Promoting improvements in policing to make everyone safer

Rape Monitoring Group

Local area data for 2015/16

Northumbria

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Contents

Introduction 5

Monitoring rape data 5

Data about rape in England and Wales 5

Stages of the criminal justice process 6

Dependence on conviction rates to judge success 9

Alternative outcomes 10

Understanding data about rape: a word of caution 11

Framing the right questions 13

Looking for answers 15

Useful links 15

Reading the area digest 16

1. Summary of data on rape for Northumbria 18

2. Crime data integrity 20

The picture across England and Wales 20

The picture in Northumbria 21

3. Analysis of police-recorded data on rape for Northumbria 22

What data are recorded? 22

How are data recorded? 22

Timescales 22

Caveats 22

Adult: recorded rapes 24

Incidents reported as rape 25

Adult: transferred or cancelled records (formerly ‘no-crimes’) 26

Adult: charge/summons 30

Child: recorded rapes 33

Incidents reported as rape 34

Child: transferred or cancelled records (formerly ‘no-crimes’) 35

Child: charge/summons 39

4. Outcomes for police rape investigations 42

5. Analysis of Crown Prosecution Service (CPS) data for Northumbria 46

Child and adult data 46

Referrals and charges 49

Prosecutions and convictions 51

Prosecution outcomes across England and Wales 52

6. Analysis of Ministry of Justice (MoJ) data for Northumbria 55

Child and adult data 55

Prosecutions, convictions and sentencing 58

Annex A – Data sources 62

Annex B – Definitions 65

Introduction

Monitoring rape data

The national Rape Monitoring Group (RMG)[1] publishes these area digests so that police and crime commissioners (PCCs), police, prosecutors and agencies within the criminal justice system have a broad set of data to enable a fuller and more thorough analysis of how rape is dealt with in their local area. The RMG regularly reviews these digests with a view to enhancing the quantity and quality of the information they contain, so that the right questions and interventions can be made to improve work in this important area. The RMG will review these digests continuously so that it can enhance future publications by including more data, and more detail, from different sources.

Data about rape in England and Wales

Statistics on rape are collected by a number of organisations across the criminal justice system in England and Wales. These statistics often provide important information for the organisation collecting the data but, taken alone, can fail to provide the context required by members of the public and other agencies within the criminal justice system (CJS) to enable them to understand how well the offence of rape is being dealt with in their area. This document brings together Home Office data[2] from the 44 police forces (including the British Transport Police) in England and Wales; and data from the Crown Prosecution Service (CPS) and the Ministry of Justice (MoJ) to provide an overview, accompanied by a narrative, which the public, PCCs and interested parties can use to enhance their understanding of how cases of rape are handled in their area and to hold the responsible organisations to account.

In the absence of a more comprehensive means of understanding responses to rape offending, data provide a good starting point. Accurate and extensive data enable those working with rape cases in the criminal justice system and beyond to obtain valuable intelligence and improve opportunities to identify and bring to justice perpetrators of rape. Bringing together data from the Home Office, Office for National Statistics (ONS), CPS and MoJ allows a far more complete picture to be formed and creates opportunities to identify improvements.

[1] The RMG is chaired by Her Majesty's Inspectorate of Constabulary, and comprises those with an interest in the effective management of rape from across criminal justice agencies, inspectorates, the voluntary sector, academics and local policing bodies.

[2] Published by the Office for National Statistics (ONS).

While each individual organisation makes efforts to ensure that its data sets are as complete and accurate as possible, the way data are collected differs. Data may be collected over different timescales, numbers can refer to the number of offences or the number of suspects/defendants. The way rape cases are identified varies between data collections. These factors, together with the time lag between different stages in the criminal justice process, mean that each section in this digest may not refer to the same cohort of cases and so meaningful comparison cannot be made across sections.

These discontinuities in the data mean the digest cannot be read as a single, continuous narrative from start to finish; the more detailed caveats throughout the digest make it clear where comparison can be made, and give more detail on reasons where comparisons are more difficult to make.

Stages of the criminal justice process

This digest covers three stages of the criminal justice process for rape: the report of an incident to the police and the subsequent investigation; the referral of a case to the CPS for a charging decision and preparation for prosecution; and the trial and its eventual outcome. Cases may drop out at any stage of this process for a number of reasons.

The first recorded stage in the process begins when a victim reports an incident of rape to the police, either themselves or through a third party. The police should record all reports of rape. They must then decide whether or not the incident constitutes a crime and will appear in official police records of the number of recorded rapes that year.

The police then mount an investigation to identify a suspect/suspects and collect all evidence relevant to the case. At this point:

- the investigation may not identify a suspect;
- the police could decide, following early investigative advice from the CPS, that there is not enough evidence to take the case forward, and they may take no further action;
- the police may investigate and decide on no further action without referral to the CPS;
- after further investigation, the police may determine that a crime has not taken place; this would lead to a crime report being cancelled (formerly ‘no-crimed’); or
- the police may charge a suspect with an offence of rape following a decision by the CPS.

There are strict guidelines to which the police must adhere in order to transfer or cancel a crime report (please refer to the transferred or cancelled records sections for further information). Home Office Counting Rules for Recorded Crime[3] state that a crime of rape once recorded should only be transferred or cancelled if one of the following criteria is satisfied:

- The crime was committed outside of the jurisdiction of the police force in which it was recorded. (Crimes committed within the jurisdiction of another police force area should be referred to the respective force).
- Following the report of an incident which has subsequently been recorded as a crime, additional verifiable information is available which determines that no notifiable crime has been committed.
- If the crime, as alleged, is a duplicate or constitutes part of a crime already recorded.
- If the reported incident was recorded as a crime in error.

In cases where the victim does not support a police investigation or prosecution but maintains that the crime took place, the offence remains recorded unless the police have additional verifiable information to determine that no notifiable crime[4] has been committed. In cases like this it is less likely that the police will take any further action that would lead to a conviction.

Another example of when the police may be unable to pursue a conviction is where the offender has died before the case could be investigated or prosecuted. In cases, such as that of Jimmy Savile, there are multiple victims, resulting in multiple records of rape with no possibility of a conviction.

In rape cases where the police are able to identify the suspect and they assess that the available evidence meets the Threshold Test or the Full Code Test,[5] they must refer the case to the CPS for a decision on whether or not to charge. Although the police and CPS may work closely together on this, the decision whether to charge or not, sits with the CPS alone. The options at this stage would be either to pursue a prosecution at court or, in specific circumstances, to caution the offender. It is important to note that cautions are only used when it is considered not to be in the public interest to pursue a prosecution.

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[3] *Home Office Counting Rules For Recorded Crime,* Home Office, April 2016. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/534967/count-general-july-2016.pdf_.pdf

[4] Notifiable crimes are those that police forces must report to the Home Office, and include all offences that could possibly be tried by a jury, plus a few closely related summary only offences.

[5] See definitions in Annex B.

In 2015, reflecting the seriousness of the offence, nearly every convicted rapist received a custodial sentence. MoJ data shows 18 offenders received a caution. Of these 18 cautions:

- nine were for males aged 10-14;
- three were for males aged 15-17;
- five were for males aged 18-20; and
- one was for a male aged 21+.[6]

When a decision to charge with rape is made by the CPS, the Full Code Test[7] or Threshold test having been applied and satisfied, the case will continue to be prosecuted at court.

Where circumstances have changed, however, in the course of a case following a decision of the CPS to charge with rape, the CPS may decide that another offence is more appropriate. Sometimes there is no longer a realistic prospect of conviction and the case may be discontinued – in other words, stopped from proceeding further.

If the defendants plead guilty or are found guilty by a jury, they will be sentenced by the judge. In most cases of rape, the offender will be given a custodial sentence.[8]

The process from reporting a rape to the conclusion of a trial is often longer than it would be for other crimes. Timeliness data from the MoJ[9] for the financial year 2015/16 shows a median[10] time from charge to completion for rape cases of 247 days, compared with 171 days for all Crown Court cases over the same period. The recent increase in volume of rape cases may have an impact on the timeliness. However, groups representing victims have expressed concern that the longer it takes for a case to go to court, the harder it becomes for the victim to give evidence. Timing is crucial, and delays may have a significant detrimental psychological impact on victims.

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[6] Ministry of Justice data for the calendar year 2015.

[7] And it is deemed that there is a realistic prospect of obtaining a conviction.

[8] *Sentencing Council – Definitive Guideline*, Sentencing Council, 2013. Available at: www.sentencingcouncil.org.uk/wp-content/uploads/Sexual-Offences-Definitive-Guideline-web3.pdf. This states that the appropriate sentence range for the offence for rape is 4-19 years, with a maximum sentence of life imprisonment.

[9] Excludes cases with an offence to completion time greater than 10 years.

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

Dependence on conviction rates to judge success

It would be easy to attempt to judge success in managing cases of rape by comparing the number of rapes that were reported to the police with the number of convictions.

Convictions of the guilty are extremely important outcomes, but convictions are not the only important outcomes for victims of rape as discussed in the next section, which covers alternative outcomes.

A conviction ratio[11] of around 6 percent is often reported in the media and the literature on rape. This is a measure of attrition, the process by which reported and recorded rapes do not proceed to conviction. It is calculated as the number of convictions in a 12-month period divided by the number of recorded rapes in that same period.

There are many possible reasons why a reported rape does not continue to conviction: the police do not record the incident as a crime; the victim does not wish for the case to be taken forward; the CPS advises that no further action be taken; the offence is changed to something other than rape; and, importantly, the defendant is acquitted by a jury following a trial.

Cases involving sexual offences can often, by their nature, lack corroborating evidence and come down to complex decisions around consent and one person's word against another. The process of preparing for court, and the trials themselves, can be very lengthy and involve levels of scrutiny of the victim not seen for other offences. At any time victims may withdraw from the process for fear of giving evidence in court, fear that the process will be too distressing, fear of being disbelieved or judged, or as a result of delays from start to finish.

By trying to capture this entire process in a single set of figures, other potential indicators, such as the victim's experience, are ignored. The context behind each case is important, and ignoring any step of the process can limit public understanding, and risk further damaging victim confidence.

This digest therefore looks at the raw numbers at each stage of the process alongside what context can currently be provided to provide the basis for questions to be asked on how to improve the system. These questions risk being overlooked if a single figure dominates the debate.

[11] For other crime types the reported conviction ratio is typically the number of convictions against the number of cases that make it to prosecution. It is only with rape that the conviction ratio is regularly taken against the number of recorded rapes, and not how many cases go to trial.

Alternative outcomes

Historically, success in police rape investigations has been judged by the proportion of cases in which charges have been authorised. In the past, this has been referred to nationally as the summons rate and forces have been compared and judged by this data.

While charging, and more vitally, convicting offenders is an extremely important outcome and is the focus of investigators, it should not be regarded as the only successful outcome for survivors of these crimes.

Following the disclosure of Jimmy Savile's offending history, hundreds of survivors contacted police and agencies across the country to report sexual offences that Savile and other high-profile individuals had committed against them. Many of those survivors may have contacted police with a low expectation of a judicial outcome but, for the first time, many were provided with an opportunity to discuss the offending and they were listened to and believed. Some were then able to access vital support services.

As a consequence of Operation Yewtree,[12] the establishment of the Independent Inquiry into Child Sexual Abuse and associated investigations, there has been a significant increase in reporting of such offences, and numbers of recorded rapes nationally have more than doubled[13] between the 12 months ending December 2012 (the start of Operation Yewtree)[14] and the 12 months ending March 2016.

In addition, a number of survivors have reported non-recent abuse that they were subjected to in their childhoods. In some of these cases they have disclosed not with a view to a prosecution but because they have discovered the perpetrator may now have access to children. In cases of this nature, a criminal prosecution may not be the outcome that would necessarily have been sought by the survivor. However, they rightly expect police and other agencies to ensure that the children are safeguarded and that robust measures are taken to deny the perpetrator an opportunity to reoffend.

In other circumstances survivors may initially report offences such as those relating to domestic abuse and, during the investigation, a disclosure of rape within the relationship may be made. On a number of occasions the person reporting has not

[12] Operation Yewtree is the Metropolitan Police Service led investigation into the alleged sexual abuse cases, predominantly the abuse of children, by the British media personality Jimmy Savile, and others.

[13] An increase of 124 percent.

[14] Operation Yewtree commenced in October 2012, but the 124 percent increase has been calculated using the 12 months ending December 2012 because this is the first full financial year quarter which includes October 2012 figures.

supported a rape prosecution but has sought protection from violence or threats of violence, and they have been safeguarded and professional support provided.

In some cases of child sexual abuse (CSA), survivors may have been identified but may have not been in a position to support a prosecution, and it may not be in the child's best interest to do so. In cases of this nature, safeguarding and support are essential for the child, and their welfare is paramount. In some of these cases, the opportunity to prosecute successfully for sexual offences may be limited. However, in a number of cases, the perpetrators have been arrested and prosecuted for other serious offences using evidence provided by police, negating the requirement for the survivor to give evidence in court. The potential for this approach should be considered by investigating officers and such cases will benefit from early investigative advice from the CPS. This is not just the case for CSA and also applies to adult sexual offences.

In the examples above, reports of rape may have been made to police and a record made within local crime reporting systems. Without a charge for a rape or sexual offence all of those examples would previously be concluded as having no formal action, although alternative outcomes may have been provided to the satisfaction of the person reporting.

Understanding data about rape: a word of caution

The police service works to prevent and therefore reduce crime, including rape. At the same time, the police service wants to encourage more victims to come forward and report rapes so that actions can be taken by a wide range of agencies to help them and bring the perpetrators to justice. 'Prevention' and 'encouragement' are not mutually exclusive activities. Both are necessary if rape is to be tackled more effectively, but relying exclusively on the available data without further detailed analysis and interpretation may provide a misleading picture of how effectively rape is being tackled locally. In particular, improving the police's ability to investigate, solve and support the CPS in prosecuting cases of rape is dependent upon understanding, and improving, many elements of rape investigations.

