates how it is possible for prosecutors to apply the Safeguarding Children ethos to individual cases - even those involving very young child witnesses - when all professionals work together.

The child was three and a half years old at the time of the offence and just four when she gave evidence in a case of wounding.

With the assistance of the Witness Care Unit, a specialist Young Witness Service supporter, an intermediary and excellent communication between them and the police and the prosecutor, the child was able to be cross-examined in an age and ability appropriate manner so that, as her carer later said "I don't feel it has had a negative effect on X as yet, her needs were put first at all times".

The carer originally had reservations about such a young child being asked to give evidence. However, the carer felt the specialist Young Witness Support had been excellent; she felt included in the preparation for court and that the child's wishes, feelings and needs were being put first.

The intermediary reported that the defence and the judge had taken into account all her recommendations so that the child was able to respond to all the questions asked. She only intervened a few times to ask counsel not to put 'tag' questions. Otherwise all questions were short and simple and the child was able to manage them.

The prosecution obtained copies of relevant evidence from the family court proceedings, such as the medical evidence and the evidence of the defendant and the child's mother. The child was videoed as she refreshed her memory from the Achieving Best Evidence video. This was seen by a consultant psychologist who gave a helpful opinion about the child's ability to give evidence.

The defendant was convicted of wounding and sentenced to two years' imprisonment.

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. An agreed national CPS definition of child abuse was only finalised during 2009-10, therefore some caution is required in the interpretation of the child abuse data below.

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. As such, it should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

The proportion of defendants prosecuted for child homicide who were men, fell from 77% in 2006-07 to 70% in 2009-10, with fewer convictions at 79%, compared with 87%. Similarly the proportion of men prosecuted for child abuse offences against the person fell from 76% in 2006-07 to 73% in 2009-10, whilst convictions remained the same at 72%. Men prosecuted for child abuse sexual offences remained similar at 98% with a rise in convictions from 69% to 76%.

Homicide

In the four years ending March 2010, 143 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 remained similar at 83% in 2006-07 and in 2009-10.

The proportion of men prosecuted in this category varied from 77% in 2006-07 to 70% in 2009-10. Women comprised the remaining 23% and 30%.

	2006-07				2007-08			
	Men		Women		Men		Women	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	20	87.0%	5	71.4%	14	70.0%	6	66.7%
Unsuccessful	3	13.0%	2	28.6%	6	30.0%	3	33.3%
Total	23		7		20		9	

	2008-09				2009-10			
	Men		Women		Men		Women	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	25	78.1%	8	66.7%	22	78.6%	11	91.7%
Unsuccessful	7	21.9%	4	33.3%	6	21.4%	1	8.3%
Total	32		12		28		12	

Offences against the person

In the four years ending March 2010, 9,348 defendants were prosecuted for child abuse crimes with the principal offence category of offences against the person. Convictions remained similar in 2009-10 to previous years at 72%.

The proportion of men prosecuted in this category has fallen slightly from 76% in 2006-07 to 73% in 2009-10.

	2006-07				2007-08			
	Men		Women		Men		Women	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	1,260	71.7%	408	72.9%	1,269	72.0%	417	72.5%
Unsuccessful	497	28.3%	152	27.1%	493	28.0%	158	27.5%
Total	1,757		560		1,762		575	

	2008-09				2009-10			
	Men		Women		Men		Women	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	1,107	72.1%	406	75.2%	1,373	72.4%	522	72.4%
Unsuccessful	429	27.9%	134	24.8%	524	27.6%	199	27.6%
Total	1,536		540		1,897		721	

Sexual offences

In the four years ending March 2009, 15,947 defendants were prosecuted for child abuse crimes with the principal offence category of sexual offences. Convictions rose from 69% in 2006-07 to 76% in 2009-10.

The proportion of men prosecuted in this category has remained virtually the same at 98% in each of the last four years.

	2006-07				2007-08			
	Men		Women		Men		Women	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	2,607	69.3%	53	67.9%	2,797	72.3%	43	58.1%
Unsuccessful	1,157	30.7%	31	41.9%	1,069	27.7%	31	41.9%
Total	3,764		78		3,866		74	

	2008-09				2009-10			
	Men		Women		Men		Women	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	2,948	74.7%	63	75.9%	3,085	76.0%	48	62.3%
Unsuccessful	997	25.3%	20	24.1%	975	24.0%	29	37.7%
Total	3,945		83		4,060		77	

Human trafficking

The CPS 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 in April 2009. The provisions included a national referral mechanism to assist in victim identification and referral to support; a recovery and reflection period of 45 days and a 12 month renewable temporary resident permit for victims who co-operate with an investigation or criminal proceedings, or owing to their personal circumstances.

A legislative amendment, sought to enable prosecutions of those who traffic babies and young children (those unable to give their consent) for exploitation for benefit came into effect from 10 November 2009. Further policy guidance on the prosecution of suspects who might be trafficked victims themselves was published in February 2010, to give prosecutors more clarity on issues of duress and the more subtle forms of coercion, which might be outside of prosecutors experiences, and which are practised on trafficked victims.

A new offence of forced labour came into force on 6 April 2010 to address gaps in human trafficking legislation under section 4 Asylum and Immigration Act. A person commits an offence if they hold another person in slavery or servitude, or they require another person to perform forced or compulsory labour. This assists in those cases where it is difficult to evidence trafficking or in circumstances where victims are vulnerable to exploitation but have not been trafficked.

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

As in 2008-09, 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 2009-10. A senior prosecutor contributes to the UKHTC led steering group which identifies the training needs of investigators and prosecutors and develops relevant training material.

The CPS continues to contribute to the multi-agency steering group led by the UKHTC 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 linked 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.

The CPS has worked closely with UKHTC during 2009-10 to develop an electronic flag for human trafficking cases for identification of charged cases on the CPS CMS. This flag started use from 1 April 2010 to identify all cases of trafficking and help identify issues for improvement in prosecutions.

Work started in early 2010 on the development of a Public Policy Statement on human trafficking, for publication in early 2011. Its aim is to raise awareness of the prosecutor's role in bringing prosecutions, pursuing the financial assets of traffickers, handle trafficked victims and improve co-operation with other jurisdictions. External consultation will provide an opportunity for specialist support agencies to inform and influence the CPS response, particularly in encouraging victims to support criminal proceedings, based on their experience of supporting trafficked victims. It is hoped that this will lead to increased numbers of cases we prosecute.

The data provided for this report are from the UKHTC for 2009-10. During 2009-10, 208 arrests for human trafficking offences were recorded. Of these, 113 were for offences of trafficking for sexual exploitation and 95 for labour exploitation. In the previous year 219 arrests were recorded, 82 for offences of sexual exploitation, 26 for domestic servitude and 111 for forced labour.

