



This is the second 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 2016 and 31 December 2016, with comparisons made against the statistics for the 2015 calendar year, previously published on 21 July 2016.

Key Points and Trends

- During 2016, the Service Police conducted **104** investigations into offences contrary to the SOA 03 and **9** investigations into historical sexual offences. This represents an increase of **27% (n=22)** in SOA 03 offence investigations and a decrease of **25% (n=3)** in historical investigations from 2015.
- Of the **113** investigations, **73** led to charges being referred to the suspect's Commanding Officer or the DSP, **26** investigations did not lead to a referral and **14** were still under investigation when this data was gathered (3 February 2017). This represents an increase of **41% (n=22)** in cases that resulted in a referral of charges. The number of cases still under investigation fell from **21** at the end of 2015, to **14** at the end of 2016; a reduction of **33% (n=7)**.
- The **113** investigations involved **121** suspects (**116** male, **2** female, **3** unidentified) and **127** victims (**16** male and **111** female).
- The DSP received **130** referrals relating to allegations of offences contrary to the SOA 03 from the Service Police or Commanding Officers. This represents an increase of **31% (n=31)** on 2015. Of these, the Service Prosecuting Authority (SPA) preferred charges contrary to the SOA 03 in **68** cases (increase of **26% (n=14)**), discontinued **41** cases (increase of **28% (n=9)**) and preferred an alternative non SOA 03 charge in **6** cases (increase of **25% (n=2)**). Decisions in respect of the **15** outstanding cases were not reached in the 2016 calendar year.
- The Court Martial heard **84** charges of an offence contrary to the SOA 03 against **51** defendants, of which **22** defendants were found guilty of **43** charges and **31** found not guilty of **41** charges; no charges were discontinued. Clearly there were several defendants with multiple charges, including two resulting in with mixed findings. These figures are relatively similar to those of 2015.

Point of Contact: Service Police Policy

020 7218 4815

Further information:

People-Sec-DCLSvcPolicePol@mod.uk

Background quality report:

<https://www.gov.uk/government/collections/sexual-offences-in-the-service-justice-system>

Would you like to be added to our **contact list**, so that we can inform you about updates to these statistics and consult you if we are thinking of making changes? You can subscribe to updates by emailing DefStrat-Stat-WDS-Pubs@mod.uk

Contents

Introduction.....	page 2
Service Police Investigations	page 4
Service Prosecuting Authority	page 7
Court Martial Results	page 8
Further Information.....	page 10

Introduction

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:

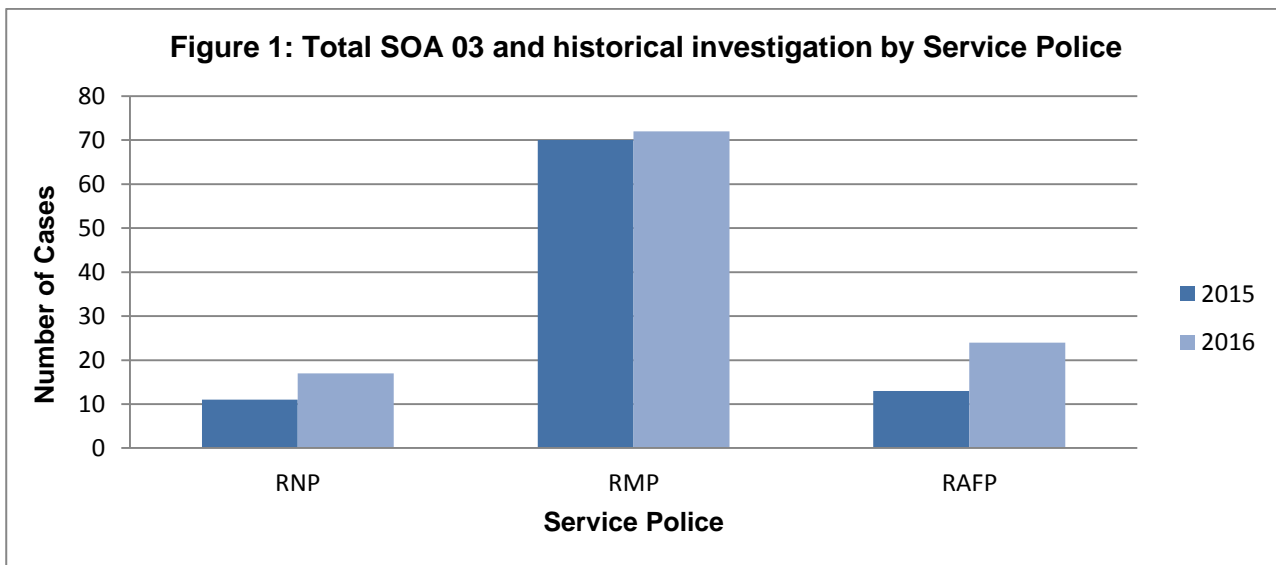
<https://www.gov.uk/government/collections/manual-of-service-law-msl>