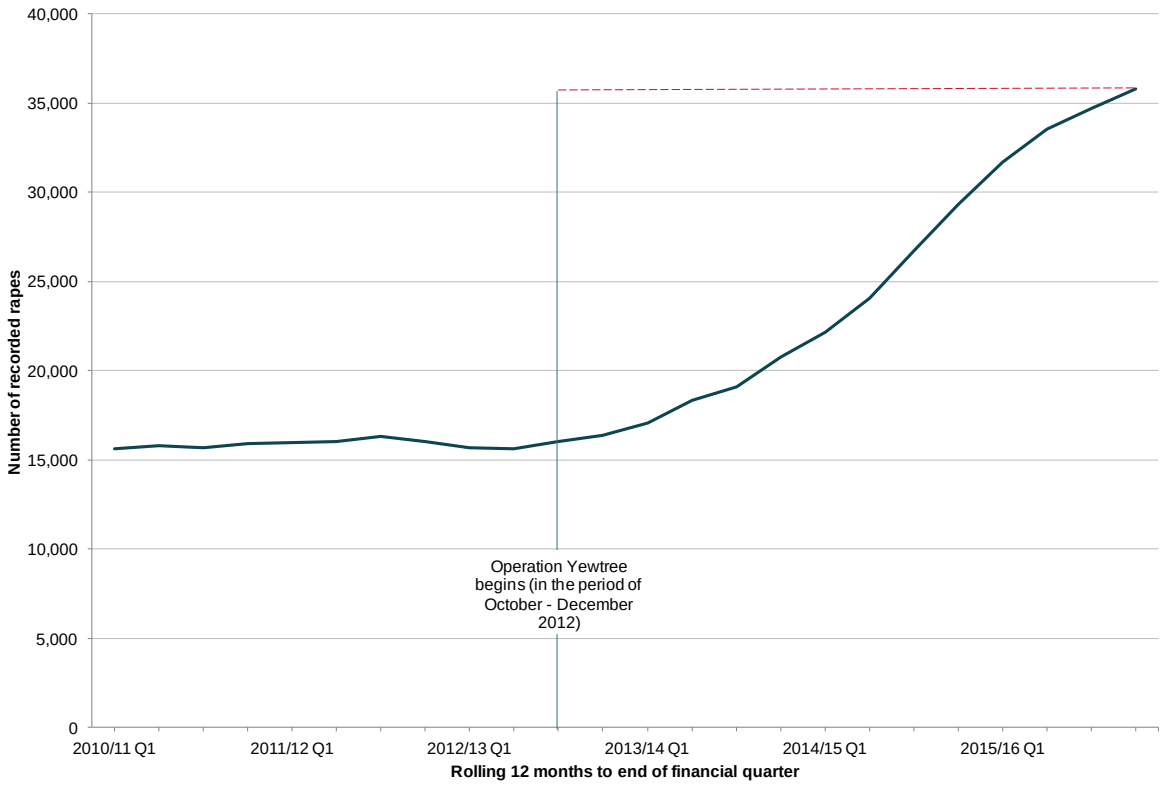
The numbers, of course, can never tell the full story. For example, rises in the numbers of rapes being recorded may not be due to an increase in prevalence, but the result of improvements in how the police record crimes, or may mean that victims have an increased understanding that a crime has been committed, or feel more confident in being believed when reporting what happened to them. As an example, it may be that in the wake of publicity associated with the late Jimmy Savile and other historical abuse cases, more adult survivors of child sexual abuse, as well as more recent victims, have felt empowered to come forward to tell the police about sexual abuse. Figure 1 shows 12-month rolling volumes of recorded rape from March 2010 onwards. The vertical line indicates the start of the Operation Yewtree investigations alongside the increase of 124 percent in recorded rapes between the

year ending December 2012 (the start of Operation Yewtree)[15] and the year ending March 2016.

While these figures can be interpreted as encouraging, and as a reflection of improved recording practices by police forces and increased public confidence in the authorities, more work to improve victim access to specialist support may yet further increase the number of victims who feel able to report to the police.

Similarly, a fall in the number of recorded rapes may mean that victims are losing confidence in the authorities to treat them sensitively or, conversely, that police preventive strategies are working to reduce rape offending.

Figure 1: Recorded rape offences in England and Wales – rolling 12 months (by financial quarters)



Source: Police recorded crime data, supplied by the Home Office (published by Office for National Statistics)

[15] Operation Yewtree commenced in October 2012, but the 124 percent increase has been calculated using the 12 months ending December 2012 because this is the first full financial year quarter which includes October 2012 figures.

It is widely recognised that rape is under-reported, with many more rapes committed than are reported to and recorded by the police. The 2013/14 Crime Survey for England and Wales[16] found that, of respondents who had experienced a serious sexual assault (including rape) since the age of 16, two thirds of the victims told somebody about their most recent experience, but only one in six told the police. The data held by the police can, therefore, only provide a partial picture of the prevalence of rape. The processes and systems the police have in place to record and manage data also vary from force to force. This can affect the way reports of rape are recorded and analysed.

Framing the right questions

The area digests use published statistics or subsets of published statistics. When considered alongside local information, they may prompt important questions for those organisations responsible for dealing with rape. For example:

- What action is being taken to understand the nature and scale of rape in local communities, as well as regional and national trends?
- When forces are compared with each other, why are there wide variations in the data?
- How is targeted prevention work being taken forward?
- What action is being taken by the police and other agencies to encourage victims of rape to come forward?
- Do staff understand that victims may have been selected because of their individual or situational vulnerability, for example, learning difficulties or incapacitation due to alcohol or drugs?
- How are resources deployed to tackle rape effectively and efficiently?
- What are the training and experience profiles of staff who are required to deal with rape? In particular, do/will staff receive training on the issue of consent?
- What intelligence analysis takes place on rapes, in particular on transferred or cancelled rape offences?
- What checks are in place to ensure that all reports of rapes are being recorded properly and on a timely basis, regardless of how they come to the attention of the force and fully in accordance with the National Crime Recording Standard?

[16] *Crime Statistics, Focus on Violent Crime and Sexual Offences,* Office for National Statistics, February 2015, Chapter 4. Available at: www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2013-14/rpt-chapter-4.html

- Are police decisions to take no further action being appropriately taken and reviewed?
- Does officer training include contributions from survivors of rape and specialist support agencies such as Rape Crisis and sexual assault referral centres (SARCs) and the Survivors Trust?
- Do victims in this local area have access to the specialist services of an Independent Sexual Violence Advisor (ISVA)?
- What do victims think of the services they receive? How do their views influence the way victims are treated?
- Are investigations and prosecutions sufficiently robust?
- Are cases being referred to the CPS appropriately for early investigative advice, and then charging having been properly assessed by police decision makers as meeting the referral criteria outlined in the 5th edition of the DPP's Guidance on Charging?[17]
- What processes are in place to manage disclosure requests and information sharing between the different agencies?
- What constructive changes can be made to reduce and avoid delays in court hearings?
- What are prosecution teams doing to support the use of special measures in court, intermediaries and support techniques such as pre-trial therapy, for vulnerable victims?
- Are there systems to ensure compliance with all current policies and procedures across the criminal justice system?
- What action has been taken to implement new policy initiatives to improve the criminal justice response to rape?
- What partnership arrangements are in place to support victims of rape?
- What measures can criminal justice agencies take to explore how data could be collected to reflect the experience of victims, as well as for performance management and administrative purposes?
- What good practice exists that can be shared more widely?

[17] *The Director's Guidance On Charging 2013,* CPS, 5th edition (revised arrangements), May 2013. Available at: www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html

This is not an exhaustive list. In addition (and depending on the interpretation of the data and local information for any particular area), other more specific questions may also need to be asked.

Looking for answers

There is a variety of information that relevant agencies may supply to respond to these questions, for example:

- rape problem profiles[18] (and/or serious sexual offences problem profiles), as set out in the National Intelligence Model (NIM);
- pathways for reporting rape both directly to the force and through a third party – these should be readily available through the force website;
- approaches for signposting victims to help and support;
- arrangements for partnership working, for example, with local authorities, health providers, SARCs, ISVAs, rape and sexual abuse support centres (Rape Crisis England and Wales and The Survivors Trust) and Victim Support; and
- Director of Public Prosecution's guidance on charging and CPS guidance on consent.

Again, this list is not intended to be exhaustive and other more specific local responses may be available.

Useful links

- *Joint CPS and Police Action Plan on Rape,* CPS, April 2015. Available at: www.cps.gov.uk/Publications/equality/vaw/rape_action_plan_april_2015.pdf
- *What is Consent? Guidance from the CPS,* 2015. Available at: www.cps.gov.uk/publications/equality/vaw/what_is_consent_v2.pdf
- *The Director's Guidance On Charging 2013*, 5th edition (revised arrangements), CPS, May 2013. Director of Public Prosecutions Guidance on Charging, CPS, 2013. Available at: www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html
- *The Code for Crown Prosecutors,* CPS, January 2013. Available at: www.cps.gov.uk/publications/code_for_crown_prosecutors/

[18] Note that problem profiles produced in line with the National Intelligence Model are unpublished, restricted documents.

- *Forging the Links: Rape investigation and prosecution,* HMIC and HMCPSI, February 2012. Available at: www.justiceinspectorates.gov.uk/hmic/publications/forging-the-links-rape-investigation-and-prosecution/

- *A Call to End Violence against Women and Girls: Progress Report 2010-15*, Home Office, March 2015. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/409510/VAWG_Progress_Report_2010-2015.pdf

- *Rape and Serious Sexual Offences Legal Guidance*, CPS. Available at: www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/

- The website of the Survivors Trust is www.thesurvivorstrust.org/

- The website of Rape Crisis England and Wales is www.rapecrisis.org.uk/

Reading the area digest

These area digests pull together a range of Home Office/ONS, CPS and MoJ data in one place (see the caveats below).

The first section consists of a summary of police-recorded data, and data from the CPS and MoJ on adult and child rape. More details are provided in the subsequent sections.

Throughout the digest, 'adult' refers to a male or female victim aged 16 or over and 'child' as a male or female victim under the age of 16 years in accordance with the definitions as set out in the Sexual Offences Act 2003. Recent reports of rape that occurred in the past when the victim was under 16 years of age are recorded as a child rape regardless of the age of the victim at the time the report was made.

The second section presents a qualitative assessment of national crime recording arrangements, as reported in the 2014 HMIC publication on crime data integrity,[19] to provide some context for the data in the rest of the digest.

[19] *Crime-recording: making the victim count*, HMIC, November 2014. Available from: www.justiceinspectorates.gov.uk/hmic/publications/crime-recording-making-the-victim-count

The third section presents police-recorded data on rape, broken down by adult or child, comprising:

- the number of recorded rapes;
- how many rapes were initially recorded as such, but then declassified to transferred or cancelled records (formerly no-crimes); and
- how many recorded rapes resulted in a suspect receiving a charge/summons.

The data in this section refers to number of offences recorded by financial year from 2011/12 to 2015/16.

The fourth section provides information about the framework for outcomes of rape cases.

The fifth section presents data from the CPS, broken down into two subsections, comprising:

- the number of cases, by suspect, referred to the CPS by the force for a decision on whether or not to charge with rape and the number of defendants charged with rape; and
- the number of prosecutions and the number of convictions by defendant, and the reasons for other prosecution outcomes.

The data in this section refer to the number of suspects/defendants, and are recorded for the financial year from 2011/12 to 2015/16.

The sixth section presents data from the MoJ comprising:

- the number of prosecutions and convictions;
- the time taken from charge to completion of proceedings; and
- the average custodial sentence lengths for convicted offenders.

The data in this section refer to number of defendants and are recorded for the calendar year, excepting the data on timeliness which are recorded for the financial year.

1. Summary of data on rape for Northumbria

This section provides a summary of the response to cases of rape within the local area over a period of 12 months at several stages of the criminal justice process. Each individual data set is then examined in the following pages, along with the national picture.

Be aware that there is a time lag between every stage of the criminal justice process: between recording of the crime, referral to the CPS for charging, prosecution, conviction and sentencing. As such, the data, and the numbers referred to in these tables, and in more detail in each section of the digest, may not belong to the same cohort of cases and will, therefore, not be directly comparable.

Figure 1.1: Police-recorded data for Northumbria, supplied by the Home Office/Office for National Statistics –counted by offence

Financial year		2011/12	2012/13	2013/14	2014/15	2015/16
Recorded rapes	Adult	168	151	182	547	713
	Child	165	162	178	309	325
Transferred or cancelled records	Adult	48	37	34	32	70
	Child	16	5	6	12	15

Source: Offences counted by HO/ONS

Recorded rapes refer to all crimes of rape recorded by the police that must be notified to the Home Office, in each financial year.

The above figures for adult and child are for offences against both males and female. In 2015/16 across England and Wales, 95 percent of recorded rape offences against adults were against women, and 79 percent of recorded rape offences against children under 16 were against girls.

A recorded crime can become a transferred or cancelled record (formerly a no-crime) where additional verifiable information determines that no crime has been committed, or for administrative reasons (e.g. it is a duplicate crime for one already recorded or the offence took place in another forces' area). **Transferred or cancelled records** refer to the number of rape offences against adults/children that have been recorded and then later changed to a transferred or cancelled record, in each financial year.

Figure 1.2: Crown Prosecution Service data for Northumbria – counted by suspect/defendant

Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Referrals	141	124	156	160	271
Charges	92	82	115	107	163

Source: CPS

Referrals refers to the number of suspects whose case is referred by the police to the CPS for a decision on whether or not to charge with rape, in each financial year.

Charges refer to the number of defendants that the CPS decides to prosecute, on the basis that there is enough evidence and it is in the public interest to proceed, in each financial year.

Volumes of charges in this summary are for CPS data and will differ in number from police-recorded data on charge/summons, given in section 3.

Figure 1.3: Ministry of Justice data for Northumbria – counted by defendant

Calendar year	2011	2012	2013	2014	2015
Prosecutions	77	77	81	96	170
Convictions	29	21	26	30	33

Source: MoJ

Prosecutions refers to the number of defendants proceeded against at a magistrates' court for the principal offence[20] of rape, in each calendar year.

Convictions refer to the number of defendants found guilty of the principal offence of rape, in each calendar year.

[20] Where more than one offence is considered in a court case, the offence that would/did attract the most severe sentencing outcome is deemed to be the principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence, the offence with the statutory maximum sentence is deemed the principal offence.

2. Crime data integrity

The picture across England and Wales[21]

In its 2013/14 inspection programme, approved by the Home Secretary under section 54 of the Police Act 1996, HMIC committed to carry out an inspection into the way the 43 police forces in England and Wales record crime data. The inspection was carried out between December 2013 and August 2014. It was the most extensive of its kind that HMIC has undertaken into crime data integrity. Its purpose[22] was to provide the answer to the question:

> "To what extent can police-recorded crime information be trusted?"

The 2014 national report[23] found that the police are failing to record a large proportion of the crimes reported to them. The under-recording rate for sexual offences was 26 percent, compared with 19 percent for crime in general.

The position in the case of rape and other sexual offences is a matter of particularly serious concern. The inspection found 37 cases of rape which were not recorded as crimes. In addition to under-recording of sexual offences (including rapes) as crimes, in England and Wales 20 percent of decisions to no-crime rapes were incorrect. In the case of rape no-crime decisions, in 22 percent of cases there was no evidence that the police informed the complainant of their decision.

In November 2015, HM Chief Inspector of Constabulary, Sir Thomas Winsor, announced that HMIC would again inspect all forces' crime-recording practices as part of a rolling inspection programme over a number of years.[24] In August 2016, HMIC published the results of the first three of these inspections[25]. As a number of police forces are yet to be inspected, it is too early to assess the impact of this inspection programme.

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[21] *Crime-recording: making the victim count*, HMIC, November 2014. Available from: www.justiceinspectorates.gov.uk/hmic/publications/crime-recording-making-the-victim-count/

[22] The HMIC 2013/14 inspection programme (available at www.justiceinspectorates.gov.uk/hmic/) provides the basis for this inspection.

[23] Recorded crime data was supplied for the 12 months to the end of October 2013.

[24] For further details see www.justiceinspectorates.gov.uk/hmic/our-work/crime-data-integrity/

[25] Greater Manchester Police, Sussex Police and Staffordshire Police. For further details see www.justiceinspectorates.gov.uk/hmic/publications/rolling-cdi-programme-reports/

The picture in Northumbria[26]

The 2013/14 inspection programme, undertaken at a force level, allows a qualitative assessment of the force's crime recording arrangements and to make recommendations for improvement.

