



This is the first release of statistics on all offences contrary to the Sexual Offences Act 2003 (SOA 03) and historic sexual offences that are dealt with wholly within the Service Justice System (SJS).

These statistics include all cases reported to the Service Police, referred to the Director of Service Prosecutions (DSP) and heard in the Court Martial between 1 January 2015 and 31 December 2015.

### Key Points and Trends

- The Service Police conducted **82** investigations into offences contrary to the SOA 03 and **12** investigations into historical sexual offences. Of these investigations **51** led to charges being referred to the suspect's Commanding Officer or the DSP, **22** investigations did not lead to a referral and **21** were still under investigation when this data was gathered (22 March 2016).
- The **94** investigations involved **102** suspects (**98** male, **3** female, **1** unidentified) and **113** victims (**27** male and **86** female).
- The DSP received **99** referrals relating to allegations of offences contrary to the SOA 03 from the Service Police or Commanding Officers. Of these, the Service Prosecuting Authority (SPA) preferred charges contrary to the SOA 03 in **54** cases, discontinued **32** cases and preferred an alternative non SOA 03 charge in **4** cases. Decisions in respect of the **9** outstanding cases had not been reached in the 2015 calendar year.
- The Court Martial heard **100** charges of an offence contrary to the SOA 03 against **49** defendants, of which **21** defendants were found guilty of **40** charges, **24** found not guilty of **46** charges and **14** charges against **6** defendants were discontinued. Clearly there were several defendants with multiple charges and some with mixed findings.

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**Background quality report:**

[justice-system](https://www.gov.uk/government/collections/sexual-offences-in-the-service-justice-system)

[https://www.gov.uk/government/collections/sexual-offences-in-the-service-](https://www.gov.uk/government/collections/sexual-offences-in-the-service-justice-system)

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## Introduction

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These statistics only provide information on offences contrary to the Sexual Offences Act 2003 (SOA 03) and historic sexual offences, allegedly committed by members of the Armed Forces and dealt with wholly within the Service Justice System (SJS). The Armed Forces Act 2006 (AFA 06) provides the legislation for the SJS and this is supported by the Manual of Service Law (MSL), which provides the necessary guidance to those that are required to deliver it.

The SJS is primarily delivered by Commanding Officers (COs), the Service Police (the Royal Navy Police (RNP), Royal Military Police (RMP) and Royal Air Force Police (RAFP)), the Service Prosecuting Authority (SPA) and the Military Court Service (MCS).

The majority of the SOA 03 came into force on 1 May 2004, and in the main it replaced the Sexual Offences Act 1956.

The majority of SOA 03 offences are listed within Schedule 2 of AFA 06. Consequently, s113 of AFA 06 requires all allegations of such offences to be reported to the Service Police. Those SOA 03 offences not listed in Schedule 2, namely s3 SOA 03 (sexual assault non-penetration), s66 SOA 03 (Exposure), s67 SOA 03 (Voyeurism) and s71 SOA 03 (sex act in a public lavatory) may be investigated by a CO; however, each of the single Services have policy directing that the Service Police must be informed of all such cases. All allegations of a sexual offence reported to the Service Police will be investigated.

Protocols with the civilian police and Crown Prosecution Service (CPS) within England and Wales, allow for cases of sexual offences in which both the alleged perpetrator and victim are members of the Armed Forces to remain within the SJS. Cases within England and Wales with a civilian victim are usually dealt with by the appropriate civilian agencies. Although no formal protocol currently exists with the authorities in Scotland and Northern Ireland, cases are dealt with in the same manner. In overseas theatres, agreements with the host nation deal with matters of jurisdiction over criminal offences allegedly committed by Service personnel.

The Service Police are trained to undertake investigations into sexual offences at the Defence School of Policing and Guarding. Specialist investigators also attend training accredited by the College of Policing delivered by civilian police forces and other providers. The Service Police will

refer a suspect with a charge contrary to the SOA 03 once the Evidential Sufficiency Test has been met (as detailed in s116 AFA 06).

Offences contrary to the SOA 03 cannot be heard summarily by a CO. All SOA 03 offences are therefore referred by the Service Police or CO to the SPA for a decision to prosecute or not using the established prosecutorial tests (realistic prospect of conviction and Service interest).