65 defendants, 43 men and 22 women, were prosecuted in 2009-10, for trafficking for sexual exploitation under Sections 57-59 Sexual Offences Act 2003 compared to 80 defendants in the previous year. A number of these defendants were also arrested for related offences arising from the trafficking investigation. 30 defendants were found guilty of at least one charge under Sections 57-59 of the Sexual Offences Act. 20 defendants were not convicted of a trafficking offence but convicted of related offences charged as a result of a trafficking investigation. In the remaining 15 cases an unsuccessful outcome was recorded; no evidence was offered in 10 cases; two cases were discontinued; one case was discharged and one withdrawn and in the remaining case all charges were left on file.

At the end of the financial year April 2009-March 2010, 706 referrals of potential victims of trafficking were made to the National Referral Mechanism (NRM). The first stage is to decide if there are 'Reasonable Grounds' (RG) for decision. 361 referrals received positive RG. Some cases may have been suspended as the whereabouts of the individual is unknown, or the individual has withdrawn from the NRM. A Conclusive Grounds (CG) decision is then considered when a positive RG has been made. 123 of the cases received a positive conclusive decision by March 2010, some cases may have been suspended as the whereabouts of the individual is unknown, or because of the 45 day reflection period the CG decision has not yet been made and is still pending.

520 potential victims of trafficking were women, 96 of whom received a positive conclusive decision and 186 were men, 27 of whom received a positive conclusive decision. The majority of potential victims were aged between 26-30.

Co-operation across the UK and Ireland

Three defendants pleaded guilty to the trafficking of women for sexual exploitation, including a number of women from Nigeria.

The case was the result of a joint investigation with SOCA UK, An Garda Siochana, Police Service of Northern Ireland (PSNI) regarding an organised crime group who operated brothels in Ireland and latterly Wales. The Nigerian women believed they were escaping to a better life as hairdressers, seamstresses and, shop assistants. They did not know they were required to prostitute themselves. Prior to leaving Nigeria they were subject to rituals which in themselves were frightening. The rituals bound the females to comply with what they were told otherwise something terrible would befall them or their families. The women were subject to an oppressive regime they were required to work long hours, were moved from brothel to brothel. Some of the Nigerian women were subject to debt bonds so earned nothing.

Ultimately a joint arrest phase took place and the defendants arrested and the women rescued. SOCA Vulnerable persons team engaged with all rescued women and with an NGO (Ruhama) in the Republic of Ireland who cared for a number of the rescued women. Very bravely approximately 13 women were prepared to give evidence. Special measures were applied for and granted for screens and video link as appropriate. The Nigerian women were residing in the Republic of Ireland - as a consequence application was made and granted for them to give evidence from Ireland to the trial court in Cardiff. This required a court in Dublin to sit with an Irish Judge to ensure the interests of the victims were protected.

Prior to the trial the CPS lawyer and junior Counsel travelled to Ireland to meet with the Nigerian witnesses to explain the Court process and to answer any questions (other than evidential) they had. This proved very beneficial for the victims and the progress of the trial. A number of the women agreed to give evidence in Cardiff behind a screen. This willingness of the victims clearly had a positive impact on the trial as the defendants offered guilty pleas. On the day of the sentencing arrangements were made for the Nigerian women to observe the sentencing by way of video link in Dublin.

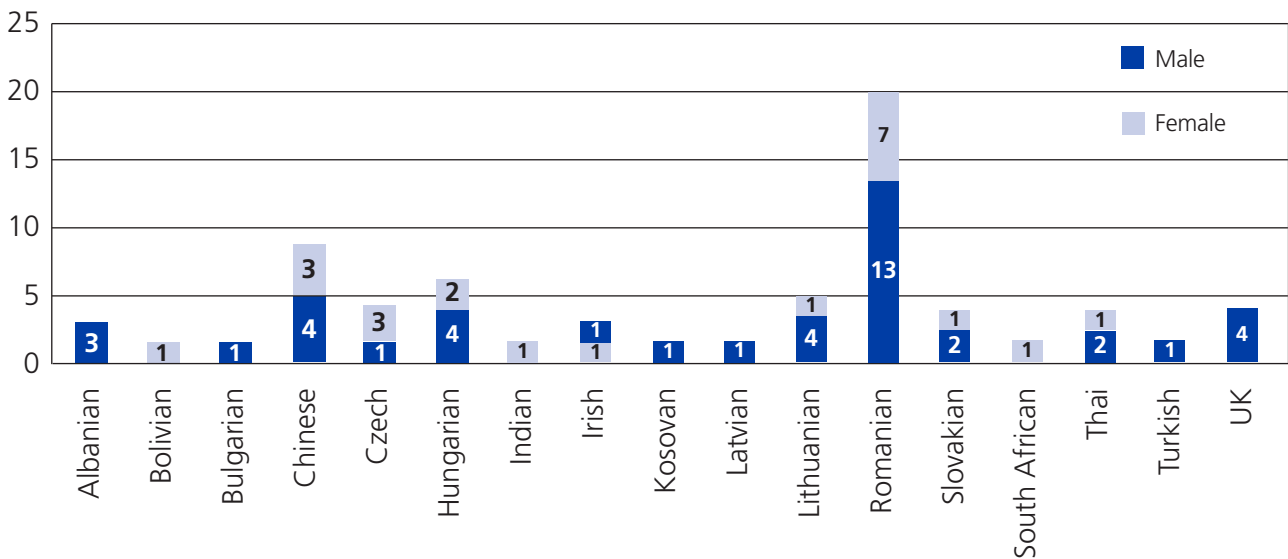
The main defendant was sentenced to seven years imprisonment, a second to three and a half years for controlling prostitution and money laundering and a third for two years for money laundering.

Human trafficking: statistical data

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 Jo Bartlett (Joanna.bartlett@southyorks.pnn.police.uk), or UKHTC__Admin@southyorks.pnn.police.uk

Defendants dealt with for Trafficking for Sexual Exploitation under sections 57-59 Sexual Offences Act 2003