Full reports for local areas, which give a qualitative assessment of the relevant force's crime recording arrangements and make recommendations for improvement, can be found here: www.justiceinspectorates.gov.uk/hmic/publication/crime-data-integrity-force-reports/

[26] *Crime data integrity: Inspection of Northumbria Police,* HMIC, 2014. Available at: www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/crime-data-integrity-northumbria-2014.pdf

3. Analysis of police-recorded data on rape for Northumbria

The data in this section are split into offences committed against adults or children, and are taken from the data published by the Home Office/ONS for crimes recorded as rape.

What data are recorded?

The following police-recorded data are presented here:

- the number of rapes recorded in each financial year;
- the number of transferred or cancelled rape records in each financial year; and
- the number of charge/summons for the crime of rape in each financial year.

How are data recorded?

The numbers in the tables refer to the **number of offences** rather than suspects.

Timescales

These data are recorded by **financial years**, the 12 months to the end of March.

Be aware that there is a **time lag** between each stage of the criminal justice process: between recording of the crime, referral to the CPS for charging, prosecution, conviction and sentencing. The cases referred to in each section of the digest **may not** follow on from each other.

For example, offences recorded in a given year may not result in a suspect being charged/summonsed until a following year. Similarly, charge/summons in one year may be for rapes recorded in a previous year.

Caveats

Where more than one crime type is involved in a single incident, the most serious of the offences – the principal offence – is counted. So, the charge/summons may be for a crime other than the one recorded.

Volumes of police-recorded data for British Transport Police (BTP) are not included in any of the local area figures. BTP is a national force, and we cannot disaggregate its recorded crime data to a local level. BTP offences are included in the national

figures – across England and Wales, 13 rapes were recorded by BTP for the financial year 2015/16.

Police-recorded data are presented for 42 local areas across England and Wales (equivalent to the Home Office-funded police force areas, with the Metropolitan Police Service and City of London Police combined to make up the local area of London).

Recorded crime rates have been calculated per 100,000 population due to the relatively small volumes of recorded rape offences. Population figures used are mid-2015 population estimates, estimated by the Office for National Statistics and based on the 2011 Census. These give the number of people who are usually resident within each local area.

All of the factors above **do not allow for meaningful comparison to be made between these data and the data from the CPS and the MoJ presented in subsequent sections.**

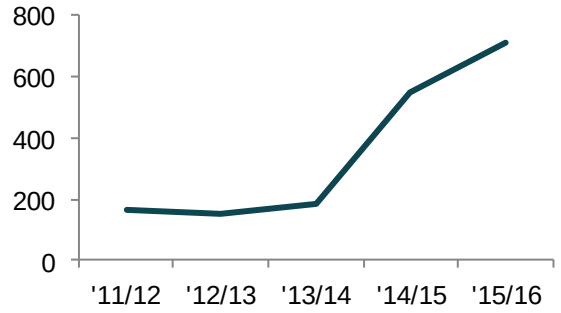
Adult: recorded rapes

Recorded rapes refer to all crimes of rape recorded by the police in each year.

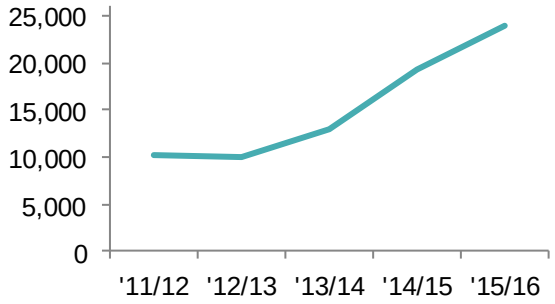
Readers should be aware that many factors beyond the actual incidence of rape can have an effect on the recorded crime rates. For example, increased publicity associated with high-profile sexual abuse cases, such as Operation Yewtree among others, has encouraged more survivors of sexual abuse to come forward to the police.

Figure 3.1: Number of adult rape offences recorded by financial year (a) for Northumbria[27] and (b) for England and Wales

(a)



(b)



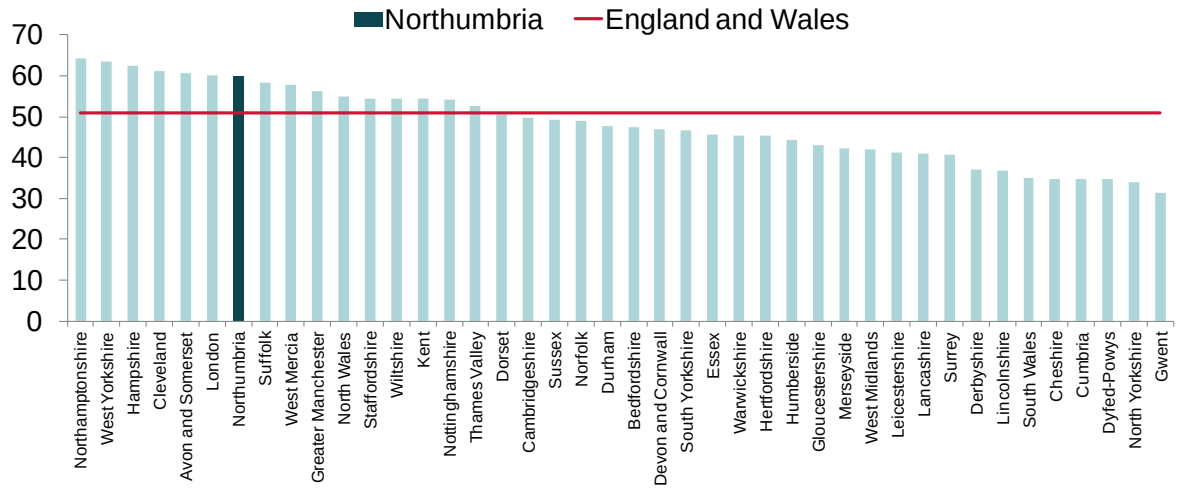
Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	168	151	182	547	713
	(14)	(13)	(15)	(46)	(60)
England and Wales	10,160	10,059	12,968	19,303	23,851
	(22)	(21)	(28)	(41)	(51)

Source: Home Office

N.B. The figures in brackets in the table give the number of adult recorded rapes per 100,000 adult population.

[27] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

Figure 3.2: Number of adult rapes recorded per 100,000 adult population for the financial year 2015/16: a comparison of local areas in England and Wales



Source: Home Office

Incidents reported as rape

In April 2015, an additional Home Office recording classification was introduced for the recording of reports of rape. All reported incidents of rape or attempted rape, made directly by the victim or via witnesses or third parties and which are not immediately recorded as a confirmed crime, must be recorded on the force crime system as a reported incident of rape at the time that the report is initially made to the police. Therefore, all reports of rape, via any source, will be recorded by forces. Where the report is initially recorded as an incident but is later confirmed as a crime of rape, the incident record is re-classified to a crime. Those not re-classified to a crime are not included in police recorded crime counts.

Adult: transferred or cancelled records (formerly ‘no-crimes’)

Transferred or cancelled records, previously known as ‘no-crimes’, refer to crimes which have been recorded by the police, but where it has subsequently been determined that the crime did not take place or that it was recorded in error.

Prior to April 2015, the classification of ‘no-crime’ would have been applied to recorded crime reports where additional verifiable information had been obtained which determined that no notifiable crime had taken place or for administrative purposes (such as the crime being transferred to another force). However, since April 2015, the recording of no-crimes has moved to a system which disaggregates the reasons why recorded crimes have subsequently been cancelled[28] This allows more transparency in the removal of crime records and ensures that local and national crime data are accurate.

In July 2016, a full breakdown of transferred or cancelled records was published by the Home Office, covering offences which were transferred or cancelled between April 2015 and March 2016. As there is now a full year of the reasons why a record has been transferred or cancelled, we can provide a breakdown of the four categories relevant to rape at force and national level.

[28] C1: Transferred: Crime committed outside the jurisdiction of the police force in which it was recorded – passed to the appropriate force.
C2: Cancelled: Additional verifiable information (AVI) that determines that no notifiable crime occurred becomes.
C3: Cancelled: Duplicate record or part of a crime already recorded.
C4: Cancelled: Crime recorded in error.

Figure 3.3: Breakdown of transferred or cancelled records for adult rape in Northumbria and England and Wales, April 2015 to March 2016[29]

	Volume	
Transferred or cancelled description	**Northumbria**	**England and Wales**
Transfer: Crime committed outside force jurisdiction	4	298
Cancel: AVI determines no notifiable crime occurred	26	567
Cancel: Duplicate record or part of a crime already recorded	36	585
Cancel: Crime recorded in error	4	111
Total	70	1,589

Source: Home Office

The **transferred or cancelled record ratio** is the total number of transferred or cancelled records in the period divided by the sum of the number of crimes and transferred or cancelled records recorded in the same period. Therefore, the ratio should be considered alongside the raw figures for recorded rapes. It is possible that offences recorded in a given year may not be transferred or cancelled until a following year.

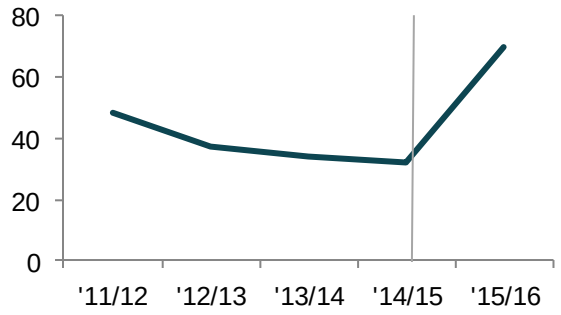
From the financial year of 2015/16, police forces record 'tracked' outcomes meaning that outcomes are assigned to particular offences and cover only those in the same financial year.

[29] Northamptonshire Police was unable to provide a breakdown of the number of transferred or cancelled records by type, but had 28 transferred or cancelled records for adult rape. The total provided for England and Wales includes these 28 records, so the sum of all four categories is lower than the total.

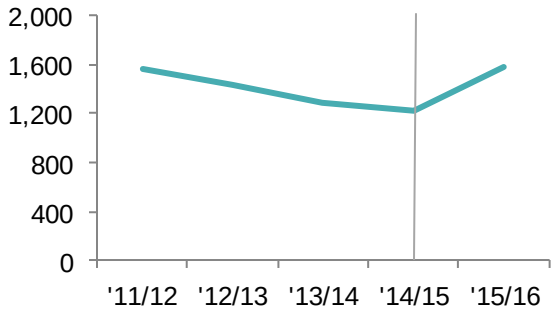
Please note, figure 3.4 shows the number of transferred or cancelled records (formerly referred to as no-crimes). Since April 2015, the police have provided the reasons why the record was transferred or cancelled (see figure 3.4). It is likely that the increase in the proportion of crimes that were transferred or cancelled is linked to the improvements and developments in crime recording. In particular, recording rules changed in April 2015 to ensure crimes were recorded by the police as soon as possible and in any event, within 24 hours. This is likely to have had a particular impact for rape offences.[30]

Figure 3.4: Number of transferred or cancelled records for adult rape for the financial year (a) for Northumbria[31] and (b) for England and Wales. The figures in brackets in the table give the transferred or cancelled records ratio

(a)



(b)



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	48	37	34	32	70
	(22%)	(20%)	(16%)	(6%)	(9%)
England and Wales	1,560	1,438	1,282	1,216	1,589
	(13%)	(13%)	(9%)	(6%)	(6%)

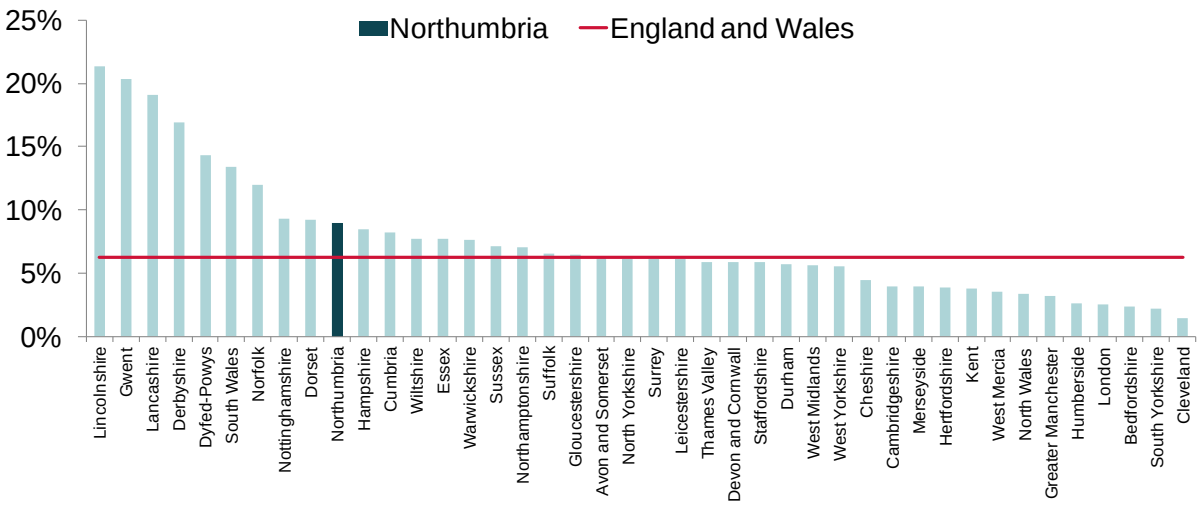
Source: Home Office

N.B. The separating line after 2014/15 represents the change in the way this data is recorded.

[30] *Crime outcomes in England and Wales: year ending March 2016, Statistical Bulletin HOSB 06/16*, Home Office, July 2016, page 37. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/539447/crime-outcomes-hosb0616.pdf

[31] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

Figure 3.5: Transferred or cancelled records ratio for adult rape for the financial year 2015/16:[32] a comparison of local areas in England and Wales



Source: Home Office

[32] Since the volumes of recorded rapes and transferred or cancelled records can be small at a local area level, any areas with fewer than 50 recorded rapes and transferred or cancelled records combined in the 12-month period will be excluded from the comparison bar chart.

Adult: charge/summons

Charge/summons refers to the number of offences where, based on the police investigation, the CPS decides there is sufficient evidence for a realistic prospect of conviction and it is in the public interest to proceed against the suspect(s), in each financial year. When recorded by the police, these are counted by offence rather than the number of people charged/summonsed.

There are a number of outcomes to police investigations of rape, of which charge/summons is but one. Emphasising the importance of this helps encourage survivors to come forward to explore which option is most appropriate for them.

Cautions in rape cases are very rare and across England and Wales in the calendar year 2015, MoJ data show that no cautions were given for rape offences against adult victims.

Cautions for rape offences would only be given in the most exceptional circumstances, and any decision to do so is made on a case-by-case basis, considering the specific context of each case. Examples could include cases involving young offenders, or offenders otherwise considered vulnerable, for example, with severe learning disabilities. Any decision to caution for rape must be made in consultation with the CPS and with consideration of the wishes and best interests of victims, as well as the public.

