

Article

Domestic abuse and the criminal justice system, England and Wales: November 2020

Responses to and outcomes of domestic abuse cases in the criminal justice system.

Contact:
Nick Stripe
crimestatistics@ons.gov.uk
+44 (0)20 7592 8695

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1 . Main points

- The police recorded 758,941 domestic abuse-related crimes in England and Wales (excluding Greater Manchester Police)¹ in the year ending March 2020, an increase of 9% compared with the previous year.
- The police made 34 arrests per 100 domestic-abuse related crimes in the year ending March 2020, an increase from 33 in the previous year (in the 37 police forces that supplied data in both years).
- Referrals of suspects of domestic abuse-flagged cases from the police to the Crown Prosecution Service (CPS) for a charging decision fell 19%, from 98,479 in the year ending March 2019 to 79,965 in the year ending March 2020, in England and Wales.
- The charging rate (see [Glossary](#)) in England and Wales in the year ending March 2020 was 73%, a decrease compared with the previous two years (74% in the year ending March 2019 and 76% in the year ending March 2018).
- The number of domestic abuse-related CPS prosecutions in England and Wales fell 22%, from 78,624 in the year ending March 2019 to 61,169 in the year ending March 2020.
- Over three-quarters of domestic abuse-related CPS prosecutions were successful in securing a conviction in England and Wales in the year ending March 2020 (78%), a similar level to the year ending March 2019 (77%).

This publication does not cover the coronavirus (COVID-19) pandemic. Commentary discussing domestic abuse during the coronavirus (COVID-19) pandemic can be found in [Domestic abuse during the coronavirus \(COVID-19\) pandemic](#).

Notes for: Main points

1. Data for Greater Manchester Police on domestic abuse-related crimes are not included in this publication because of issues with their data supply following the implementation of new IT systems.

2 . Understanding domestic abuse

Domestic abuse is often a hidden crime that is not reported to the police. Therefore, data held by the police can only provide a partial picture of the actual level of domestic abuse experienced. Many cases will not enter the criminal justice process as they are not reported to the police.

The data included in this publication are not directly comparable because they are collected on different bases (for example, victims, crimes, suspects or defendants) and different timescales and reference periods are used to collect the data. Cases may also drop out at any stage of the process. Further information on the data sources used in this publication can be found in [Section 11: Data sources and quality](#).

This publication is largely unaffected by the coronavirus (COVID-19) pandemic as it mainly relates to the period prior to the lockdown. Other commentary discussing domestic abuse in England and Wales can be found in the [Domestic abuse in England and Wales overview](#).

3 . Domestic abuse recorded by the police

For information on how the police measure domestic abuse, see [Section 11: Data sources and quality](#).

A total of 1,288,018 domestic abuse-related incidents and crimes¹ were recorded by the police in England and Wales (excluding Greater Manchester Police (GMP)) in the year ending March 2020 (an increase of 4%, 51,404 incidents and crimes, from the previous year)². Of the domestic abuse-related incidents and crimes recorded in the year ending March 2020, 529,077 (41%) were incidents not subsequently recorded as a crime³. The remaining 758,941 were recorded as domestic abuse-related crimes (59% of the total number of incidents and crimes).

Data for Greater Manchester Police (GMP) on domestic abuse-related incidents, domestic abuse-related crimes and offences of controlling or coercive behaviour are not included in this article because of issues with their data supply following the implementation of new IT systems. Any total police recorded crime data refer to England and Wales excluding GMP.

In the previous year, the police recorded 699,431 domestic abuse-related crimes in England and Wales (57% of the total number of incidents and crimes). This equates to a volume increase of 59,510 (9%) domestic abuse-related crimes recorded by the police between the year ending March 2019 and the year ending March 2020 (see [Domestic abuse prevalence and victim characteristics – Appendix Tables, Table 9](#)).

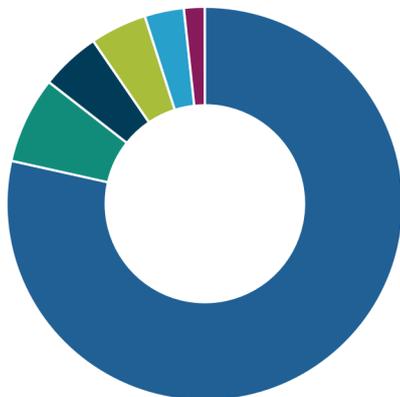
Just over three-quarters (79%) of all domestic abuse-related offences recorded by the police in England and Wales in the year ending March 2020 were within the violence against the person offence group (Figure 1).

Figure 1: Violence against the person offences were the most common domestic abuse-related offence

Proportion of offences recorded by the police that were flagged as domestic abuse-related, by selected offence groups, England and Wales (excluding Greater Manchester Police), year ending March 2020

Figure 1: Violence against the person offences were the most common domestic abuse-related offence

Proportion of offences recorded by the police that were flagged as domestic abuse-related, by selected offence groups, England and Wales (excluding Greater Manchester Police), year ending March 2020



Source: Home Office – Police recorded crime

Notes:

1. Police recorded crime data are not designated as National Statistics.
2. Domestic abuse-related crimes are defined as any incidence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 16 years and over, who are or have been intimate partners or family members, regardless of gender or sexuality.
3. Data for Greater Manchester Police are not included because of issues with their data supply following the implementation of new IT systems.

Stalking and harassment

The police recorded 176,837 domestic abuse-related stalking and harassment offences⁴ in England and Wales (excluding GMP) in the year ending March 2020. This accounts for just over one-fifth (23%) of all domestic abuse-related crimes in that year (see [Domestic abuse prevalence and victim characteristics – Appendix Tables, Table 18](#)). The majority of domestic abuse-related stalking and harassment offences fell within the harassment sub-group category (52%), followed by malicious communications (36%) (Figure 2).

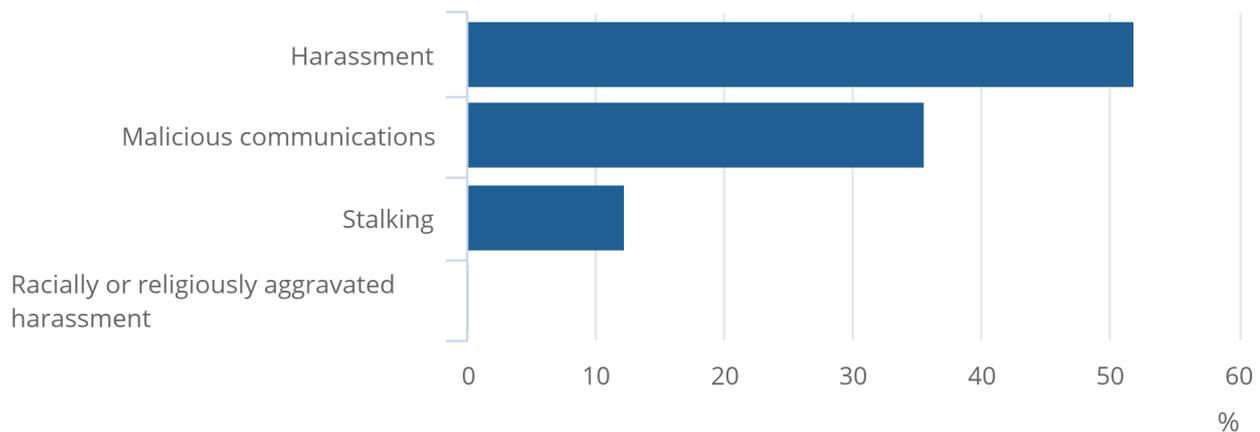
Domestic abuse-related stalking and harassment offences made up over one-third of all stalking and harassment recorded by the police in the year ending March 2020 (37%, see [Domestic abuse prevalence and victim characteristics – Appendix Tables, Table 19](#)).

Figure 2: The majority of domestic abuse-related stalking and harassment offences fell within the harassment sub-group category

Proportion of stalking and harassment offences recorded by the police that were flagged as domestic abuse-related, by offence sub-group, England and Wales (excluding Greater Manchester Police), year ending March 2020

Figure 2: The majority of domestic abuse-related stalking and harassment offences fell within the harassment sub-group category

Proportion of stalking and harassment offences recorded by the police that were flagged as domestic abuse-related, by offence sub-group, England and Wales (excluding Greater Manchester Police), year ending March 2020



Source: Home Office – Police recorded crime

Notes:

1. Police recorded crime data are not designated as National Statistics.
2. Stalking and harassment offences include harassment, malicious communications, racially or religiously aggravated harassment and stalking.
3. Stalking and harassment is a sub-group of the violence against the person offence group.
4. Data for Greater Manchester Police are not included because of issues with their data supply following the implementation of new IT systems.

Controlling or coercive behaviour

There were 24,856 offences of coercive control recorded by the police in England and Wales (excluding GMP) in the year ending March 2020 (see [Domestic abuse prevalence and victim characteristics – Appendix Tables, Table 20](#)). This is an increase from 16,679 (excluding GMP) in the previous year. For more information on the offence of controlling or coercive behaviour and the criminal justice outcomes for the offence see [Prosecution and conviction outcomes](#).