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

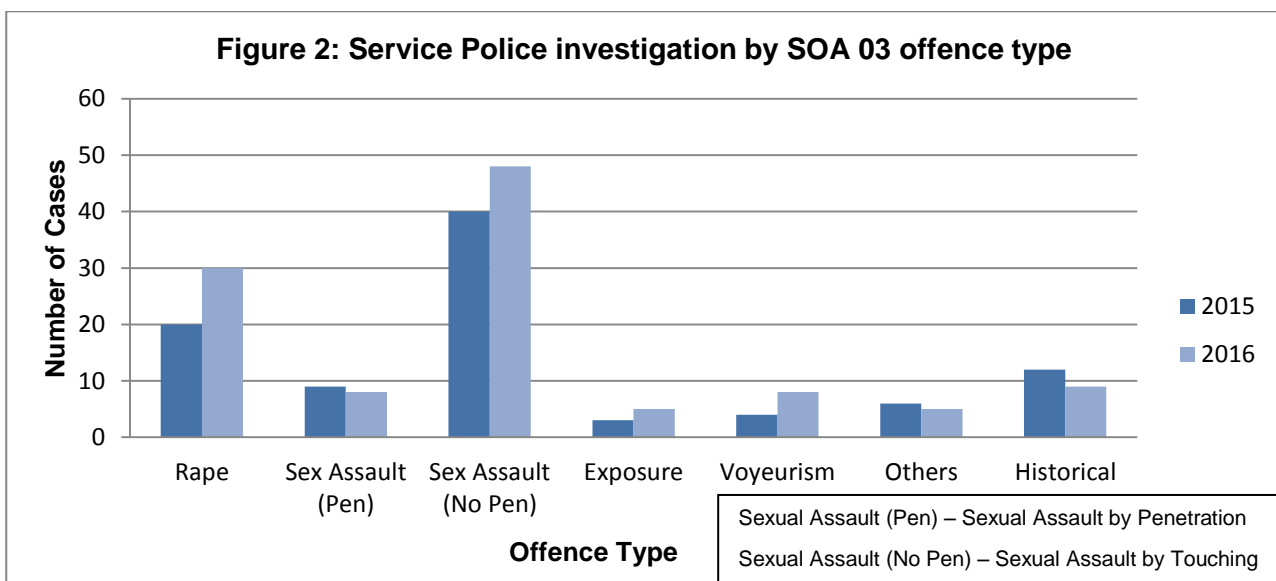
http://www.legislation.gov.uk/uksi/2009/2041/pdfs/uksi_20092041_en.pdf

Service Police Investigations

Between 1 January 2016 and 31 December 2016, the Service Police conducted 104 investigations into offences contrary to the SOA 03 and a further 9 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 2016. When compared to 2015, this represents an increase of 22 cases (27%) in SOA 02 offences, whilst there was a decrease of 3 cases (25%) in historical sexual offences investigations. The rise in SOA 03 offences is most noticeable within those investigated by the RNP and RAFP, which have increased by 6 cases (55%) and 10 cases (77%) respectively, whereas the RMP saw an increase of two cases (3%). As this is only the second year that this level of data has been gathered, it is not yet possible to determine any discernible trends or patterns in this type of offending.