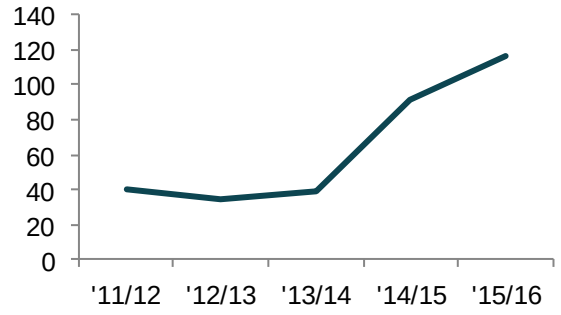
Prior to April 2015, the **charge/summons ratio** was the number of charge/summons recorded in each financial year, divided by the number of recorded rapes over that same financial year. The ratio should be considered alongside the raw figures for recorded rapes and charges do not necessarily relate to rapes in that year. From April 2015 onwards as part of the broader outcomes framework changes, the **charge/summons rate** is the proportion of rapes recorded in that financial year to which a charge/summons has, in due course, been assigned as the outcome (see section four). At any given time, there will be a number of rapes where the investigation is ongoing and an outcome has not yet been assigned. Data on outcomes for rapes recorded in a given period are therefore subject to ongoing revisions, and the charge/summons rate for 2015/16 is likely to change over time as these investigations are completed.

Please note, in order to compare over time, figure 3.6 shows the former charge/summons ratios from 2011/12 and 2015/16. In section four the new methodology of the recorded charge/summons rate from 2015/16 is presented.

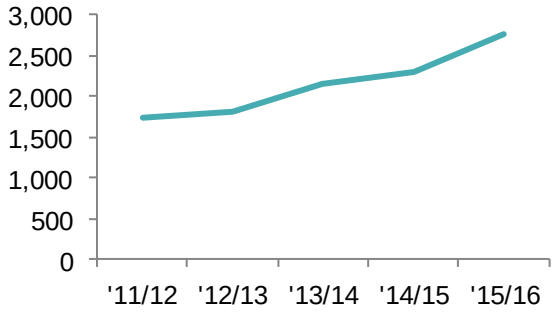
Offences recorded in a given year may not result in a suspect being charged or summonsed until a following year.

Figure 3.6: Number of charge/summons for adult rape by financial year (a) for Northumbria[33] and (b) for England and Wales[34]

(a)



(b)



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	40	35	39	91	116
	(24%)	(23%)	(21%)	(17%)	(16%)
England and Wales	1,744	1,823	2,163	2,302	2,771
	(17%)	(18%)	(17%)	(12%)	(12%)

Source: Home Office

N.B. The figures in brackets in the table give the charge/summons ratio.

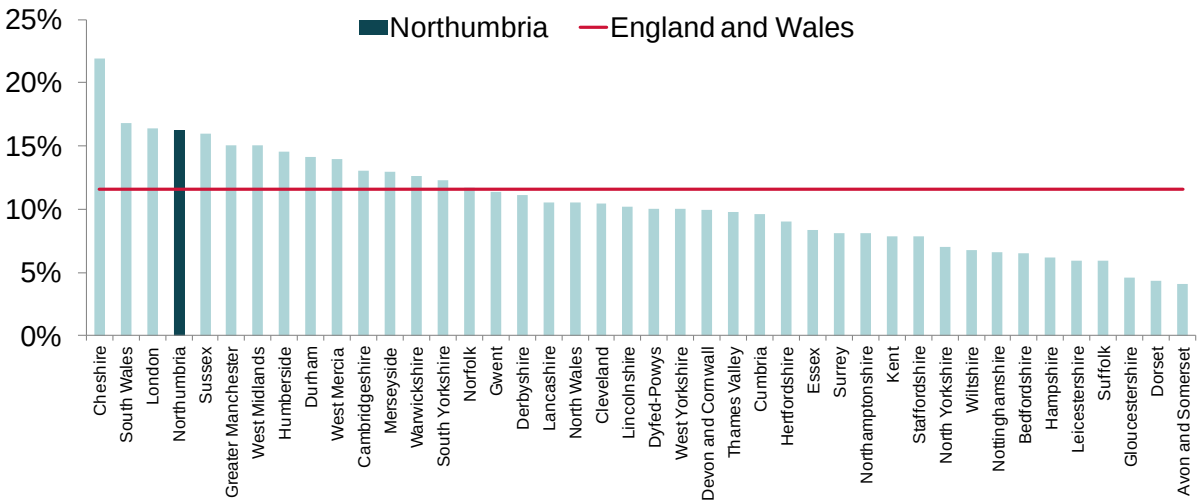
Readers should be aware that many factors beyond the actual prevalence of rape can have an effect on the recorded crime rates. For example, increased publicity associated with high-profile sexual abuse cases, such as Operation Yewtree among others, has encouraged more survivors of sexual abuse to come forward to the police.

A change in recording of crime by the police may have had an effect on recorded crime numbers. As a result of the time lag between a case being reported and a suspect being charged, these effects may be partly responsible for any change in the charge/summons ratio for 2015/16.

[33] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

[34] For comparison purposes, figure 3.6 displays the number of charge/summons for adult rape using the 'old method' of recording rape outcomes for all years.

Figure 3.7: Charge/summons ratio for adult rape for the financial year 2015/16:[35] a comparison of local areas in England and Wales[36]



Source: Home Office

[35] Since the volumes of recorded rapes can be small at a local area level, any areas with fewer than 50 recorded rapes in the 12-month period will be excluded from the comparison bar chart.

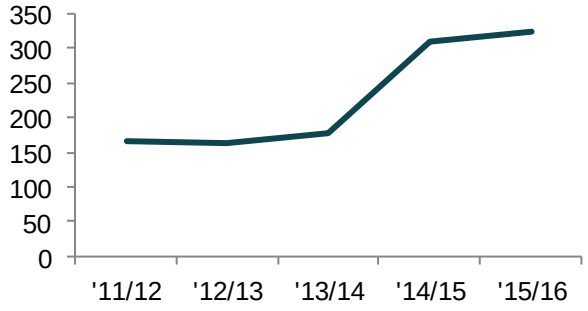
Child: recorded rapes

Recorded rapes refer to all crimes of rape recorded by the police in each year.

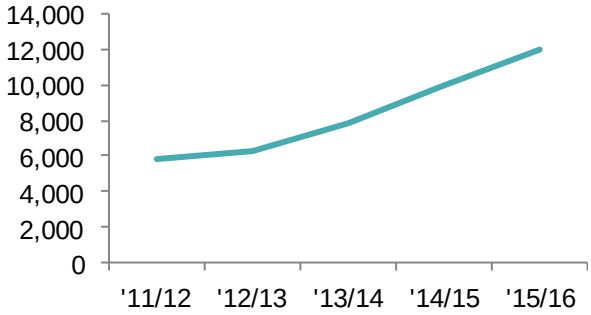
Readers should be aware that many factors beyond the actual incidence of rape can have an effect on the recorded crime rates. For example, increased publicity associated with high-profile sexual abuse cases, such as Operation Yewtree among others, has encouraged more survivors of sexual abuse to come forward to the police.

Figure 3.8: Number of child rape offences recorded by financial year (a) for Northumbria[37] and (b) for England and Wales

(a)



(b)



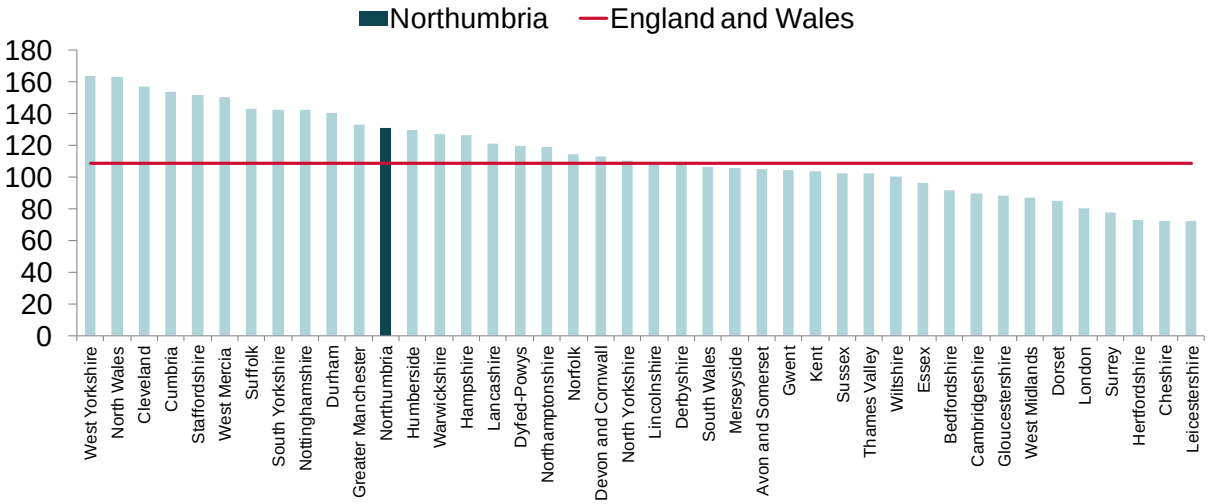
Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	165	162	178	309	325
	(67)	(65)	(72)	(125)	(131)
England and Wales	5,878	6,315	7,783	9,997	11,947
	(54)	(58)	(71)	(91)	(109)

Source: Home Office

N.B. The figures in brackets in the table give the number of child recorded rapes per 100,000 child population.

[37] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

Figure 3.9: Number of child rapes recorded per 100,000 child population for the financial year 2015/16: a comparison of local areas in England and Wales



Source: Home Office

Incidents reported as rape

In April 2015, an additional Home Office-recording classification was introduced for the recording of reports of rape. All reported incidents of rape or attempted rape, made directly by the victim or via witnesses or third parties and which are not immediately recorded as a confirmed crime, must be recorded on the force crime system as a reported incident of rape at the time that the report is initially made to the police. Therefore, all reports of rape, via any source, will be recorded by forces. Where the report is initially recorded as an incident but is later confirmed as a crime of rape, the incident record is re-classified to a crime. Those not re-classified to a crime are not included in police recorded crime counts.

Child: transferred or cancelled records (formerly ‘no-crimes’)

Transferred or cancelled records, previously known as ‘no-crimes’, refer to crimes which have been recorded by the police, but where it has subsequently been determined that the crime did not take place or that it was recorded in error.

Prior to April 2015, the classification of ‘no-crime’ would have been applied to recorded-crime reports where additional verifiable information had been obtained which determined that no notifiable crime had taken place or for administrative purposes (such as the crime being transferred to another force). However, since April 2015, the recording of no-crimes has moved to a system which disaggregates the reasons why recorded crimes have subsequently been cancelled.[38] This allows more transparency in the removal of crime records and ensures that local and national crime data are accurate.

In July 2016, a full breakdown of transferred or cancelled records was published by the Home Office, covering offences which were transferred or cancelled between April 2015 and March 2016. As there is now a full year of the reasons why a record has been transferred or cancelled, we are able to provide a breakdown of the four categories relevant to rape at force and national level.

[38] C1: Transferred: Crime committed outside the jurisdiction of the police force in which it was recorded – passed to the appropriate force.
C2: Cancelled: Additional verifiable information (AVI) that determines that no notifiable crime occurred becomes.
C3: Cancelled: Duplicate record or part of a crime already recorded.
C4: Cancelled: Crime recorded in error.

Figure 3.10: Breakdown of transferred or cancelled records for child rape in Northumbria and England and Wales, April 2015 to March 2016[39] [40]

	Volume	
Transferred or cancelled description	**Northumbria**	**England and Wales**
Transfer: Crime committed outside force jurisdiction	2	268
Cancel: AVI determines no notifiable crime occurred	6	90
Cancel: Duplicate record or part of a crime already recorded	7	268
Cancel: Crime recorded in error	0	69
Total	15	717

Source: Home Office

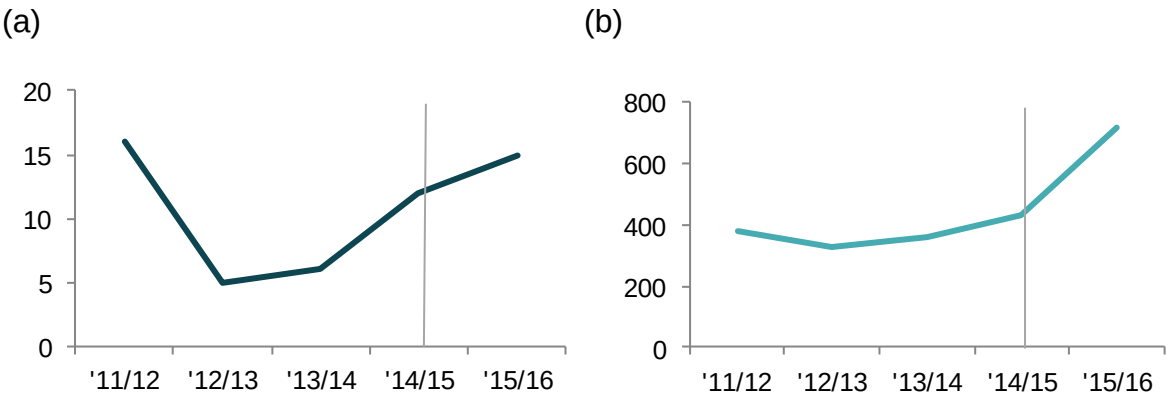
The **transferred or cancelled records ratio** is the total number of transferred or cancelled records recorded in the period divided by the sum of the number of crimes and transferred or cancelled records recorded in the same period. The ratio should, therefore, be considered alongside the raw figures for recorded rapes. It is possible that offences recorded in a given year may not be transferred or cancelled until a following year.

[39] Northamptonshire Police was unable to provide a breakdown of the number of transferred or cancelled records by type, but had 22 transferred or cancelled records for child rape. The total provided for England and Wales includes these 22 records, so the sum of all four categories is lower than the total.

[40] During the period of April 2015 to March 2016, Bedfordshire Police had eight recorded transferred or cancelled records for child rape, but also re-categorised eight within this period. This means that its overall transferred or cancelled volume between April 2015 and March 2016 totals zero.

Please note, figure 3.11 shows the number of transferred or cancelled records (formerly referred to as no-crimes). Since April 2015, the police have provided the reason why the record was transferred or cancelled (see figure 3.11). It is likely that the increase in the proportion of crimes that were transferred or cancelled is linked to the improvements and developments in crime recording. In particular, recording rules changed in April 2015 to ensure crimes were recorded by the police as soon as possible and in any event, within 24 hours. This is likely to have had a particular impact for rape offences.[41]

Figure 3.11: Number of transferred or cancelled records for child rape for the financial year (a) for Northumbria[42] [43] and (b) for England and Wales



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	16	5	6	12	15
	(9%)	(3%)	(3%)	(4%)	(4%)
England and Wales	381	330	362	432	717
	(6%)	(5%)	(4%)	(4%)	(6%)

Source: Home Office

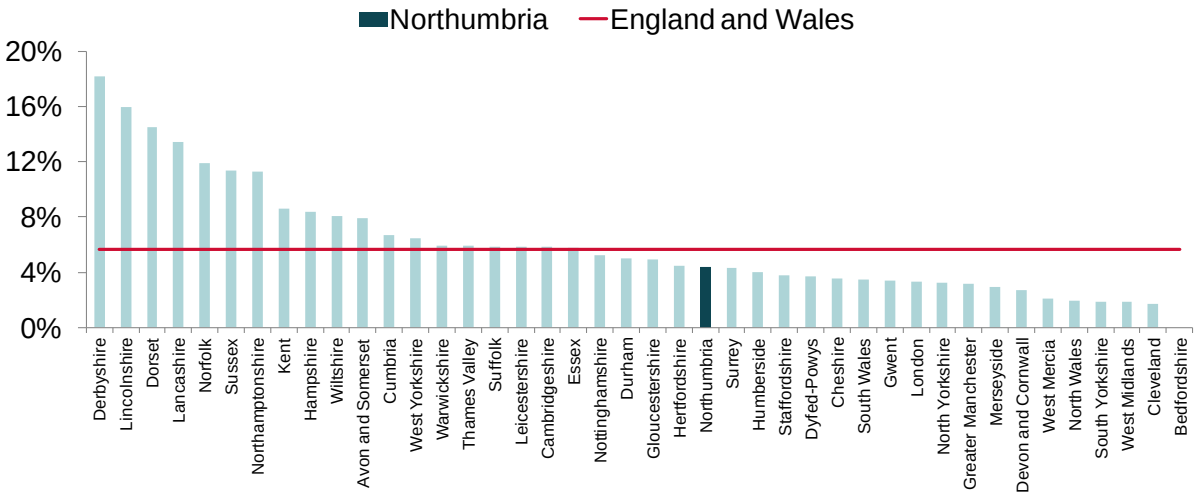
N.B. The figures in brackets in the table give the transferred or cancelled records ratio.

