

Evidence led domestic abuse prosecutions

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HMCPSI

HM Crown Prosecution
Service Inspectorate



HMICFRS

Her Majesty's Inspectorate of Constabulary
and Fire & Rescue Services

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Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) carry out inspections on behalf of the public and to benefit those organisations subject to scrutiny. We are both independent of those we inspect and our methods of gathering evidence and reporting are open and transparent.

HMCPPI has a statutory duty to inspect the work of the Crown Prosecution Service (CPS) and Serious Fraud Office (SFO), providing evidence to make the prosecution process better and more accountable. We do that by presenting evidence of good practice and issues to address.

HMICFRS inspects and reports on the efficiency and effectiveness of police forces and fire and rescue services, providing authoritative information to allow the public to compare the performance of their police force, and their fire and rescue services, against others. It is for Chief Constables, Police and Crime Commissioners and, on occasion, the Home Secretary or other organisations or individuals to take action as a result of policing recommendations.

Our inspectorates work together to produce joint reports where collaboration allows us to examine issues of importance to the public that cut across agency boundaries, and which therefore might not be examined in our separate inspections of individual agencies. All our reports are published in full and where appropriate we return to review progress against our recommendations.

Independent joint inspections like this help to maintain trust in the criminal justice system.

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1. Summary

Highlights

1.1. This report confirms that the police and Crown Prosecution Service (CPS) recognise domestic abuse as a priority area of work and have continued to commit resources, training and support to ensure that it is treated as such. The police and CPS have domestic abuse leads, at both the national and local level, who are committed to improving performance in domestic abuse prosecutions. It is also noteworthy that the domestic abuse caseload for both the CPS and the police has increased by 88% against the backdrop of a 25% reduction in police and CPS funding. This means both investigators and prosecutors are stretched, which results in difficult decisions about priorities.

1.2. However, this inspection found that neither the police nor the CPS can distinguish those cases where an evidence led approach may be more effective. This is because there are no systems to flag relevant cases – those that are suitable to be built by the police and prosecuted by the CPS – as evidence led.

1.3. The inspection found that, in all domestic abuse cases, operational police officers and CPS prosecutors have a good understanding of evidence led prosecutions and understand that cases can proceed even where the victim is unresponsive. The CPS's *Domestic abuse guidelines for prosecutors*¹ make it clear that all cases of domestic abuse should have an evidence led approach and that the starting point should be to build cases in which the prosecution does not need to rely on the victim.

1.4. But the fact that there are no mechanisms in place to measure the effectiveness of evidence led prosecutions means that there is no opportunity to learn lessons and share good practice across the organisations. Moreover, neither the police nor the CPS can quality assure evidence led cases to ensure they are being used appropriately and effectively. Both the police and CPS have systems to identify domestic abuse cases, but it is not currently possible to isolate and identify evidence led prosecutions separately.

1.5. We found that training for cases involving domestic abuse was in place across both organisations, but because of other pressures, uptake was variable in some instances. The CPS has specific e-learning on domestic abuse evidence led prosecutions. This training is mandatory for all Area prosecutors but, during the course of the inspection, it was apparent that not all prosecutors had completed it. There are also limited training packages or material available with a specific focus on evidence led domestic abuse prosecutions. There is

¹ www.cps.gov.uk/legal-guidance/domestic-abuse-guidelines-prosecutors

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some joint training between the organisations but this is sporadic and often on an ad hoc basis.

1.6. This is not implying that there should be separate training on this area of domestic abuse practice; but rather that details of evidence led cases and requirements should be included as a matter of course within domestic abuse training. This point – that evidence led cases should receive the same attention; effectiveness and efficiency of response; supervisory oversight; and quality assurance as all domestic abuse cases – cuts across our findings, and underpins our recommendations.

1.7. Because it is not possible to identify specific cases of domestic abuse that would be entirely evidence led, there are no systems in either the police or CPS to ensure that there is effective quality assurance. We found systems of effective quality assurance across domestic abuse cases, but there are inconsistent standards of supervision and quality assurance in respect of evidence led cases.

1.8. In line with the handling of domestic abuse cases, frontline police officers dealing with domestic abuse incidents are aware of agencies offering support to victims of domestic abuse and refer victims accordingly.

1.9. In the majority of cases, police officers dealing with domestic abuse cases complete a risk assessment in order to assess the level of risk to the victim and family, and provide this to the CPS at the point of charging referral to assist in the charging decision. However, the quality of the completion of the joint Association of Chief Police Officers and CPS checklist requires improvement, and the risk assessment is not always provided to CPS in relevant cases.

1.10. In the domestic abuse cases they examined, our inspectors found that CPS charging decisions are generally sound. However, prosecutors could do more to develop the case, which would allow it to proceed on an evidence led basis. Prosecutors should set out a clear strategy for how the case may be developed on an evidence led basis in the Manual of Guidance Form 3 charging document.

Recommendations

Police supervisors and Crown Prosecution Service legal managers should maximise opportunities to share examples of good work and successful outcomes with their teams. (paragraph 4.6)

As well as the Crown Prosecution Service's bespoke e-learning, which all Area prosecutors have to complete, the police and Crown Prosecution Service should ensure that refresher training in domestic abuse, and particularly evidence led cases, is available to staff as appropriate. (paragraph 5.4)

The police should review training plans in order to ensure that all appropriate staff, both frontline officers and investigators, are trained how to handle domestic abuse cases. (paragraph 5.6)

Police forces with domestic abuse champions should raise awareness of the role and seek to utilise them to maximum effect. (paragraph 5.11)

Police forces should ensure that training, messaging and guidance is clear that evidence led cases should benefit from the same quality of investigation, early gathering of evidence and supervisory oversight as other domestic abuse cases, particularly in cases where the victim does not support police action. Domestic abuse champions should reinforce this message. (paragraph 6.9)

Police should ensure that investigations and decisions to take no further action in domestic abuse cases receive the same robustness of supervisory oversight as other domestic abuse cases. (paragraph 6.11)

Prosecutors should ensure that in all domestic abuse cases, they set out clearly at the charging stage whether an evidence led prosecution is viable and, if so, define an effective prosecution strategy. (paragraph 7.17)

At review stage, prosecutors should, in all appropriate domestic abuse cases, clearly outline a strategy for proceeding with an evidence led prosecution. (paragraph 8.10)

2. Context and methodology

Context

2.1. The Crown Prosecution service (CPS) provides national guidance for prosecutors dealing with cases of domestic abuse. This guidance stipulates that, in building evidentially strong cases, the starting point is to build cases that do not need to rely on the victim. To this end, efforts should be made to gather evidence so that the prosecution case is not focused solely on the complainant's statement. The rationale is that the stronger the overall prosecution case, the less likely it is to be challenged; and in the event that it is challenged, the prosecution is less likely to need to call the victim to give evidence. There is also police guidance for officers dealing with cases of domestic abuse.