The SPA was formed on 1 January 2009. It is independent of the military Chain of Command in undertaking its duties and its role is to review cases referred to it by the Service Police Chain of Command and to prosecute appropriate cases at Court Martial. The SPA is headed by the Director of Service Prosecutions (DSP), a senior civil servant appointed by HM The Queen.

The MCS provides a criminal court service for the Royal Navy (RN), Army and Royal Air Force (RAF) in the Court Martial. It has done so on a tri-Service basis since 2007 and manages five permanent Court Martial centres (four in the UK and one in Germany). The Court Martial runs akin to the UK civilian Crown Court and cases are heard by a Judge Advocate appointed by the Judge Advocate General. The procedures for the Court Martial are laid down in Armed Forces (Court Martial) Rules 2009.

The AFA 06 can be found at:

<http://www.legislation.gov.uk/ukpga/2006/52/contents>

The MSL can be found at:

<https://www.gov.uk/government/collections/manual-of-service-law-msl>

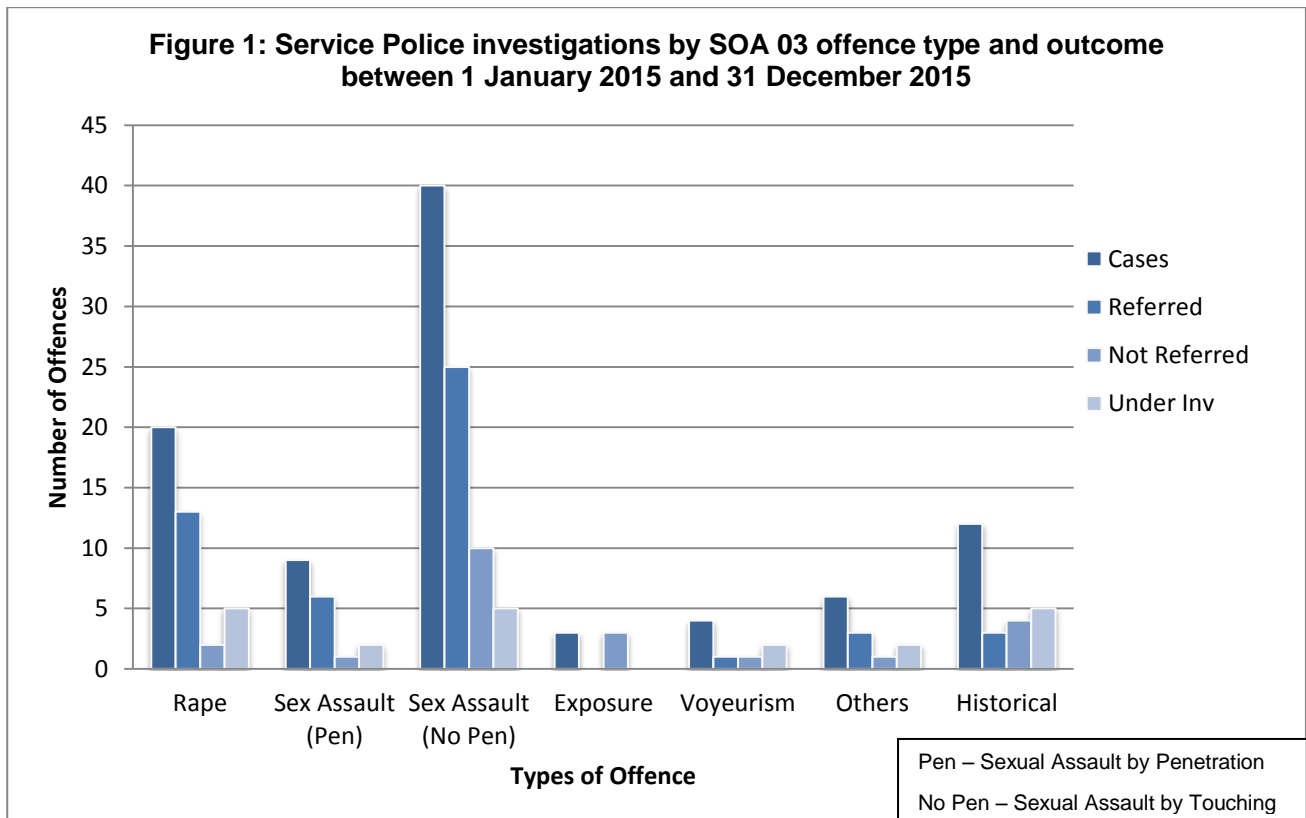
The Armed Forces (Court Martial) Rules 2009 can be found at:

[http://www.legislation.gov.uk/uksi/2009/2041/pdfs/uksi\\_20092041\\_en.pdf](http://www.legislation.gov.uk/uksi/2009/2041/pdfs/uksi_20092041_en.pdf)

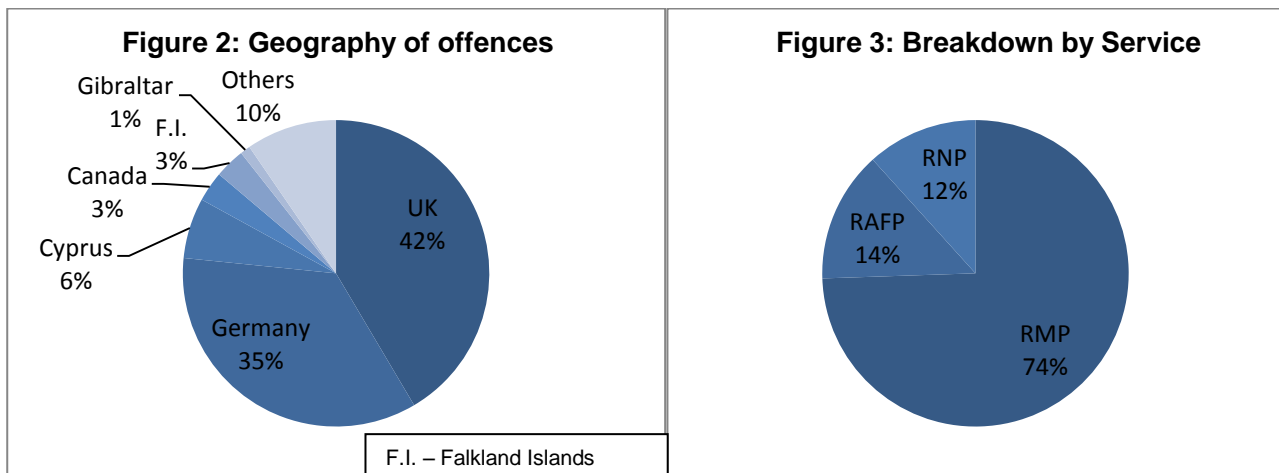
## Service Police Investigations

Between 1 January 2015 and 31 December 2015, the Service Police conducted 82 investigations into offences contrary to the SOA 03 and a further 12 investigations into historical sexual offences that relate to sexual offences that are alleged to have occurred prior to the implementation of the 2003 Act, but were reported to Service Police during 2015.

Of the 94 investigations, 51 cases (54.3%) led to the Service Police referring charges against the suspect(s), 22 cases (23.4%) did not lead to a referral of charges and 21 cases (22.3%) were still under investigation when the statistics were compiled.