[41] *Crime outcomes in England and Wales: year ending March 2016, Statistical Bulletin HOSB 06/16*, Home Office, July 2016, page 37. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/539447/crime-outcomes-hosb0616.pdf

[42] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

[43] During the period of April 2015 to March 2016, Bedfordshire Police had eight recorded transferred or cancelled records for child rape, but also re-categorised eight within this period. This means that its overall transferred or cancelled volume between April 2015 and March 2016 totals zero.

Figure 3.12: **Transferred or cancelled records ratio for child rape for the financial year 2015/16:[44] [45] a comparison of local areas in England and Wales**



Source: Home Office

[44] Since the volumes of recorded rapes and transferred or cancelled records can be small at a local area level, any areas with fewer than 50 recorded rapes and transferred or cancelled records combined in the 12-month period will be excluded from the comparison bar chart.

[45] During the period of April 2015 to March 2016, Bedfordshire Police had eight recorded transferred or cancelled records for child rape, but also re-categorised eight within this period. This means that its overall transferred or cancelled volume between April 2015 and March 2016 totals zero.

Child: charge/summons

Charge/summons refers to the number of offences where, based on the police investigation, the CPS decides there is sufficient evidence for a realistic prospect of conviction and it is in the public interest to proceed against the suspect(s), in each financial year. When recorded by the police, these are counted by offence rather than the number of people charged/summonsed.

There are a number of outcomes to police investigations of rape, of which charge/summons is but one. Emphasising the importance of this helps encourage survivors to come forward to explore which option is most appropriate for them.

Cautions in rape cases are very rare. Once the CPS has decided that there is sufficient evidence, and it is in the public interest to go forward, in almost every case the suspect will receive a charge/summons, and the case will proceed to court. Ministry of Justice data show that, in Northumbria in the calendar year 2015, no offenders received a caution for child rape.[46] Across England and Wales, 18 offenders received a caution for child rape.

Cautions for rape offences would only be given in the most exceptional circumstances, and any decision to do so is made on a case-by-case basis, considering the specific context of each case. Examples could include cases involving young offenders, or offenders otherwise considered vulnerable, for example, with severe learning disabilities. Any decision to caution for rape must be made in consultation with the CPS and with consideration of the wishes and best interests of victims, as well as the public.

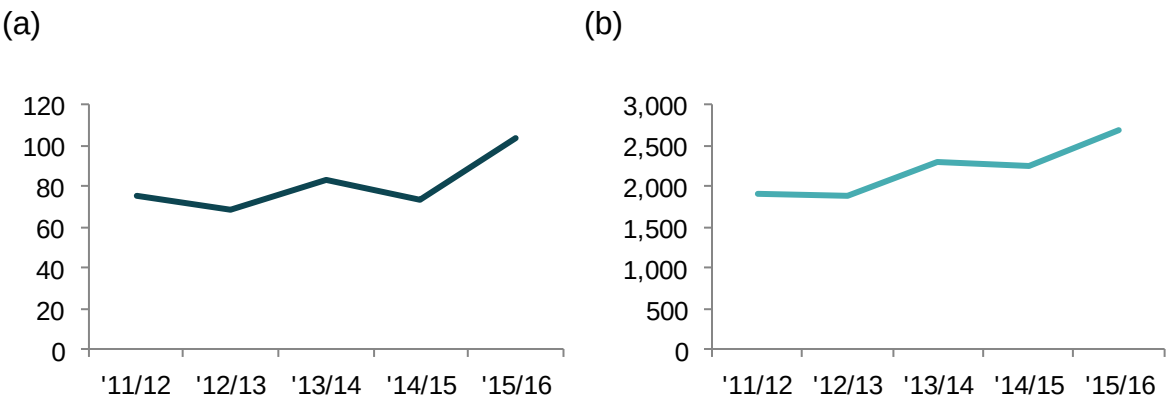
Prior to April 2015, the **charge/summons ratio** was the number of charge/summons recorded in each financial year, divided by the number of recorded rapes over that same financial year. The ratio should be considered alongside the raw figures for recorded rapes and charges do not necessarily relate to rapes in that year. From April 2015 onwards as part of the broader outcomes framework changes, the **charge/summons rate** is the proportion of rapes recorded in that financial year to which a charge/summons has, in due course, been assigned as the outcome (see section four). At any given time, there will be a number of rapes where the investigation is ongoing and an outcome has not yet been assigned. Data on outcomes for rapes recorded in a given period are therefore subject to ongoing revisions, and the charge/summons rate for 2015/16 is likely to change over time as these investigations are completed.

[46] This figure is counted by offender, and is recorded for the calendar year, and so is not directly comparable with the other data in this section.

Please note, in order to compare over time, figure 3.13 shows the former charge/summons ratios from 2011/12 and 2015/16. In section four the new methodology of the recorded charge/summons rate from 2015/16 is presented.

Offences recorded in a given year may not result in a suspect being charged or summonsed until a following year.

Figure 3.13: Number of charge/summons ratio for child rape by financial year (a) for Northumbria[47] and (b) for England and Wales[48]



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	75	69	83	73	104
	(45%)	(43%)	(47%)	(24%)	(32%)
England and Wales	1,921	1,880	2,295	2,256	2,687
	(33%)	(30%)	(29%)	(23%)	(22%)

Source: Home Office

N.B. The figures in brackets in the table give the charge/summons ratio.

Readers should be aware that many factors beyond the actual prevalence of rape can have an effect on the recorded crime rates. For example, increased publicity associated with high-profile sexual abuse cases, such as Operation Yewtree among others, has encouraged more survivors of sexual abuse to come forward to the police.

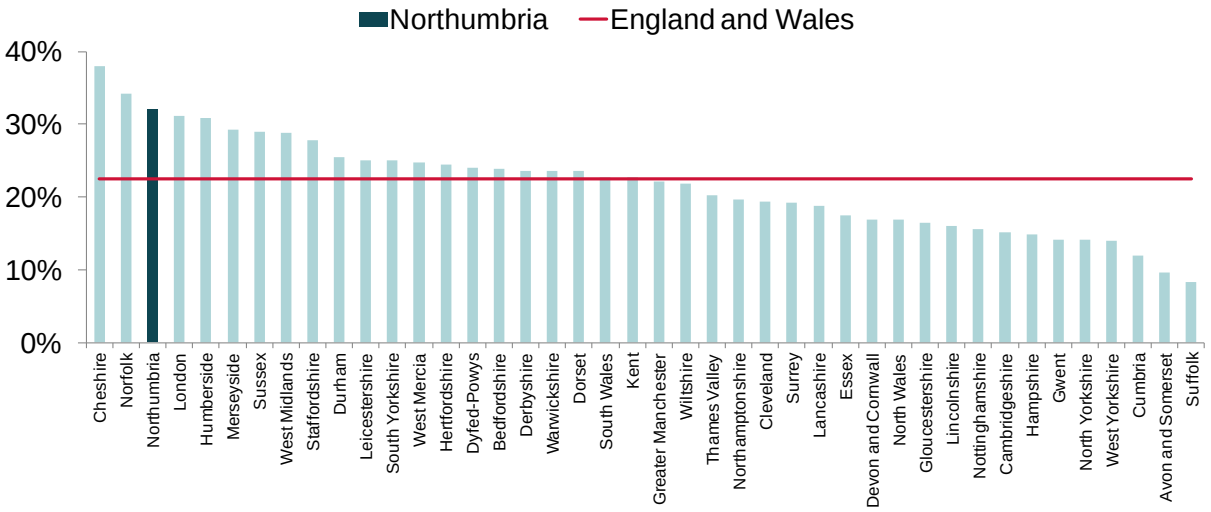
A change in recording of crime by the police may have had an effect on recorded crime numbers. As a result of the time lag between a case being reported and a

[47] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

[48] For comparison purposes, figure 3.13 displays the number of charge/summons for child rape using the 'old method' of recording rape outcomes for all years.

suspect being charged, these effects may be partly responsible for any change in the charge/summons ratio for 2015/16.

Figure 3.14: Charge/summons ratio for child rape for the financial year 2015/16:[49] a comparison of local areas in England and Wales[50]



Source: Home Office

[49] Since the volumes of recorded rapes can be small at a local area level, any areas with fewer than 50 recorded rapes in the 12-month period will be excluded from the comparison bar chart.

4. Outcomes for police rape investigations

In April 2014, a broader outcomes framework was introduced by the Home Office, covering the full range of ways in which the police might deal with a crime. The old detections regime focused on cases resolved with a charge, caution, penalty notice, etc. but failed to recognise community resolutions and left about 70 percent of all recorded crime with no formal outcome. This meant that there was no additional detail as to what action may have been taken or explanation as to why the police may have been prevented from reaching a criminal justice outcome.[51] Police must now eventually assign one of the broader outcomes to every crime that is recorded.

The full outcomes framework includes outcomes that were included in the previous detections regime, as well as outcomes for a range of other circumstances including crimes where there were evidential difficulties, prosecution was not possible or where a suspect was not identified. This new outcomes framework provides a greater level of transparency on how the police deal with all recorded crime.

Throughout this section, for ease of presentation, the full range of outcomes has been grouped as follows:[52]

[51] *Consultation on a revised framework for recorded crime outcomes*, Home Office, October 2012. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/157794/crime-outcomes.pdf

[52] From January 2016, a further outcome type was added: (Number 21) Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest – police decision. This data has not been included as it was not available for the full 12-month period.

Outcome number	Outcome type/group
1	**Charged/summonsed**
4	**Taken into consideration**
	Out-of-court (formal)
2	Caution – youths
3	Caution – adults
6	Penalty Notices for Disorder
	Out-of-court (informal)
7	Cannabis/Khat warning
8	Community resolution
	Prosecution prevented or not in the public interest
5	Offender died;
9	Not in the public interest (CPS);
10	Not in the public interest (Police);
11	Prosecution prevented – suspect under age;
12	Prosecution prevented – suspect too ill;
13	Prosecution prevented – victim / key witness dead / too ill;
17	and Prosecution time limit expired.
15	**Evidential difficulties (suspect identified; victim supports action)**
	Evidential difficulties (victim does not support action)
14	Evidential difficulties – suspect identified, victim does not support further action; and
16	Evidential difficulties – suspect not identified, victim does not support further action.
18	**Investigation complete – no suspect identified**
20	**Responsibility for further investigation transferred to another body.**[53]

The data in this section shows the outcomes assigned to rape offences recorded in the 12 months to the end of March 2016.

This is the first year that all 44 forces (including BTP) were able to provide a full year of outcomes data for offences recorded in the 12-month period to March 2016. This complete collation has allowed for data to be presented at both force and national level for the 12-month period, therefore allowing proportions for each outcome to be calculated.

[53] From April 2015.

Figure 4.1: Breakdown of all outcomes for adult, child and all rape offences recorded in 2015/16 in Northumbria and England and Wales[54]

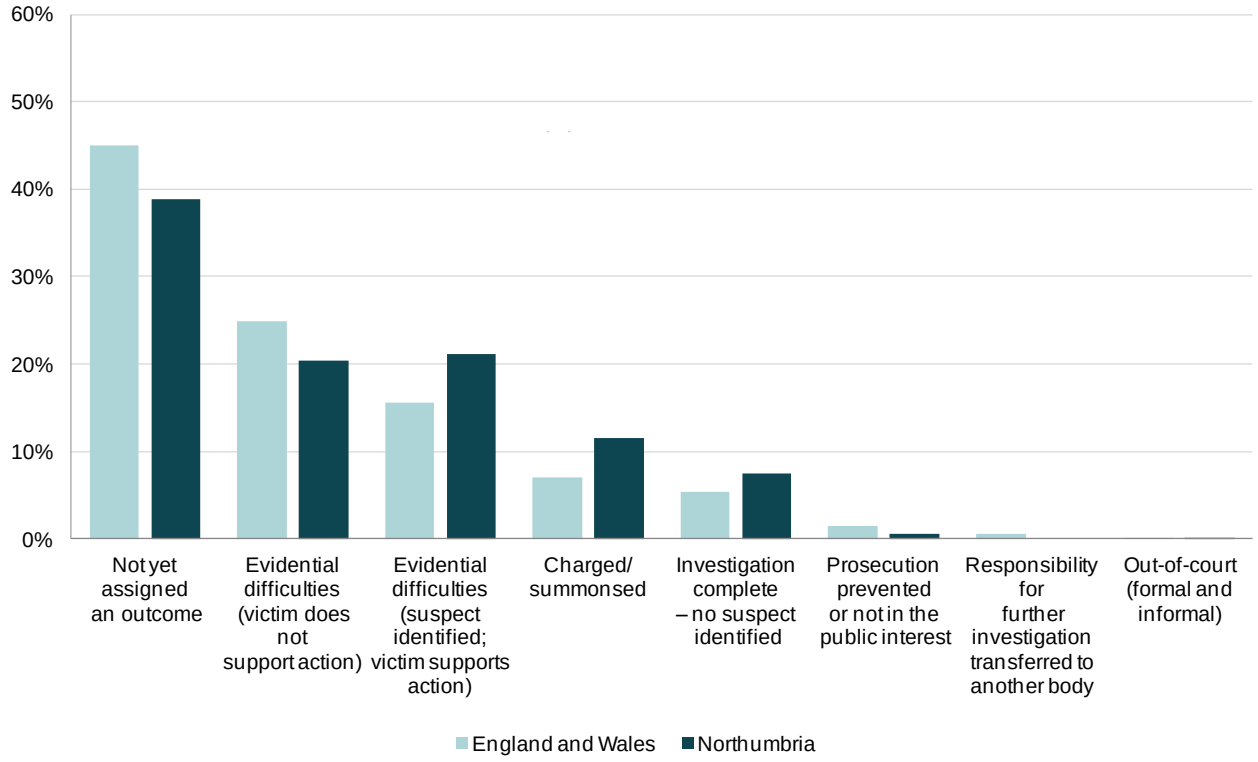
	Proportion of Total Outcomes			
	Northumbria			England and Wales
Outcome type / group	**Adult**	**Child**	**All (Adult and Child)**	**All (Adult and Child)**
Not yet assigned an outcome	36%	45%	39%	45%
Evidential difficulties (victim does not support action)	23%	14%	20%	25%
Evidential difficulties (suspect identified; victim supports action)	23%	18%	21%	16%
Charged/summonsed	10%	14%	12%	7%
Investigation complete – no suspect identified	7%	7%	7%	5%
Prosecution prevented or not in the public interest	0%	1%	1%	2%
Responsibility for further investigation transferred to another body	0%	0%	0%	1%
Out-of-court (formal and informal)	0%	0%	0%	0%
Taken into consideration	0%	0%	0%	0%
Total	100%	100%	100%	100%

Source: Home Office

Figures may not sum to 100 percent due to rounding.