Notes for: Domestic abuse recorded by the police

1. Domestic abuse-related incidents cover reports where, after initial investigation, the police have concluded that no notifiable crime was committed. Incidents of domestic abuse that result in a crime being recorded by the police are included in the data on domestic abuse-related crimes. The number of domestic abuse-related incidents, and crimes give a better picture of the demand that domestic abuse puts on the police.
2. There may be some cases where an incident is recorded and then a crime subsequently recorded in a different time period, for example, an incident recorded on 31 March, a crime recorded on 1 April.
3. An example of a domestic abuse incident that does not amount to a crime would be two family members having a loud argument, a third party calls the police, the police attend and calm the situation down, but no crime has taken place.
4. Stalking and harassment is a sub-group of the violence against the person offence group.

4 . Police responses to domestic abuse

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) visits each police force in England and Wales to examine how effective they are at reducing crime, protecting vulnerable people from harm and supporting victims. As part of this inspection process, HMICFRS examines police responses to domestic abuse-related crimes.

Caution should be taken when using the data in this section as HMICFRS have expressed concerns about the quality of data provided by some police forces.

Arrests and voluntary attendances for domestic abuse-related crimes

HMICFRS collects data from police forces¹ on arrests and voluntary attendances² for domestic abuse-related crimes.

In the year ending March 2020 the police made 226,385 arrests for domestic abuse-related crimes (among the 41 forces able to supply adequate data), equating to 34 arrests per 100 domestic abuse-related crimes³. The arrest rate for the 37 police forces who supplied adequate data in both the years ending March 2019 and March 2020 were compared. The number of arrests per 100 domestic abuse-related crimes increased from 33 in the year ending March 2019 to 34 in the year ending March 2020.

In the year ending March 2020 there were 17,843 instances of voluntary attendance (among the 31 forces able to supply adequate data), equating to three voluntary attendances per 100 domestic abuse-related crimes ([Appendix Table 1](#)).

The [latest update report \(PDF, 1,022KB\)](#) by HMICFRS highlights concerns over the variation in arrest rates across police forces.

Domestic violence protection notices and orders

HMICFRS collects data [on domestic violence protection notices \(DVPNs\) and domestic violence protection orders \(DVPOs\)](#)⁴, which were introduced across all police forces in England and Wales on 8 March 2014.

A DVPN is the initial notice issued by the police to provide emergency protection to an individual believed to be the victim of domestic violence. This notice, which must be authorised by a police superintendent, contains prohibitions that effectively prevent the suspected perpetrator from returning to the victim's home or otherwise contacting the victim.

A total of 25 forces provided data on both the number of DVPNs applied for and the number granted by a superintendent in the year ending March 2020. For these forces, 75% of DVPNs applied for were granted (4,468 out of 5,934 applications, [Appendix Table 2](#)).

DVPOs are civil orders that provide protection to victims by enabling the police and magistrates' courts to put in place protective measures in the immediate aftermath of a domestic violence incident. DVPOs are often used where there is insufficient evidence to charge a perpetrator and provide protection to a victim through bail conditions. Whereas DVPNs can be approved by a police superintendent, DVPOs are granted by a magistrate.

A total of 37 forces provided data on both the number of DVPOs applied for and the number granted by a magistrates' court in the year ending March 2020. For these forces, 91% of DVPOs applied for were granted (6,267 out of the 6,915 applications, [Appendix Table 2](#)).

Domestic violence disclosure scheme

HMICFRS collects data on requests from [the domestic violence disclosure scheme](#) (DVDS, commonly known as [Clare's Law](#)). The DVDS was brought into effect in March 2014 to set out procedures for the police to use in relation to disclosure of information to protect an individual whose current partner has a history of domestic violence and abuse. The DVDS has two routes:

- "right to ask" – this enables someone to ask the police about a partner's history of domestic violence or violent acts
- "right to know" – the police can proactively disclose information in prescribed circumstances

Requests under the DVDS are thoroughly checked by a panel made up of police, probation services and other agencies to ensure information is only passed on where it is deemed lawful, proportionate and necessary.

Individual processes in place across forces for considering and approving applications may vary. Trained police officers and advisers are then on hand to support victims through the difficult and sometimes dangerous transitional period.

A total of 42 police forces provided data on "right to ask" applications and disclosures ([Appendix Table 2](#)). For these forces, 37% of the "right to ask" applications resulted in disclosures (4,236 out of 11,556).

A total of 41 police forces provided data on "right to know" applications and disclosures ([Appendix Table 2](#)). For these forces, 52% of the "right to know" applications resulted in disclosures (4,479 out of 8,591).

Applications will not result in disclosure if there is no information to disclose.

Child protection referrals from domestic abuse incidents

The National Policing Improvement Agency's [Guidance on investigating domestic abuse \(PDF, 1.023KB\)](#) states that police officers should investigate the welfare of all children who have witnessed domestic abuse or who are normally resident at an address at which a domestic abuse-related incident has been reported. Where there is any concern as to the welfare or safety of a child, officers should make a notification to the police child abuse investigation unit (CAIU). Any referrals made to local authority children's social care departments should, where possible, be made by officers from the CAIU⁵.

Data from the HMICFRS show that there were 225,841 child protection referrals as a result of domestic abuse-related incidents and crimes in the year ending March 2020 ([Appendix Table 1](#))⁶. This figure is based on data supplied by 36 police forces in England and Wales.

Notes for: Police responses to domestic abuse

1. Not all police forces are covered because not every force could provide the data.
2. Voluntary attendances act as an alternative to arrest where the suspect attends a police station voluntarily to assist with investigation.
3. The total number of arrests is shown for the 41 police forces that supplied adequate data, however the number of arrests per 100 domestic abuse-related crimes also excludes data from Greater Manchester Police as they were unable to supply data on the number of domestic abuse-related offences due to issues with the implementation of new IT systems.
4. Not all forces can provide HMICFRS a full picture of their DVPN or DVPO usage, and for those that do there are issues of comparability and consistency. Caution should be taken when using the data on DVPNs and DVPOs as they are not completely robust.
5. Forces have systems in place to make referrals where appropriate. These generally involve response officers completing a vulnerable child form or a section on the domestic abuse risk assessment form to alert Public Protection Units (PPU) and children's social services. Referrals can also be made through Multi-Agency Safeguarding Hubs (MASHs) or Central Referral Units (CRUs). Some forces use additional checks to identify the risk to children at domestic abuse incidents, for example, the use of [Operation Encompass](#).
6. Multiple child protection referrals can be made for each domestic abuse-related incident or crime recorded by the police. Therefore, it is not possible to link the number of child protection referrals to the number of domestic abuse-related incidents and crimes recorded.

5 . Police outcomes of domestic abuse-related offences

The Home Office Data Hub¹ contains information on how domestic abuse-related crimes recorded in the year ending March 2020 have been dealt with by the police. The analyses are based on data from 29 of the 43 territorial police forces in England and Wales that supplied data².

In total, 93% of domestic abuse-related crimes had been assigned an outcome by the time the data were extracted³ ([Appendix Table 3](#)). A similar proportion of non-domestic abuse-related crimes were assigned an outcome by the time the data were extracted (95%, [Appendix Table 6](#)).

Violence against the person offences made up the majority (79%) of all domestic abuse-related cases in the year ending March 2020 (see [Domestic abuse prevalence and victim characteristics – Appendix Tables, Table 14a](#)). The following points focus on the outcomes of domestic abuse-related violence offences.

There were notable differences in the outcomes between domestic abuse-related violence against the person offences compared with non-domestic abuse-related violence against the person offences (Figure 3):

- domestic abuse-related violence offences had a higher proportion of charge or summons outcomes assigned than non-domestic abuse-related violence offences (9% compared with 7% respectively)
- given the nature of the offences, there were very few cases of domestic abuse-related violence where no suspect was identified (1%), whereas this outcome was assigned for 21% of non-domestic abuse-related violent offences
- the police were more likely to assign evidential difficulty outcomes⁴ for domestic abuse-related violent offences (in 78% of cases) than non-domestic abuse-related violence offences (55%)