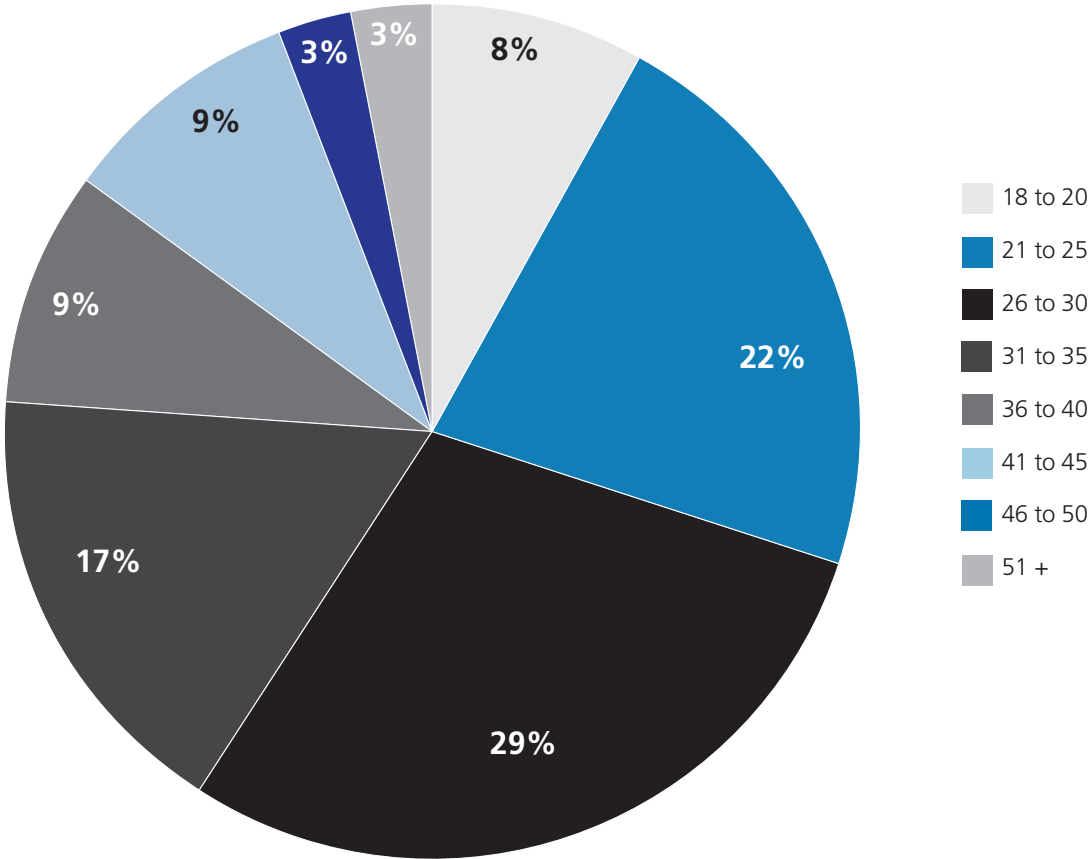
Table 1 – Nationality and gender of defendants appearing at court †



Nationality	Total	Male	Female
Albanian	3	3	0
Bolivian	1	0	1
Bulgarian	1	1	0
Chinese	8	5	3
Czech	4	1	3
Hungarian	6	4	2
Indian	1	0	1
Irish	2	1	1
Kosovan	1	1	0
Latvian	1	1	0
Lithuanian	5	4	1
Romanian	20	13	7
Slovakian	3	2	1
South African	1	0	1
Thai	3	2	1
Turkish	1	1	0
UK	4	4	0
Total	65	43	22

† Data Source: UK Human Trafficking Centre **Highlighted** = EU countries (47 defendants =71%)

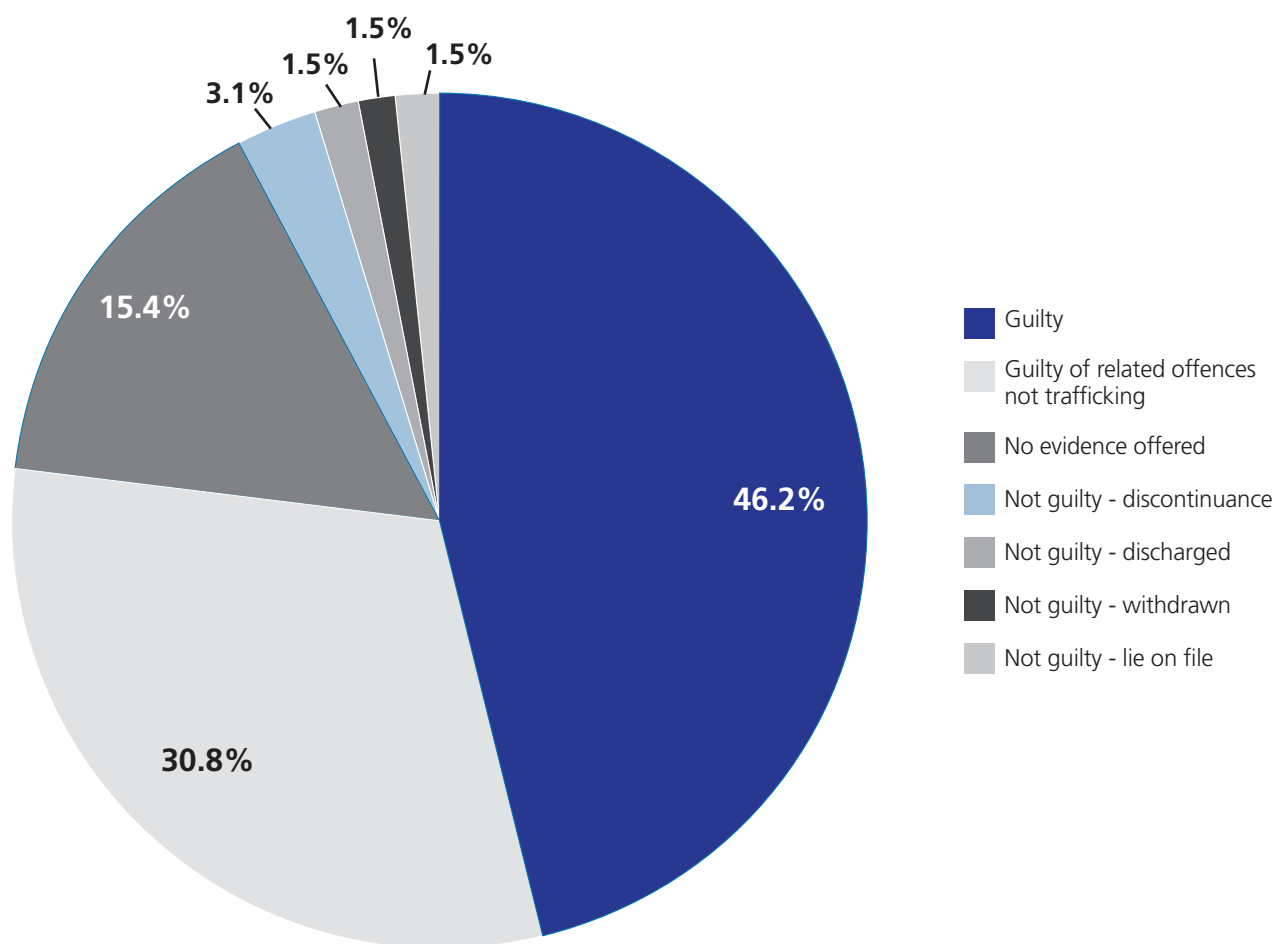
Table 2 – Age range of defendants ‡



Age range	Volume
18 to 20	5
21 to 25	14
26 to 30	19
31 to 35	11
36 to 40	6
41 to 45	6
46 to 50	2
51+	2
Total	65