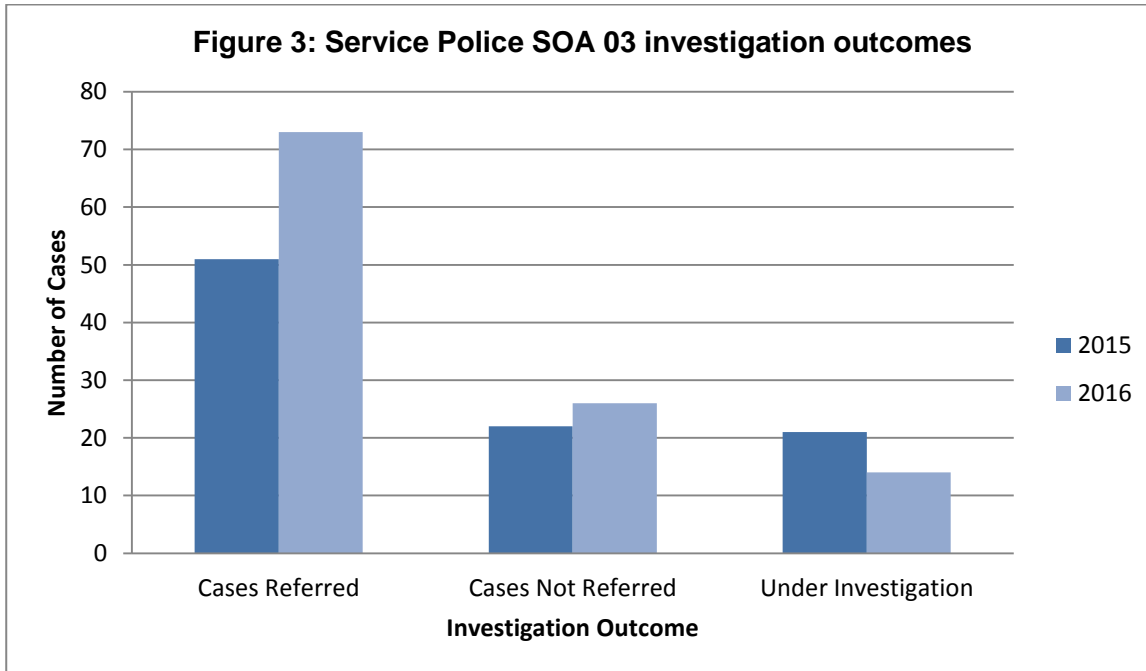


The most significant increase in SOA 03 offences investigated by the Service Police in 2016 is that of rape, which has increased by 10 cases (50%) from 2015. Increases have also been seen in other SOA 03 offences ranging from an increase of four cases of Voyeurism (50%), to eight cases of Sexual Assault with no penetration (20%). Decreases of one case have been seen in Sexual Assault with penetration (-11%) and Others (-17%). Further breakdowns of offence type by Service can be found in the excel spreadsheets that accompany these statistics.

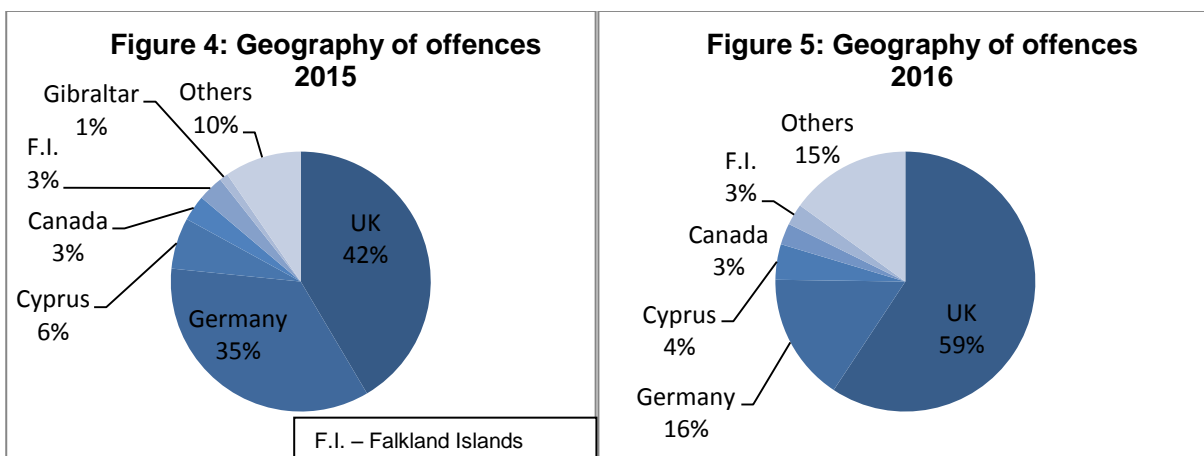


Service Police Investigations (Contd)

Of the 113 sexual offence investigations carried out by the Service Police, 73 cases (65%) led to the referral of charges against the suspect(s), against a 54% referral rate in 2015. The number of cases still under investigation at the close of 2016 was 14 (12%), against 21 (22%) at the end of 2015. The increase in referrals and decrease in cases under investigation may be explained by the introduction of the Better Case Management process across the SJS during 2016.