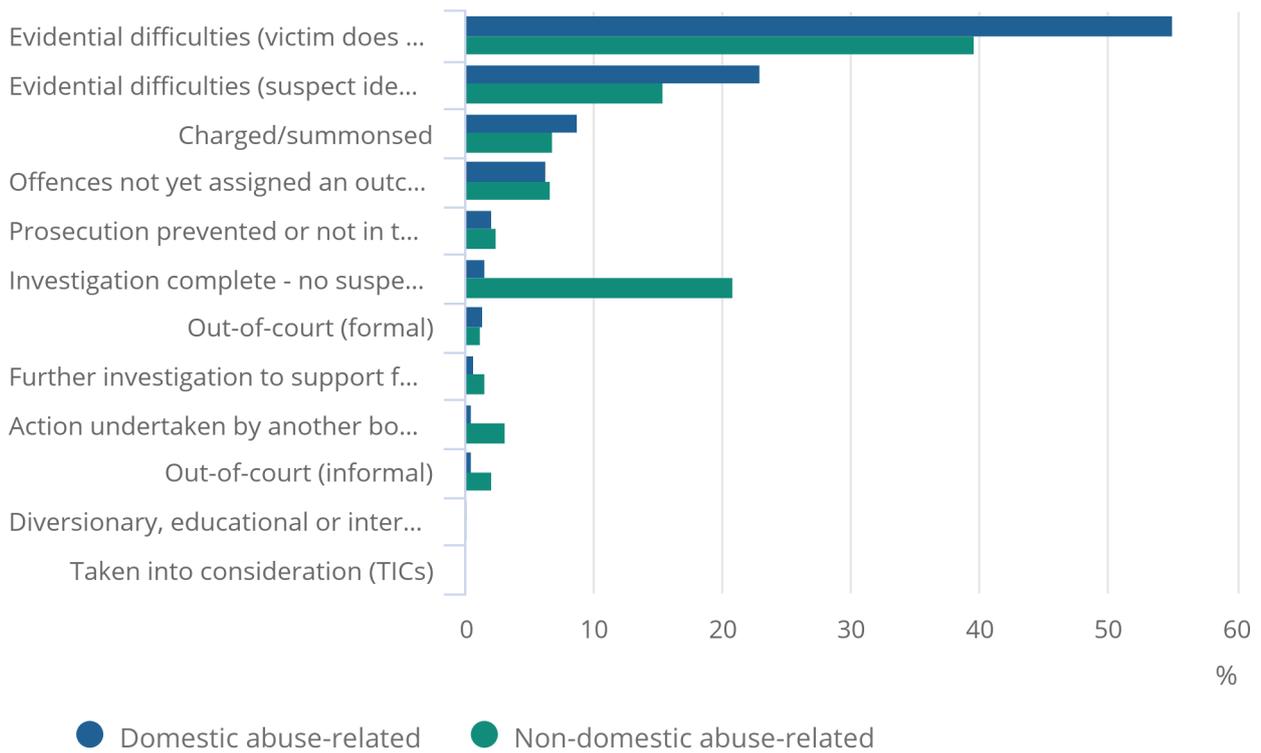
There was a notably higher proportion of domestic abuse-related violence against the person offences assigned an evidential difficulty outcome where the victim does not support action compared with non-domestic abuse-related violence against the person offences (55% compared with 40%, [Appendix Table 7](#)). Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) highlighted in their [latest update report \(PDF, 1.022KB\)](#) the increasing proportion of domestic abuse cases that are closed because of evidential difficulties, where the victim does not support action, as an area of improvement for some police forces. HMICFRS states that clear standards for building the best possible case for the victim are vital, including cooperation with specialist domestic abuse services, which increases the likelihood of victims engaging with the criminal justice system.

Figure 3: There were variations in the outcomes between domestic abuse-related and non-domestic abuse-related violence against the person offences

Outcomes assigned to domestic abuse-related violence against the person offences and non-domestic abuse-related violence against the person offences, England and Wales, year ending March 2020, by outcome group

Figure 3: There were variations in the outcomes between domestic abuse-related and non-domestic abuse-related violence against the person offences

Outcomes assigned to domestic abuse-related violence against the person offences and non-domestic abuse-related violence against the person offences, England and Wales, year ending March 2020, by outcome group



Source: Home Office Data Hub – Police recorded crime

Notes:

1. Police recorded crime data are not designated as National Statistics.
2. Based on 29 police forces that supplied adequate data.
3. "Taken into consideration" includes offences asked to be taken into consideration by a court.
4. "Out of court (formal)" includes caution – adults; caution – youths; Penalty Notices for Disorder.
5. "Out of court (informal)" includes cannabis or khat warnings and community resolutions.
6. "Prosecution prevented or not in the public interest" includes not in the public interest (Crown Prosecution Service); not in public interest (police); offender died; prosecution prevented (suspect under age; suspect too ill; victim or key witness dead or too ill); prosecution time limit expired.
7. "Evidential difficulties (victim does not support action)" includes evidential difficulties where the suspect was or was not identified and the victim does not support further action.
8. "Diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action" was introduced on a voluntary basis from April 2019.

Domestic abuse-related sexual offences had a larger proportion of offences not yet assigned an outcome (24%) than any other domestic abuse-related crime ([Appendix Table 4](#)). This is the same proportion as sexual offences that were non-domestic abuse-related (24%; [Appendix Table 7](#)). Evidential difficulties outcomes were assigned to 71% of domestic abuse-related sexual offences compared with 45% of non-domestic abuse-related sexual offences. This reflects the added complexities around investigations of domestic abuse-related sexual offences.

Outcomes data for the year ending March 2020 can be compared with figures for the previous year based on 26 police forces that provided outcomes data for both years⁵. These data show that:

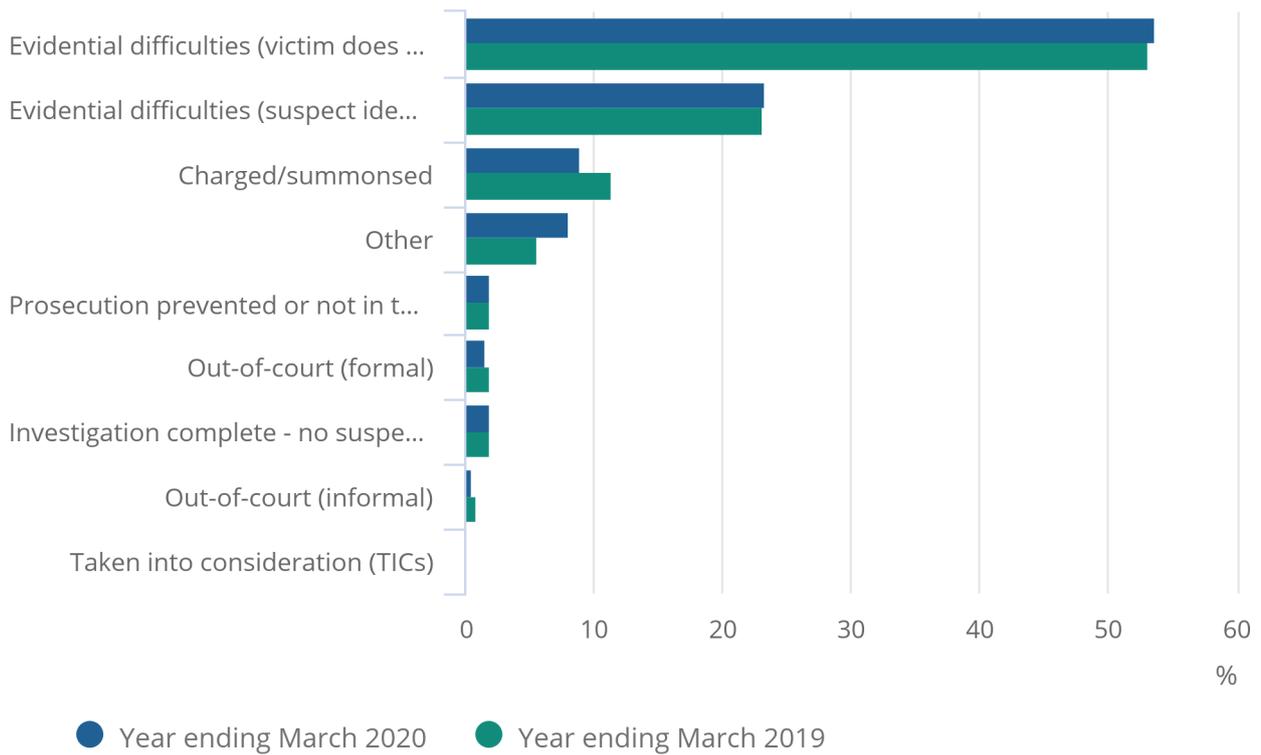
- the proportion of domestic abuse-related crimes that resulted in a charge decreased from 11% in the year ending March 2019 to 9% in the year ending March 2020 (Figure 4)
- the proportion of domestic abuse-related crimes that had evidential difficulties where the victim did not support action increased slightly from 53% in the previous year to 54% in the year ending March 2020 (Figure 4)

Figure 4: The proportion of domestic abuse-related crimes resulting in a charge has decreased over the last year

Outcomes assigned to domestic abuse-related crimes, England and Wales, year ending March 2019 and year ending March 2020

Figure 4: The proportion of domestic abuse-related crimes resulting in a charge has decreased over the last year

Outcomes assigned to domestic abuse-related crimes, England and Wales, year ending March 2019 and year ending March 2020



Source: Home Office Data Hub – Police recorded crime

Notes:

1. Police recorded crime data are not designated as National Statistics.
2. Based on 26 police forces that supplied adequate data in both years.
3. "Taken into consideration" includes offences asked to be taken into consideration by a court.
4. "Out-of-court (formal)" includes caution – adults; caution – youths; and Penalty Notices for Disorder.
5. "Out-of-court (informal)" includes cannabis or khat warnings and community resolutions.
6. "Prosecution prevented or not in the public interest" includes not in the public interest (Crown Prosecution Service); not in the public interest (police); offender died; prosecution prevented (suspect under age; suspect too ill; or victim or key witness dead or too ill); and prosecution time limit expired.
7. "Evidential difficulties (victim does not support action)" includes evidential difficulties where the suspect was or was not identified and the victim does not support further action.
8. "Other" includes action undertaken by another body or agency; further action to support formal investigation not in the public interest; diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action (for year ending March 2020 data only); offences not yet assigned an outcome.

