

Written evidence from the Crown Prosecution Service

Introduction

1. The Crown Prosecution Service (CPS) prosecutes criminal cases that have been investigated by the police and other investigators in England and Wales. Our duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible.
2. Our role means the CPS is uniquely placed to provide prosecutorial insights to inform law and policy development.

The Legal Framework

3. We welcomed the enactment of new offences designed to target predatory behaviour and non-contact sexual offences, including intimate image or film abuse (so-called revenge porn), upskirting and cyberflashing.
4. CPS prosecutors must apply [the Code for Crown Prosecutors](#) ('the Code') which sets out the general principles they should follow when making decisions on cases. CPS policy and prosecution guidance support prosecutors in their decision-making and in the proper application of the Code. We have comprehensive guidance which is regularly updated to ensure our prosecutors have the right tools to effectively prosecute offending.
5. Under the Code, in every case where there is sufficient evidence to justify a prosecution or to consider an out-of-court disposal, prosecutors must go on to consider whether a prosecution is required in the public interest. This includes consideration of any previous suspect criminal convictions and/or out-of-court disposals and any offending whilst on bail or whilst subject to a court order. Similarly, they must consider whether the offending was or is likely to be continued, repeated or escalated.
6. Comprehensive updates to violence against women and girls (VAWG) guidance, enable our prosecutors to better recognise and prosecute behaviour-driven and escalating offending and align with legislative changes introduced in recent years.
7. Our [Public order guidance](#) and [Communications offences](#) set out potential offences, such as upskirting, sharing or threatening to share intimate photographs or film and cyberflashing or exposure to help the public recognise the criminal behaviour and encourage reporting.

8. In February 2024, the CPS secured the first conviction of a cyberflashing case where the offender sent unsolicited photos of his penis to a 15-year-old girl and a woman.

Suspect-Centric, Context-Led Prosecutions

9. A suspect-centric approach requires Police investigators and CPS prosecutors to place the primary focus on the actions and behaviour of the suspect. A suspect-centric approach means looking closely at the actions of the suspect before, during and after an allegation, so their behaviour is the focus of the investigation.
10. Prosecutors consider the full context and range of the offending. Where police provide a prosecutor with the required information and material, including relevant history, risk assessments and previous offending of a suspect, they are well placed to provide charging decisions in a timely manner, as well as identifying wider patterns of criminal behaviour.
11. Bad character evidence may play a key part. We recognise the important role that bad character evidence can play in all cases, such as identifying longer term patterns of behaviour or indications of escalating behaviour.
12. We carefully consider opportunities to reinforce the importance and value of this material so that in cases where bad character evidence is provided to us by the police, opportunities to use it as evidence are not missed. Our legal guidance on this topic provides prosecutors with direction on the specific area of law and procedural issues, as well as case examples to assist their legal decision-making.
13. Risk assessments can contain extremely useful information that could better inform CPS decision-making and potentially refer to other offences and identify escalation. This may lead to additional reasonable lines of enquiry, supplementary charges, or a bad character application to strengthen the prosecution case and safeguard victims.
14. Prosecutors will consider suitable charges that accurately reflect the severity and range of offending, as well as additional protective orders.

Early Advice

15. Early Advice is provided within 21-working days of the request, ensuring that police receive robust advice, focusing on pursuing all reasonable lines of enquiry in a timely manner to better benefit victims in their case.

Quality of Police Evidence

16. We expect all cases submitted to the CPS for charging to meet the Director's Guidance on Charging (DG6), which incorporates the national file standard.

CPS VAWG Strategy 2024-2027

17. The CPS' work on VAWG has highlighted the cross-cutting issues that impact VAWG offending. The CPS is developing a new VAWG strategy for 2024-2027 to identify and address holistic challenges, rather than siloed activity under individual crime types. Non-contact sexual offending will fall within the scope of the strategy.
18. This approach will enable prosecutors to recognise how lessons learnt in one VAWG strand can inform improvements in other VAWG crimes, maximising the potential to hold offenders to account, building confidence in victims and the general public in the CPS' ability to tackle VAWG offending.

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