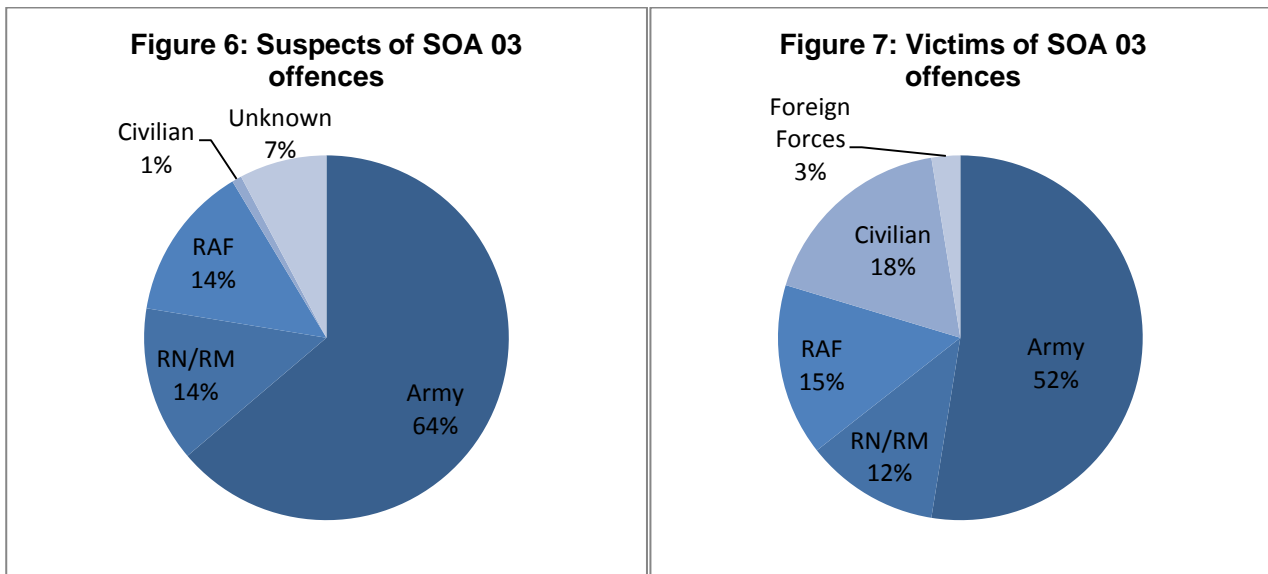
The majority of sexual offences investigated by the Service Police continue to occur within the UK (67 cases) and Germany (18 cases); however, 2016 has seen an increase in the UK of 28 cases against a decrease in Germany of 15 cases. These shifts in geography may be in part explained by the rebasing of the armed forces from Germany to the UK. The 'Others' referred to in Figures 4 and 5 below relate to incidents that have occurred in Europe, Africa, the Middle East, Asia and at sea.



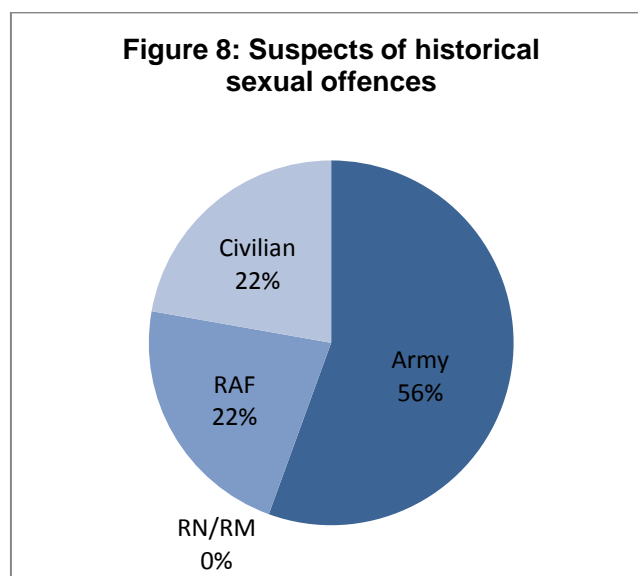
Of the 104 Service Police investigations into offences contrary to the SOA 03, 99 were committed by 111 males, two by females and in three cases the gender of the suspect remains unknown. Of these suspects, 74 were members of the Army, 16 Royal Navy (RN)/Royal Marines (RM), 16 RAF, one civilian and the status of nine suspects remain unknown. These offences were committed