[54] These data are based on outcomes for offences recorded in the 12-month period to March 2016, for all 44 forces (including BTP). For more detail, please refer to: www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2015-to-2016

Figure 4.2: Proportions of all rape offences recorded in Northumbria and England and Wales[55] in 2015/16, assigned each outcome



Source: Home Office

A large proportion of rape offences in England and Wales (45 percent)[56] recorded in 2015/16 had not yet been assigned an outcome (i.e. still under investigation). This is a much larger proportion than for other offence types. This reflects the greater complexity of investigations for these offences and the extended time period required to assign an outcome.

[55] These data are based on rape offences recorded in the 12-month period to March 2016, for all 44 forces (including BTP). For more detail, please refer to Home Office 'Outcomes open data April 2015 to March 2016' at www.gov.uk/government/statistics/police-recorded-crime-open-data-tables

[56] For more detail, please refer to www.gov.uk/government/uploads/system/uploads/attachment_data/file/539447/crime-outcomes-hosb0616.pdf

5. Analysis of Crown Prosecution Service (CPS) data for Northumbria

The CPS is the principal prosecuting authority for England and Wales, acting independently in criminal cases investigated by the police and others. The CPS:

- decides which cases should be prosecuted – keeping them all under continuous review;
- determines the appropriate charges in more serious or complex cases – advising the police during the early stages of investigations;
- prepares cases and presents them at court – using a range of in-house advocates, self-employed advocates or agents in court; and
- provides information, assistance and support to victims and prosecution witnesses.

The Code for Crown Prosecutors[57] sets out the basic principles to be followed by Crown Prosecutors when they make case decisions. The CPS does not determine guilt – that is a matter for the jury to decide on the facts of a case as presented to the court. The CPS aims to build the strongest possible cases on the available evidence in order to assist the jury in this task.

Child and adult data

The data in this section are from the CPS Case Management System for cases flagged as 'rape' (see the caveats below). The data are not split into adult and child offences.

Which data are recorded?

The following CPS data are presented here:

- the number of referrals from the police to the CPS in each financial year for a decision on whether to charge a suspect with rape, and the number of those suspects charged;
- the number of prosecutions flagged as rape (see caveats below) that finish in each financial year, and the number of those prosecutions that end in a conviction; and
- the reasons recorded for cases that do not result in a conviction.

[57] Available from: www.cps.gov.uk/publications/code_for_crown_prosecutors

How are data recorded?

The numbers in the tables refer to the **number of suspects** whose cases are referred to the CPS for a decision on whether to charge them with rape and those who are charged, and the **number of defendants** prosecuted and those who are convicted.

If a case has multiple suspects/defendants, an outcome for each will be counted separately, but could be recorded by the police as one crime. For example, if one victim is raped by two suspects it would be recorded as one crime (recorded rape volumes from section 3) but potentially two decisions to charge, two prosecutions and two convictions, and if one suspect rapes two victims this could be recorded as two crimes and potentially one decision to charge, one prosecution and one conviction.

Timescales

These data are recorded for the **financial year**, the 12 months to the end of March.

Be aware that there is a **time lag** between every stage of the criminal justice process: between recording of the crime, referral to the CPS for charging, prosecution, conviction and sentencing. The cases referred to in each section of the digest **may not** follow on from each other.

For example, CPS data on pre-charge decisions covers those cases, by suspect, forwarded to the CPS during a financial year for charging decisions. They are, therefore, not directly comparable in numbers with data on those prosecuted which covers cases, by defendant, finalised during the same financial year.

Caveats

Data from the CPS are grouped into 42 local areas across England and Wales.

In previous data packs, rape data was produced using the 42 'Area Objects' within the CPS Management Information System (MIS). Due to the introduction of centralised Rape and Serious Sexual Offence (RASSO) Units in some CPS Areas, it has been necessary to make changes to this reporting methodology.

From 2014/15 performance reports on Violence against Women and Girls,[58] data has been reported using the 42 Police Sector MIS Objects.

As such, the figures in this section may differ from those previously reported.

From 2014/15, a revised method of data interrogation and reporting has been used by the CPS, which includes figures for BTP in addition to the 42 police force areas

[58] *Violence against Women and Girls Crime Report, 2014-2015,* CPS, September 2015. Available at: www.cps.gov.uk/publications/docs/cps_vawg_report_2015_amended_september_2015_v2.pdf

(Metropolitan Police Service and City of London Police are combined to make up the local area of London). Data for the 13 CPS areas will not align fully with the data for constituent police forces as there will be a small number of cross-border prosecutions between Areas, as well as data from BTP.

CPS figures for England and Wales include data from BTP. However, as BTP is a national force and offences cannot be disaggregated to a local level, BTP data is not included in force figures.

The combined issues of small volumes of cases, a time lag between different stages of the criminal justice process and different counting rules in different organisations can make comparison year on year or between areas misleading. As such, we have not presented the data in this section in comparison bar charts, and only show ratios when the data sets are from the same organisation and time period. Where figures at a local level are too small to make meaningful comparison, we have instead presented the national picture.

All of the factors above **prevent meaningful comparison from being made between these data, the police-recorded data presented earlier in this digest and the MoJ data presented in subsequent sections.**

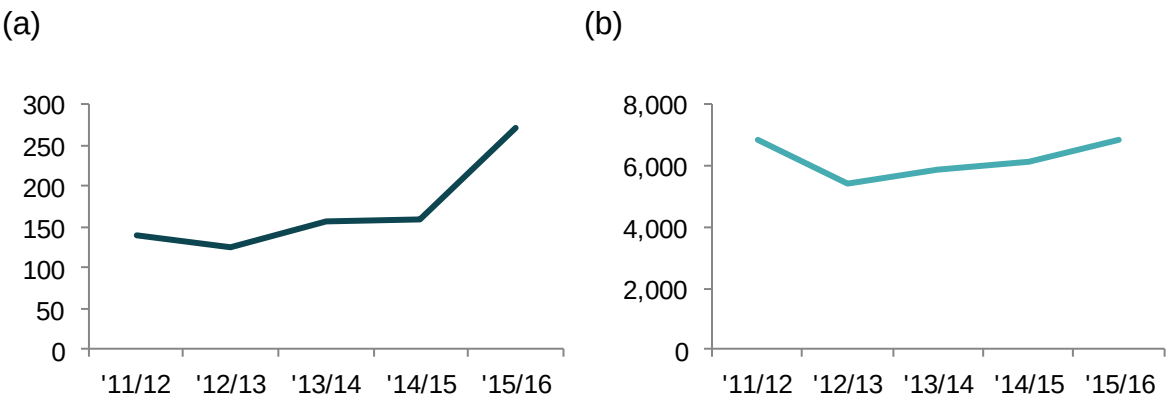
Referrals and charges

This section examines the number of cases that are referred to the CPS by forces for a decision on whether or not to charge a suspect with rape, and the number of those decisions that result in a suspect being charged.

Referrals

Data below on **referrals** cover those cases, by suspect, forwarded to the CPS in one financial year for charging decisions.

Figure 5.1: Number of police referrals to the CPS by financial year (a) for Northumbria[59] and (b) for England and Wales



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	141	124	156	160	271
England and Wales	6,822	5,404	5,850	6,159	6,855

Source: CPS

Due to changes in the way the CPS reports rape data, these volumes may differ from those previously published.

It is also worth noting that the number of referrals made to the CPS can be affected by the degree to which a force seeks early investigative advice from the CPS on rape cases. Since 2013/14 work has been undertaken to reverse the previously identified fall in volumes of rape cases referred by the police and charged by prosecutors.

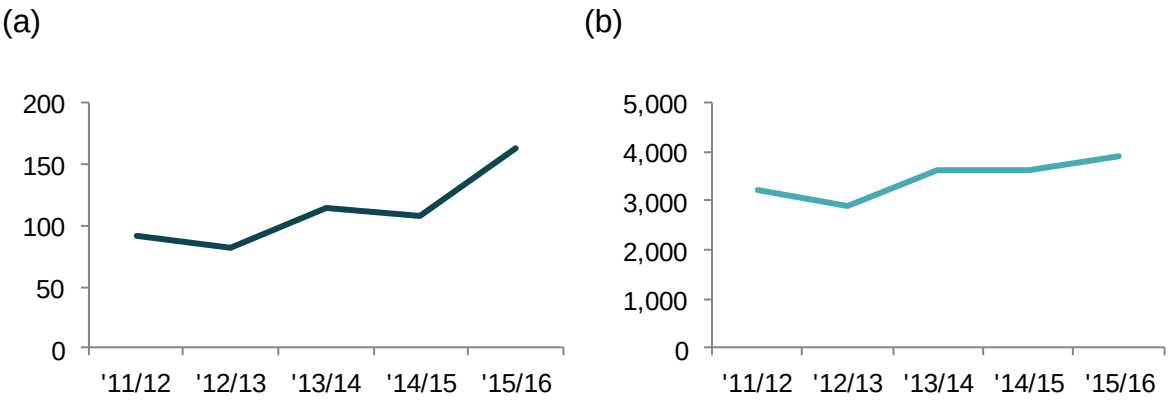
[59] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

Charges

Charges refers to the number of defendants that the CPS decides to prosecute, on the application of the Full Code Test or Threshold Test as appropriate[60] and a determination that there is sufficient evidence and it is in the public interest to proceed, in one financial year. When recorded by the CPS, these are counted by defendant.

The **charge rate** is the proportion of referrals to the CPS that results in a decision to charge.

Figure 5.2: Number of suspects charged by the CPS for the financial year (a) for Northumbria[61] and (b) for England and Wales



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	92	82	115	107	163
	(65%)	(66%)	(74%)	(67%)	(60%)
England and Wales	3,213	2,889	3,621	3,648	3,910
	(47%)	(53%)	(62%)	(59%)	(57%)

Source: CPS

N.B. The figures in brackets in the table give the charge rate.[62]

Due to changes in the way the CPS reports rape data, these volumes may differ from those previously published.

[60] See Annex B for definitions.

[61] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

[62] Since the volume of referrals to the CPS is small for many of the local areas, we do not present a comparison bar chart of the ratios.

Prosecutions and convictions

Prosecution and conviction numbers in this section are recorded by defendant in one financial year for cases flagged as rape by the CPS. A rape flag may be applied at the beginning of a case (where it remains even if the charge(s) of rape are later amended or dropped) or applied later in the prosecution process if rape charges are subsequently preferred.

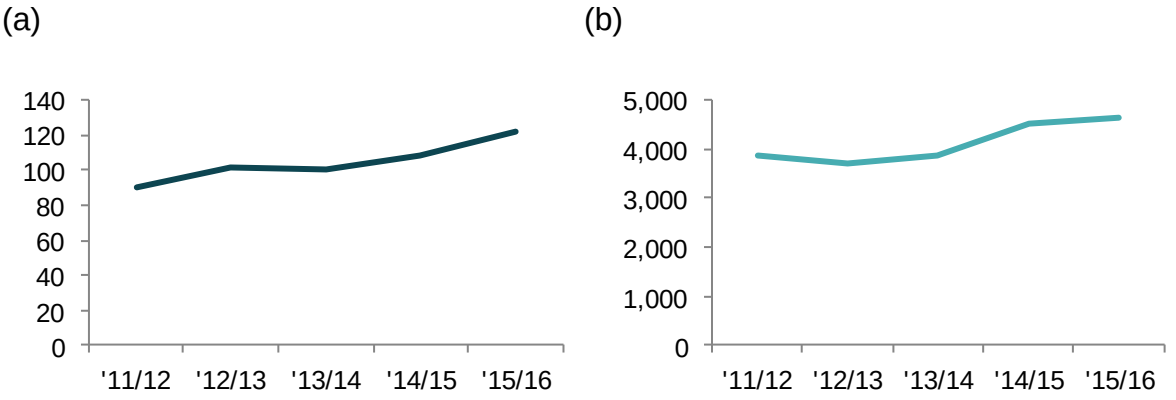
As such, these numbers may include cases where the defendant was charged with rape but prosecuted for an alternative offence.

From CPS data, for prosecutions across England and Wales finalised in the financial year 2015/16, of those cases initially flagged as rape, 98.6 percent were prosecuted for the principal offence categories of 'sexual offences, including rape' or more serious principal offences of 'homicides', or for 'offences against the person'.

Prosecutions

Prosecutions refers to the number of prosecutions, by defendant, finalised in one financial year for cases with a CPS rape flag.

Figure 5.3: Number of prosecutions recorded by the CPS by financial year by defendant (a) for Northumbria[63] and (b) for England and Wales



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	90	102	100	108	122
England and Wales	3,864	3,692	3,891	4,536	4,643

Source: CPS

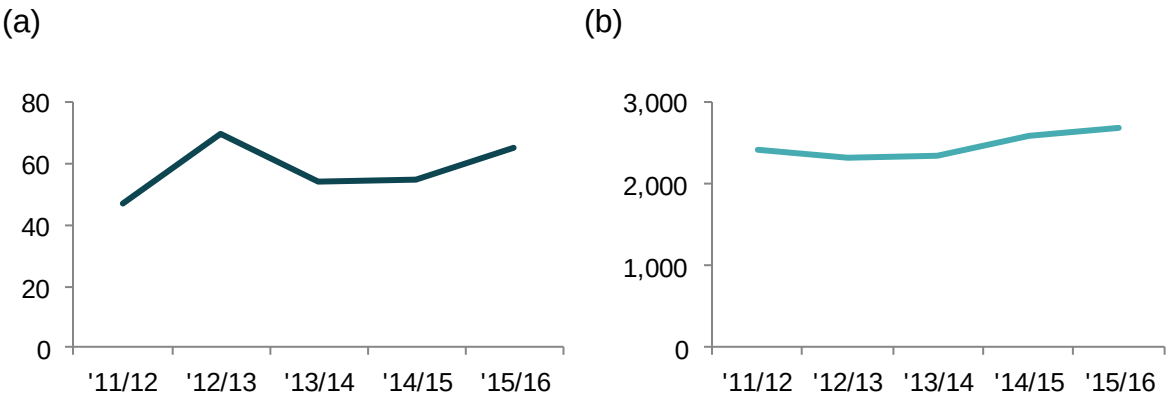
Due to changes in the way the CPS reports rape data, these volumes may differ from those previously published.

[63] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

Convictions

Convictions refers to the number of defendants convicted of any offence in one financial year for cases with a CPS rape flag.

Figure 5.4: Number of convictions recorded by the CPS by financial year by defendant (a) for Northumbria[64] and (b) for England and Wales



Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
Northumbria	47	70	54	55	65
England and Wales	2,414	2,333	2,348	2,581	2,689

Source: CPS

Due to changes in the way the CPS reports rape data, these volumes may differ from those previously published.

