

Statistics

Summary Hearings - Army

	2009	2010	2011	2012	2013#
No. of Summary Dealings/Hearings completed - Army	4971	4718	5106	4561	1662

Army Summary Hearings involving sexual offences

Category	<i>Date of Verdict</i>					Total
	2009	2010	2011	2012	2013#	
Rape	0	0	0	0	0	0
Sexual Assault	1	0	5	2	0	8
Child Internet Porn	1	0	0	0	0	1
Other Sexual Related	19	7	17	5	2	50

Notes:

2013 only includes 1 January - 30 June

Multiple convictions with same Date of Verdict are not double counted

The categories are how they are identified on JPA (official MoD data management)

Summary Appeal Court Statistics

	<u>RN</u>	<u>Army</u>	<u>RAF</u>	<u>Totals</u>
2009	15	90	10	115
2010	22	75	10	107
2011	16	91	9	116
2012	13	86	6	105
2013	4	28	3	35 (as at 12 Aug)

UK Military Prosecutions for Sexual Offences - Figures in brackets represent civilian victims

Overall

Year	Total Referrals	Total CMs	Total Convictions & Guilty Pleas	Total CMs – Rape	Total CMs – Rape convictions	Total CMs – Sexual assault	Total CMs – Sexual assault convictions	Total CMs – Sex Crimes (Rape & Sexual Assault)	Total Convictions Sex Crimes
2009	1227	701	636	10	2 (2)	12	8 (4)	22	10 45.46%
2010	1198	589	519	8	5 (5)	27	23 (7)	35	28 80%
2011	1163	593	530	6	3 (3)	34	31 (7)	40	34 85%
2012	875	505	449	9	3 (1)	16	7 (2)	25	10 40%
2013	574	235	186	0	0	3 (1)	3 (1)	3	3 100%
Totals		2623	2320	33	13 (11)	92 (1)	72 (21)	125	85

Rape

Year	Total Referrals Rape	Directed and charged as "Rape" or "attempted Rape"	Total CMs – Rape	Total convictions Rape/Attempt	Conviction Rate
2009	16	10	10	2 (2)	20%
2010	21	9	8	5 (5)	62.5%
2011	18	6	6	3 (3)	50%
2012	22	10	9	3 (1)	33%
2013	11	1 (to date)	0	N/A	
Totals	88	36	33	13 (11)	

Sexual Assault

Year	Total Referrals Sexual Assault	Directed and charged as Sexual Assault	Total CMs – Sexual assault	Total CMs – Sexual assault convictions	Conviction Rate Percentage
2009	31	12	12	8 (4)	66.67%
2010	51	27	27	23 (7)	85.18%
2011	70	35	34	31 (7)	91.18%
2012	31	17	16	7 (2)	43.75%
2013	24	12 (to date)	3	3 (1)	100%
Totals	207	103	92	72	

Interesting points arising:

1. Overall conviction rates for rape average out at 39.4% (13 out of 33)
2. Majority of rape convictions were in those cases where the victim was civilian: out of a total of 13 convictions for rape, 11 cases had civilian victims = 84.6%
3. It is not known how many of the total cases tried were complaints by civilian victims, nor whether they were male/female.
4. Where the victims were serving personnel, there was generally a higher conviction rate in sexual assault allegations than in rape allegations.
5. Unfortunately SPA do not record the ranks of victims, so it is not possible to identify the number of cases where the victim was an other rank or an officer.
6. SPA have had not in-theatre CMs. One (abroad but not in-theatre) where 50% of the trial for rape and buggery was held in Brunei and concluded in the UK, but the cost of doing it in Brunei was quite prohibitive and in the end unnecessary as the witnesses that the prosecutor went to Brunei to hear largely were not called and those that were could have done given evidence by VTC or have been flown to UK on a military flight. There are other issues with in-theatre CMS which do not apply to the US but which make it impractical for us. There are not the on-site skill sets or resources all of which have to be imported. The security issues are also obvious. There is also some evidence that loyalty issues intervene in the midst of a conflict zone which makes truth too flexible a commodity.

Hansard Report (April 25, 2013) of **allegations** made by female and male members of the armed forces of **sexual assault** over the same periods as above recorded by the service police or the Ministry of Defence police (MDP), of sexual assaults each year

	Female	Male	Total
From 1 November 2009	7	5	12
2010	42	12	54
2011	32	8	40
2012	31	9	40
Total	112	34	146

The above **146 allegations** make up **139 cases** as there may be more than one allegation in a case. Of the **135 cases dealt with by the service police:**

14 cases were not investigated because the complaint was not pursued;

15 cases were investigated but did not result in a person being referred to a prosecuting authority under the AFA 2006;

34 cases resulted in persons being referred to a prosecuting authority under the AFA 2006 but **did not** result in court martial or other disciplinary proceedings;

24 cases which resulted in a court martial or other disciplinary proceedings resulted in a conviction;

10 cases resulted in a court martial or other disciplinary proceedings which did not result in a conviction;

15 cases resulted in a court martial or other disciplinary proceedings which resulted in a conviction for a lesser offence;

23 cases are ongoing.