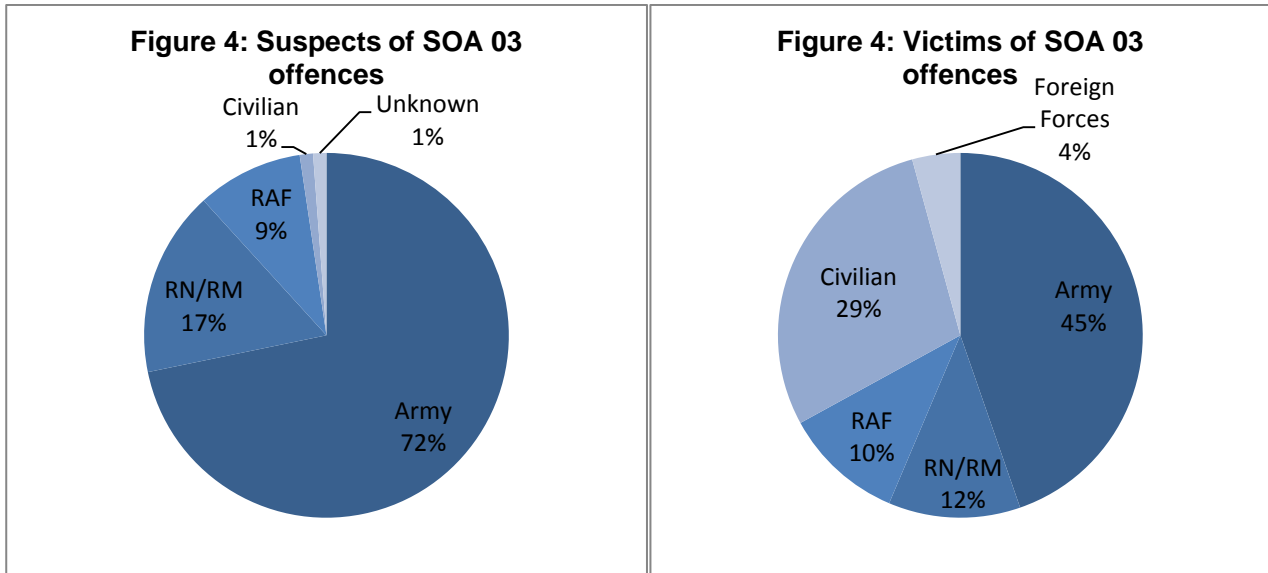


The majority of sexual offences investigated by the Service Police occur within the UK (39 cases) and Germany (33 cases). The others relate to incidents that have occurred in Europe, Africa, the Middle East, Asia, the USA and at sea. The majority of cases (70) were investigated by the RMP, followed by the RAFP with 13 and RNP with 11.

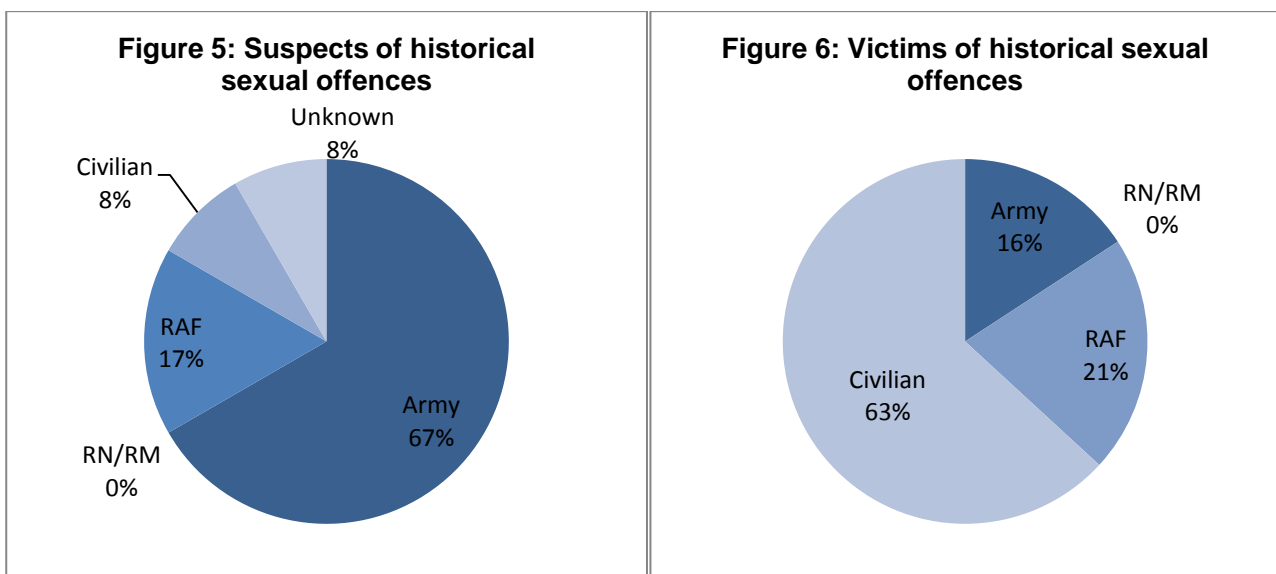


## Service Police Investigations (Contd)

Of the 88 Service Police investigations into offences contrary to the SOA 03, 84 were committed by 84 males, three by females and in one case the suspect remains unknown. Of these suspects, 61 were members of the Army, 14 Royal Navy (RN)/Royal Marines (RM), eight RAF, one civilian and the status of four suspects remain unknown. These offences were committed against 94 victims; 78 of whom were female and 16 males. Of these victims, 42 were members of the Army, 11 RN/RM, 10 RAF, 27 civilians and four members of foreign military forces. Further breakdowns by age and rank can be found in the excel spreadsheets that accompany these statistics.