‡ Data Source: UK Human Trafficking Centre

Table 3 – Disposal of defendants at court



Outcome type	Volume
Guilty	30
Guilty of related offences - not trafficking	20
No evidence offered	10
Not guilty - discontinuance	2
Not guilty - discharged	1
Not guilty - withdrawn	1
Not guilty - lie on file*	1
Total	65

* lie on file - indicates a guilty plea and sentence for other offences

Victim data

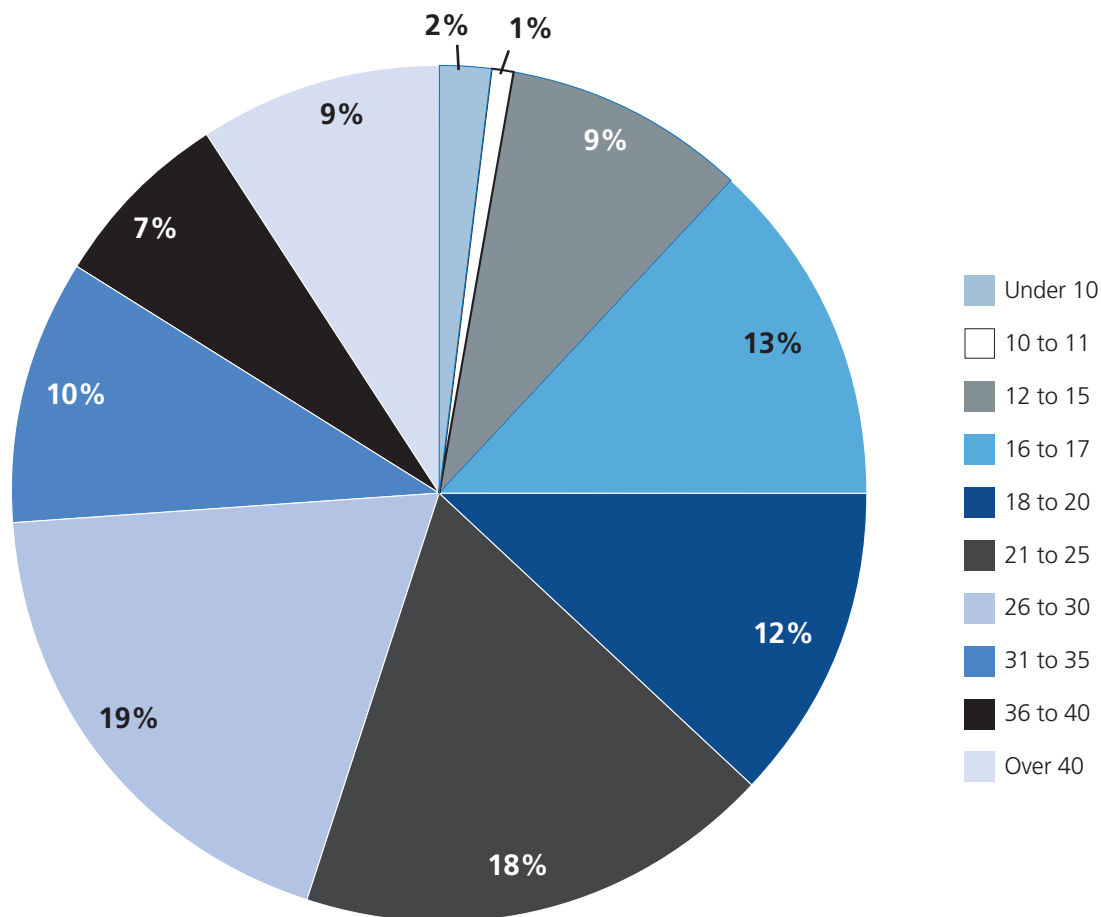
Table 4 – Country of origin of victims

Country	Volume	%
Albania	20	3%
Bangladesh	17	2%
Cameroon	9	1%
China	94	13%
Czech Republic	23	3%
Eritrea	8	1%
Ethiopia	9	1%
Gambia	7	1%
Ghana	4	1%
Guinea	4	1%
India	23	3%
Indonesia	7	1%
Kenya	5	1%
Liberia	4	1%
Lithuania	8	1%
Nigeria	123	17%
Pakistan	14	2%
Poland	11	2%
Romania	26	4%
Sierra Leone	17	2%
Slovakia	30	4%
Somalia	11	2%
South Africa	12	2%
Sri Lanka	6	1%
Thailand	6	1%
Uganda	22	3%
UK	38	5%
Vietnam	62	9%
Zambia	4	1%
Zimbabwe	19	3%
Countries with one or two referrals	32	5%
Countries with three referrals	33	5%
Total	706	

‡ Data Source: UK Human Trafficking Centre

- 706 referrals, 520 female, 186 male
- There were single potential victims from Belarus, Benin, Burundi, Chile, Columbia, Congo, Estonia, Iran, Iraq, Jamaica, Kazakhstan, Kyrgyzstan, Latvia, Malawi, North Korea, Russia, Seychelles, Sudan, Swaziland, Syria, Togo and Ukraine.
- There were two potential victims from Brazil, Bulgaria, Democratic Republic of the Congo, Senegal, and Trinidad and Tobago.
- There were three potential victims from Afghanistan, Angola, Hungary, Ivory Coast, Malaysia, Moldova, Morocco, Nepal, Philippines, Rwanda, Tanzania

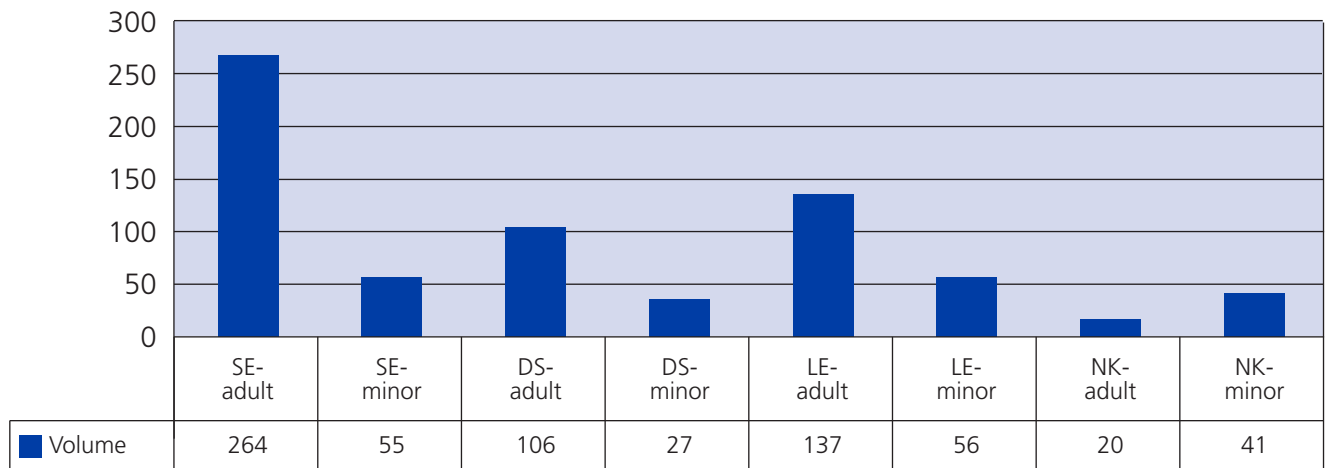
Table 5 – Age range of victims



Age range	Volume
Under 10	17
10 to 11	6
12 to 15	61
16 to 17	95
18 to 20	84
21 to 25	124
26 to 30	137
31 to 35	70
36 to 40	49
Over 40	63
Total	706

These are the age ranges as decided by the National Referral Mechanism Strategic Group (a scheme whereby potential victims of trafficking can access certain benefits and be assessed by the Competent Authority either the UK Borders Agency or the UKHTC.)