2.2. The CPS guidance informs prosecutors that they should not assume the only way to prove a case is by the complainant giving evidence in court. They should routinely consider whether there is any other evidence, independent of the complainant, which supports the prosecution case and upon which a viable prosecution can be built.

2.3. The emphasis is on joint working by police officers and prosecutors to build cases that can be prosecuted without the victim's participation. In order to do so, other evidence – such as statements from other witnesses, closed circuit television (CCTV) evidence and 999 recordings – should be gathered and prosecutors should seek to use this material wherever possible.

2.4. If cases can be built without over-reliance on the victim or complainant, then it is still possible for the prosecution to proceed when the victim either does not engage from the outset or is initially supportive but withdraws their support at a later stage in proceedings.

2.5. In some domestic abuse cases, there will be enough other evidence that the prosecution need not rely on the victim's evidence. Police officers and prosecutors are expected, wherever appropriate, to prosecute cases based on this other evidence. These are known as evidence led prosecutions.

2.6. HM CPSI and HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) decided to conduct an inspection to ascertain:

- whether the guidance and policy on evidence led prosecutions is widely understood by both police officers and prosecutors
- whether they seek to build viable evidence led prosecutions where appropriate.

The best practice framework

2.7. In 2015, an in depth examination was commissioned into the capacity and capability of the criminal justice system (CJS) to respond effectively to domestic abuse cases and effectively support victims. The emphasis was on all CJS agencies working together to ensure that domestic abuse cases are handled efficiently, and that victims and witnesses are supported appropriately. This was a multi-agency initiative to increase victims' safety and satisfaction with the CJS.

2.8. The examination involved a "deep dive" exploration and analysis of performance across CJS areas. The deep dive identified areas which had higher conviction rates after trial than the average across England and Wales. Personnel from across the CJS visited these areas to establish the conditions that led to higher conviction rates.

2.9. The deep dive identified four main best practice components:

- a clear multi-agency/community approach which addresses risk management and safeguarding procedures
- independent domestic violence advisor (IDVA) support
- trained and consistently deployed staff across all agencies (including robust judges)
- in-court services such as proactive witness services, pre-trial familiarisation visits and appropriate use of special measures.

2.10. This deep dive exercise resulted in the development of a best practice framework. The framework was tested across some lower performing CJS sites² between 2016 and 2018. At the end of the test phase, all of the test sites reported improvement in their domestic abuse performance, reaching levels in line with or above the national average performance. The model was approved by the National Criminal Justice Board for national rollout.

² The test sites were courts in Bradford, Durham, London and the West Midlands.

2.11. In December 2018, the best practice framework was launched at a national conference. Implementation of the framework began across England and Wales in January 2019. The best practice framework is a cross-agency initiative between the CPS, police and HM Courts and Tribunals Service (HMCTS). Each of its four main components is designed to have an impact on victim attrition. Accordingly, the domestic abuse regional leads for the CJS agencies across England and Wales organise the implementation of the framework in their respective areas.

Methodology

2.12. HMCPSI inspectors examined 160 domestic abuse files from the magistrates' courts. All the files were finalised between June and November 2018, and the sample included a mixture of successful and unsuccessful outcomes. The files were selected from four CPS Areas and related to one police force in each of the CPS Areas we visited during the fieldwork phase of the inspection. We also examined another 40 cases where CPS Direct had directed no further action at the charging stage.

2.13. HMICFRS and HMCPSI inspectors examined 78 police files that had been finalised as 'Outcome 16'³ and not sent to the CPS for a charging decision. These files were drawn from four police forces: Cheshire; Gwent, Hertfordshire and Staffordshire.

2.14. We refer to key findings from both file examinations at relevant parts of this report.

2.15. HMCPSI and HMICFRS took part in joint fieldwork in February and March 2019. We visited four CPS Areas (Cymru–Wales, Mersey–Cheshire, Thames and Chiltern, and West Midlands) and four police forces (Cheshire, Gwent, Hertfordshire and Staffordshire).

2.16. During the fieldwork phase, we held a series of interviews with:

- the police and CPS National Domestic Abuse Leads
- the CPS National Violence Against Women and Girls (VAWG) Strategy Manager
- managers and domestic abuse leads from the police and the CPS.

³ In the outcomes framework for police cases, Outcome 16 means "evidential difficulties victim based – named suspect identified". In other words, Outcome 16 cases are those where the victim does not support, or has withdrawn support from, police action.

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2.17. We also held focus groups with police response officers and investigators who handle domestic abuse incidents and investigations, and with CPS prosecutors who deal with domestic abuse casework and prosecute these cases in the magistrates' courts. And we took the views of district Judges who preside over domestic abuse cases in the magistrates' courts, and of HMCTS personnel.

2.18. We examined documents provided by the police forces, CPS Areas, CPS Direct and CPS Headquarters relating to domestic abuse.

3. Governance and leadership

Domestic abuse leadership

- 3.1.** Both the police and the Crown Prosecution Service (CPS) have appointed national leads for cases involving domestic abuse.
- 3.2.** At the most senior level, the national police lead for domestic abuse is the Deputy Chief Constable for West Midlands Police. In line with the structures in place within policing, senior officers who sit on the National Police Chiefs Council (NPCC) carry strategic responsibilities other than impact policing, across different subject matter areas. The role as strategic lead for domestic abuse is over and above the force responsibilities of the Deputy Chief Constable.
- 3.3.** In the CPS, a similar senior official, the Chief Crown Prosecutor of CPS Direct, holds the lead for domestic abuse. Again, this is an additional responsibility over and above the wide ranging responsibilities of a Chief Crown Prosecutor.
- 3.4.** The role of the both national leads is a strategic one: to raise the profile of domestic abuse work both within their organisations, and externally with partner agencies and national media.
- 3.5.** The interviews with both national strategic leads highlighted that there was a personal desire to make a difference, that domestic abuse was an absolute priority and that there was a focus on improving performance. But the extent to which either national lead could be involved in local matters was limited. The Deputy Chief Constable can drive matters within their own force and the Chief Crown Prosecutor can influence casework in CPS Direct. Both highlighted that their influence was limited to advocating, working within the national policy context of both organisations and to trying to influence the agenda. Neither of the national leads is responsible for driving national performance in domestic abuse outside their own home organisation, or for holding the domestic abuse leads in other police forces and CPS Areas to account.
- 3.6.** The Chief Crown Prosecutor also provides strategic leadership of the CPS's contribution to the best practice framework initiative (see chapter 2). The best practice framework encompasses all aspects of domestic abuse prosecutions; there is no separate focus on evidence led prosecutions.
- 3.7.** CPS Headquarters has expressed the view that the CPS's *Domestic abuse guidelines for prosecutors* make it clear that in every domestic abuse case, prosecutors should make the effort to build a robust case that does not rely solely on the evidence of the victim. Their view is that we can assume

prosecutors understand this principle, and will prepare every case in a way that ensures the prosecution is responsive to the individual circumstances of the case; so therefore there is no need for the best practice framework to address evidence led cases specifically.