Service Police Investigations (Contd)

against 118 victims; 105 of whom were female and 13 males. Of these victims, 62 were members of the Army, 14 RN/RM, 18 RAF, 21 civilians and three members of foreign military forces. These statistics are in the main comparable with 2015. Further breakdowns by age and rank, together with comparisons to the 2015 figures can be found in the excel spreadsheets that accompany these statistics.



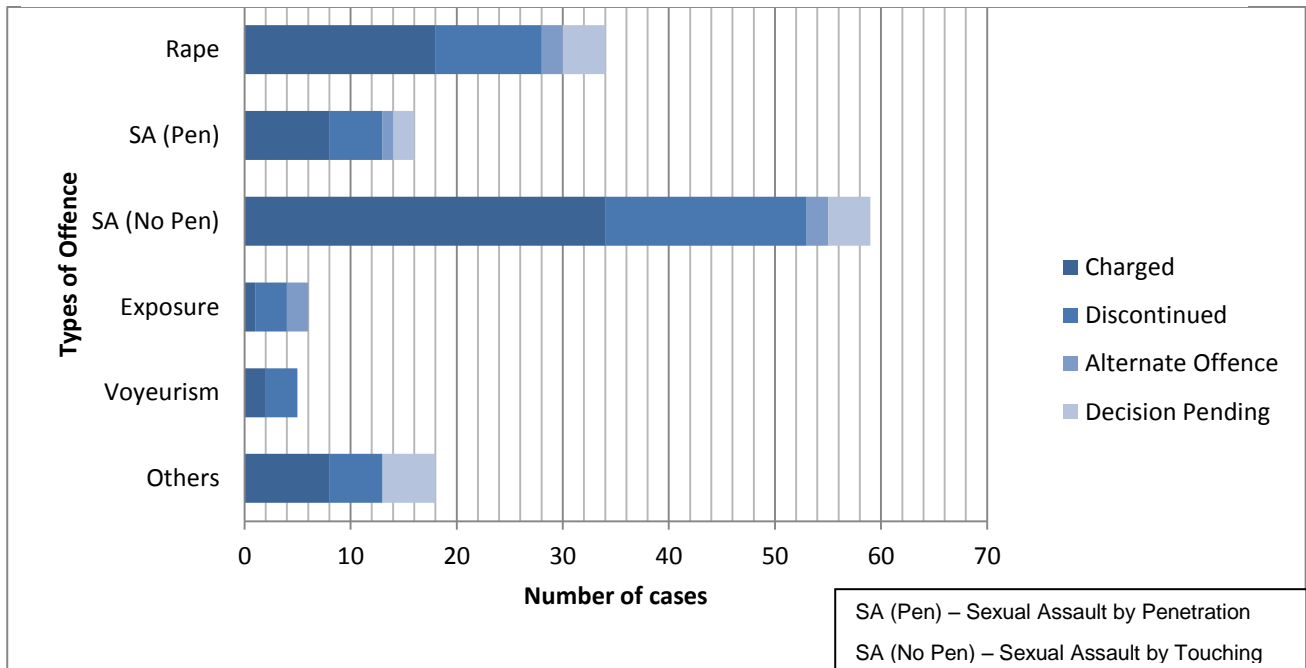
The historic sexual offences reported to and investigated by the Service Police during 2016 are alleged to have occurred in Germany, Cyprus, Yemen and Belgium between the 1960s and early 2000s. They involve a total of nine male suspects, of whom five were Army personnel, two RAF and two civilians. Of the 9 victims of historical sexual offences are female (six), with the remainder being male. All were civilians when the incidents occurred. A more detailed breakdown of these offences, with comparisons to 2015 can be found in the excel spreadsheets that accompany these statistics.