Time taken to assign police outcomes

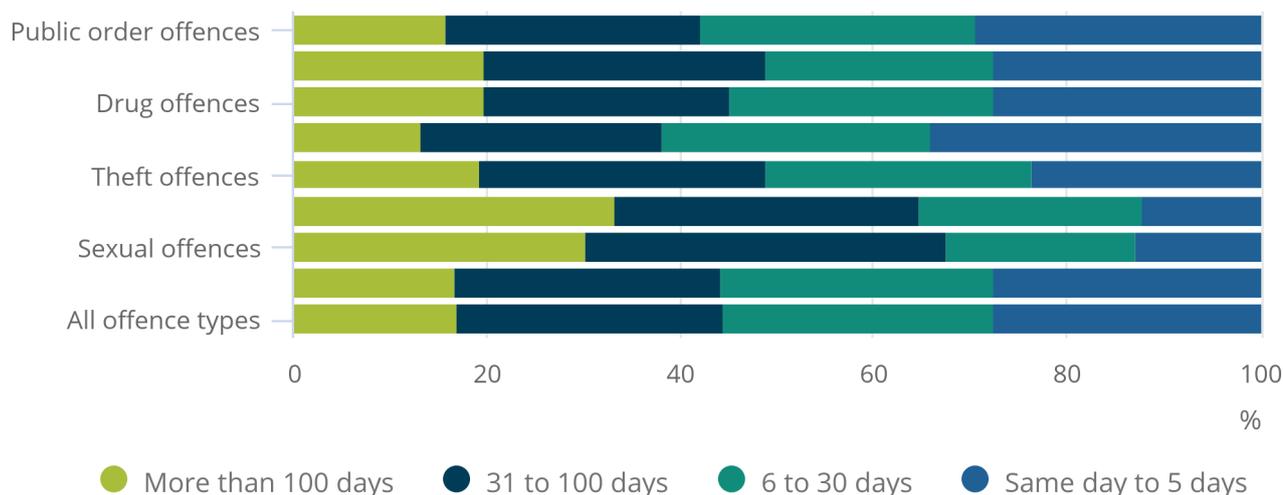
Just over one-quarter of domestic abuse-related crimes in the year ending March 2020 had an outcome recorded within five days of the offence being recorded (28%, [Appendix Table 8](#)). In addition, 28% of outcomes were assigned between 6 and 30 days from when the police recorded the offence and 28% were assigned between 31 and 100 days. The remaining 17% were assigned more than 100 days after the offence was recorded ([Appendix Table 8](#)). The time taken to assign an outcome varied by offence type (Figure 5).

Figure 5: Domestic abuse-related robbery and sexual offences took longer for the outcome to be recorded than other domestic abuse-related offences

Length of time between domestic abuse-related offences and outcomes being recorded, by offence type, England and Wales, year ending March 2020

Figure 5: Domestic abuse-related robbery and sexual offences took longer for the outcome to be recorded than other domestic abuse-related offences

Length of time between domestic abuse-related offences and outcomes being recorded, by offence type, England and Wales, year ending March 2020



Source: Home Office Data Hub – Police recorded crime

Notes:

1. Police recorded crime data are not designated as National Statistics.
2. Based on 29 police forces that supplied adequate data.
3. Includes offences recorded in the year ending March 2020 that had been assigned an outcome by the time the data were extracted from the Home Office Data Hub in June 2020.

The length of time taken to assign an outcome to domestic abuse-related violence against the person offences was similar to the length of time taken to assign an outcome to non-domestic abuse-related violence offences ([Appendix Table 8](#)). For example, the proportion of domestic abuse-related violence offences that were assigned an outcome within five days of the offence being recorded was 28% compared with 35% of non-domestic abuse-related violence offences.

For domestic abuse-related sexual offences, the proportion of offences that were assigned an outcome within five days of the offence was lower than for non-domestic abuse-related sexual offences (13% compared with 19%, [Appendix Table 8](#)). Furthermore, domestic abuse-related sexual offences had a higher proportion that took over 100 days to assign an outcome (30%) compared with non-domestic abuse-related sexual offences (23%). This reflects the pattern seen in the proportion of offences assigned an evidential difficulty outcome for domestic abuse-related sexual offences (71%) compared with non-domestic abuse-related sexual offences (45%). This indicates that sexual offences as a whole are often more complex to investigate, particularly when there is a domestic relationship between the victim and the perpetrator.

Notes for: Police outcomes of domestic abuse-related offences

1. The Home Office Data Hub is a record-level crime system that police forces have been progressively switching over to. For more information on data from the Home Office, see [How domestic abuse data are captured through the criminal justice system](#).
2. Avon and Somerset, Bedfordshire, British Transport Police, Cambridgeshire, Cheshire, Cleveland, Derbyshire, Devon and Cornwall, Dorset, Durham, Gloucestershire, Gwent, Hampshire, Hertfordshire, Lancashire, Lincolnshire, Merseyside, Metropolitan Police, Norfolk, North Wales, North Yorkshire, Northamptonshire, Northumbria, South Wales, Staffordshire, Suffolk, Surrey, Thames Valley and West Yorkshire.
3. Data include offences recorded in the year ending March 2020 that had been assigned an outcome by the time the data were extracted from the Home Office Data Hub in June 2020.
4. “Evidential difficulties” include evidential difficulties where the suspect was identified and the victim supports action, and evidential difficulties where the suspect was or was not identified and the victim does not support further action.
5. Avon and Somerset, Bedfordshire, British Transport Police, Cambridgeshire, Cheshire, Cleveland, Devon and Cornwall, Dorset, Durham, Gloucestershire, Hampshire, Hertfordshire, Lincolnshire, Merseyside, Metropolitan Police, Norfolk, North Wales, North Yorkshire, Northamptonshire, Northumbria, South Wales, Staffordshire, Suffolk, Surrey, Thames Valley and West Yorkshire.

6 . Pre-charge outcomes of domestic abuse-related cases

The Crown Prosecution Service (CPS) is the principal prosecuting authority in England and Wales, acting independently in criminal cases investigated by the police and others. Data on domestic abuse-related cases^{1,2} referred by the police to the CPS for pre-charge decisions are available through the CPS Case Management System (CMS)³.

Due to a time lag between each stage of the criminal justice system, data on CPS cases do not necessarily follow on from each other (that is, they are not the same cohort of cases) and caution should be taken when making comparisons. Further information on how domestic abuse cases flow through the criminal justice system and the data sources used in this publication can be found in [How domestic abuse data are captured through the criminal justice system](#).

CPS data include both child and adult defendant and victim data. This does not strictly align with the government definition of domestic abuse, which only applies to those cases where both the victim and perpetrator are aged 16 years and over.

CPS data on pre-charge decisions cover domestic abuse-related cases, by suspect.

There was a 19% decrease in the number of suspects of domestic abuse-flagged cases referred to the CPS from the police from the year ending March 2019 to the year ending March 2020 (from 98,479 to 79,965)⁴. This follows an 11% decrease between the years ending March 2018 and March 2019, however prior to this the decrease had been more gradual (Figure 6).

In their [latest update report \(PDF,1022KB\)](#), Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) explains that police forces and the CPS are examining the reduction in referrals to the CPS and variations across police forces. This could be affected by various factors including differing systems and processes, relationships between the police and CPS, and quality of evidence.

Figure 6: The number of suspects of domestic abuse-related crimes referred by the police to the CPS for a charging decision has decreased over the last five years

The number of suspects of domestic abuse-related crimes referred by the police to the CPS for a charging decision, England and Wales, year ending March 2015 to year ending March 2020

Figure 6: The number of suspects of domestic abuse-related crimes referred by the police to the CPS for a charging decision has decreased over the last five years

The number of suspects of domestic abuse-related crimes referred by the police to the CPS for a charging decision, England and Wales, year ending March 2015 to year ending March 2020



Source: Crown Prosecution Service

Notes:

1. Data from the Crown Prosecution Service (CPS) are not designated as official statistics.
2. In 2019, CPS altered their data collection methodology to include cases from Central Casework divisions in the figures for England and Wales. This change has been applied to all historic data, therefore data may differ slightly from figures previously published.
3. These data are referred to by the CPS as the pre-charge receipt of cases. The number of pre-charge receipts referred by the police relies on the police identifying and flagging the cases, by suspect, prior to being referred to the CPS. It also relies on the CPS administrators identifying and flagging those cases on the CPS CMS when they are first registered.

There were 82,606 domestic abuse-flagged cases referred to the CPS from the police that resulted in a finalised pre-charge decision⁵ in the year ending March 2020⁶. This represents a fall of 16% from the year ending March 2019 (98,687 cases, [Appendix Table 9](#)).

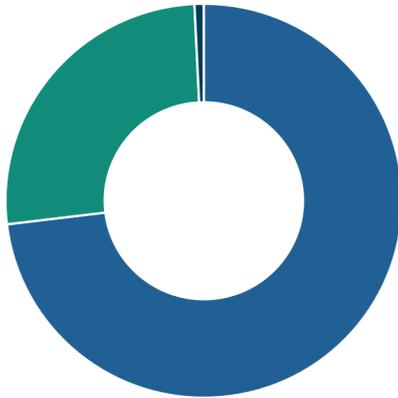
Of the 82,606 cases that resulted in a finalised pre-charge decision, 92% resulted in a [legal decision](#) (76,008 cases, [Appendix Table 9](#)). Of these cases, 73% were charged (55,567), 26% resulted in no prosecution (19,873) and 1% had an [out of court disposal](#) (568, Figure 7). The trend in the proportion of pre-charge decision outcomes has remained relatively stable from the year ending March 2015 to the year ending March 2020 ([Appendix Table 9](#)).