3.8. The best practice framework was being developed and rolled out at the time of this inspection. It is being left to the discretion of the criminal justice system agencies in each area of England and Wales to work together to decide how best to implement the framework.

3.9. In all the police forces and CPS Areas we visited, domestic abuse is recognised as a priority area of work. At the strategic and operational level, there were domestic abuse leads. The police and CPS domestic abuse leads that we spoke to expressed commitment to evidence led prosecutions.

National performance management

3.10. Neither the police nor the CPS distinguish evidence led cases from domestic abuse in general. There are no mechanisms in place to measure the numbers or the effectiveness of these prosecutions. When selecting a file sample to examine as part of the inspection, we were unable to identify cases that had proceeded as evidence led prosecutions. It is difficult to see how any lessons can be learned or good practice shared without the means to identify and analyse these types of cases at either the local or national level.

3.11. While there is no separate focus on evidence led prosecutions, there are regular forums at which the police, CPS and other agencies can discuss issues more generally around domestic abuse. Prosecution team performance meetings are held on a monthly basis at the local CPS Area and police force level. Domestic abuse performance and case file quality feature in these meetings, among other issues.

3.12. At the strategic level, the relationship between the agencies is generally strong. However, we found no evidence at either the local or national level to indicate that performance was analysed or any improvement had resulted specifically in relation to evidence led prosecutions.

4. Guidance and knowledge

Policy and guidance

4.1. In the police forces and Crown Prosecution Service (CPS) Areas that we inspected, we found that policies and current guidance related to evidence led prosecutions are available to operational staff. Frontline police officers and CPS prosecutors are aware of and able to access this information when necessary. The guidance is clear and kept up to date. We found examples, in both the police and CPS, of guidance documents on the current case law and legal principles relating to evidence led prosecutions.

4.2. The police officers and CPS prosecutors we spoke to had a good understanding of evidence led prosecutions. Inspectors were impressed with the clear commitment to achieving the best possible outcomes for victims of domestic abuse. Frontline police officers are fully aware of the various third sector agencies which provide advice and support for victims of domestic abuse, and refer victims to these agencies where appropriate.

4.3. Police officers are often informed of developments in guidance and policy on domestic abuse via emails and force bulletins. However, this is not always effective, because officers prioritise what they look at and may only read such communications if the subject matter is something they have a particular interest in.

Quality assurance

4.4. While there are methods in place for quality assuring and scrutinising the quality of police officers' investigations and of CPS prosecutors' decision making, neither organisation has a focus on evidence led prosecutions. Police quality assurance is not consistently applied (see paragraph 6.10), particularly in cases where the police have made the decision to take no further action.

4.5. CPS legal managers use individual quality assessments (IQAs) at regular intervals to appraise prosecutors' performance and provide feedback on areas for improvement. The CPS can conduct IQAs on a thematic basis and legal managers can focus on a particular area of work, such as domestic abuse. In the Areas we visited, we found that legal managers had carried out IQAs focused on domestic abuse casework. One domestic abuse lead had conducted an audit of completed IQAs and identified, among other things, that prosecutors were not always considering how to progress cases where the victim withdraws support. However, evidence led cases are not easily identified (see paragraph 3.10) and therefore these will only feature as part of an overall domestic abuse sample.

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4.6. While we found a clear focus on domestic abuse cases, and that both police officers and CPS prosecutors understand the importance of achieving the best possible outcomes for victims, the fact that there are no effective systems to identify evidence led prosecutions results in a missed opportunity for both the police and CPS to learn lessons and drive improvement in evidence led cases. In the police forces and CPS Areas we inspected, there were few examples of good work and success stories around evidence led prosecutions, and no evidence of best practice being shared or lessons from casework being used to improve performance.

Recommendations

Police supervisors and Crown Prosecution Service legal managers should maximise opportunities to share examples of good work and successful outcomes with their teams.

5. Training

Availability and uptake

5.1. Domestic abuse training is available for police officers and Crown Prosecution Service (CPS) prosecutors.

5.2. All police forces have training plans and each officer is allocated a number of dedicated training days each year. However, given the demands on training, this may not include domestic abuse or specifically feature anything on evidence led domestic abuse cases.

5.3. In the CPS, a number of centrally developed training packages are widely available to prosecutors via e-learning. All prosecutors must complete mandatory domestic abuse e-learning, including a distinct e-learning package about evidence led prosecutions.

5.4. However, inspectors were told that training for both police officers and CPS prosecutors is variable. Bar any initial training, there is no compulsory or ongoing mandatory training either in domestic abuse generally or evidence led prosecutions specifically – though a number of training packages are available for officers and prosecutors to access. Since July 2017, all new prosecutors joining the CPS undergo specific mandatory training as part of their induction, which includes a module on evidence led prosecutions.

Recommendations

As well as the Crown Prosecution Service's bespoke e-learning, which all Area prosecutors have to complete, the police and Crown Prosecution Service should ensure that refresher training in domestic abuse, and particularly evidence led cases, is available to staff as appropriate.

5.5. The College of Policing and SafeLives, a national charity dedicated to ending domestic abuse, have designed and developed a training course for police officers called "DA Matters". This classroom based course aims to equip response officers with the knowledge and skills they need to effectively deal with incidents of domestic abuse. Officers who had received the DA Matters training said they found the course very informative and effective. Some officers said that completing the course had led them to adapt their approach when dealing with domestic abuse incidents. However, most of the investigators we spoke to had not received the DA Matters training or benefited from any face to face training on evidence led domestic abuse prosecutions.

5.6. Training on dealing with domestic abuse situations is inconsistent both across police forces and within individual forces. Many frontline response officers have not received any formal training related to domestic abuse. While

most have received training in safeguarding, they have not received training specific to evidence led cases.

Recommendations

The police should review training plans in order to ensure that all appropriate staff, both frontline officers and investigators, are trained how to handle domestic abuse cases.

5.7. In the police forces we visited, we found a number of local initiatives to drive improvement.

5.8. One supervisor, tasked with improving the quality of domestic abuse investigations, had dip-sampled police responses to domestic abuse incidents and delivered bespoke training sessions to local officers. This is good practice but it had not been replicated in all parts of the force. We did not find any similar practice in any other force we visited.

5.9. Another police force had held a “survivors’ evening” at which a number of survivors of domestic abuse described their experiences and how the police had dealt with their cases. Some of the stories were filmed and shared with officers and other police staff. Officers described this as powerful and said it allowed them insight into victims’ experiences. This is good practice because it helps to reinforce officers’ training.