Service police data is based on investigations where they have the jurisdiction and investigative lead.

This means 135 -14 – 15 = 104 cases referred to the SPA

Reasons for discrepancies

1. There is a time lag between investigation (the police figures) and prosecution (the SPA figures). So a case investigated in 2012 (and which appears in the police figures for 2012) might not be prosecuted until 2013, when it appears in the SPA stats.
2. Some cases are investigated by the civilian police and not referred to the military
3. Some cases are investigated by the military police but the civil police assume jurisdiction

4. Some cases are non-Sch 2 offences (eg, voyeurism; indecent exposure)

Victim Support Service:

1. DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing minimum standards on the rights, support and protection of victims of crime - COM(2011) 275 final
2. JSP 839: a non-statutory code of practice on services to be provided by the armed forces to victims of crime - modeled on the Home Office code issued under section 32 of the Domestic Violence, Crime and Victims Act 2004, but tailors it to meet the requirements of the armed forces. This code came into force on 31 October 2009.
 - a. requires among others, for **commanding officers** to provide certain services **in addition** to the **professionally trained victim support**.
 - b. All armed forces personnel who are **victims of relevant criminal conduct** wherever it occurs (United Kingdom or overseas) are entitled to and are offered, if practical, **immediate unfettered access** to victim support services, regardless of whether they consent to their commanding officer being notified. The **Service police will ask for consent** to pass their details to victim support services who are a charity, completely independent of the military chain of command.
 - c. The **victim liaison officer** is a person **appointed by the suspect's commanding officer** and is responsible for **keeping the victim informed** of events in respect of relevant conduct concerning the suspect or accused. In the event that the suspect and the victim are from within the same unit, and the **victim does not wish the Commanding Officer to be informed**, the **unit welfare** services are, again, empowered to **appoint a victim liaison officer** while maintaining the confidentiality of the victim.
3. The **Code of Practice for Victims of Crime - Crown Prosecution Service** Operational Guidance
4. **SPA Policy** for Prosecuting Cases of Rape – based on the Review of Baroness Stern into the Investigation and Prosecution of Rape.
 - a. **No final decision** in respect of an allegation of rape is made, and no case is prosecuted by the SPA without the **specific authority of the DSP**.
 - b. **All prosecutors** in such cases **must have undertaken the broad based specialist initial training** necessary to be regarded as suitable to advise and prosecute cases of rape, will have attended continuous training courses in advocacy skills, and will have acquired the necessary courtroom skills and ability to handle cases of this sensitivity and complexity.

- c. If not available, DSP will instruct a **specialist advocate** approved to conduct such cases **within the civilian system**.
- d. SIB do not have specialist sexual crime units but do have **Specialist investigators**, trained in this type of investigation (telecom with PM(A), 12 August 2013)
- e. Where the **victim withdraws support** for the prosecution or no longer wishes to give evidence
 - i. Service Police asked to take a **written statement** from the victim to explain the reasons
 - ii. **Service Police asked to give their views** about the evidence in the case and how they think the victim might react if they are compelled to attend court
 - iii. If the victim confirms that the original complaint is true, SPA will consider first whether it is **possible to continue** with a prosecution **without his or her evidence**
- f. Special measures to help victims give evidence in court
 - i. **Screens**
 - ii. Playing to the court the victim's or witness's **video recorded interview**
 - iii. Giving evidence away from the courtroom through a **live television link**
 - iv. **Evidence** may also be given **in private by clearing the public gallery** in sexual offence cases or cases involving intimidation.
 - v. **Using intermediaries** for vulnerable witnesses - someone who is approved by the court to provide a service which enables witnesses and the court to communicate. Professional intermediaries – usually speech and language therapists or deaf intermediaries who understand deaf culture
 - vi. Invitation for **victim to meet the prosecutor**. They may bring a partner, a relative, a friend or other supporter.
- g. **Anonymity** of victims throughout the process.
- h. A network of **Independent Sexual Violence Advisors (ISVAs)** - professionally trained specialists work alongside victims from the point of crisis, such as initial contact with emergency services, throughout the legal process and beyond.