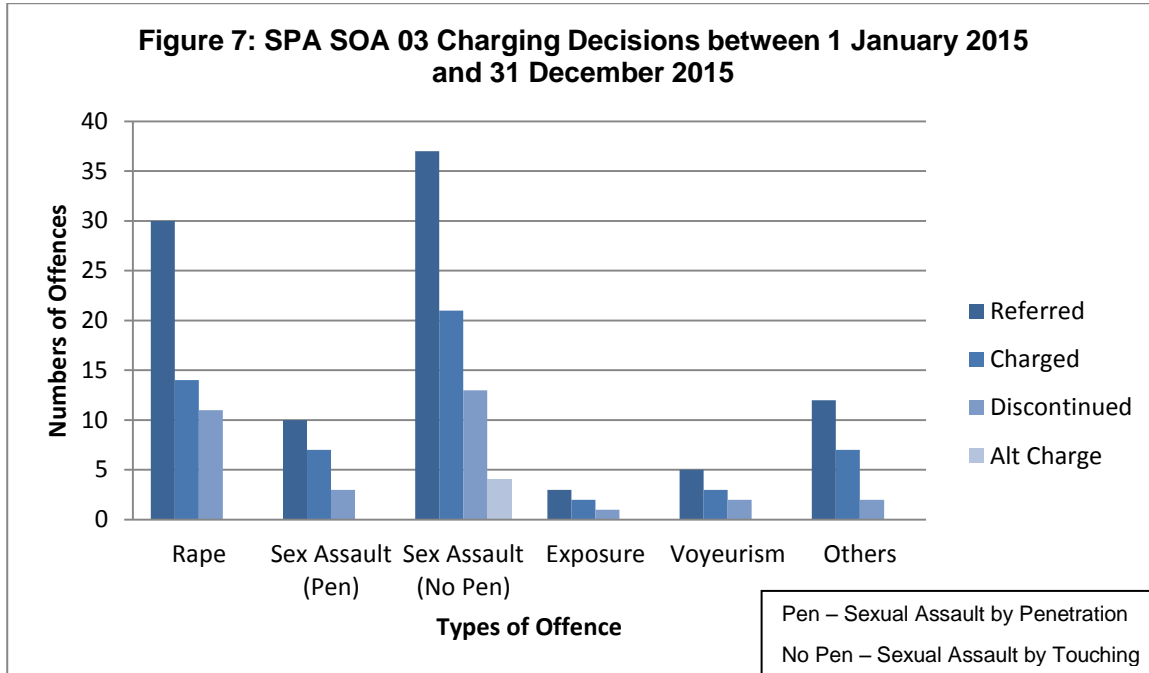


All of the historical sexual offences reported by the Service Police in 2015 are alleged to have occurred in Germany between the 1970s and 1990s. They involve a total of 14 male suspects, of whom eight were Army personnel, two RAF, one civilian and three remain unknown. In contrast to the SOA 03 offences, the majority of the 19 victims of historical sexual offences are male (11) and were civilians (12) when the incidents occurred.