Figure 7: Almost three-quarters of legally decided pre-charge cases resulted in a charge

Proportion of domestic abuse-related pre-charge decision outcomes that were legal decisions, England and Wales, year ending March 2020

Figure 7: Almost three-quarters of legally decided pre-charge cases resulted in a charge

Proportion of domestic abuse-related pre-charge decision outcomes that were legal decisions, England and Wales, year ending March 2020



Source: Crown Prosecution Service

Notes:

1. Data from the CPS are not designated as official statistics.
2. Total pre-charge decisions data are based on the date the charging advice was completed and provided to the police. Therefore, year ending March 2020 data may include pre-charge decisions on cases referred by the police to the CPS in the year ending March 2020 or earlier. Data on pre-charge decisions are also not directly comparable with data on the number of prosecutions, which cover cases finalised during the year ending March 2020.
3. An out-of-court disposal is where a caution, conditional caution, reprimand or final warning is given or the offence has been considered in relation to other charges.

For some cases referred to the CPS for a pre-charge decision, no legal decision is made and instead the case is administratively finalised⁷. Of the 82,606 domestic abuse-flagged cases referred to the CPS by the police that resulted in a finalised pre-charge decision, 8% were administratively finalised ([Appendix Table 9](#)). Since the year ending March 2015, the proportion of cases that were administratively finalised has increased by four percentage points (Figure 8).

Figure 8: The proportion of domestic abuse-related pre-charge cases that were administratively finalised was 8% in the year ending March 2020

Proportion of domestic abuse-related pre-charge decisions that were legal decisions compared to administratively finalised, England and Wales, year ending March 2015 to year ending March 2020

Figure 8: The proportion of domestic abuse-related pre-charge cases that were administratively finalised was 8% in the year ending March 2020

Proportion of domestic abuse-related pre-charge decisions that were legal decisions compared to administratively finalised, England and Wales, year ending March 2015 to year ending March 2020



Source: Crown Prosecution Service

Notes:

1. Data from the CPS are not designated as official statistics.
2. In 2019, CPS altered their data collection methodology to include cases from Central Casework divisions in the figures for England and Wales. This change has been applied to all historic data, therefore data may differ slightly from figures previously published.
3. Total pre-charge decisions data are based on the date the charging advice was completed and provided to the police. Therefore, year ending March 2020 data may include pre-charge decisions on cases referred by the police to the CPS in the year ending March 2020 or earlier. Data on pre-charge decisions are also not directly comparable with data on the number of prosecutions, which cover cases finalised during the year ending March 2020.
4. Administratively finalised cases are those that have been referred to the CPS for a pre-charge decision but where no legal decision has been made. For example, the CPS has asked the police to provide further information where there is insufficient evidence to make a charging decision or the CPS has advised the police to charge but the suspect has not been charged because the suspect has not answered police bail or cannot be located. Administratively finalised decisions are not legal decisions and may not be the end of the case.
5. Less than 1% of cases in each year were categorised as "other" but have not been included in this chart. Figures therefore do not sum to 100.

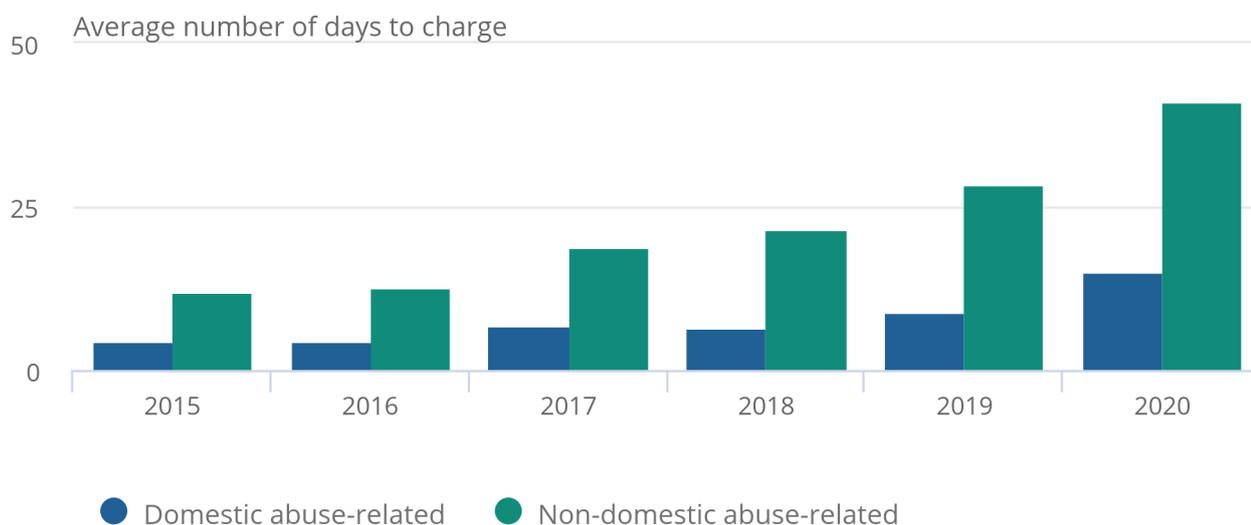
The average number of days taken for a decision to charge^{8,9} to be made in domestic abuse-related cases was 15.0 days in the year ending March 2020. This has increased from 8.9 days in year ending March 2019, and more than tripled since the year ending March 2015 (4.3 days, [Appendix Table 11](#))¹⁰. It was, however, shorter than non-domestic abuse-related cases, which took an average of 41.1 days to charge in the year ending March 2020 (Figure 9).

Figure 9: The average number of days taken for a decision to charge to be made in domestic abuse-related cases has increased over the last five years

Average number of days to charge domestic abuse-related and non-domestic abuse-related cases, England and Wales, year ending March 2015 to year ending March 2020

Figure 9: The average number of days taken for a decision to charge to be made in domestic abuse-related cases has increased over the last five years

Average number of days to charge domestic abuse-related and non-domestic abuse-related cases, England and Wales, year ending March 2015 to year ending March 2020



Source: Crown Prosecution Service

Notes:

1. Data from the CPS are not designated as official statistics.
2. In 2019, CPS altered their data collection methodology to include cases from Central Casework divisions in the figures for England and Wales. This change has been applied to all historic data, therefore data may differ slightly from figures previously published.
3. The CPS CMS data report the average number of calendar days since the first decision was sought by the police, to the date in which the last decision made was to charge. The data include those cases where the police were required to submit further evidence prior to a decision to charge being made and those more serious complex cases including cases involving a death; rape and serious sexual offences; child abuse; large-scale or long-term fraud; and cases with substantial or complex video or audio key evidence, which all must be referred to CPS area-based prosecutors.
4. The system is unable to separately record the timeliness of those cases that were subject to advice and further work before a charge decision was made and recorded as the last decision.
5. The data include all cases where the decision was made on the same day by CPS Direct and those cases that must be referred to CPS area-based prosecutors by way of face-to-face, telephone, or written advice and consultation with the police. The data also include cases where a decision to charge was made after the police were required to submit further evidence prior to a decision to charge being made.

A variety of factors may contribute to the increase in the number of days taken for a decision to charge, such as the quality of police files, the inclusion of more complex materials, for example digital material, and resource. There has also been an increase in the number of times a case may move from the CPS to the police and back, which can also cause delays. Work is currently ongoing between the police and the CPS to examine this.

Notes for: Pre-charge outcomes of domestic abuse-related cases

1. Cases on the CPS CMS are flagged as domestic abuse-related by lawyers and administrative staff. CPS domestic abuse data are therefore accurate only to the extent that flags have been correctly applied.
2. A domestic abuse flag may be applied at the beginning of a case or later in the prosecution process if a domestic abuse relationship becomes apparent.
3. The CPS collects data to assist in the effective management of its prosecution functions and therefore does not collect data that constitute official statistics as defined in the [Statistics and Registration Service Act 2007](#).
4. These data are referred to by the CPS as the pre-charge receipt of cases. The number of pre-charge receipts referred by the police relies on the police identifying and flagging the cases, by suspect, prior to being referred to the CPS. It also relies on CPS administrators identifying and flagging those cases on the CPS CMS when they are first registered.
5. Of all the suspects referred by the police, pre-charge decisions are those where the CPS has made a decision on whether to charge, take no further action, recommend an out-of-court decision, administratively finalise or "other".
6. Total pre-charge decisions data are based on the date the charging advice was completed and provided to the police. Therefore, year ending March 2020 data may include pre-charge decisions on cases referred by the police to the CPS in the year ending March 2020 or earlier. Data on pre-charge decisions are also not directly comparable with data on the number of prosecutions, which cover cases finalised during the year ending March 2020.
7. For some cases referred to the CPS for a pre-charge decision, no legal decision is made and instead the case is administratively finalised. For example, the CPS have asked the police to provide further information where there is insufficient evidence to make a charging decision or the CPS have advised the police to charge but the suspect has not been charged because the suspect has not answered police bail or cannot be located. Administratively finalised decisions are not legal decisions and may not be the end of the case.
8. CPS CMS data report the average number of calendar days since the first decision was sought by the police, to the date in which the last decision made was to charge. The data include those cases where the police were required to submit further evidence prior to a decision to charge being made and those more serious complex cases including cases involving a death; rape and serious sexual offences; child abuse; large-scale or long-term fraud; and cases with substantial or complex video or audio key evidence, which all must be referred to CPS area-based prosecutors.
9. The system is unable to separately record the timeliness of those cases that were subject to advice and further work before a charge decision was made and recorded as the last decision.
10. The data include all cases where the decision was made on the same day by CPS Direct and those cases that must be referred to CPS area-based prosecutors by way of face-to-face, telephone, or written advice and consultation with the police. The data also include cases where a decision to charge was made after the police were required to submit further evidence prior to a decision to charge being made.

