

Written evidence submitted by the Crown Prosecution Service (COR0099)

INTRODUCTION

1. The Crown Prosecution Service (CPS) welcomes the opportunity to contribute to this important inquiry.
2. The CPS takes cases of domestic abuse (DA) extremely seriously. These cases are amongst the highest priority work being dealt with by the criminal justice system (CJS), and the CPS is working closely with CJS partners, specialist support organisations and the DA Commissioner, to ensure that this vital work continues as social distancing restrictions are eased.
3. The CPS's work on domestic abuse is developed in the context of the overarching cross-government VAWG strategic framework, based on the United Nations conventions that the UK has signed and ratified. Nevertheless, whilst the Government definition of domestic abuse is limited to cases in which the victim and perpetrator are 16 or over, the CPS applies its domestic abuse guidelines and policies to all victims and perpetrators, irrespective of age. This ensures a consistent approach in cases in which there is often the highest risk to victims.
4. Despite the current restrictions, the CPS is determined to bring perpetrators to justice and provide victims with the greatest possible protection from repeat offending.

BACKGROUND

5. The CPS recognises that there is widespread concern that intra-familial violence will increase as a result of lockdown, as victims are forced to self-isolate with their abusers, during a time of increased anxiety and economic pressure. This includes domestic abuse, child sexual abuse and DA-linked rape and serious sexual assault. In addition, perpetrators may find new opportunities for coercive and controlling behaviour, such as by denying victims care when they fall sick, or refusing to let them out to shop.
6. Evidence from past epidemics¹ suggests that fear of violence and abuse can prevent DA victims from reporting offending to the police and from seeking health treatment when needed. It also suggests that survivors of VAWG crimes can find it harder to access care and specialist advice and support. If police and other CJS partners are overwhelmed, it could create an 'atmosphere of impunity', through which DA and violent and sexual crimes increase.
7. The CPS is conscious that, in built-up areas, lockdown measures may mean that neighbours are more likely to witness and report ongoing violence and abuse in adjoining properties, which in turn could increase prosecutions relying on evidence other than that provided by the victim. This could include evidence from neighbours, other witnesses, health professions and police officers. These are often referred to as 'evidence led prosecutions', because they do not rely on the

¹[VAWG Helpdesk Research Report No. 284AWG](#) and Robert T Muller Ph.D., [Domestic Abuse Linked to Financial Crisis](#), 2008

evidence of the victim alone. However, in rural areas violence may escalate both in severity and frequency as a result of social isolation.

8. School closures and lockdown measures may also increase risks for children being abused by immediate family members; they may witness more domestic abuse on others, while other abusers might lose access to their victims, if they do not cohabit. If caregivers are hospitalised, lack of supervision could put children at additional risk of abuse. Children will also lose opportunities to report abuse while confined within the abusive family unit. Although vulnerable children (including those who have been identified at high risk of physical and sexual assault) have been provided with the opportunity to continue to attend school during the current isolation period, those at most risk may be prevented from doing so. This reduces opportunities for teachers, social workers and community based health workers to identify and assess signs of risk and child sexual abuse.

KEY FACTS

9. The Covid-19 outbreak presents an unprecedented crisis for the criminal justice system. Courts are currently unable to start any new jury or summary trials and most ongoing trials have had to be stopped, due to problems with the attendance of victims, witnesses, defendants, advocates and jurors.
10. During recent weeks, as the outbreak has developed, the CPS has been working closely at all levels with the police and cross-Government partners, the Domestic Abuse Commissioner and specialist support organisations, to establish whether additional guidance is required and to identify which processes may need to be adapted to address the possible outcomes of the outbreak.
11. The CPS is developing a dual approach, to ensure that we are able to deal proportionately with any additional problems raised by Covid-19, as well as to prepare for a return to normal business in due course. This involves:
 - Contingency planning, including considering circumstances in which the police and/or CPS resources could become stretched;
 - Ensuring that communication strategies remind victims that they can still seek assistance and help; and
 - Utilising the principles developed from the cross-agency national Domestic Abuse Best Practice Framework model (details set out below).

This approach will help to ensure that the criminal justice system is positioned to brigade and cluster cases through the Magistrates' courts, enabling the best use of specialist support and expertise.