‡ Data Source: UK Human Trafficking Centre

Table 6 - Type of exploitation ‡

‡ Data Source: UK Human Trafficking Centre

	SE-adult	SE-minor	DS-adult	DS-minor	LE-adult	LE-minor	NK-adult	NK-minor	Total
Female	263	53	96	19	39	15	15	20	520
Male	1	2	10	8	98	41	5	21	186
Total	264	55	106	27	137	56	20	41	706
% of total	37.5%	7.8%	15%	3.8%	19.4%	7.9%	2.8%	5.8%	

SE – Sexual Exploitation

DS – Domestic Servitude

LE – Labour Exploitation

NK – Exploitation Type Not Known

Prostitution

Legislation and policy guidance

New provisions in the Policing and Crime Act 2009 came into force on 1 April 2010, which amended existing legislation, provided for brothel closure orders and changed licensing arrangements for lap dancing clubs to give greater powers in controlling their opening and regulation. A new criminal offence, to criminalise those who pay for the sexual services of a prostitute who has been subject to force or exploitative conduct, was also introduced, though it has had limited use. To date it has been used by police in raids on brothels where they are aware that girls working there have been exploited; the police have cautioned the men who were present.

Revised policy and legal guidance on exploitation of prostitution was published in March 2010 which explained the new and amended criminal offences and suggested charging practice. It also introduced a new section on "maids" in response to queries raised by prosecutors and also a meeting with the English Collective of Prostitutes. The charging of "maids" (an individual who has assisted in running the brothel, such as a receptionist) remains a grey area, particularly in situations where consenting sex workers operate together from a premises for safety. A number of illustrative models were included in the guidance to provide a guide in assessing the involvement of the maid in assisting in the running of the brothel. However this continues to be raised as an issue and maybe considered in a further review of prostitution policy.

CPS has been involved in work with City Hall, along with the police, other government departments and the third sector in developing a response ahead of the London 2012 Games to help crack down on prostitution and trafficking for sexual exploitation. This has included discussion on preventative work, close working with health services, raising awareness of exploitation and our domestic legislation. We are also contributing to ideas for disruption, encouraging reporting by sex workers and building trust and confidence between law enforcement, sex worker projects and sex workers.

Trafficking and child prostitution

A Slovakian gang who falsely imprisoned a teenage girl and forced her into a life of prostitution was imprisoned for a total of 50 years following an operation by the UK Border Agency and South Yorkshire police. Sentencing related to trafficking into, and within, the UK for sexual exploitation, false imprisonment, causing and controlling child prostitution and causing or inciting a child to engage in sexual activity.

The two men and one woman orchestrated the 15-year-old Slovakian's passage to the UK and then forced her to sell herself for sex on the streets of Sheffield. She was only rescued from her ordeal when a 'client' called the police believing she was being forced to have sex for money. Investigations were carried out by the UK Border Agency's joint police Immigration Crime Team. In court it was estimated she had been made to have sex with at least 40 men. She was forced to have sex for around £20 or £30 a time. During the day she slept and cleaned the family's house. The victim is now being cared for by a team of professionals who will attempt to help her to rebuild her life and put this misery behind her.

When sentencing the defendants, the judge recommended they be deported on completion of their sentences.

Prostitution offence: key findings

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. As such, it should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

121 offences of controlling prostitution were prosecuted in 2009-10 compared to 165 in 2007-08 and 134 in 2008-09. The majority, in the three year period, were prosecuted for controlling prostitution for gain, at 247 offences overall. Fewer offences of soliciting of a woman by a man were prosecuted over the period, with 23 and 24 offences charged in 2009-10 and 2008-09 respectively compared with 82 in 2007-08. Offences related to managing a brothel were lower than the two previous years (44 offences compared to 91 in 2008-09 and 58 in 2007-08). There were 396 offences charged for kerb crawling in the latest yearly period, less than 2007-08 but an increase on the 341 offences recorded in 2008-09. Offences of advertising prostitution have increased year on year since 2007-08 to 457 charges.

Table 1 - Control of prostitution

	2007-08	2008-09	2009-10
	Volume	Volume	Volume
Sexual Offences Act 2003 {52}	16	17	11
Sexual Offences Act 2003 {53}	67	93	87
Sexual Offences Act 1985 {2(1)}	82	24	23
Total	165	134	121

Table 2 - Brothel keeping

	2007-08	2008-09	2009-10
	Volume	Volume	Volume
Sexual Offences Act 1956 {33}	56	83	39
Sexual Offences Act 1956 {34}	0	0	0
Sexual Offences Act 1956 {35(1)}	1	6	2
Sexual Offences Act 1956 {36}	1	2	3
Total	58	91	44

Table 3 - Kerb crawling

	2007-08	2008-09	2009-10
	Volume	Volume	Volume
Sexual Offences Act 1985 {1(1)(a)}	439	331	375
Sexual Offences Act 1985 {1(1)(b)}	13	10	21
Total	452	341	396

Table 4 - Advertising prostitution

	2007-08	2008-09	2009-10
	Volume	Volume	Volume
Criminal Justice and Police Act 2001 {46}	330	349	457
Total	330	349	457

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

Pornography

The CPS published updated legal guidance on pornography offences in 2009 and 2010 to reflect legislative changes; in particular those arising from the creation of new offences of extreme pornography and prohibited images.

The CPS annual pornography and obscenity seminar was held in October 2009. The seminar equipped prosecutors and caseworkers with an understanding of the technology and relevant laws required to prosecute cases of indecent images of children and obscenity cases.

The seminar explained the basics of forensic computing and Internet services, including new technologies; raised awareness of how computer and Internet technologies can be used to facilitate a crime and gave delegates a working knowledge of search and seizure procedures enabling prosecutors to advise the police on this. Time was spent ensuring that delegates were conversant with the relevant laws and procedure required to prosecute cases of child pornography; obscenity offences including the offence of possession of extreme pornography; and the offence of prohibited images.