7 . Prosecution and conviction outcomes

Data on prosecutions and convictions of domestic abuse-related cases^{1,2} are available through the Crown Prosecution Service (CPS) Case Management System (CMS)³.

CPS data on prosecutions cover domestic abuse-related cases, by defendant, finalised during that year⁴.

There was a total of 61,169 prosecutions for domestic abuse-related crimes in the year ending March 2020, which accounted for around 14% of all CPS prosecutions in England and Wales ([Appendix Table 12](#)). This figure shows a volume decrease in the number of domestic abuse-related prosecutions compared with the previous year (78,624, [Appendix Table 9](#)).

Over three-quarters of domestic abuse-related prosecutions were successful in securing a conviction in the year ending March 2020 ([Appendix Table 9](#)). Following small year-on-year increases, the latest figure of 78% is at its highest level since the year ending March 2015 (74%, [Appendix Table 9](#)). In comparison, there have been small fluctuations in the charging rate over the same period, with a small decrease seen in the latest year ([Section 6: Pre-charge outcomes of domestic abuse-related cases](#)).

Of the 47,534 domestic abuse-related convictions in the year ending March 2020:

- 72% were because of a guilty plea, a figure that has increased slowly over the last five years (from 68% in the year ending March 2015)
- 6% secured a conviction following a trial
- less than 1% were proved in absence

Just under one-quarter (22%) of domestic abuse-related prosecutions were unsuccessful in securing a conviction, equating to 13,635 prosecutions ([Appendix Table 9](#)).

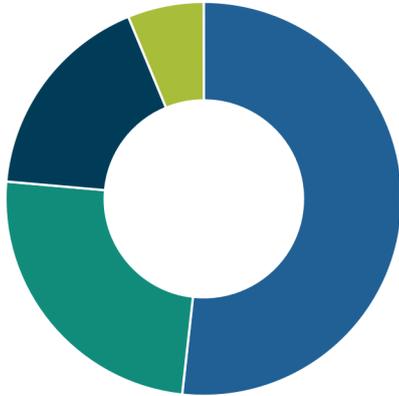
Of these non-convictions, 52% were because of victim-related issues (Figure 10). “Victim-related issues” include retractions, non-attendance at trial or where the “evidence of the complainant does not support the case”.

Figure 10: The majority of non-convictions were a result of victim-related issues

Reasons for non-convictions in domestic abuse-related cases, England and Wales, year ending March 2020

Figure 10: The majority of non-convictions were a result of victim-related issues

Reasons for non-convictions in domestic abuse-related cases, England and Wales, year ending March 2020



Source: Crown Prosecution Service

Notes:

1. Data from the CPS are not designated as official statistics.
2. CPS data on prosecutions cover domestic abuse-related cases, by defendant, finalised during that year and are therefore not directly comparable to data on pre-charge decisions.
3. "Victim-related issues" include retractions, non-attendance at trial or where the "evidence of the complainant does not support the case".
4. "Administratively finalised cases" include cases where prosecution cannot proceed because a defendant has failed to appear at court, the defendant has died or is found unfit to plead, or where proceedings are adjourned indefinitely.
5. "Other reasons" include conflict of evidence or an essential legal element missing.

Complainants may not want to be involved in the prosecution for a number of reasons, for example, because of the level of fear and control exerted by the perpetrator or because of a lack of sufficient response or support from agencies. The CPS provides training to independent domestic violence advisors (IDVAs)⁵ who support domestic abuse victims and provide support through special measures and speaking to victims at court.

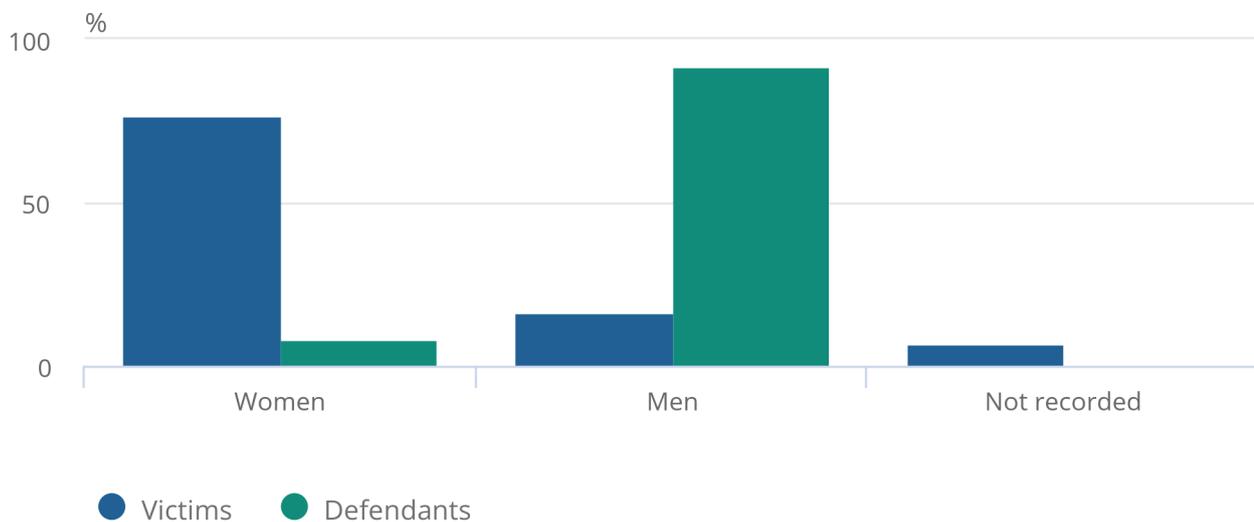
The majority of defendants in domestic abuse-related prosecutions were men in the year ending March 2020 (92%, Figure 11)⁶. In contrast, the majority of victims were female (77%, compared with 16% who were male) ([Appendix Table 13](#)). The sex of the victim was not recorded in 7% of prosecutions⁷. If this category was excluded from the analysis, the proportion of female victims would be 82%, with 18% male victims (see [Domestic abuse victim characteristics, England and Wales: year ending March 2020](#) for estimates on victims of domestic abuse by sex from the Crime Survey for England and Wales).

Figure 11: The majority of victims in domestic abuse-related prosecutions were female, while the majority of defendants were male

Sex of victims and defendants in domestic abuse-related cases, year ending March 2020, England and Wales

Figure 11: The majority of victims in domestic abuse-related prosecutions were female, while the majority of defendants were male

Sex of victims and defendants in domestic abuse-related cases, year ending March 2020, England and Wales



Source: Crown Prosecution Service

Notes:

1. Data from the CPS are not designated as official statistics.
2. CPS data on prosecutions cover domestic abuse-related cases, by defendant, finalised during that year and are therefore not directly comparable to data on pre-charge decisions.
3. Data showing the sex of defendants are held in the CPS Management Information System; however, the records are not always complete. The sex of the defendant is unknown in some cases and may not be recorded in others.
4. It is not possible to match data on the sex of victims against data on the sex of defendants. Victim data are only recorded if a case is handled by Witness Care Unit (WCU) staff. Not all cases are managed by WCUs, and a number of CPS areas do not use this system. There are many cases for which victim information is therefore not recorded.

Disclosing private sexual images without consent

Offences involving the disclosure of private sexual photographs and films with the intent to cause distress or anxiety, commonly referred to as “revenge porn”, were made a specific criminal offence in April 2015⁸. The CPS records how many prosecutions involving the offence have been flagged as domestic abuse-related. Of the 341 prosecutions commenced in the year ending March 2020⁹, 82% (278) were flagged as being domestic abuse-related (Figure 12). This is a decrease from the comparable proportion (83% or 313 cases) of domestic abuse-related prosecutions in the previous year.

Figure 12: The proportion of “revenge porn” prosecutions flagged as domestic abuse-related has decreased slightly over the last year

Proportion of domestic abuse-related “revenge porn” prosecutions, England and Wales, year ending March 2016 to year ending March 2020

Figure 12: The proportion of “revenge porn” prosecutions flagged as domestic abuse-related has decreased slightly over the last year

Proportion of domestic abuse-related “revenge porn” prosecutions, England and Wales, year ending March 2016 to year ending March 2020



Source: Crown Prosecution Service

Notes:

1. Data from the CPS are not designated as official statistics.
2. In 2019, CPS altered their data collection methodology to include cases from Central Casework divisions in the figures for England and Wales. This change has been applied to all historic data, therefore data may differ slightly from figures previously published.
3. CPS data on prosecutions cover domestic abuse-related cases, by defendant, finalised during that year and are therefore not directly comparable to data on pre-charge decisions.
4. "Revenge porn" involves the disclosure of private sexual images without consent with the intention to cause anxiety or distress.