Service Prosecuting Authority

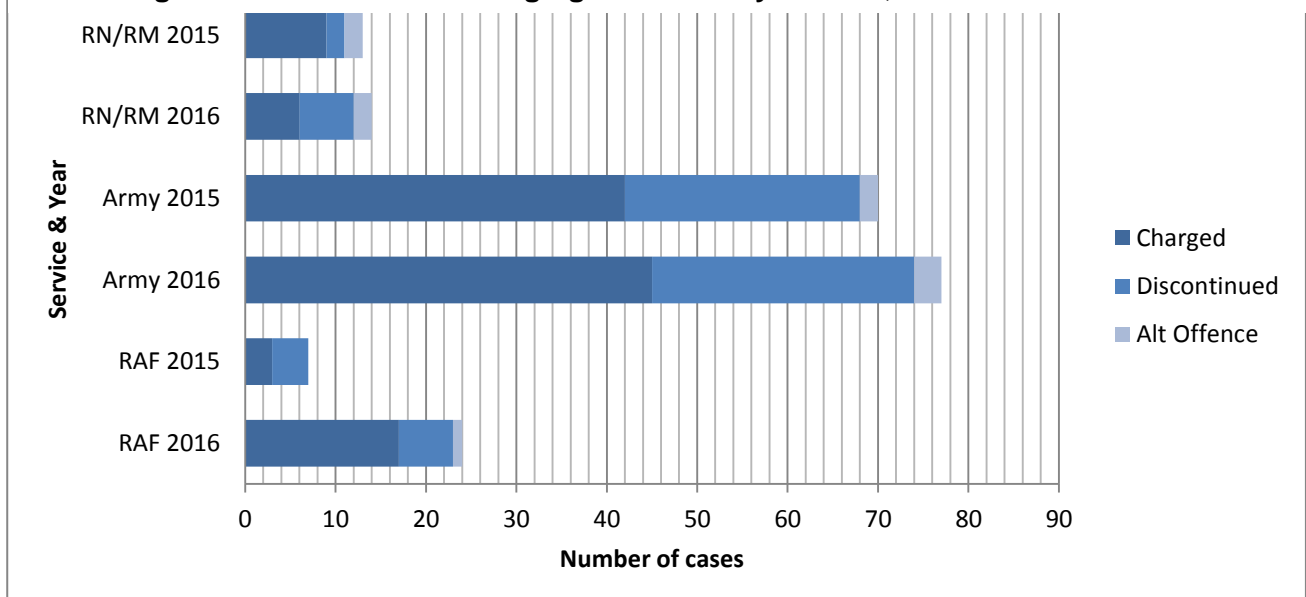
Between 1 January 2016 and 31 December 2016, the SPA received 130 cases of offences contrary to the SOA 03; an increase of 31 cases (31%) from 2015. Of these cases, 89 related to suspects who were Army personnel, 15 RN/RM and 26 RAF. The SPA subsequently decided to prefer charges contrary to the SOA 03 in 68 of these cases, 41 cases were discontinued and alternative non SOA 03 charges were preferred in six cases. The decision to prosecute in the remaining 15 cases had not been made by 31 December 2016. A comparison of these figures against those for 2015 can be found in the excel spreadsheets that accompany these statistics.

Figure 9: SPA SOA 03 Charging Decisions between 1 January 2016 and 31 December 2016



Of the 115 cases decided upon by the SPA in 2016, the Army accounted for 77 cases, of which 45 cases were charged, 29 discontinued and three were charged with alternative non-SOA 03 offences; the RN/RM accounted for 14 cases, of which six cases were charged, six were discontinued and two were charged with alternative non-SOA 03 offences, whereas the RAF accounted for 24 cases, of which 17 were charged, six discontinued and one charged with an alternative non-SOA 03 offence.