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

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. As such, it should not be considered as official Government statistics. As with any large scale recording system, this data is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

During 2009-10, 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 which commenced under this legislation, but do not distinguish communications related to pornography from those which were not.

In 2009-10 a prosecution commenced in respect of 899 offences of indecent or grossly offensive material, 82 offences related to obscene publications, 1,315 offences of sending a grossly offensive or indecent communication, 888 offences of causing annoyance, inconvenience or needless anxiety to another person, and 213 offences of possession of extreme pornographic images.

Paedophile ringleader sentenced

The defendant was the ringleader of an international paedophile gang; whose arrest sparked a string of police raids on homes across Europe leading to the arrest of 25 suspected paedophiles.

The defendant would use MSN chatrooms to exchange encrypted messages with like-minded abusers telling them he enjoyed 'raping young lads' and causing them pain. He groomed a 15-year-old boy on a website for gay youths, and the pair eventually met up and had sex. The following month, he attempted to arrange to have sex with a child after a man sent him a message claiming to have a cousin they could abuse.

Police were tipped off and the defendant was arrested. Police discovered a hoard of indecent images of children on his mobile phone and computer. The defendant had lured a 10-year-old boy away from his parents at a festival and raped the young boy twice on consecutive days, and took photographs of the rape with his mobile phone.

Some of the images of child abuse and video clips on the defendant's computer had been sent to other men. The defendant pleaded guilty to two rapes of the 10-year-old and taking an indecent photograph of the boy. He also pleaded guilty to making and distributing child sex abuse images, attempting to arrange child sex, meeting a child following grooming and sexual activity with a child.

The defendant was given an indeterminate sentence for the protection of the public. He was told that he must serve a minimum of six years before he is eligible for parole but may never be released from prison.

A number of other men in positions of trust were also identified as suspects and a series of police investigations is ongoing.

Obscenity offences

All published material is subject to the Obscene Publications Act (OPA) 1959. Under this Act, it is a criminal offence to publish any article which is considered to be obscene; that is, an article which in the view of the court tends to 'deprave and corrupt' a person who is likely to see, hear or read it.

For the purposes of the 1959 Act, a person publishes an article who distributes, circulates, sells, lets on hire, gives, or lends it, or who offers it for sale or for letting on hire; or in the case of an article containing or embodying matter to be looked at or a record, shows, plays or projects it, or, where the matter is stored electronically, transmits that matter. These controls apply whether the material is published offline or via the Internet.

Section 63 of the Criminal Justice and Immigration Act 2008 created a new offence of possession of extreme pornographic material punishable by up to three years' imprisonment. The offence strengthened controls in this area by making a limited category of extreme pornographic material, which it would already be illegal to publish or distribute in this country under the OPA, illegal simply to possess.

Material covered includes necrophilia, bestiality and violence that is life threatening or likely to result in serious injury to the anus, breasts or genitals. The offence came into force on the 26 January 2009. As envisaged there have only been a few prosecutions under this offence.

Table 1 shows the numbers of obscenity offences in 2007-08, 2008-09 and 2009-10.

Table 1 - Obscenity offences

	2007-08	2008-09	2009-10
	Volume	Volume	
Malicious Communications Act 1988 Sections {1(1)(a) & (1)(b)} - indecent or grossly offensive material	566	791	899
Obscene Publications Act 1959 {2(1)} - Obscene publications	111	152	82
Communications Act 2003 {127(1)(a), (1)(b) & (3)} Gross offensive or indecent communications	1,037	1,278	1,315
Communications Act 2003 {127 (2)(a), (2)(b) & (3)} - Causing annoyance, inconvenience or needless anxiety to another person	568	659	888
Criminal Justice and Immigration Act 2008 {63(1), (7)(d) & 67(3)}	0	2	213

Child abuse images

Table 2 shows the number of offences involving images of child abuse in the three years ending March 2010. These comprised 4,117 offences of possession of an indecent photograph of a child, and 14,595 offences of sexual exploitation of children through photographs, of which 13,652 were offences of making an indecent photograph of a child, 804 were offences of distributing an indecent photograph of a child, 137 were offences of showing indecent photographs, and two were offences of publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children. A new offence under section 62 of the Coroners and Justice Act 2009, possession of a prohibited image of a child, became law in April 2010. Therefore in the period under review no offences were charged.

Table 2 - Child abuse image offences

	2007-08	2008-09	2009-10
	Volume	Volume	Volume
Criminal Justice Act 1988 {160} - Possession of an indecent photograph of a child	3,079	4,241	4,117
Coroners and Justice Act {62} - Possession of a prohibited image of a child	0	0	0
Sexual exploitation of children through photographs... of which	11,873	14,656	14,595
Protection of Children Act 1978 {1(1)(a)} - making an indecent photograph of a child	10,832	13,454	13,652
Protection of Children Act 1978 {1(1)(b)} - Distributing an indecent photograph of a child	678	931	804
Protection of Children Act 1978 {1(1)(c)} - Showing indecent photographs of children	345	258	137
Protection of Children Act 1978 {1(1)(d)} - Publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children	18	13	2

Appeal increased sentence

The appellant, jailed for five years for directing child sex abuse films via a webcam, had his sentence increased. The Court of Appeal ruled that the original sentence was "unduly lenient" and he must now serve 12 years.

The appellant was originally sentenced after he pleaded guilty to 19 counts of making indecent images of children, with another 17 similar offences taken into consideration. He also admitted four counts of causing or inciting a child to engage in sexual activity. The police on arresting him found 10,000 still images and 356 videos of child sex abuse; with some of them matching the instructions he had typed into his computer.

The Court of Appeal stated that the level of sentencing in this case was wholly inadequate and did not begin to meet the gravity of these offences. The court stated that seeking or procuring sexual abuse over the internet was as real as one being in the room watching or instructing another person as to what should be done to the victims.