Prosecution of cases of domestic abuse

12. The National Police Chiefs' Council (NPCC) DA lead has indicated that the number of calls to the police remains largely stable compared with the numbers of calls recorded last year – there has been a slight decrease of 1%, although there are some regional variations. This does not accord, however, with the large increases in web traffic and calls to helplines. It is widely believed that victims' reporting of offences to the police may currently be suppressed.
13. A number of processes are being developed to ensure that any subsequent surge in reporting can be addressed, so that victims are provided with the greatest possible protection from offending, and perpetrators are brought to justice.
14. On 31 March, the NPCC and CPS published the 'Interim CPS Charging Protocol – Covid-19 crisis response'.² This categorises cases and establishes how offences should be managed by the police and the CPS. Domestic abuse cases in which the suspect is in custody are defined as 'Immediate' and given the highest priority. All other domestic abuse cases in which the suspect is not in custody are deemed to be 'High Priority', and the guidance is clear that these cases must be given the highest priority after 'Immediate' cases.
15. Domestic abuse cases will continue to be afforded a higher priority as social distancing restrictions are eased. This has been reinforced in published guidance for judges about listing in the Magistrates' courts,³ issued by the Senior Presiding Judge on 14 April.
16. The CPS and NPCC are jointly developing specific guidance for police and prosecutors about how to approach cases of domestic abuse. This guidance will reinforce the principle that those self-isolating with their abusers should continue to seek help, reminding victims who flee their homes that they will not be regarded as violating Coronavirus restrictions. It is informed by weekly conversations with DA Commissioner and specialist support services. This guidance will be published before the end of April 2020. The CPS is also working with partners to develop external communications activities to encourage victim reporting, and to remind perpetrators about ways to address their behaviour.

Domestic Abuse Best Practice Framework

17. In our approach to Covid-19, the CPS is incorporating components and principles gathered from the Domestic Abuse Best Practice Framework. This model encourages effective case handling and the provision of holistic support for victims. After a pilot, the Framework was implemented nationally in January 2019, and implementation is overseen by a cross-CJS National Delivery Group.
18. The Framework has been developed by identifying common components from high performing courts. It aims to improve the capacity and capability of the criminal justice system to respond effectively to reports of domestic abuse offending, whilst providing a level of service to victims

² [Interim CPS Charging Protocol – Covid-19 crisis response](#)

³ [Judiciary Note on Listing in Magistrates' Courts – Covid-19](#)

that increases their safety and satisfaction in the criminal justice system. It brings together four main components of best practice:

- A clear multiagency/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); and
- In court services: proactive witness services/pre-trial familiarisation visits/appropriate use of special measures

19. Meetings of the National Delivery Group will be held virtually during the lockdown period, to ensure that strong governance and direction is maintained. Locally, DA leads continue to meet virtually across the three CJS agencies, together with other non-statutory partners where appropriate, such as specialist support agencies, Police and Crime Commissioners and local authority leads.

20. CPS Area domestic abuse leads also hold fortnightly meetings to ensure feedback on any local issues that may need to be taken up nationally, and to share innovative best practice.

CPS resilience and staffing in light of Covid19

21. Out of 6192 people employed by the CPS as at 31/03/2020, 386 have registered sickness absence during the last four weeks – 6.23% of the CPS workforce. We have seen slightly higher absence rates among our prosecutors in the last week compared with other staff. Among other operational staff, absence rates remain low. 81 people were recorded as affected by Covid19, which translates to 1.31% of the CPS workforce. This rate of absenteeism is within tolerance levels.

22. Certain CPS workers are designated as key workers, including all prosecutors, associate prosecutors, paralegal officers, paralegal assistants, and operational delivery staff essential to the prosecution process.

Evidence led prosecutions – joint HMICFRS and HMCPSI report

23. In January 2020, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and Her Majesty's CPS Inspectorate (HMCPSI) published a joint report⁴ on the work of the police and the CPS in relation to domestic abuse evidence led prosecutions (DA ELP). The inspection recognised that the CPS has a clear focus on domestic abuse cases, and that we understand the importance of achieving the best possible outcomes for those impacted by domestic abuse.

24. The inspectorates acknowledged that the application of the Code for Crown Prosecutors⁵ was excellent, having been applied correctly in 100% of the CPS charged cases examined; that we

⁴ HMICFRS and HMCPSI, [Evidence led domestic abuse prosecutions](#), January 2020

had a good understanding of the risks posed to victims of domestic abuse; and that we understood the importance of managing those risks. They also recognised that that our advocates are proactive, deal with cases efficiently, and are highly regarded by members of the judiciary.

25. This is a complex area of work and we want to build on this good practice. Accordingly, we have committed to working with the police and College of Policing to ensure that evidence led prosecutions are considered for DA cases from the outset. Specifically, we have committed to:

- Reviewing the DA checklist used by police and prosecutors to assist in setting a case strategy from the outset;
- Sharing best practice and lessons learnt within the framework; and
- Reminding our prosecutors that training is available for them; and incorporating more examples of DA evidence led prosecutions into our training material, to help our prosecutors to apply this approach wherever needed.

CONCLUSION

26. It is essential that perpetrators, victims and their families understand that the criminal justice system remains open. The police are continuing to prioritise emergency calls and have put in place rigorous plans to protect the vulnerable. Cases are still being referred to the CPS for charge, and domestic abuse cases continue to be treated as a high priority under interim Coronavirus criminal justice arrangements.

27. The CPS would like to urge victims to continue reporting offences and reassure them that the new regulations do not mean that they have to stay locked down in an abusive relationship. Victims and their families will not be prosecuted for leaving an abusive setting.

28. We are working closely with our colleagues across the CJS to ensure that these deplorable offences continue to be brought to justice at this time.

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⁵ www.cps.gov.uk/publication/code-crown-prosecutors