Stalking or harassment

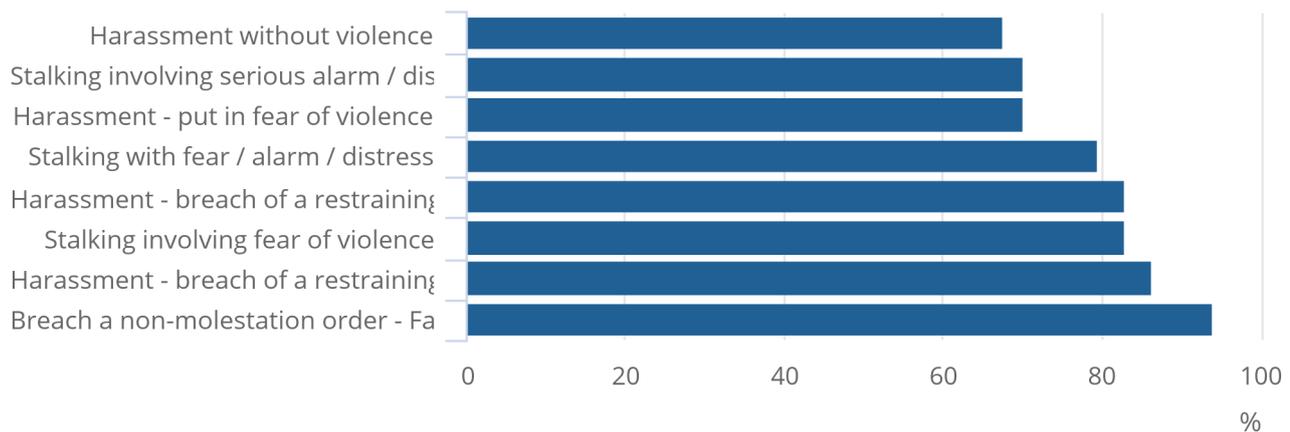
The CPS Management Information System (MIS) recorded a total of 28,413 cases of stalking or harassment that came to a first hearing at a magistrates' court in the year ending March 2020. Of these, 82% (23,431) were domestic abuse-related. For all types of stalking or harassment offences, over 65% of cases were domestic abuse-related. Of the cases where a restraining order on conviction was breached, 86.3% were flagged as domestic abuse-related (Figure 13).

Figure 13: More than two-thirds of all types of stalking or harassment offences that reached a first hearing at a magistrates' court were flagged as domestic abuse-related

Proportion of stalking or harassment cases that reached a first hearing at a magistrates' court that were flagged as domestic abuse-related, by type of offence, year ending March 2020

Figure 13: More than two-thirds of all types of stalking or harassment offences that reached a first hearing at a magistrates' court were flagged as domestic abuse-related

Proportion of stalking or harassment cases that reached a first hearing at a magistrates' court that were flagged as domestic abuse-related, by type of offence, year ending March 2020



Source: Crown Prosecution Service

Notes:

1. Data from the CPS are not designated as official statistics.
2. Offences recorded in the Management Information System (MIS) Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.
3. Data relates to the number of offences recorded in magistrates' courts, in which a prosecution commenced, as recorded on the Case Management System.
4. Offences data are not held by defendant or outcome.
5. Offences recorded in the Offences Universe of the MIS are those which were charged at any time and reached at least one hearing. This offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcome or if the offence charged was the substantive offence at finalisation.
6. These data have been drawn from the CPS's administrative IT system, which (as with any large-scale recording system) is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS. The CPS are committed to improving the quality of the data and from mid-June 2015 introduced a new data assurance regime which may explain some unexpected variance in some future data sets.

Controlling or coercive behaviour

Controlling or coercive behaviour became a specific criminal offence as part of the Serious Crime Act 2015 and came into force on 29 December 2015¹⁰. The CPS MIS recorded 1,208 offences of controlling or coercive behaviour in an intimate or family relationship where a prosecution commenced at magistrates' courts in the year ending March 2020 ([Appendix Table 15](#)). This is a 3% increase from 1,177 in the year ending March 2019. This increase is likely to be attributable to the 49% increase in the number of controlling or coercive behaviour offences recorded by the police from the year ending March 2019 to the year ending March 2020 (see [Domestic abuse prevalence and trends, England and Wales: year ending March 2020](#)).

Criminal justice outcomes data on controlling or coercive behaviour are available from the Ministry of Justice (MoJ) for the year ending December 2019. However, MoJ data refer to a different time period to prosecutions data published by the CPS and relate to the outcomes for offenders of controlling or coercive behaviour, rather than offences heard at a magistrates' court¹¹. The MoJ and CPS also measure prosecutions and convictions differently. While CPS data are primarily collected for case management purposes, MoJ measures are based on the "final" offence. As a result, data from the MoJ and CPS are not directly comparable.

As with CPS data, there can be a delay between the commencement of new offences and cases coming through to court. This is primarily as a result of the time it takes for an offence to be investigated, the police to assign an outcome, and the prosecution path through the courts to a completed court case.

Where controlling or coercive behaviour was the principal offence¹², there were a total of 584 defendants prosecuted in the year ending December 2019 ([Appendix Table 16](#)). There were 293 offenders convicted of and sentenced for controlling or coercive behaviour¹³. The number of defendants prosecuted, convicted and sentenced for controlling or coercive behaviour within this time period was slightly lower in volume than the year ending December 2018 (308). The majority of defendants prosecuted for controlling or coercive behaviour were male (97%, where the sex was known), and the average custodial sentence given was 23.6 months.

In over half (53%) of all controlling or coercive behaviour prosecutions, controlling or coercive behaviour was the principal offence (584 cases, Table 1).

In over two-thirds (67%) of all controlling or coercive behaviour convictions, controlling or coercive behaviour was the principal offence (Table 1).

Table 1: The number of prosecutions and convictions were higher where controlling or coercive behaviour was the principal offence compared with the non-principal offence
Prosecutions and convictions of controlling or coercive behaviour, by principal and non-principal offence and sex of defendant, England and Wales, year ending December 2019

	Number of prosecutions				Number of convictions			
	Male	Female	Unknown	All	Male	Female	Unknown	All
Principal offence	555	19	10	584	301	4	0	305
Non-principal offence	506	13	9	528	145	2	0	147
Total	1,061	32	19	1,112	446	6	0	452

Source: Ministry of Justice

Notes

1. These data are classified as Experimental Statistics.

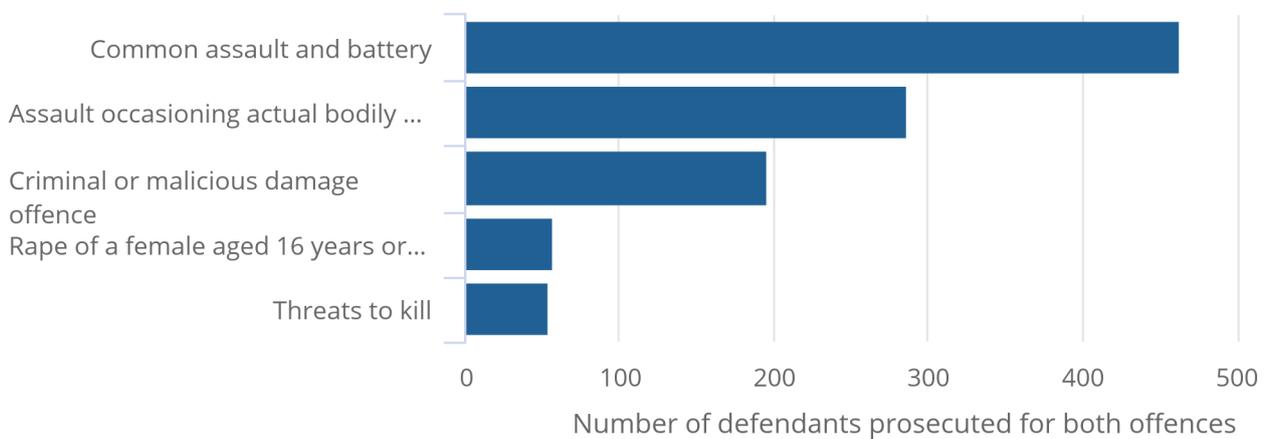
The MoJ published experimental data on the number of defendants prosecuted for combinations of offences^{14,15}. The data show that in the year ending December 2019, 1,057 defendants were prosecuted for the offence of controlling or coercive behaviour in combination with another offence. Common assault and battery was the offence for which defendants were most commonly prosecuted in combination with controlling or coercive behaviour (463, Figure 14).

Figure 14: The most common offence that defendants were prosecuted for alongside controlling or coercive behaviour was common assault and battery

Five most common offences for which defendants were prosecuted alongside the offence of controlling or coercive behaviour, England and Wales, year ending December 2019

Figure 14: The most common offence that defendants were prosecuted for alongside controlling or coercive behaviour was common assault and battery

Five most common offences for which defendants were prosecuted alongside the offence of controlling or coercive behaviour, England and Wales, year ending December 2019



Source: Ministry of Justice

Notes:

1. These data are classified as experimental statistics.
2. These data provide the number of defendants prosecuted for combinations of offences irrespective of whether either offence was the principal or non-principal offence.