5.10. Frontline response officers have been trained in the effective use of body worn video. Reference documents are also available for officers on the importance of body worn video. Body worn video footage is important because it often contains the initial account of a victim and may show injuries and distress. Where a victim is not supportive, body worn video is crucial in supporting an evidence led prosecution. Because of the training provided, officers are confident about the correct use of body worn video and are able to download the footage to the forces’ digital storage sites. However, there are issues around the transfer of body worn video to the CPS and its subsequent use at court (see paragraph 9.1).

5.11. Some police forces have invested in additional training for officers who are appointed domestic abuse champions. Correctly utilised, the champions would be a valuable resource, providing advice and guidance for officers dealing with domestic abuse issues. However, it was clear from the view at focus groups that the role is not widely understood by many supervisors and frontline officers.

Recommendations

Police forces with domestic abuse champions should raise awareness of the role and seek to utilise them to maximum effect.

5.12. The CPS is reinvigorating its training strategy. As part of this, it has rolled out a practical courtroom based training course called “Advocacy Drills”. The course allows participants to apply advocacy skills in situations that are commonly encountered when prosecuting cases in the magistrates’ courts, including domestic abuse. However, this course has only been made available to newly appointed prosecutors. None of the longer serving prosecutors we spoke to had received the training and many were not aware of the course. Those prosecutors who have completed the course found it valuable and provided positive feedback.

5.13. One CPS Area we visited said it had plans to roll out the Advocacy Drills training to more experienced staff. Another Area offers updated domestic abuse training to longer serving prosecutors, but this is purely voluntary, with no obligation to attend. Often, more experienced prosecutors receive training only if their managers deem it necessary.

Joint training

5.14. Joint training between the police, CPS and other criminal justice system (CJS) agencies, such as HM Courts and Tribunals Service (HMCTS), is sporadic and piecemeal in nature. Inspectors found some examples of joint training, but these were the exception rather than the norm and generally took the form of isolated events with no regularity. We found no specific examples of joint training in evidence led prosecutions.

5.15. In one CPS Area, a legal manager met with police sergeants on an informal basis to provide advice on how the use of body worn video recordings could be improved. In another Area, one of the local police forces presented a “lunch and learn” session at the CPS office to raise awareness of the police response to domestic abuse incidents and how the police seek to build evidentially viable cases. Both of these local initiatives, while helpful, were somewhat ad hoc and very much depended on the proactivity of those involved.

5.16. The best practice framework places a strong emphasis on CJS agencies working together to ensure that domestic abuse cases are dealt with efficiently (see paragraph 2.7). It is vitally important that the police and CPS work closely together to build evidentially robust cases. With this in mind, it is surprising that there is a lack of regular joint training.

Agents

5.17. Generally, CPS Areas aim to deploy in-house prosecutors both to cover the initial hearing in domestic abuse cases and, wherever possible, to prosecute the trials. However, for various reasons this is not always possible, and it is not uncommon for agents to prosecute domestic abuse trials.

5.18. Agents do not receive formal domestic abuse training from the CPS but relevant guidance is available to them. Inspectors found that guidance sheets and packs are provided to agents. This material is designed to assist when prosecuting domestic abuse cases. Provided such packs are kept up to date, inspectors consider the guidance to be effective.

5.19. Inspectors conducted court observations in the CPS Areas we visited, but did not observe any agents prosecuting. However, based on interviews with members of the judiciary and HMCTS staff, we found no indication that there are any significant issues with the quality of agents the CPS instructs.

6. Police investigations

Allocation of cases

6.1. In the police forces we inspected, we found that there are differences in how domestic abuse cases are allocated to police officers. Uniformed response officers deal with the majority of domestic abuse cases, although those assessed as involving high risk victims or complex investigations are usually allocated to specialist units: either Public Protection Units, Domestic Abuse Investigation Support Units or Criminal Investigation Departments (CIDs). Officers in all four forces we visited spoke of lacking the resource capacity to deal effectively with the volume of investigations and the demand of responding to incidents.

6.2. One of the forces we visited takes two different approaches to domestic abuse investigations. In one area of the force, investigations are progressed by CID. Meanwhile, in a different part of the same force, high risk domestic abuse cases are allocated to a pilot team. Uniformed officers spend two weeks attached to this specialist pilot team in order to enhance their investigative skills, which they can apply when they return to their normal duties. Frontline officers who had been attached to the pilot team were positive about the experience. It allowed them to become involved in more complex and protracted domestic abuse investigations, with the benefit of an experienced mentor to offer support. Crucially, they reported that time with the team helped them to prepare better quality files for the prosecution.

6.3. Across the four forces, investigators working in the specialist units are managing high caseloads. Many expressed concern about the quality of the initial investigation by response officers, with inconsistent standards of supervision and scrutiny. Some senior police officers acknowledged that there are issues that negatively affect the quality of investigations. These include a lack of effective supervision, limitations in the police's NICHE record management system, and the inexperience of some officers. This frequently delays the progress of investigations, often resulting in missed opportunities to gather more evidence to support the case and victims disengaging from the process.

File examination

6.4. Inspectors from HMCPSI and HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) jointly examined 78 domestic abuse cases in which the police had decided to take no further action. The decision to take no further action means these cases do not need to be referred to the CPS for charging advice. These cases are finalised by the police as Outcome 16 (see footnote at paragraph 2.13). The cases were selected randomly from the four police forces we visited.

6.5. Inspectors examined the thoroughness of the police investigation and how the decision to take no further action (NFA) had been arrived at. In 63 of the 78 cases (80.8%), we found that the investigator had properly explored all reasonable lines of enquiry. In the remaining 15 cases, reasonable lines of enquiry had been missed.

6.6. As well as the 78 police NFA cases, we examined 200 cases that had been submitted to the CPS for a charging decision. These included 40 cases where CPS Direct directed no further action. Inspectors considered that pursuing reasonable lines of enquiry would have been appropriate in 196 of the 200 cases. The police investigation considered all reasonable lines of enquiry in 149 of these 196 cases (76%). Our assessment is that, in many cases, the police did not conduct an investigation to the standards expected.

6.7. The failure to pursue reasonable lines of enquiry wherever appropriate can result in potentially viable prosecutions being prematurely concluded. In cases that the police refer to the CPS, any failure to conduct enquiries expeditiously will result in more delays, because the CPS will ask the police to complete outstanding work before deciding whether to charge.

6.8. In 12 of the 78 Outcome 16 cases we examined (15.4%), we found that there were undue delays in gathering evidence. This had a negative effect on the outcome of six cases (50%). In many of these cases, police supervisors attributed the delay to a lack of police resource available to follow up reports of incidents.

Case study

A victim reported being assaulted by her brother. The incident log states that she can be heard screaming when making the report. Initially the victim did not want to make a complaint, but wished for her brother to be warned about his behaviour.

The suspect was a prolific offender with numerous convictions for violence and complaints recorded from other family members. Despite this, there was no investigation and no attempt to gather evidence. The victim was reported as having visible injuries but they were not photographed.