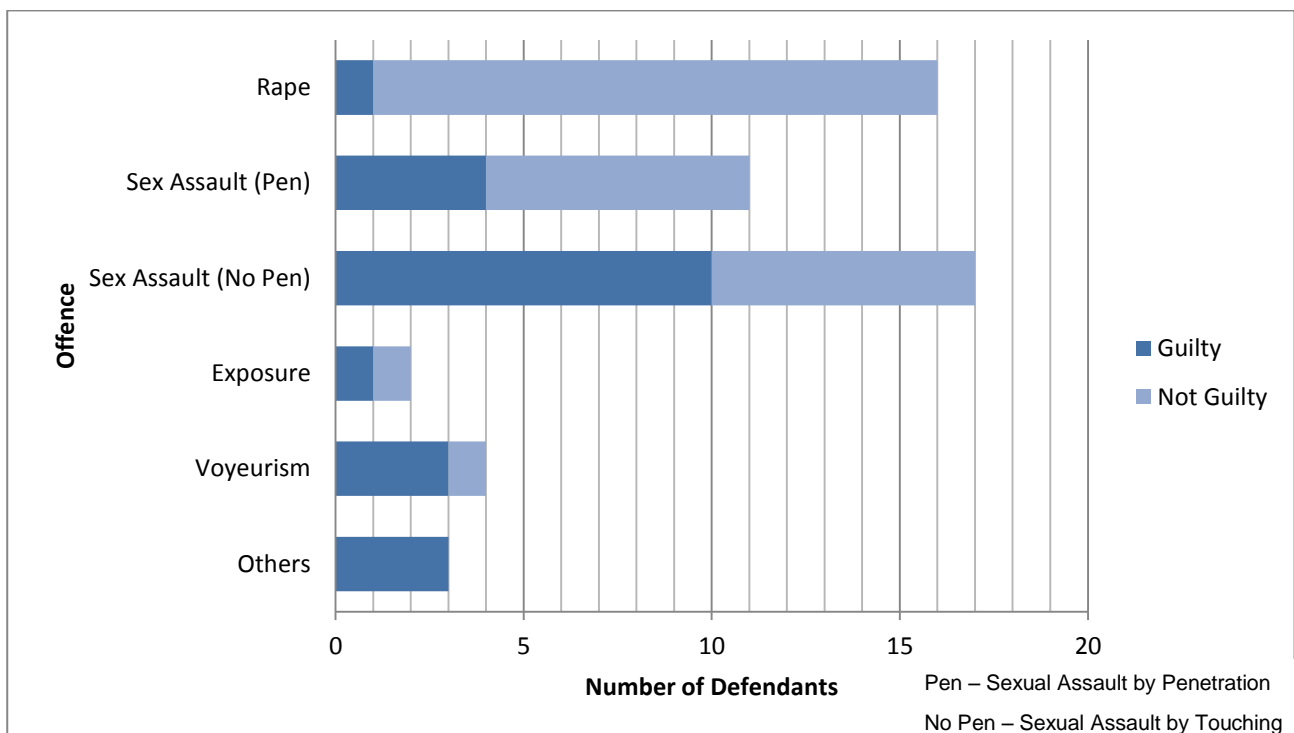
Figure 10: SPA SOA 03 Charging decisions by Service, Years 2015 and 2016



Court Martial Results

Between 1 January 2016 and 31 December 2016, the Court Martial heard a total of 84 charges of sexual offences (including charges relating to historic sexual offences) against 51 defendants. This represents an increase of 2 defendants (4%) and a decrease of 16 (16%) in the overall number of charges from 2015. The outcome of these trials was that 22 Service defendants were found guilty of 43 charges (a increase of one defendant and two charges) and 31 defendants were found not guilty of 41 charges (an increase of 7 defendants, but decrease of 5 charges), whilst there were no charges that were discontinued (a decrease of six defendants and 13 charges). The discrepancy between the total defendants tried and sum of finding is due to some defendants facing multiple charges of multiple offences, with the trials resulting in mixed findings (guilty and not guilty findings). A breakdown of these findings by offence is detailed at Figure 11 below, whilst comparisons by offence to 2015 are included within the excel spreadsheets that accompany these statistics.

