

Background

Inquiries by a senior member of the Bar, Judge or retired Judge - often referred to as judicial inquiries - may be set up on a number of bases:-

(i) Under the Tribunals of Inquiry (Evidence) Act 1921

The Home Office has not used this procedure since 1959. It is generally agreed to be too cumbersome and expensive to be useful.

(ii) Under section 32 of the Police Act 1964.

Only three such inquiries have been held. The first, soon after the Act was passed in 1964, was into the activities of Sergeant Challenor (who had been able to continue on duty while mentally ill for reasons which the report explored).

Subsequently, successive Home Secretaries have taken the view that the decision to set up an inquiry under section 32, like that under the 1921 Act, is a major step not to be taken lightly.

While no absolute rules have been laid down, the general principles set out in the Answer attached are those which have been generally referred to in correspondence and Parliament.

The other two section 32 inquiries took place -

in 1974, into the disturbances in Red Lion Square, and
in 1981, into the Brixton disorders.

Section 32 inquiries were refused, for example, in relation to -

violent clashes at the Notting Hill Carnival in 1976,
the corruption enquiry in the Metropolitan Police in 1978,
the death of Blair Peach in 1979,
the shooting of Mr Stephen Waldorf in 1983
the Stalker affair.

(iii) Non-statutory.

Most Home Office inquiries are of this nature, which minimises formalities and cost. Even so, the expense, length, and disruptive nature of a major inquiry is such that Home Secretaries have generally adopted the criteria that they should only be commissioned in cases which raise significant doubts about the conduct of a force or part of a force.

The inquiry into the circumstances of the arrest, detention and conviction of the Guildford Four is the latest example of an inquiry of this type.

The Police Complaints Authority (PCA)

The PCA is increasingly asked to supervise the investigation of large events where police actions have attracted criticism. It did so in the cases of

the disorders at Tottenham - Broadwater Farm Estate (1985),
at
Wapping (1987), and on
Westminster Bridge (1988).

Other Inquiries

(i) HMCIC occasionally asks a senior police officer to conduct a particular inquiry on his behalf, in addition to the normal programme of inspections, to ensure that the efficiency of an individual force or officer. He did so, for instance, in the case of the Yorkshire Ripper, where doubt was felt as to the force's performance in the investigation.

TRENDS IN PROSECUTIONS AND CONVICTIONS FOR SEXUAL OFFENCES AGAINST CHILDREN

Lines to take

- ◊ There has been a slight increase in the number of prosecutions over the 10 years to 1994, with a peak in 1990. This is against the trend in the number of prosecutions for all offences which have declined over the same period;
- ◊ The decline in the proportion of prosecutions resulting in convictions is in line with the overall trend;
- ◊ In both cases, the trends are the product of complex factors and do not help to identify what practical improvements might be needed to strengthen the child protection arrangements.

Background

1. In his letter of 19 May, Mr Dorrell

confirmed that they do not have any material which they could usefully add. The CPS have

2. We have explained to DH and Welsh Office that against the trend for all prosecutions, these figures do show a small increase in the number of prosecutions over the period with a peak in the late 80's and early 90's. We believe that the peak may reflect heightened concern about child abuse at that time following Cleveland and the Butler-Sloss report.

3. However, the proportion of prosecutions which have resulted in convictions has shown a steady decline over the period which is in line with the trend for all offences. We do not, therefore, believe that it reflects a particular difficulty with securing child abuse convictions, although such cases are undoubtedly difficult to prosecute for obvious reasons. The causes for the general underlying trend are not clear, but could be linked to the increased protection for defendants introduced in the Police and Criminal Evidence Act 1984 and the effect of more rigorous reviews of whether to continue prosecutions as a result of the creation of the Crown Prosecution Service in the mid-80's. Further work is being done on this, but there will be no single or simple solution.

4. More importantly, we do not believe that further study of national trends will help to identify what practical improvements in the child protection arrangements might be needed as a result of events in North Wales or elsewhere. On that basis we do not think that further work on the figures would serve any useful purpose.

England and Wales 1984 - 1994

(Thousands)

Offence	Prosecution/ Conviction	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Buggery with a boy under the age of 16 or with a woman or an animal	Prosecution	172	181	176	245	320	281	327	300	329	294	346
	Conviction	118	150	147	195	232	183	189	168	163	136	135
Attempt to commit buggery with a boy under the age of 16 or with a woman or an animal	Prosecution	12	14	20	21	28	32	25	24	27	15	21
	Conviction	22	17	20	20	31	26	18	26	17	20	16
Indecent assault on a male person under 16 years	Prosecution	592	681	511	549	559	553	570	522	457	432	449
	Conviction	511	528	410	430	460	408	421	351	363	293	324
Indecent assault on a female person under 16 years	Prosecution	1,531	1,708	1,653	2,037	2,159	2,169	2,285	2,139	2,005	1,898	2,036
	Conviction	1,281	1,446	1,327	1,556	1,650	1,657	1,537	1,469	1,331	1,205	1,355
Unlawful sexual intercourse with girl under 13	Prosecution	116	138	129	165	165	139	148	155	112	97	88
	Conviction	83	110	100	102	135	98	110	105	83	76	64
Unlawful sexual intercourse with girl under 16	Prosecution	434	407	368	360	345	290	292	254	254	189	202
	Conviction	414	395	341	346	340	282	304	223	218	170	205
Incest with girl under 13	Prosecution	54	55	74	104	105	89	111	80	50	52	41
	Conviction	49	57	77	89	104	100	84	89	52	51	35
Inducing girl under 16 to have stuprous sexual intercourse	Prosecution	-	1	1	5	3	3	1	1	2	2	5
	Conviction	-	3	3	4	2	5	3	3	3	2	4
Householder permitting unlawful sexual intercourse with girl under 16	Prosecution	11	5	4	7	10	6	7	3	9	8	-
	Conviction	6	3	2	6	7	3	6	1	3	6	2
Person responsible for girl under 16 causing or encouraging her prostitution etc.	Prosecution	3	-	1	4	-	2	-	2	-	-	1
	Conviction	3	-	3	3	1	1	2	2	-	1	-
Abduction of unmarried girl under 16	Prosecution	11	11	13	13	20	18	12	20	24	13	27
	Conviction	8	11	12	7	8	13	8	8	12	6	9
Gross indecency with children	Prosecution	232	285	283	284	226	277	317	239	201	257	210
	Conviction	237	266	243	248	246	219	278	219	228	203	189
Total	Prosecution	3,167	3,368	3,213	3,784	3,940	3,856	4,093	3,738	3,530	3,255	3,431
	Conviction	2,732	2,988	2,686	3,006	3,216	2,971	2,957	2,643	2,473	2,160	2,330
	%	86	88	84	79	82	77	72	71	70	67	68

(1) Includes persons proceeded against in earlier years or for other offences.
Source: Crime and Criminal Justice Unit, Home Office