Two weeks after the initial report, the victim decided she did want to support a prosecution arising from this incident, and contacted the police to make a complaint of assault. Police did not go to see the victim for more than two months, by which time she had disengaged from the process.

The police rationale recorded for taking no further action was that the opportunity for gathering further evidence had been lost.

6.9. At the initial point of contact with victims, police officers are required to complete the domestic abuse, stalking and honour based violence (DASH) checklist, a consistent and simple risk assessment screening tool⁴. The purpose of the DASH checklist is to help practitioners who work with adult victims of domestic abuse to identify those who are at high risk of harm. Officers used the DASH checklist to assess the level of risk to the victim and family in 74 of the 78 police NFA cases we examined (94.9%). However, in 22 cases (28.2%), there was no evidence of a police risk management plan to manage the risk to the victim, household members or any other witnesses.

Recommendations

Police forces should ensure that training, messaging and guidance is clear that evidence led cases should benefit from the same quality of investigation, early gathering of evidence and supervisory oversight as other domestic abuse cases, particularly in cases where the victim does not support police action. Domestic abuse champions should reinforce this message.

6.10. In the police forces we visited, we were informed that domestic abuse investigations are supervised by dip-sampling incident logs. The dip-samples are performed by supervisors, and by domestic abuse champions in those forces that have them. However, we were particularly concerned to note that in 38 out of 78 police Outcome 16 cases (48.7%), the decision to take no further action, and not to refer to the CPS, was not quality assured by a supervisor.

⁴ The DASH risk identification, assessment and management model was implemented across all police services in the UK from March 2009.

6.11. Inspectors concluded that while the standard of investigation is satisfactory in most cases, there is room for improvement.

Recommendations

Police should ensure that investigations and decisions to take no further action in domestic abuse cases receive the same robustness of supervisory oversight as other domestic abuse cases.

7. Pre-charge advice

7.1. In the Crown Prosecution Service (CPS) Areas and police forces we visited, we found evidence that a number of issues affect the efficiency of the CPS's provision of pre-charge advice.

7.2. Police officers often expressed frustration at the current arrangements for obtaining a charging decision from the CPS. Among the officers we spoke to, delay in the provision of charging advice from the CPS was a common perception; but this was not an issue we considered as part of our file examination.

7.3. From the CPS's perspective, prosecutors we spoke with had concerns about the poor quality of the electronic file submitted by police, which often lacks key evidence and documents; and about the failure of the police to deal with actions in a timely manner. In 150 of the 160 cases we examined, the CPS prosecutor requested additional evidence or set out actions for the police in an action plan. However, inspectors also noted that in 61 out of 91 cases, the prosecutor failed to request items relating to the evidence led element of the case.

7.4. HMCPSI inspectors examined cases in the file sample which had been subjected to multiple action plans, which served to delay charging decisions. Such delays can, in turn, adversely affect the vulnerable victim and can ultimately lead to victims disengaging from the prosecution process.

CPS charging decisions

7.5. HMCPSI inspectors examined 160 domestic abuse cases which had been charged by the CPS. The case sample was made up of a mix of successful and unsuccessful outcomes. All the cases examined had been finalised.

7.6. The charging decisions in the cases were made either by CPS Direct or in Area. CPS Direct made the decision in 107 of the 160 cases (66.9%) and CPS Area prosecutors made the decision to charge in 50 cases (31.3%).

7.7. The police wrongly made the decision to charge in the three cases (1.9%). These cases should have been referred to the CPS for a decision. This was in breach of the Director's Guidance on Charging⁵. The three cases where the police decision was in breach of the Director's Guidance were all made by the same force. There was no indication on the case file that the CPS prosecutor had raised the breach of the Director's Guidance with the police. This indicates a lack of robustness on the part of the CPS and a lack of training and supervision

⁵ Charging (the Director's Guidance) 2013 – fifth edition; CPS; May 2013
www.cps.gov.uk/legal-guidance/charging-directors-guidance-2013-fifth-edition-may-2013-revised-arrangements

on the part of the police. One of the police charged cases resulted in a conviction following trial. The other two were correctly discontinued by the CPS because of a lack of evidence.

7.8. The quality of the application of the Code for Crown Prosecutors was excellent in the sample of cases charged by the CPS. The Code was applied correctly at the charging stage in all the CPS charged cases we examined.

Case study

In a case in which the defendant assaulted his mother, the CPS Direct lawyer who gave charging advice fully considered the other evidence available as well as that of the victim. The charging lawyer identified that the recording of the 999 call had the potential to be used as evidence and properly considered using the police body worn video.

This was a thorough charging advice which sought to build a viable case without relying solely on the victim's evidence. The lawyer set out a strategy for how the prosecution could proceed should the victim disengage from the prosecution. This robust charging advice resulted in the defendant entering a guilty plea at the first hearing.

7.9. HMCSI inspectors also examined 40 domestic abuse cases which the police had referred to CPS Direct for a charging decision, and in which the CPS decided to take no further action. Inspectors found that the decision not to charge was correct in 37 of the 40 cases (92.5%). In the three cases where inspectors disagreed with the decision, there was sufficient evidence to charge an offence and it was in the public interest to do so. The failure to charge in these cases was a failure to apply the Code correctly. In one case, although the victim did not make a complaint, there was evidence from three police officers which supported charging the case.

Quality of charging decisions and application of domestic abuse policy

7.10. In the 160 files we examined, inspectors assessed the quality of the Manual of Guidance Form 3 (MG3) – the document completed by the charging lawyer to inform the police of the reasons for the decision and to outline in detail any further actions required of the police. Where the CPS prosecutor decides the police need to complete further work to strengthen a case, the prosecutor must complete an action plan, clearly setting out what is required.

7.11. We found that in 150 cases, it was appropriate for the CPS to prepare an action plan for the police. Of those, 68 action plans (45.3%) fully met a satisfactory standard, 58 (38.7%) partially met the standard and 24 (16%) failed to meet the standard at all. In the remaining ten cases, the police electronic files

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contained all relevant evidence and there was no need for the CPS to request further material.

7.12. The MG3 document should also analyse the evidence and set out a clear prosecution strategy to inform and direct the prosecution advocate at court about how to progress the case at the first hearing. This requirement was fully met in 44.7% of cases examined, partially met in 48.2% and not satisfied in 7.1%.

7.13. When prosecutors are providing advice in domestic abuse cases, policy requires a consideration of whether and how to progress a case where the victim does not support prosecution. This was an appropriate consideration in 178 of the cases that we examined. However, we found that this was properly considered in 103 cases (57.9%) and not considered in 75 (42.1%).

7.14. There is an expectation that, when completing the MG3 document, the prosecutor will properly make reference to relevant applications and ancillary matters that the CPS should seek at court, such as applications to admit hearsay evidence. This expectation was fully met in 57.1% of the cases we examined, partially met in 37% and not met at all in 5.9%.