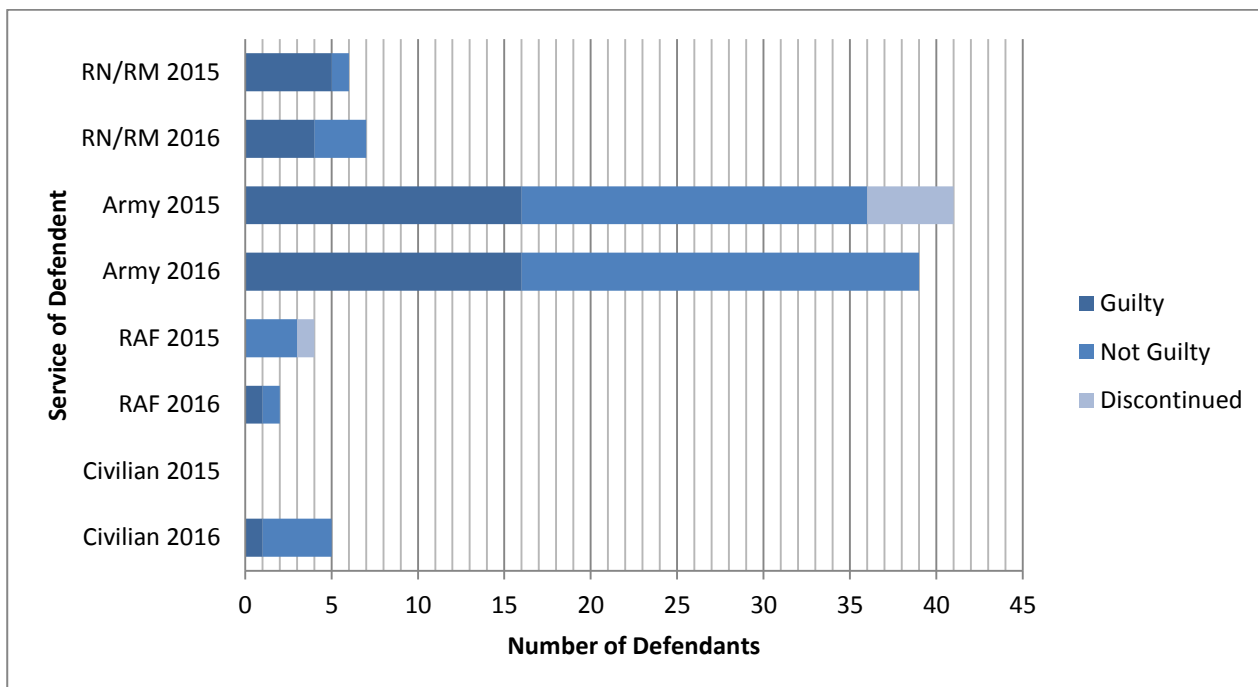
Figure 11: Court Martial Findings by Offence 1 January to 31 December 2016



Of the 51 defendants, 38 were Army personnel, resulting in 16 being found guilty (36 charges) and 23 not guilty (27 charges); seven were RN/RM personnel (11 charges), resulting in four being found guilty (four charges) and three not guilty (seven charges); two were RAF personnel (two charges), resulting in one being found guilty (one charge) and one not guilty (one charge). Lastly, four were civilians subject to Service discipline (8 charges), resulting in one being found guilty (two charges) and four being found not guilty (6 charges). No cases or charges were discontinued at trial. Comparisons to Courts Martial findings for 2015 by Service are detailed at Figure 12 below and further information can be found in the excel spreadsheets that accompany these statistics.

Court Martial Results (Contd)

Figure 12: Court Martial Findings by Service, 1 January to 31 December 2016



Further Information

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:

Service Police Policy	Telephone: 020 7218 4815
	Email: People-Sec-DCLSvcPolicePol@mod.uk
Defence Statistics (Tri-Service)	Telephone: 020 7807 8896
	Email: DefStrat-Stat-Tri-Enquiries@mod.uk

If you require information which is not available within this or other available publications, you may wish to submit a Request for Information under the Freedom of Information Act 2000 to the Ministry of Defence. For more information, see:

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

Further Information (cont.)

Other contact points within Defence Statistics are:

Defence Expenditure Analysis	030 6793 4531	DefStrat-Econ-ESES-DEA-Hd@mod.uk
Price Indices	030 6793 2100	DefStrat-Econ-ESES-PI-Hd@mod.uk
Naval Service Manpower	023 9254 7426	DefStrat-Stat-Navy-Hd@mod.uk
Army Manpower	01264 886175	DefStrat-Stat-Army-Hd@mod.uk
RAF Manpower	01494 496822	DefStrat-Stat-Air-Hd@mod.uk
Tri-Service Manpower	020 7807 8896	DefStrat-Stat-Tri-Hd@mod.uk
Civilian Manpower	020 7218 1359	DefStrat-Stat-Civ-Hd@mod.uk
Health Information	030 6798 4423	DefStrat-Stat-Health-Hd@mod.uk

Please note that these email addresses may change later in the year.

If you wish to correspond by mail, our postal address is:

Service Police Policy
Discipline, Conduct and Legislation Team,
Defence People Secretariat
Ministry of Defence, Main Building
Floor 6 Zone N
Whitehall
London
SW1A 2HB

For general MOD enquiries, please call: 020 7218 9000