Violence against Women	2009-10				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	61,677	71.8%	24,227	28.2%	85,904
Cymru/Wales	3,859	72.6%	1,459	27.4%	5,318
Dyfed Powys	360	77.1%	107	22.9%	467
Gwent	714	69.3%	317	30.7%	1,031
North Wales	1,009	76.8%	304	23.2%	1,313
South Wales	1,776	70.8%	731	29.2%	2,507
Eastern	4,347	77.9%	1,234	22.1%	5,581
Cambridgeshire	794	73.2%	290	26.8%	1,084
Essex	1,557	75.1%	516	24.9%	2,073
Norfolk	1,103	80.1%	274	19.9%	1,377
Suffolk	893	85.3%	154	14.7%	1,047
East Midlands	4,527	72.8%	1,694	27.2%	6,221
Derbyshire	1,219	74.3%	421	25.7%	1,640
Leicestershire	1,051	74.0%	369	26.0%	1,420
Lincolnshire	508	78.9%	136	21.1%	644
Northamptonshire	469	73.2%	172	26.8%	641
Nottinghamshire	1,280	68.2%	596	31.8%	1,876
London	6,687	60.3%	4,407	39.7%	11,094
Merseyside & Cheshire	2,825	70.1%	1,205	29.9%	4,030
Cheshire	1,178	71.0%	481	29.0%	1,659
Merseyside	1,647	69.5%	724	30.5%	2,371
North East	4,043	73.5%	1,459	26.5%	5,502
Cleveland	1,004	71.5%	401	28.5%	1,405
Durham	907	78.8%	244	21.2%	1,151
Northumbria	2,132	72.4%	814	27.6%	2,946
North West	8,656	76.1%	2,718	23.9%	11,374
Cumbria	714	76.3%	222	23.7%	936
Greater Manchester	4,139	75.0%	1,383	25.0%	5,522
Lancashire	3,803	77.4%	1,113	22.6%	4,916
South East	3,352	74.4%	1,156	25.6%	4,508
Kent	1,355	75.2%	447	24.8%	1,802
Surrey	439	74.2%	153	25.8%	592
Sussex	1,558	73.7%	556	26.3%	2,114
South West	3,713	75.7%	1,191	24.3%	4,904
Avon & Somerset	1,675	78.1%	469	21.9%	2,144
Devon & Cornwall	1,423	73.6%	511	26.4%	1,934
Gloucestershire	615	74.5%	211	25.5%	826
Thames & Chiltern	3,205	69.7%	1,392	30.3%	4,597
Bedfordshire	607	69.8%	263	30.2%	870
Hertfordshire	856	69.9%	368	30.1%	1,224
Thames Valley	1,742	69.6%	761	30.4%	2,503
Wessex	3,530	70.9%	1,452	29.1%	4,982
Dorset	714	74.5%	244	25.5%	958
Hampshire & IOW	2,161	68.1%	1,014	31.9%	3,175
Wiltshire	655	77.1%	194	22.9%	849
West Midlands	6,311	71.7%	2,490	28.3%	8,801
Staffordshire	1,170	72.4%	447	27.6%	1,617
Warwickshire	410	86.5%	64	13.5%	474
West Mercia	976	77.8%	278	22.2%	1,254
West Midlands	3,755	68.8%	1,701	31.2%	5,456
Yorkshire & Humberside	6,622	73.6%	2,370	26.4%	8,992
Humberside	1,285	79.5%	331	20.5%	1,616
North Yorkshire	886	80.5%	215	19.5%	1,101
South Yorkshire	1,647	77.2%	487	22.8%	2,134
West Yorkshire	2,804	67.7%	1,337	32.3%	4,141

Domestic violence	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	53,347	72.0%	20,766	28.0%	74,113
Cymru/Wales	3,385	73.2%	1,237	26.8%	4,622
Dyfed Powys	302	78.9%	81	21.1%	383
Gwent	611	70.4%	257	29.6%	868
North Wales	922	76.4%	285	23.6%	1,207
South Wales	1,550	71.6%	614	28.4%	2,164
Eastern	3,862	78.0%	1,087	22.0%	4,949
Cambridgeshire	673	72.7%	253	27.3%	926
Essex	1,409	75.6%	454	24.4%	1,863
Norfolk	971	79.7%	248	20.3%	1,219
Suffolk	809	86.0%	132	14.0%	941
East Midlands	3,852	72.4%	1,472	27.6%	5,324
Derbyshire	1,065	74.4%	366	25.6%	1,431
Leicestershire	914	73.6%	328	26.4%	1,242
Lincolnshire	411	78.3%	114	21.7%	525
Northamptonshire	370	71.8%	145	28.2%	515
Nottinghamshire	1,092	67.8%	519	32.2%	1,611
London	5,212	59.7%	3,517	40.3%	8,729
Merseyside & Cheshire	2,491	69.7%	1,082	30.3%	3,573
Cheshire	1,038	70.2%	440	29.8%	1,478
Merseyside	1,453	69.4%	642	30.6%	2,095
North East	3,637	73.5%	1,311	26.5%	4,948
Cleveland	889	71.3%	357	28.7%	1,246
Durham	802	79.2%	211	20.8%	1,013
Northumbria	1,946	72.4%	743	27.6%	2,689
North West	7,721	76.3%	2,400	23.7%	10,121
Cumbria	625	77.6%	180	22.4%	805
Greater Manchester	3,665	75.4%	1,196	24.6%	4,861
Lancashire	3,431	77.0%	1,024	23.0%	4,455
South East	2,812	75.0%	937	25.0%	3,749
Kent	1,078	74.7%	366	25.3%	1,444
Surrey	362	76.1%	114	23.9%	476
Sussex	1,372	75.0%	457	25.0%	1,829
South West	3,238	76.1%	1,015	23.9%	4,253
Avon & Somerset	1,452	78.9%	388	21.1%	1,840
Devon & Cornwall	1,238	73.6%	445	26.4%	1,683
Gloucestershire	548	75.1%	182	24.9%	730
Thames & Chiltern	2,797	69.5%	1,226	30.5%	4,023
Bedfordshire	535	68.3%	248	31.7%	783
Hertfordshire	763	69.8%	330	30.2%	1,093
Thames Valley	1,499	69.8%	648	30.2%	2,147
Wessex	3,110	71.3%	1,253	28.7%	4,363
Dorset	633	74.8%	213	25.2%	846
Hampshire & IOW	1,904	68.6%	873	31.4%	2,777
Wiltshire	573	77.4%	167	22.6%	740
West Midlands	5,352	71.4%	2,147	28.6%	7,499
Staffordshire	1,019	71.9%	398	28.1%	1,417
Warwickshire	355	86.8%	54	13.2%	409
West Mercia	810	78.0%	229	22.0%	1,039
West Midlands	3,168	68.4%	1,466	31.6%	4,634
Yorkshire & Humberside	5,878	73.8%	2,082	26.2%	7,960
Humberside	1,117	80.4%	272	19.6%	1,389
North Yorkshire	772	82.2%	167	17.8%	939
South Yorkshire	1,464	77.4%	428	22.6%	1,892
West Yorkshire	2,525	67.5%	1,215	32.5%	3,740