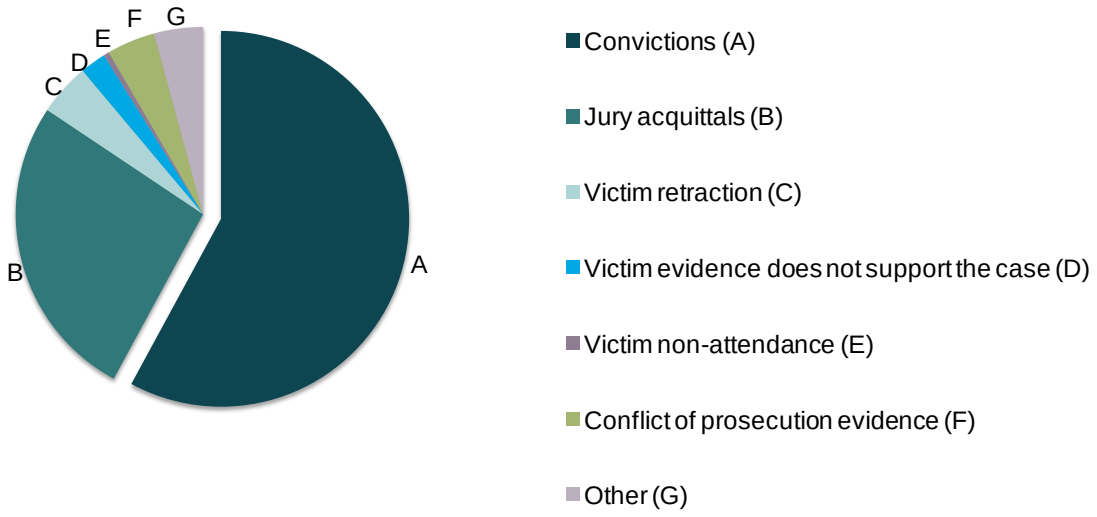
Prosecution outcomes across England and Wales

Cases where the defendant is proceeded against and is not convicted at trial can be the result of several circumstances; recorded reasons comprising these cases are shown, alongside convictions, in figure 5.5. Since figures at a local level are too small to make meaningful comparison, we have instead presented the national picture.

The 'other' category includes reasons of an essential legal element missing, of an unreliable witness, of administrative finalisations and a small number of other reasons.

[64] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

Figure 5.5: Breakdown of prosecution outcomes as a proportion of the total number for cases flagged as rape, by defendant, for England and Wales in the financial year 2015/16



Outcome	Volume	Percentage
Prosecutions ending in conviction	2,689	58%
Prosecutions not ending in conviction due to;		
Jury acquittals	1,229	26%
Victim retraction[65]	209	5%
Victim evidence does not support the case	104	2%
Victim non-attendance	22	0%
Conflict of prosecution evidence	194	4%
Other	196	4%

Source: CPS

In the financial year 2015/16, jury acquittals[66] were the main reason for a prosecution not resulting in a conviction of the defendant (1,229, making up 63 percent of those prosecutions that do not end in conviction). This has risen annually from 738 (51 percent) in the financial year 2011/12.

[65] Victim retraction is where the evidence of the victim supports the prosecution case, but the victim refuses to be called as a witness, retracts, or withdraws a complaint. The technical definitions used for gathering the data shown here are provided in Annex B.

[66] Cases dismissed after full summary trial are included within this category, in figure 5.5, but amount to very small numbers.

Jury acquittals are where the defendant is found not guilty by the jury after a trial in which the prosecution and defence are called on to present their case in the Crown Court.

The technical definitions used for gathering the data shown here are provided in Annex B.

Victim retraction is where the evidence of the victim supports the prosecution case, but the victim refuses to be called as a witness, retracts, or withdraws a complaint. Victims may withdraw or retract their reports for a range of reasons – fear of giving evidence in court, fear that the process will be too distressing, fear of being disbelieved or through to delays in going to trial.

6. Analysis of Ministry of Justice (MoJ) data for Northumbria

Child and adult data

The data in this section are from the MoJ criminal justice statistics for crimes recorded as rape. The data are not split into adult and child offences.

What data are recorded?

The following MoJ data are reproduced here:

- the number of prosecutions for the principal offence (see caveats below) of rape in one calendar year;
- the number of convictions for the principal offence of rape in one calendar year;
- the typical time from the defendant being charged with rape to the eventual court result for cases completed in one financial year; and
- the average length of a custodial sentence for those convicted of rape across England and Wales in one calendar year.

How are data recorded?

The numbers in the tables refer to the **number of defendants** prosecuted and those who are convicted.

If a case has multiple defendants, an outcome for each will be counted separately, but could be recorded by the police as one crime. For example, if one victim is raped by two suspects it would be recorded as one crime (recorded rape volumes from section 3) but potentially two decisions to charge, two prosecutions and two convictions, and if one suspect rapes two victims this could be recorded as two crimes and potentially one decision to charge, one prosecution and one conviction.

Timescales

Prosecutions, convictions and sentencing data are recorded for the **calendar year**, the 12 months to the end of December.

Timeliness data are recorded for the **financial year**, the 12 months to the end of March.

Be aware that there is a **time lag** between every stage of the criminal justice process: between recording of the crime, referral to the CPS for charging, prosecution, conviction and sentencing. The cases referred to in each section of the digest **may not** follow on from each other.

For example, MoJ data on prosecutions covers those cases, by defendant, proceeded against at a magistrates' court during a calendar year. They are, therefore, not directly comparable in numbers with convictions data which covers those cases, by defendant, finalised during the same calendar year. This is because many of those cases will be referred to the Crown Court for trial and, because of the time between the case being heard in the magistrates' court and in the Crown Court, a conviction may occur in the following year.

Caveats

Data on **prosecutions** and **convictions** from the MoJ are grouped into 42 local areas across England and Wales. For data on convictions in the Crown Court, the area relates to the police force area where the crime was recorded; however, for data on prosecutions and convictions in the magistrates' courts data, the area refers to the police force area in which the Local Justice Area is situated. Some cases that are initially recorded as a crime by one police force may be heard in a court that geographically corresponds to another force area, and MoJ conviction and prosecution numbers will be recorded as such – the volumes in this section should be viewed with this in mind.

MoJ data also include offences recorded by BTP. These cases cannot be identified because MoJ information is collected from court data and cannot be directly linked to investigations made by any specific police force. Therefore, volumes by police force area are not directly comparable to the volumes provided in the police-recorded section or the CPS section.

Following a data cleansing exercise undertaken by the MoJ, a small number of revisions have been made to 2004-2012 data, including those for rape. This has resulted in some minor changes to some of the totals. More substantial changes have been made to 2013 and 2014 data as the result of data improvement work. This means that there is a small discontinuity in the series between 2012 and 2013 data and care should be taken when comparing trends across this period.

Prosecution volumes are all prosecutions that start with the offence of rape, but conviction volumes are only recorded for cases where the court took its final decision on the offence of rape. The final decision is not necessarily on the same offence for which the defendant was initially prosecuted, for example, when a court accepts a guilty plea from the defendant on a lesser charge.

Where more than one offence is considered in a court case, the offence that would/did attract the most severe sentencing outcome is deemed to be the **principal offence** and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the principal offence.

The combined issues of small volumes of cases, a time lag between different stages of the criminal justice process and different counting rules in different organisations can make comparison year on year, or between areas, misleading. As such, we have not presented the data in this section in comparison bar charts. Where figures at a local level are too small to make meaningful comparison, we have instead presented the national picture.

All of the factors above **prevent meaningful comparison being made between these data, the police-recorded data and data from the CPS presented earlier in this digest.**

Prosecutions, convictions and sentencing

This section examines the number of prosecutions for rape, by defendant, in one calendar year, and the number of convictions for rape in that same calendar year, as recorded by the MoJ. It also looks at the time taken from a decision to charge to an eventual prosecution outcome, and the average custodial sentence length resulting from convictions.

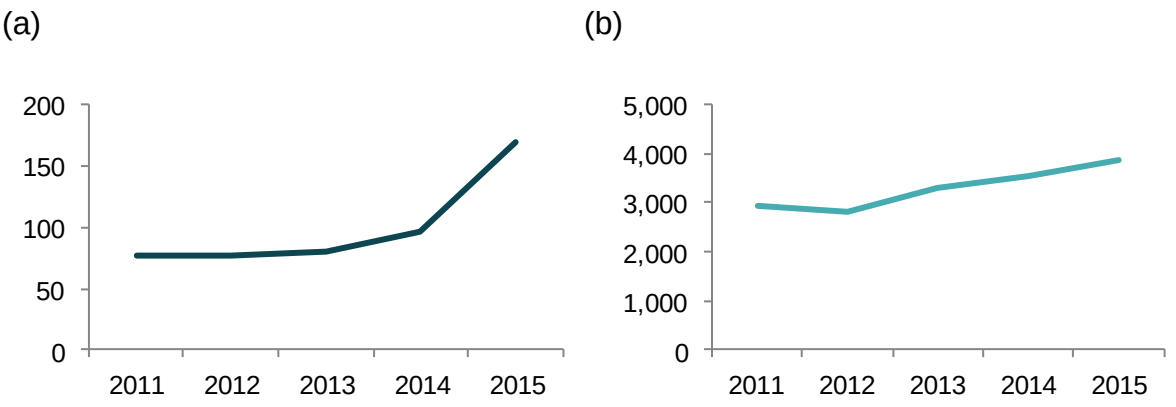
Prosecution and conviction numbers in this section are recorded in one calendar year for defendants prosecuted for the principal offence of rape. As such, they do not represent cases where the defendant was charged with rape but prosecuted for an alternative offence.

Proceedings against defendants found guilty in any given year may have started in the year prior to the conviction. Similarly, defendants prosecuted in one year may not receive their final case outcome (i.e. found guilty or not) in that same year.

Prosecutions

Prosecutions refers to the number of defendants prosecuted for the principal offence of rape, in each calendar year.

Figure 6.1: Number of prosecutions recorded by the MoJ by calendar year by defendant (a) for Northumbria[67] and (b) for England and Wales



Calendar year	2011	2012	2013	2014	2015
Northumbria	77	77	81	96	170
England and Wales	2,924	2,822	3,319	3,538	3,851

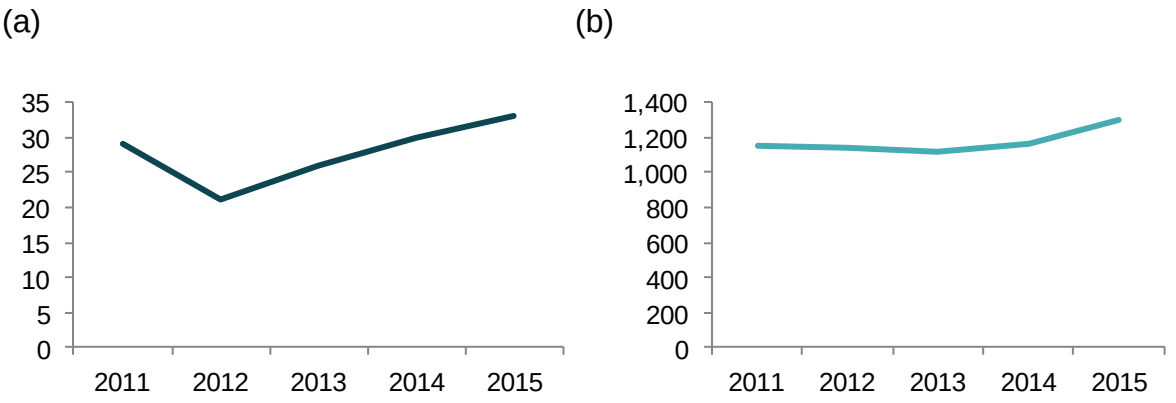
Source: MoJ

[67] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

Convictions

Convictions refer to the number of defendants found guilty of the principal offence of rape, in each calendar year.

Figure 6.2: Number of convictions recorded by the MoJ by calendar year by defendant (a) for Northumbria[68] and (b) for England and Wales



Calendar year	2011	2012	2013	2014	2015
Northumbria	29	21	26	30	33
England and Wales	1,153	1,145	1,121	1,164	1,297

Source: MoJ

It would be misleading to look at the conviction ratio (the numbers of convictions in the year divided by the number of prosecutions in the year) for rape cases here, because prosecutions include cases that may not be finished, i.e. those waiting to go to trial and because the prosecutions may result in a conviction for a different offence. Rape cases take a longer time to go through the court system than the majority of other offences so there is a higher proportion of cases that complete in a subsequent year.

For a better indication of the outcome of rape cases passing through the criminal justice system, we can look at MoJ analysis that tracked court proceedings started in 2011 for rape cases across England and Wales to their eventual outcome at the Crown Court.[69]

[68] Be aware that, where the volumes for individual areas are small, any year-on-year percentage change can appear volatile and may not represent a large difference in the volume of charges.

[69] *Violence against Women and Girls report*, 2013-14, page 8. Available at: www.cps.gov.uk/publications/docs/cps_vawg_report_2014.pdf . Due to the long timescales associated with rape cases and the differing levels of complexity of proceedings, completion dates at the Crown Court for trials started in 2011 ranged across 2011, 2012 and 2013; 78 percent of prosecutions started in 2011 were successfully matched to an outcome.

Of these completed trials, 59 percent resulted in a conviction.

Most of these convictions were for the offence of rape (63 percent), and 27 percent were for another sexual offence. The remaining convictions were for a violent offence (6 percent), another indictable offence (3 percent) or a summary offence (2 percent).[70]

Timeliness

In the financial year 2015/16, the median[71] average time from a defendant being charged to the eventual outcome of the prosecution at the Crown Court was 247 days (around eight months) for rape cases completing in that year.

Since the number of finalised cases at a local level is too small to allow for meaningful comparison between areas, we have instead presented the national picture for the previous five years below, which shows a small increase in the most recent year.

Figure 6.3: Median time from charge to completion in days for rape cases, by financial year in England and Wales

Financial year	2011/12	2012/13	2013/14	2014/15	2015/16
England and Wales	220	214	219	232	247

Source: MoJ

Sentencing

The average custodial sentence length for defendants sentenced to custody in the calendar year 2015 was 118 months (around 10 years). These data exclude life sentences and sentences of indeterminate length.[72]

In this period, across England and Wales, 32 defendants were sentenced to life and no defendants were given an indeterminate length sentence,[73] corresponding to around 2 percent of those convicted during that period.

[70] Percentages have been rounded to the nearest percent.