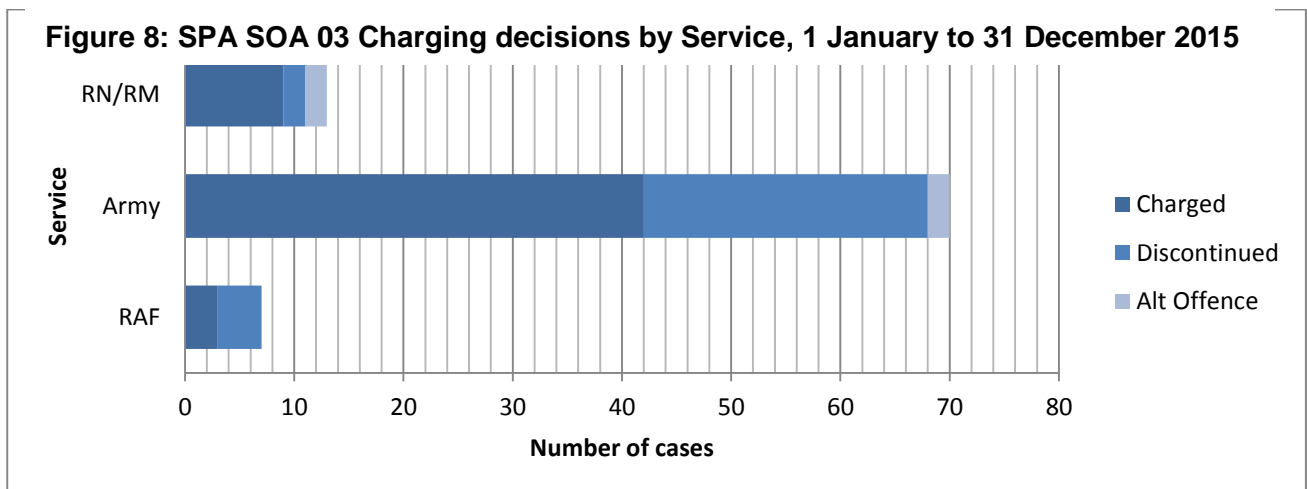


## Service Prosecuting Authority

Between 1 January 2015 and 31 December 2015, the SPA received 99 cases of offences contrary to the SOA 03. Of these cases 77 related to suspects who were Army personnel, 11 RN/RM and 11 RAF. The SPA subsequently decided to prefer charges contrary to the SOA 03 in 54 of these cases, 32 cases were discontinued and alternative non SOA 03 charges were preferred in four cases. The decision to prosecute in the remaining nine cases had not been made by 31 December 2015.

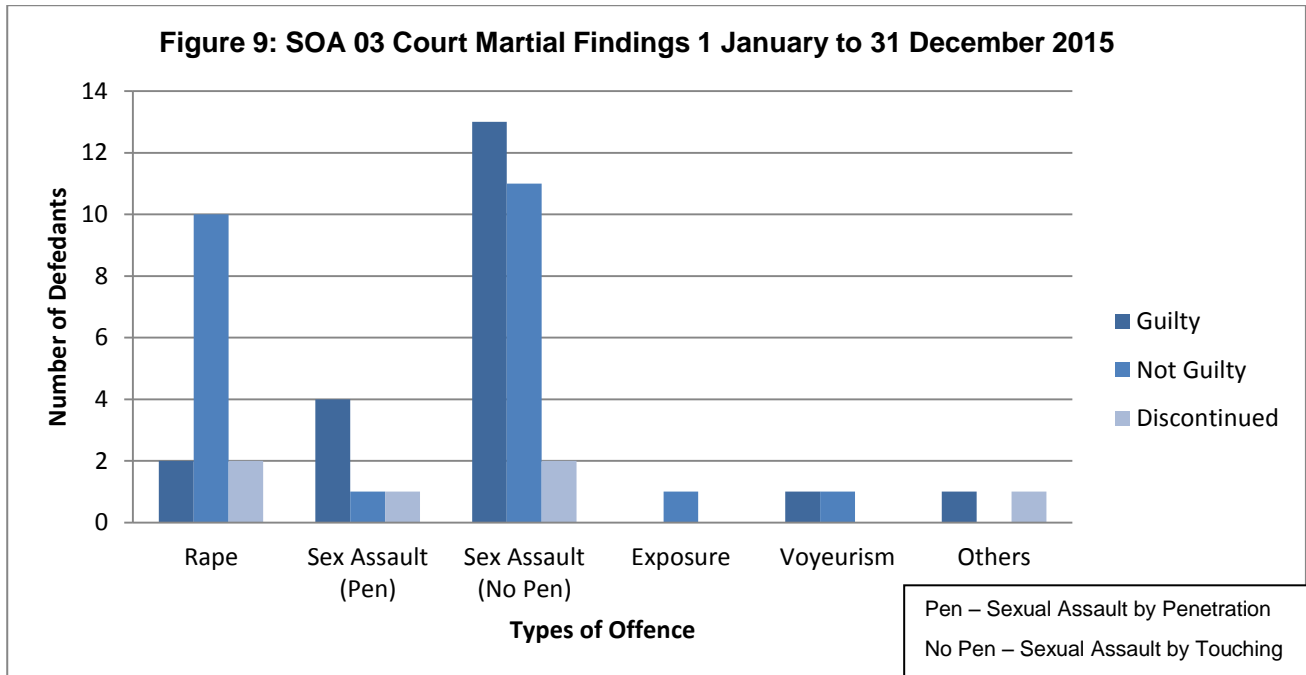


Of the 90 cases decided upon by the SPA in 2015, the Army accounted for 70 cases, of which 42 cases were charged, 26 discontinued and two were charged with alternative non-SOA 03 offences; the RN/RM accounted for 13 cases, of which nine cases were charged, two were discontinued and two were charged with alternative non-SOA 03 offences, whereas the RAF accounted for seven cases, of which three were charged and four discontinued. Further information can be found in the excel spreadsheets that accompany these statistics.