7.15. Victim and witness issues were set out clearly and fully (including identification and consideration of the risks, victim personal statements and preference, restraining orders, interpreters, intermediaries, any court access issues, and reference to support agencies) in less than a third of the cases we examined (32.9%).

7.16. The most appropriate charge was advised at the charging stage in 149 out of 157 relevant cases (94.9%).

7.17. The overall quality of the charging decision was assessed as good in 73 out of 160 cases (45.6%), fair in 69 cases (43.1%) and poor in 18 (11.3%).

Recommendations

Prosecutors should ensure that in all domestic abuse cases, they set out clearly at the charging stage whether an evidence led prosecution is viable and, if so, define an effective prosecution strategy.

8. Case management

Legal review

8.1. In 151 of the 160 cases we examined, it was appropriate for the Crown Prosecution Service (CPS) Area to conduct another legal review after the initial charging decision. We assessed that 56 of these reviews (37.1%) fully met the expected standard, 73 (48.3%) partially met the standard and 22 (14.6%) did not meet the standard. Inspectors saw some reviews that were merely a cut and paste of the charging advice, with no indication that the prosecutor had added any value to the case.

8.2. A common issue identified by inspectors was the lateness of the review. We saw many cases in which the review had been completed only a few days before the trial, or even the day before. In one case, the CPS received the file five weeks before the trial, but the case was not reviewed until the day before the trial.

8.3. Some legal managers we spoke to accepted that reviewing case files late is an issue and acknowledged the impact this has, particularly when preparing evidence led prosecutions. However, in one Area, legal managers did not consider late reviews to cause problems. They believed that it would avoid duplication of work, because any further developments so late in the day would be unlikely.

8.4. When cases are reviewed late, the opportunity to source vital evidence, to make relevant applications and to undertake any remedial work has often been lost. Inadequate case preparation adversely affects the effectiveness of prosecuting cases in court and this is particularly so with evidence led prosecutions.

Case study

Following a not guilty plea and the case being set down for trial, the CPS requested more evidence from the police. The police were 20 days late in sending the additional evidence. Despite this, the CPS waited another 24 days before reviewing the case – reviewing it just four days before the trial.

At this stage it was clear that the victim had retracted, but the police had not supplied a retraction statement. Nor had they provided a risk assessment.

Body worn video evidence and the 999 recording were also missing, but it was too late to rectify these problems. Had the case been reviewed earlier, and had the CPS secured the outstanding evidence, there was the potential to proceed with an evidence led prosecution.

Decision making

8.5. Evidence from our file examination reveals that, in general, CPS prosecutors make correct decisions during the life of a domestic abuse case. However, performance specific to preparing cases for evidence led prosecutions is not meeting the expectations outlined in national policy, and so requires improvement.

8.6. In our file sample, there were 155 cases with post-charge decisions made under the Code for Crown Prosecutors. Of these, 153 (98.7%) complied with the Code and two (1.3%) did not comply with the Code.

8.7. Of the cases in our file sample, 101 proceeded to trial. Of these, 99 (98%) went to trial on the most appropriate charges. Prosecution decisions to accept or reject pleas or bases of plea offered by the defence were correct in all instances.

8.8. Inspectors examined 137 cases where they judged it appropriate to consider proceeding with an evidence led prosecution. In 82 of these cases (59.9%), prosecutors considered whether the case was suitable to be prosecuted without the victim's participation. There was no consideration in the remaining cases. In one Area, prosecutors only addressed an evidence led prosecution in 13 of 35 cases (37.1%). This clearly identifies the need for greater awareness, and proper recording, of the consideration of evidence led prosecutions.

8.9. In focus groups, inspectors found variations in the views articulated by prosecutors around evidence led prosecutions. Some prosecutors said that evidence led prosecutions should be considered on a case by case basis, with only the most serious cases proceeding on this basis. Others disagreed and took the view that they should be pursued wherever possible.

8.10. CPS legal managers expect that prosecutors will fully address the issue of an evidence led prosecution in domestic abuse cases. However, some managers accept that this does not always happen, that it is often a 'plan B' on the part of prosecutors, and that it is not clearly explained in reviews.

Recommendations

At review stage, prosecutors should, in all appropriate domestic abuse cases, clearly outline a strategy for proceeding with an evidence led prosecution.

8.11. During the fieldwork phase of the inspection, we found that different CPS Areas have different approaches to the standard of the electronic file of evidence required from the police. In one CPS Area, in an effort to move cases through the prosecution process as speedily as possible and keep victims engaged, the

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police are expected to provide a skeleton file for the first hearing; in the event of a not guilty plea, the remaining evidence is provided to the CPS. In another Area, the police have to provide a file which goes beyond the agreed requirements of the National File Standard. Where the police fail to do so, the CPS notify the police of an intention to discontinue the case. We were assured that viable prosecutions would not be discontinued. But we saw a case where, although the victim did not support the prosecution, the defendant had made full admissions in interview; and the CPS discontinued the prosecution before the first hearing.

8.12. When inspectors attempted to find out how his practice of requiring an overbuilt file from the police had developed, none of the interviewees could explain it or were aware of the reason for it. It is at odds with the agreed expectations set out in the National File Standard. This practice places an unnecessary burden on the police and could have an adverse effect on victims of domestic abuse (see paragraph 8.4).

9. Court hearings

Evidence

9.1. Our file examination and court observations revealed that in general, the initial hearings of domestic abuse cases were effective, in that pleas were taken and cases were progressed to the next stage. However, we were informed that there are issues in relation to closed circuit television (CCTV) and media evidence not being available to play in court at the first hearing, and that this can be a problem even on the day of trial.

Case study

In one case, there was a 999 tape recording and body worn video footage, both of which would have supported an evidence led prosecution. The prosecutor providing the pre-charge advice directed the police to provide the material for the first hearing. It was not provided to the CPS and, when the defendant entered a not guilty plea, the CPS made another request on the day of the hearing. The court also directed the police to serve the material on the defence within two weeks.

However, despite further requests, the evidence was not sent to the CPS until the day before the trial. By that time, the victim had retracted and the opportunity to pursue an evidence led prosecution had been lost.

9.2. The limitations of the software available to criminal justice system agencies can result in visual evidence not being able to be downloaded or played at court. When it can be downloaded, the speed at which it can be downloaded is very slow, which affects efficiency and causes another problem if cases are transferred from one courtroom to another. Problems with the use of visual evidence were a common cause of frustration for personnel from all the agencies we spoke with.

9.3. That being said, there was no indication that there were major issues with cases being adjourned unnecessarily in the Areas that we visited. The advocates we observed during our court observations dealt with cases efficiently and were generally highly regarded by members of the judiciary. This was borne out by our file read: we found that advocates were proactive and made reasonable decisions.