Rape	2009-10				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	2,270	59.4%	1,549	40.6%	3,819
Cymru/Wales	156	59.3%	107	40.7%	263
Dyfed Powys	21	63.6%	12	36.4%	33
Gwent	38	55.1%	31	44.9%	69
North Wales	24	82.8%	5	17.2%	29
South Wales	73	55.3%	59	44.7%	132
Eastern	135	69.2%	60	30.8%	195
Cambridgeshire	32	71.1%	13	28.9%	45
Essex	34	57.6%	25	42.4%	59
Norfolk	45	75.0%	15	25.0%	60
Suffolk	24	77.4%	7	22.6%	31
East Midlands	178	66.9%	88	33.1%	266
Derbyshire	57	77.0%	17	23.0%	74
Leicestershire	30	62.5%	18	37.5%	48
Lincolnshire	17	70.8%	7	29.2%	24
Northamptonshire	23	67.6%	11	32.4%	34
Nottinghamshire	51	59.3%	35	40.7%	86
London	407	45.5%	487	54.5%	894
Merseyside & Cheshire	74	66.1%	38	33.9%	112
Cheshire	23	65.7%	12	34.3%	35
Merseyside	51	66.2%	26	33.8%	77
North East	115	67.6%	55	32.4%	170
Cleveland	22	61.1%	14	38.9%	36
Durham	47	75.8%	15	24.2%	62
Northumbria	46	63.9%	26	36.1%	72
North West	272	66.0%	140	34.0%	412
Cumbria	20	66.7%	10	33.3%	30
Greater Manchester	162	62.5%	97	37.5%	259
Lancashire	90	73.2%	33	26.8%	123
South East	120	61.2%	76	38.8%	196
Kent	59	64.1%	33	35.9%	92
Surrey	15	53.6%	13	46.4%	28
Sussex	46	60.5%	30	39.5%	76
South West	112	57.7%	82	42.3%	194
Avon & Somerset	51	56.7%	39	43.3%	90
Devon & Cornwall	43	61.4%	27	38.6%	70
Gloucestershire	18	52.9%	16	47.1%	34
Thames & Chiltern	103	64.4%	57	35.6%	160
Bedfordshire	20	71.4%	8	28.6%	28
Hertfordshire	16	59.3%	11	40.7%	27
Thames Valley	67	63.8%	38	36.2%	105
Wessex	119	60.4%	78	39.6%	197
Dorset	19	63.3%	11	36.7%	30
Hampshire & IOW	73	59.3%	50	40.7%	123
Wiltshire	27	61.4%	17	38.6%	44
West Midlands	251	62.0%	154	38.0%	405
Staffordshire	43	62.3%	26	37.7%	69
Warwickshire	20	83.3%	4	16.7%	24
West Mercia	35	62.5%	21	37.5%	56
West Midlands	153	59.8%	103	40.2%	256
Yorkshire & Humberside	228	64.2%	127	35.8%	355
Humberside	50	65.8%	26	34.2%	76
North Yorkshire	41	71.9%	16	28.1%	57
South Yorkshire	49	68.1%	23	31.9%	72
West Yorkshire	88	58.7%	62	41.3%	150

Sexual offences (excluding rape)	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	6,060	76.0%	1,912	24.0%	7,972
Cymru/Wales	318	73.4%	115	26.6%	433
Dyfed Powys	37	72.5%	14	27.5%	51
Gwent	65	69.1%	29	30.9%	94
North Wales	63	81.8%	14	18.2%	77
South Wales	153	72.5%	58	27.5%	211
Eastern	350	80.1%	87	19.9%	437
Cambridgeshire	89	78.8%	24	21.2%	113
Essex	114	75.5%	37	24.5%	151
Norfolk	87	88.8%	11	11.2%	98
Suffolk	60	80.0%	15	20.0%	75
East Midlands	497	78.8%	134	21.2%	631
Derbyshire	97	71.9%	38	28.1%	135
Leicestershire	107	82.3%	23	17.7%	130
Lincolnshire	80	84.2%	15	15.8%	95
Northamptonshire	76	82.6%	16	17.4%	92
Nottinghamshire	137	76.5%	42	23.5%	179
London	1,068	72.6%	403	27.4%	1,471
Merseyside & Cheshire	260	75.4%	85	24.6%	345
Cheshire	117	80.1%	29	19.9%	146
Merseyside	143	71.9%	56	28.1%	199
North East	291	75.8%	93	24.2%	384
Cleveland	93	75.6%	30	24.4%	123
Durham	58	76.3%	18	23.7%	76
Northumbria	140	75.7%	45	24.3%	185
North West	663	78.8%	178	21.2%	841
Cumbria	69	68.3%	32	31.7%	101
Greater Manchester	312	77.6%	90	22.4%	402
Lancashire	282	83.4%	56	16.6%	338
South East	420	74.6%	143	25.4%	563
Kent	218	82.0%	48	18.0%	266
Surrey	62	70.5%	26	29.5%	88
Sussex	140	67.0%	69	33.0%	209
South West	363	79.4%	94	20.6%	457
Avon & Somerset	172	80.4%	42	19.6%	214
Devon & Cornwall	142	78.5%	39	21.5%	181
Gloucestershire	49	79.0%	13	21.0%	62
Thames & Chiltern	305	73.7%	109	26.3%	414
Bedfordshire	52	88.1%	7	11.9%	59
Hertfordshire	77	74.0%	27	26.0%	104
Thames Valley	176	70.1%	75	29.9%	251
Wessex	301	71.3%	121	28.7%	422
Dorset	62	75.6%	20	24.4%	82
Hampshire & IOW	184	66.9%	91	33.1%	275
Wiltshire	55	84.6%	10	15.4%	65
West Midlands	708	78.9%	189	21.1%	897
Staffordshire	108	82.4%	23	17.6%	131
Warwickshire	35	85.4%	6	14.6%	41
West Mercia	131	82.4%	28	17.6%	159
West Midlands	434	76.7%	132	23.3%	566
Yorkshire & Humberside	516	76.2%	161	23.8%	677
Humberside	118	78.1%	33	21.9%	151
North Yorkshire	73	69.5%	32	30.5%	105
South Yorkshire	134	78.8%	36	21.2%	170
West Yorkshire	191	76.1%	60	23.9%	251

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.
- Child abuse: Any criminal offence which falls within the criteria set out in Working Together to Safeguard Children and involves a victim under the age of 18.
- Child abuse includes physical, emotional and sexual criminal offences, as well as neglect, of a child. Such cases would normally include, for example:
- parental assault where reasonable chastisement is not a defence
 - sexual offences
 - child homicides
 - child cruelty, including neglect
 - child prostitution
 - harassment
 - abandonment of a child
 - forced marriage involving an under 18-year-old
 - child pornography
 - trafficked children
 - familial abduction
 - historical child abuse where victim is now an adult.
- Cases that would not normally be expected to be flagged include:
- motoring offences where the child has been injured or killed
 - medical negligence
 - property offences.

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

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's 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's decision is not to prosecute, for evidential or public interest reasons.

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

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

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

Discontinued and withdrawn: consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.

Dismissed after full trial: cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.

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

Jury acquittal: when the defendant pleads not guilty and, following a trial, is acquitted by the jury.

All other unsuccessful outcomes	comprising administrative finalisations, discharged committals and no case to answer.
Administrative Finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead: or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.
Discharged committals:	committal proceedings in which the defendant is discharged. Following a discharge a case can be reinstated.
No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences which are heard by the court in the absence of the defendant.

Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
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/witness 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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