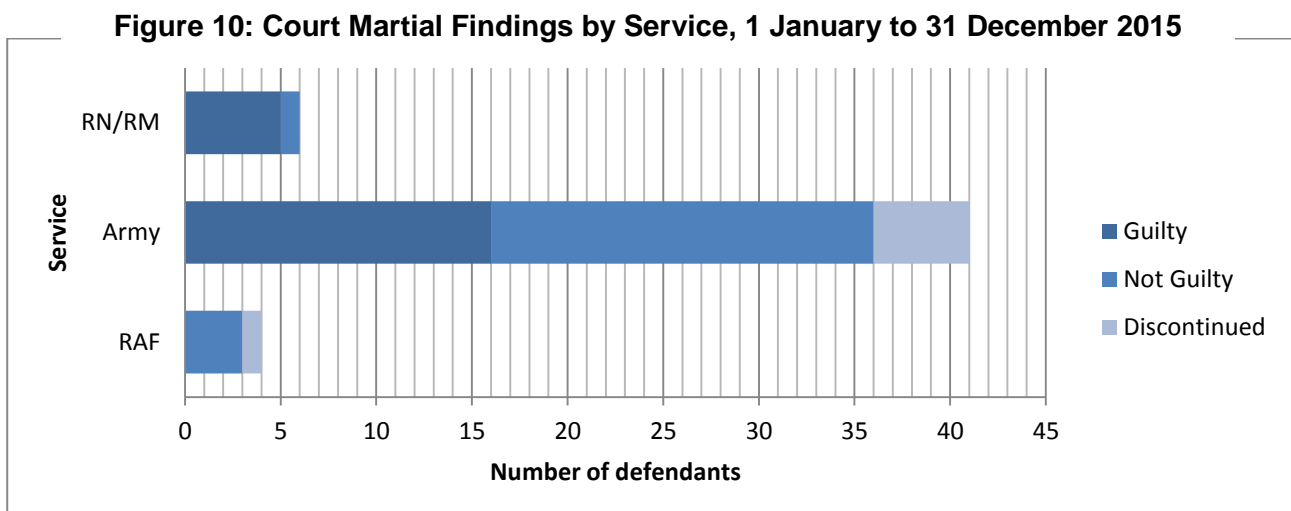


## Court Martial Results

Between 1 January 2015 and 31 December 2015, the Court Martial heard a total of 100 charges of sexual offences (including charges relating to historic sexual offences) against 49 Service defendants. The outcome of these trials was that 21 Service defendants were found guilty of 40 charges, 24 defendants were found not guilty of 46 charges and the cases involving six defendants in 14 charges were discontinued. Six of these defendants faced multiple charges, with the trials resulting in mixed findings (guilty and not guilty findings).



Of these 49 defendants, 39 were Army personnel, resulting in 16 being found guilty (35 charges), 20 not guilty (39 charges) and the charges against five were discontinued (13 charges); six were RN/RM personnel, resulting in five being found guilty (five charges) and one not guilty (one charge) and four were RAF personnel, resulting in three being found not guilty (six charges) and the case against one was discontinued (one charge). Further information can be found in the excel spreadsheets that accompany these statistics.



## Further Information

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### Symbols

- || discontinuity in time series
- \* not applicable
- .. not available
- Zero or rounded to zero

*Italic* figures are used for percentages and other rates.

### Rounding

Figures in this publication have not been rounded. This is because Court Martial results are regularly published and available on the gov.uk website (<https://www.gov.uk/government/publications/court-martial-results-from-the-military-court-centres>).

### Revisions

Corrections to the published statistics will be made if errors are found, or if figures change as a result of improvements to methodology or changes to definitions. When making corrections, we will follow the Ministry of Defence [Statistics Revisions and Corrections Policy](#). All corrected figures will be identified by the symbol “r”, and an explanation will be given of the reason for and size of the revision. Corrections which would have a significant impact on the utility of the statistics will be corrected as soon as possible, by reissuing the publication. Minor errors will also be corrected, but for convenience these corrections may be timed to coincide with the next annual release of the publication.

### Contact Us

Defence Statistics welcome feedback on our statistical products. If you have any comments or questions about this publication or about our statistics in general, you can contact us as follows:

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<https://www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act>



## Further Information (cont.)

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\* - Please note that with effect from 1<sup>st</sup> August 2016, this will be Zone N.