Ineffective trials

9.4. The case proceeded to trial in 101 of the cases in our file sample of 160. Of these 101 cases, 59 (58.4%) resulted in an effective trial. The single biggest cause of an ineffective trial was victim non-attendance. Of the 42 trials that did not proceed, 23 (54.8%) did not proceed because of the victim failing to attend court. There was a wide variation in the number of victims failing to attend the trial, from 10 cases (66.7%) in one CPS Area to four cases (44.4%) in another. In the files we examined, five (11.9%) of the cases listed for trial did not proceed because of a failure on the part of the CPS to prepare the case adequately. In another 12 cases (28.6%), the trial was ineffective for various other reasons, including eight cases where the prosecution accepted guilty pleas or a basis of plea. In each of these eight cases the CPS was right to accept the pleas offered.

9.5. There were 38 ineffective cases where it would have been appropriate to consider proceeding by means of an evidence led prosecution. Inspectors found that in two of these cases (5.3%), there was the potential to proceed on an evidence led basis. In both of these cases, the victim had initially been supportive of a prosecution. In one of the cases, the police failed to provide evidence which could have been used to prosecute without relying on the victim's evidence (see case study at paragraph 9.1); in the other case, the CPS did not consider an evidence led prosecution at any point. In both cases, the prosecution advocate was put in a position where they had to offer no evidence on the day of trial.

10. Victim and witness issues

Risk

10.1. Both the police and the Crown Prosecution Service (CPS) have a responsibility to consider the needs of victims and witnesses of crime and support them through the prosecution process. In domestic abuse cases, where victims are often in a vulnerable position, effective support at all stages of the investigation and prosecution is vital, both to provide victims with adequate protection and to ensure that they remain engaged with the process.

10.2. The police review the needs of victims and witnesses throughout the investigative and criminal justice process. The police should initially consider the risks to victims and their family members by completing a risk assessment and then carrying out risk management to ensure their safety.

10.3. Police officers and CPS prosecutors that we spoke with had a good understanding of the risks posed to victims in domestic abuse cases and the police recognised the importance of managing risk. However, this was not fully borne out by our file read. We found that in 186 of 199 applicable cases (93.5%), the police provided the CPS with a joint CPS and Association of Chief Police Officers evidence checklist (referred to by most officers as the “DA [domestic abuse] checklist”) at the point of charging referral. However, the quality of the information on the completed forms was variable, and it is of concern that this vital document was missing from some of the cases. Equally concerning is that in 14 of the 200 cases we examined (7%), the police had not provided an assessment of the risk posed to the victim.

Special measures

10.4. Many witnesses are anxious about attending court and giving evidence and may require assistance in order to give their best evidence. This is a relevant consideration for victims of domestic abuse, who are often experiencing stress or are in fear of intimidation. In such circumstances, where witnesses are vulnerable and/or intimidated, there are provisions that can help them give their best evidence in court. These provisions are called special measures.

10.5. The police should consider whether a victim or witness would benefit from special measures and pass this information to the CPS. The CPS should then apply to the court wherever special measures are appropriate. In our file sample, special measures were applied for in 69 of 85 cases (81.2%). The prosecutor failed to apply for them in nine cases (10.6%). In the remaining seven cases, it was not possible to tell, either from the CPS case management system or the hearing record sheet, whether there had been an application.

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10.6. We examined 81 cases where victim issues arose after the first hearing but before the trial date. The CPS dealt appropriately with these issues in 56 cases (69.1%), but failed to do so in 25 cases (30.9%).

10.7. Throughout the life of a case, the prosecution has a responsibility to ensure the safety of the victim and witnesses as far as possible, by making appropriate applications to remand defendants in custody, or by seeking bail with suitable conditions attached. Our file examination revealed that in 135 of 150 cases (90%), all necessary steps were taken throughout the case to protect the victim, witnesses and public from harm.

Annex A

File reading outcomes

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Question	Answers	Total	% total
Did the police provide a completed joint CPS and ACPO evidence checklist?	Yes	186	93.5%
	No	13	6.5%
	NA	1	
Was the police assessment of risk provided to CPS to inform decision making?	Yes	186	98.0%
	No	14	2.0%
	NA	0	
Was the CPS decision to charge compliant with the Code test?	Yes	194	98.5%
	No	3	1.5%
	NA	3	
Did the MG3 include proper case analysis and case strategy?	Fully met	88	44.7%
	Partially met	95	48.2%
	Not met	14	7.1%
	NA	3	
Did the prosecutor properly consider progressing the case without the victim's support?	Yes	103	57.9%
	No	75	42.1%
	NA	22	
Did the MG3 make reference to all relevant applications and ancillary matters?	Fully met	88	57.1%
	Partially met	57	37.0%
	Not met	9	5.8%
	NA	46	
Were victim and witness issues clearly set out? ⁶	Fully met	49	32.9%
	Partially met	80	53.7%
	Not met	20	13.4%
	NA	51	
Were the most appropriate charges were advised at pre-charge decision stage?	Yes	149	94.9%
	No	8	5.1%
	NA	43	
Did the prosecutor request further information from the police in relation to progressing evidence led prosecution?	Yes	30	33.0%
	No	61	67.0%
	NA	109	

⁶ Including identification and consideration of the risks, Victim Personal Statement and preference, restraining order, interpreter, intermediary, any court access issues, and reference to support agencies.

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Question	Answers	Total	% total
Did the action plan meet a satisfactory standard?	Fully met	68	45.3%
	Partially met	58	38.7%
	Not met	24	16.0%
	NA	50	
Rate the overall quality of the charging decision.	Excellent	0	0%
	Good	73	45.6%
	Fair	69	43.1%
	Poor	18	11.3%
	NA	40	
Did all post-charge decisions comply with the Code?	Yes	153	98.7%
	No	2	1.3%
	NA	45	
Did the case receive proper and proportionate reviews post-charge, where appropriate?	Fully met	56	37.1%
	Partially met	73	48.3%
	Not met	22	14.6%
	NA	49	
Did the prosecutor consider the possibility of proceeding with an evidence led prosecution?	Yes	82	59.9%
	No	55	40.1%
	NA	63	
Did the case proceed to trial on the most appropriate charges?	Yes	99	98.0%
	No	2	2.0%
	NA	99	
Were appropriate special measures applied for?	Yes	69	81.2%
	No	9	10.6%
	Not known	7	8.2%
	NA	115	
Did victim/witness issues arise after the first hearing but before trial?	Yes	81	67.5%
	No	39	32.5%
	NA	80	
Were victim/witness issues dealt with in an appropriate manner by the CPS?	Yes	56	69.1%
	No	25	30.9%
	NA	119	
Were all necessary steps taken throughout the case to protect the victim, witnesses and public from harm?	Yes	135	90.0%
	No	15	10.0%
	NA	50	

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Question	Answers	Total	% total
Did the case proceed as an effective trial?	Yes	59	58.4%
	No	42	41.6%
	NA	99	
If No, what was the reason?	Victim DNA	23	54.8%
	Victim refuses to give evidence	2	4.8%
	CPS fails to prepare case properly	5	11.9%
	Other	12	28.6%
	NA	158	
If No, could the prosecution have proceeded without the victim?	Yes	2	5.3%
	No	36	94.7%
	NA	162	

Annex B

Glossary

Action plan

A list of actions that the CPS lawyer has asked the police to complete before the lawyer can make a decision about whether to advise charging the suspect. Examples of frequently occurring actions include obtaining a statement from a witness, obtaining medical records, or providing a list of previous convictions for a witness.