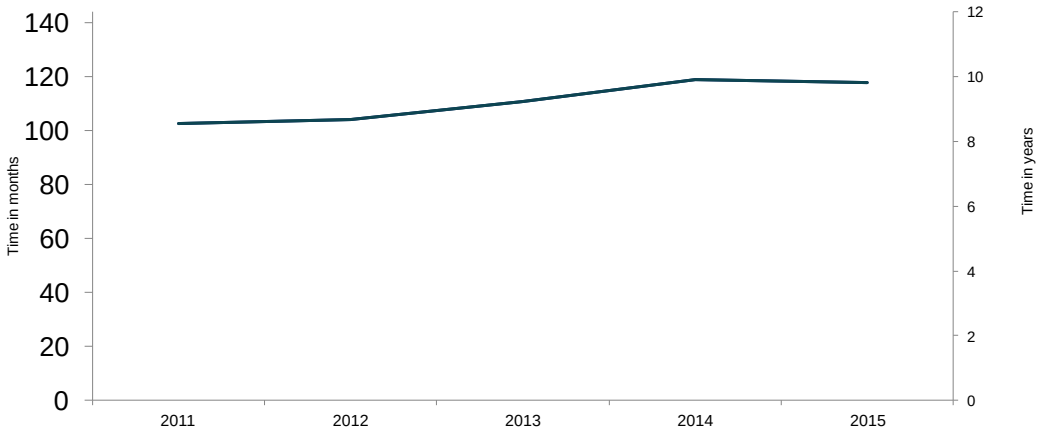
[71] The median is the middle value; half of the recorded durations in the time period are longer than the median, and half are shorter. The median is relatively unaffected by extreme values and is better suited as a measure of the 'average' for heavily skewed data.

[72] Indeterminate sentence lengths are those where the offender must serve a minimum amount of time, known as the 'tariff' (usually ten years), but beyond that has no set date for release.

[73] The Legal Aid, Sentencing and Punishment of Offenders Act 2012, which was passed on 3 December 2012, abolished IPPs and Extended Sentence for Public Protection (EPP) and replaced them with new Extended Determinate Sentences (EDSs).

Since the number of finalised cases at a local level is too small to allow for meaningful comparison between areas, we have instead presented the national picture for the previous five years below.

Figure 6.4: Average custodial sentence length, in months and years, for defendants convicted of rape for the calendar years 2011 to 2015 for England and Wales



Calendar year	2011	2012	2013	2014	2015
England and Wales	102	104	111	119	118

Source: MoJ

Annex A – Data sources

Data sources for police-recorded data

Data on **recorded crime, outcomes** and **transferred or cancelled records** are presented, separately for adult and child rapes, for the financial years 2011/12 to 2015/16, for 42 local areas in England and Wales (equivalent to the Home Office-funded police force areas, with the Metropolitan Police Service and City of London Police combined to make up the local area of London).

The police recorded crime and outcomes data comes from the Home Office, taken as a snapshot of their data on 03 June 2016. These data will therefore match the data already published by the Office for National Statistics and the Home Office in July 2016. The transferred or cancelled records data will also match those published by the Home Office in July 2016.

The latest data set published by the Home Office/ONS on 21 July 2016 can be found at:

www.gov.uk/government/statistics/police-recorded-crime-open-data-tables

Police-recorded crime data are currently official statistics[74] after being downgraded from National Statistics[75] in January 2014.

Data sources for population data

Population data are ONS mid-2015 estimates from the 2011 Census, and can be found at:

www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/latest

Data sources for Crown Prosecution Service data

CPS data on **pre-charge decisions**, charges, prosecutions and **prosecution outcomes** are presented for the financial years 2011/12 to 2015/16.

CPS data are taken from the CPS Case Management System.

[74] Official statistics are statistical outputs produced by the Office for National Statistics, by central Government departments and agencies, by the devolved administrations in Northern Ireland, Scotland and Wales, and by other Crown bodies.

[75] National statistics are a subset of official statistics that have been certified by the UK Statistics Authority as compliant with its Code of Practice for Official Statistics: www.statisticsauthority.gov.uk/assessment/code-of-practice/

The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data which constitute official statistics as defined in the Statistics and Registration Service Act 2007. Data drawn from the CPS administrative IT system, as with any large-scale recording system, are subject to possible errors with data entry and processing. Thus, figures reported are provisional and subject to change as more information is recorded by the CPS.

Data on pre-charge decisions prior to 2012/13 has not previously been published.

The published data sets can be found at:

www.cps.gov.uk/publications/docs/cps_vawg_report_2016.pdf

Data sources for analysis of Ministry of Justice data

MoJ data on **prosecutions**, **convictions and sentencing** are presented for the calendar years 2011 to 2015.

The MoJ collates data on court proceedings via data extracts from court database administrative systems. Statistics on prosecutions, convictions and sentencing are either derived from the magistrates' court case management system (LIBRA), which holds magistrates' courts records, or the Crown Courts' case management system (CREST), which holds the trial and sentencing data.

The published data sets can be found at:

www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015

Data on **cautions** are for the calendar year 2015.

The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When an offender has been cautioned for two or more offences at the same time, the principal offence is the more serious offence.

From April 2011 all cautions data are collected from the Police National Computer, the records are validated for accuracy and completeness and amended as necessary. Additionally any apparent cautions given for serious offences, such as rape, are investigated thoroughly with forces.

The published data set can be found at:

www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015

From 1 June 2000 the Crime and Disorder Act 1998 came into force nationally and removed the use of cautions for persons under 18 and replaced them with reprimands and warnings. These figures have been included in the totals.

Data on **timeliness** are for the financial years 2011/12 to 2015/16, and are an alternative breakdown of data published as quarterly court statistics.

Statistics on the duration of criminal cases completed in the criminal courts are sourced from linking together extracts taken from CREST and LIBRA. The datasets are produced firstly by collecting all Crown Court cases disposed of in the specified quarter and looking for a match for the defendant with the same offence in the magistrates' court data. Records are linked based on a combination of variables including given name, middle name, family name, date of birth, sex, postcode, a committal date, and two identifiers: the Arrest/Summons Number (ASN) and the Pre-Trials Issue Unique Reference Number (PTIURN). The match rate is around 95 percent.

The published data set can be found at:

www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2016

Ministry of Justice data on cautions, prosecutions, convictions and timeliness are national statistics.[76]

[76] National statistics are a subset of official statistics that have been certified by the UK Statistics Authority as compliant with its Code of Practice for Official Statistics: www.statisticsauthority.gov.uk/assessment/code-of-practice/

Annex B – Definitions

Adult/child

Throughout the digest, 'adult' refers to a male or female victim aged 16 or over and 'child' refers to a male or female victim under the age of 16 years in accordance with the definitions as set out in the Sexual Offences Act 2003. Recent reports of rape that occurred in the past when the victim was under 16 years of age are recorded as a child rape regardless of the age of the victim at the time the report was made.

Crime codes

Data on recorded crime, transferred or cancelled records and charge/summons are provided for both adult and child rape for the 12 months to end of March for 2011/12 to 2015/16 for each of the 43 Home Office-funded forces in England and Wales. Note that, British Transport Police is only included in national England and Wales figures. The following crime codes have been used:

> **Adult rape**: 19C and 19F (rape of a female aged 16 years and over, and rape of a male aged 16 years and over).
>
> **Child rape**: 19D, 19E, 19G and 19H (rape of a female child under 16, rape of a female child under 13, rape of a male child under 16, and rape of a male child under 13).

Recorded rape

Recorded crimes are all crimes that must be notified to the Home Office. In general, attempting, conspiring, aiding, abetting, causing or permitting a crime is classified under the heading of the crime itself, though in certain cases it is shown separately.

Recorded crime covers all indictable offences, and therefore includes all offences of rape. A comprehensive list of offences, together with key legal definitions and explanatory notes, appears on the Counting Rules for Recorded Crime[77] pages on the Home Office website.

A crime (including rape) should be recorded where the circumstances as reported by, or on behalf of, the victim amount to that crime as defined in law and where there is no credible evidence to the contrary. A report of rape must be recorded as a crime in accordance with the provisions of the Home Office Counting Rules (HOCR).

[77] *Home Office Counting Rules For Recorded Crime,* Home Office, April 2016. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/534967/count-general-july-2016.pdf_.pdf

HOCR require that a crime should be recorded as soon as the reporting officer is satisfied that, on the balance of probability, a crime has been committed. The timing should be the earliest that the police force's crime-recording system allows, and in practice this is **normally** within 24 hours.

It is a national requirement that an incident should be recorded as a crime within a standard timescale of 3 x 24 hour periods (known as the '72-hour rule') from the time the incident is first logged.

Population

Recorded crime rates have been calculated per 100,000 population due to the relatively small volumes of recorded rape offences. Population figures used are mid-2015 population estimates, estimated by the Office for National Statistics and based on the 2011 Census. These give the number of people who are usually resident within each local area.

Transferred or cancelled records (formerly 'no-crimes')

Nationally, since April 2015, the recording of no-crimes has moved to a transferred or cancelled records system which disaggregates the reasons why recorded crimes have subsequently been cancelled. This allows more transparency in the removal of crime records and ensures that local and national crime data are accurate.

A recorded crime can be transferred or cancelled where **additional verifiable information** determines that no crime has been committed, or for administrative reasons (i.e. it is a duplicate crime for one already recorded).

Transferred or cancelled records data refer to the number of rapes of adults/children that have been recorded and then later transferred or cancelled, compared with the total number of rapes initially recorded. It is calculated as the number of child/adult transferred or cancelled records recorded divided by the number of child/adult rapes recorded during the same time period and the number of transferred or cancelled records added together. Be aware this does not necessarily mean that, in a given year, the same crimes recorded are the ones that are transferred or cancelled.

Pre-charge decisions/referrals

The Criminal Justice Act 2003 requires that the decision to charge a person in all but the most minor or routine offences is now undertaken by the CPS.

The police investigate the alleged offence and, in the case of rape, refer the case to the CPS for a **pre-charge decision.** The decision to refer the case should be made with early investigative advice from the CPS, as appropriate, and only if the

supervising officer has determined that the available evidence meets either the Full Code Test unless the case is a custody case when the Threshold Test will apply.

In these cases, Crown Prosecutors will decide whether to charge a person with a criminal offence if the case meets the Full Code Test or, in cases where a suspect is to be remanded in custody, the Threshold Test, and will determine the appropriate charge or charges.

Although the police and the CPS work closely together, both organisations are independent of each other, and the final responsibility for the decision as to whether or not to proceed with an offence that has been charged rests with the CPS. Charging decisions are made in line with the Director for Public Prosecution's Guidance on Charging.[78]

Full Code Test

In all cases other than those in which it is intended that the suspect should be remanded in custody, the available evidence must be assessed to determine if the Full Code Test is met.

In order that the Full Code Test is met, a case must pass first an evidential test, and then a public interest test.

- Evidential stage: the supervising officer must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge.
- Public interest stage: A prosecution will usually take place in rape cases unless there are public interest factors tending against the prosecution that outweigh those tending in favour. The public interest test will, almost invariably, be met in rape cases. In any event a decision to end a case purely on public interest grounds must be referred to CPS.

A realistic prospect of conviction here means that an objective, impartial and reasonable tribunal properly directed and acting in accordance with the law is more likely than not to convict the defendant of the charge alleged.

Threshold test

The assessment of the evidence on the basis of the Threshold Test must only be made when the suspect is not suitable for bail and not all the evidence is available at the time when they must be released from custody unless charged.

[78] *The Director's Guidance On Charging 2013*, CPS, 2013, 5th edition (revised arrangements), May 2013. Available at: www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html

In order that the Threshold Test is met, the following criteria must be satisfied:

- there is a reasonable suspicion that the person charged has committed the offence;
- there are reasonable grounds for believing that further evidence will become available within a reasonable amount of time;
- the seriousness or the circumstances of the case justifies making an immediate charging decision; and
- there are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case it is proper to do so.

The Public Interest stage of the Threshold Test is based on the information at the time.

No further action

If neither the Full Code Test or Threshold Test are met and the case cannot be strengthened by further investigation or CPS advice, or the decision does not require the assessment of complex evidence or legal issues, the supervising officer will not refer the case to the CPS and will make the decision to take no further action.

A decision to take ‘no further action’ on a rape case on public interest grounds, as with all indictable cases, must be considered by a prosecutor.

Charge/summons

A charge/summons is the formal accusation of an offence. For rape, this is given for cases where the CPS decides to prosecute, on the basis that there is enough evidence and it is in the public interest to proceed.

Cautions

A caution can be administered when there is sufficient evidence to provide a realistic prospect of a conviction and it is not considered to be in the public interest to institute criminal proceedings. Additionally, the offender must admit guilt and consent to a caution in order for one to be given. A formal caution may be given by, or on the instructions of, a senior police officer.

Cautions are intended for low level, often first time, offending, and have traditionally been used mostly for juvenile and first-time offenders.

A caution for an indictable only offence may only be given in **exceptional circumstances with the authority of the CPS.**

The prosecutor must conclude that the public interest does not require the immediate prosecution of the offender and that if the offender was prosecuted there would be reasons why the court would not impose a period of imprisonment or high-level community order.

Prosecution

Prosecution is the process, instituted and carried out by due course of law, by which the innocence or guilt of a person charged with a crime is determined.

If an out-of-court disposal is not deemed to be appropriate for the particular offence or case, the next step is for court proceedings to be initiated.

Magistrates' courts: All criminal cases start in magistrates' courts, but rape cases will be sent to the Crown Court as they are indictable-only offences.

Crown Court: The Crown Court deals with more serious criminal cases such as murder, rape or robbery, some of which are on appeal or referred from magistrates' courts. Trials are heard by a judge and a 12-person jury made up of members of the public.

Prosecution outcomes

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

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

Guilty plea: where the defendant pleads guilty.

Jury acquittal: cases where the defendant is found not guilty by the jury after a trial in which the prosecution and defence are called on to present their case in the Crown Court.

Victim evidence does not support the 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 has not retracted. The 'reason title' was amended in April 2013 to 'the evidence of the victim does not come up to proof, but there is no retraction'.

Victim non-attendance: the victim is called as a witness in a trial, but fails to attend court.

Victim retraction: where the evidence of the victim supports the prosecution case, but the victim refuses to be called as a witness, retracts, or withdraws a complaint.

Conflict of prosecution evidence: contradictions or inconsistencies arise within the prosecution evidence or unused material, or evidence or information produced by the defence gives rise to contradictions or inconsistencies in the prosecution evidence, providing sufficient doubt that there is a realistic prospect of conviction. This includes unreliable confession.

From April 2013, CPS monitoring guidance was amended to clarify that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof.

Essential legal element missing: the evidence available at the time of the issue failing to address a specific legal point, or there is a fundamental legal defect. The 'reason title' was amended in CPS monitoring guidance in April 2013 to 'incorrect charging decision – legal element missing'; the updated guidance made it clear that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof).

Unreliable witness: this reason should be used for all cases where issues concerning a key witness have led to an unsuccessful outcome including 'unwilling', 'unreliable', 'evidence retracted', 'does not come up to proof' or 'is intimidated'. The 'reason title' was amended in April 2013 in CPS monitoring guidance to 'key witness (non-victim) refuses to give evidence/retracts/not up to proof' to provide clarity.

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.

Sentencing

Most convicted offenders in rape cases will be sentenced to immediate or suspended custody. Rape carries a maximum penalty of life imprisonment but no minimum, and the length of sentence will be decided by the judge at a sentencing hearing.

The sentence length will depend on the specifics and severity of the offence, and on any aggravating factors, for example, abduction, abuse of trust or the use of substances to facilitate the attack or mitigating factors presented by the defence on behalf of the defendant.

Intermediaries

The use of intermediaries, established by section 29 of the Youth Justice and Criminal Evidence Act 1999, is to assist vulnerable witnesses to give their best evidence. Intermediaries facilitate communication between the police, prosecution

and defence legal teams and/or the court and a witness to ensure that the communication process is as complete, coherent and accurate as possible. The intermediary is impartial and neutral and their duty is to the court.