Notes for: Prosecution and conviction outcomes

1. Cases on the CMS are flagged as domestic abuse-related by lawyers and administrative staff, therefore CPS domestic abuse data are accurate only to the extent that flags have been correctly applied.
2. A domestic abuse flag may be applied at the beginning of a case or later in the prosecution process if a domestic abuse relationship becomes apparent.
3. Data from the CPS are not designated as official statistics.
4. Data on prosecutions and convictions are not directly comparable with pre-charge data which covers those domestic abuse-related cases, by suspect, referred by the police to the CPS for pre-charge decisions in the year ending March 2020 or earlier.
5. More information on IDVAs can be found in [How domestic abuse data are captured through the criminal justice system](#).
6. Data showing the sex of defendants are held in the CPS Management Information System; however, the records are not always complete. The sex of the defendant is unknown in some cases and may not be recorded in others.
7. It is not possible to match data on the sex of victims against data on the sex of defendants. Victim data are only recorded if a case is handled by Witness Care Unit (WCU) staff. Not all cases are managed by WCUs and a number of CPS areas do not use this system. There are many cases for which victim information is therefore not recorded.
8. These offences are included within the offence category of "harassment" under the [Home Office Counting Rules](#).
9. The CPS data are only available from the offence-based data system and therefore cannot include data on police referrals, charging and outcomes.
10. The offence is constituted by behaviour on the part of the perpetrator, which takes place "repeatedly or continuously". The victim and alleged perpetrator must be "personally connected" at the time the behaviour takes place. The behaviour must have had a "serious effect" on the victim, meaning that it has caused the victim to fear violence will be used against them on "at least two occasions", or it has had a "substantial adverse effect on the victims' day-to-day activities". The alleged perpetrator must have known that their behaviour would have a serious effect on the victim, or the behaviour must have been such that he or she "ought to have known" it would have that effect.
11. A defendant who appears before both a magistrates' court and Crown Court may not do so within the same year, meaning for a given year convictions may exceed prosecutions or sentences may not equal convictions. Defendants who appear before both courts may be convicted at the Crown Court for a different offence to that for which they were originally proceeded against at a magistrates' court.
12. These data relate to defendants for whom engaging in controlling or coercive behaviour in an intimate or family relationship was the principal offence for which they were dealt with (or, for defendants who are found guilty of two or more offences, where engaging in controlling or coercive behaviour in an intimate or family relationship has the higher penalty).
13. 196 offenders were given an immediate custodial sentence, 60 were given a suspended sentence, 23 were given a community sentence and one was issued a conditional discharge.
14. These data are classified as Experimental Statistics.
15. These data provide the number of defendants prosecuted for combinations of offences irrespective of whether either offence was the principal or non-principal offence.

8 . Domestic violence remedy orders

The family courts can grant two types of remedy orders to prevent domestic violence:

- a non-molestation order, which can either prohibit particular behaviour or general molestation by someone who has previously been violent towards the applicant and/or any relevant children
- an occupation order, which can define or regulate rights of occupation of the home by the parties involved

The Ministry of Justice (MoJ) publishes data on the number of domestic violence remedy applications and orders made¹.

Since the year ending March 2010, the number of non-molestation applications decreased from 20,274 to a low of 16,094 in the year ending March 2012 ([Appendix Table 18](#)). Since then, the numbers have been increasing. There were 25,167 applications in the year ending March 2020.

The number of non-molestation orders made has increased by 40% over the last ten years to 31,890 finalised in the year ending March 2020 ([Appendix Table 18](#)).

In contrast, the number of occupation applications made has declined by almost one-quarter (23%), from 7,250 applications in the year ending March 2010 to 5,551 applications in the year ending March 2020. The number of orders made decreased by 42% from 4,348 orders in the year ending March 2010 to 2,505 in the year ending March 2020 ([Appendix Table 18](#)).

The majority of applicants for domestic violence remedy orders were female: 92% of non-molestation orders and 86% of occupation orders in the year ending March 2020² ([Appendix Table 19](#)).

The MoJ also publishes data on breaches of non-molestation orders^{3,4}. There were 2,405 defendants prosecuted for breaches of non-molestation orders in the year ending December 2019 ([Appendix Table 17](#)). There were 2,519 offenders convicted of breaches of non-molestation orders and 2,483 offenders were sentenced for this offence.

Notes for: Domestic violence remedy orders

1. It is not possible to compare across applications and orders, because they do not refer to the same cohort of cases.
2. This percentage excludes applicants with an unknown gender from the calculation.
3. Breaches of non-molestation orders are classified as a criminal offence.
4. These data relate to defendants for whom breach of a non-molestation order was the principal offence for which they were dealt with (or, for defendants who are found guilty of two or more offences, where breach of a non-molestation order has the higher penalty).

9 . Domestic abuse and the criminal justice system data

[Domestic abuse and the criminal justice system – Appendix tables](#)

Dataset | Released on 25 November 2020

Data from across the government on responses to and outcomes of domestic abuse cases in the criminal justice system.

[Domestic abuse in England and Wales – Data Tool](#)

Dataset | Released on 25 November 2020

An interactive tool exploring data at police force area level.

10 . Glossary

Charging rate

The charging rate is the number of suspects of CPS domestic abuse-flagged cases that were charged as a proportion of all those that resulted in a legal decision.

Controlling or coercive behaviour

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour. Coercive behaviour is a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

Convictions

Cases where the defendant was convicted following a prosecution, comprising:

- conviction after trial: cases in which the defendant pleaded not guilty, but was convicted after the evidence was heard
- guilty plea: where the defendant pleaded guilty
- proof in absence: cases comprising of lesser offences which were heard by the court in the absence of the defendant

Domestic abuse

Domestic abuse is not limited to physical violence. It can include repeated patterns of abusive behaviour to maintain power and control in a relationship. It includes abuse carried out by a partner, ex-partner or family member. The [government's definition](#) of domestic violence and abuse recognises this and defines domestic abuse as:

“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. It can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional”

Legal decisions

Legal decisions are decisions to charge, prosecute or issue an out-of-court disposal.

Out-of-court disposal

An out-of-court disposal is where a caution, conditional caution, reprimand or final warning is given or the offence has been considered in relation to other charges.

Pre-charge decisions

Of all the suspects referred by the police, pre-charge decisions are those where the Crown Prosecution Service has completed making a decision on whether to charge, take no further action, recommend an out of court decision, administratively finalise or “other”.

Prosecutions

All cases where the defendant(s) were charged, summonsed in court, or charged by way of a postal requisition during the period. This includes those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.

Other important terms used in this publication are listed in the [How domestic abuse data are captured through the criminal justice system](#) glossary.

11 . Data sources and quality

This publication presents data on responses to and outcomes of domestic abuse cases from different stages of the criminal justice system. Data are sourced from the Home Office, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), the Crown Prosecution Service (CPS) and the Ministry of Justice (MoJ).

The data are not directly comparable because they are collected on different bases (for example, victims, crimes, suspects or defendants) and different timescales and reference periods are used to collect the data. Cases may also drop out at any stage of the process. Further information on how domestic abuse cases flow through the criminal justice system and the data sources used in this publication can be found in [How domestic abuse data are captured through the criminal justice system](#).

How the police measure domestic abuse

With the exception of controlling or coercive behaviour, domestic abuse is not a specific criminal offence. Offences that are domestic abuse-related will be recorded under the respective offence that has been committed, for example, assault with injury. However, the police are required to flag when an offence is domestic abuse-related. The Home Office has been collecting information from the police on whether recorded offences are related to domestic abuse since April 2015¹.

The Home Office collects data on the number of domestic abuse-related incidents and the number of domestic-abuse related crimes. Domestic abuse-related incidents cover reports of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 16 years and over, who are or have been intimate partners or family members (regardless of gender or sexuality). They include only those reports where, after initial investigation, the police have concluded that no notifiable crime was committed².

Not all reported crimes are recorded as an incident first. If it is clear when the incident is reported that an offence has occurred, the police may record the matter as a domestic abuse-related crime immediately without first recording an incident. Incidents of domestic abuse that result in a crime being recorded by the police are included in the data on domestic abuse-related crimes. More information on domestic abuse-related incidents and crimes can be found in the publication [How domestic abuse data are captured through the criminal justice system](#).

Notes for: Data sources and quality

1. In response to a recommendation in the Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) 2014 report, [Everyone's business: Improving the police response to domestic abuse \(PDF, 1,023 KB\)](#), police forces are asked to "flag" crimes as being domestic abuse-related if the offence meets the government definition of domestic violence and abuse.
2. An example of a domestic abuse incident that does not amount to a crime would be two family members having a loud argument, a third party calls the police, the police attend and calm the situation down, but no crime has taken place.

12 . Related links

[Domestic abuse in England and Wales overview: November 2020](#)

Statistical bulletin | Released 25 November 2020

Figures on domestic abuse from the Crime Survey for England and Wales, police recorded crime and a number of different organisations.

[How domestic abuse data are captured through the criminal justice system](#)

Article | Released 25 November 2020

Information on the stages of the criminal justice process in England and Wales, and how data are captured at each stage.

[Domestic abuse during the coronavirus \(COVID-19\) pandemic, England and Wales: November 2020](#)

Article | Released 25 November 2020

Indicators from a range of data sources to assess the impact of the coronavirus (COVID-19) pandemic on domestic abuse in England and Wales.