Agent

Agents are lawyers who are not employed by the CPS but who are booked to prosecute cases in court on its behalf, usually on a daily basis. They are not empowered to take decisions under the Code for Crown Prosecutors and have to take instructions from CPS lawyers in this regard.

Ancillary matters

Matters about which the prosecution can ask the court to make orders – for example, to admit a piece of evidence that would otherwise not be allowed, to allow a witness to give their evidence from a different venue by video-link, or to make orders at sentencing preventing the defendant from contacting the victim.

Area

The CPS is divided into 14 geographical Areas across England and Wales. Each Area is led by a Chief Crown Prosecutor, supported by an Area Business Manager, whose respective roles mirror, at a local level, those of the Director of Public Prosecutions and Chief Executive. Area Operations Centres provide Areas with administrative support. A 'virtual' 15th Area, CPS Direct, provides charging decisions to the police across England and Wales.

Body worn video (BWV)

A wearable audio, video, or photographic recording system used to record events in which police officers or other law enforcers are involved.

Case management system (CMS)

An IT system for case management used by the CPS, which records most of the details of cases and provides management information and data. Through links with police systems, the case management system receives electronic case material. Such material is intended to progressively replace paper files.

Casework Quality Standards

These standards set out the benchmarks of quality that the CPS seeks to deliver when prosecuting crime on the public's behalf. They cover treatment of victims and witnesses, legal decision making, casework preparation and advocacy.

Chief Constable

A senior position within a police force with overall responsibility for leading the force, creating a vision and setting a direction and culture. The Chief Constable's goals are to build public and organisational confidence and trust, and enable the force to deliver a professional, effective and efficient policing service.

Chief Crown Prosecutor (CCP)

The most senior legal manager at CPS Area level, and the person who is held to account for the Area's assurance controls and performance.

Code for Crown Prosecutors

A public document, issued by the Director of Public Prosecutions, which sets out the general principles CPS lawyers should follow when they make decisions on cases. It contains a test for establishing whether a prosecution should take place, which has two stages: evidential and public interest. This means that a case should only proceed where there is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to prosecute the suspect.

College of Policing

The professional body for everyone who works for the police service in England and Wales, established in 2012. The purpose of the College is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public, and secure public trust.

Criminal investigation

An investigation conducted by police officers with a view to ascertaining whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it.

Criminal Investigation Department (CID)

A police department that deals with investigations into serious crimes.

CPS Direct (CPSD)

The 'virtual' CPS Area that provides charging decisions on priority cases, mostly out of office hours. It enables the CPS to provide charging decisions at any time of the day or night, all year round.

Crown Prosecution Service (CPS)

The main public agency for conducting criminal cases in England and Wales, responsible for: prosecuting criminal cases investigated by the police and other investigating bodies; advising the police on cases for possible prosecution; reviewing cases submitted by the police; determining any charges in more

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serious or complex cases; preparing cases for court; and presenting cases at court. It has been operating since 1986 and is headed by the Director of Public Prosecutions.

Deputy Chief Constable

A senior police officer who supports the Chief Constable to lead a force. They assist in creating a vision, direction and culture for the force that builds public and organisational confidence and trust, and enables the force to deliver a professional, effective and efficient policing service.

Domestic abuse

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

Domestic Abuse Investigation Support Unit (DAISU)

Specialist teams of police officers or staff with responsibility for domestic abuse investigations.

Effective trial

A trial that goes ahead as a contested hearing on the date that it is listed.

Evidential test

The first stage of the test in the Code for Crown Prosecutors: is there sufficient evidence to provide a realistic prospect of conviction on the evidence?

Focus group

A small number of people (usually between four and fifteen, but typically eight) brought together with a moderator to discuss a specific topic. Focus groups aim for a discussion instead of focusing on individual responses to formal questions, and produce qualitative data (preferences and beliefs) that may or may not be representative of the wider population.

Good practice

An aspect of performance upon which the Inspectorate not only comments favourably, but considers to reflect a way of handling work that might warrant being commended as national practice, with appropriate adaptations to local needs.

Hearing record sheet (HRS)

A CPS electronic record of events at court. If completed correctly, it acts as a continual log of court proceedings and court orders.

Independent domestic violence advisor (IDVA)

A person who will address the safety of victims at high risk of harm from intimate partners, ex-partners or family members to secure their safety and the safety of their children.

Individual quality assessment (IQA)

The process the CPS uses to assess casework done by a prosecutor on a case or the advocate at court. This is a set of questions, which the manager goes through, covering the full range of work that might need to be done. The process calls for feedback to be provided to the prosecutor or advocate, and for themes identified by managers to feed into improvement work across the Area.

Ineffective trial

A trial that does not go ahead on the trial date because of action or inaction by one or more of the prosecution, the defence or the court, requiring a further listing for trial.

Investigator

Any police officer or police staff member involved in conducting a criminal investigation.

Legal guidance

A digital workspace which contains the CPS's legal guidance for the prosecution of casework.

Manual of Guidance Form 3 (MG3)

A standard form, one of several included in the police and CPS manual of guidance for how the police should build a file to send to the CPS, used for the police to summarise the case and for the CPS to record the charging decision.

National File Standard (NFS)

A document detailing what must be included in the police file for particular types of cases. The latest version was published in May 2015.

National Police Chiefs Council (NPCC)

An organisation which brings together 43 operationally independent and locally accountable Chief Constables and their chief officer teams to co-ordinate national operational policing.

NICHE

An IT system used by some police forces.

Offer no evidence (ONE)

Where the prosecution offers no evidence in relation to an offence for which the defendant has been arraigned. This results in a finding of not guilty.

Pre-charge decision (PCD)

The process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's Guidance on Charging.

Public Protection Unit (PPU)

A team of investigators and police staff dealing with allegations of abuse towards some of the most vulnerable groups, including children, vulnerable adults, and victims of serious domestic abuse.

Review (initial, continuing, summary trial, full file, and so on)

The process whereby a crown prosecutor determines that a case received from the police satisfies, and continues to satisfy, the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS.

Special measures applications

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Violence against women and girls (VAWG)

The umbrella under which domestic abuse sits for work undertaken internationally, across government, across the agencies and within the CPS.

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