

Background Quality Report

Sexual Offences in the Service Justice System 2018

1. Introduction

1.1 Overview

The Ministry of Defence (MOD) publishes a wide range of Armed Forces personnel statistics, including statistics regarding sexual offending within the Armed Forces that are dealt with wholly within the Service Justice System (SJS). The main purpose of these statistics is; to inform policy and decision making within the Department and to inform general debate in Government, Parliament and the wider public.

It is worthy of note that the Service Prosecuting Authority (SPA) routinely produces statistical data within its publicly available quarterly reports and that since Dec 12, the Military Court Service (MCS) has regularly published anonymised Court Martial results on the gov.uk website.

MOD does not currently produce any other statistics on offending within the Armed Forces or regarding the SJS.

1.2 Background and Context

These statistics are primarily the number of offences contrary to the Sexual Offences Act 2003 (SOA 03) and historic sexual offences¹ that were dealt with wholly within the SJS between 1 January and 31 December 2018² there are comparisons made with those recorded during 2016 and 2017 and published in 2017 and 2018. This includes all allegations reported to and investigated by the Service Police, all cases referred to the SPA by the Service Police or the suspect's Commanding Officer for a prosecution decision and all charges tried by Court Martial³. The details of these cases have then been used to provide statistics on their location, suspects, victims and outcomes⁴.

1.3 Methodology and Production

These statistics are primarily counts of the numbers of offences contrary to the SOA 03 and historic sexual offences that were dealt with wholly within the SJS in the 2018 calendar year, broken down into the following characteristics of interest:

- Offence type
- Country of incident
- Outcome of Service Police investigation
- Gender/Service/Status/Age of Suspect/Victim
- Cases received by SPA for prosecution decision
- Outcomes of SPA prosecution decision
- Court Martial findings by defendants/charges

Further detail is also available in the excel spread-sheets that accompany these statistics.

¹ Sexual offences that took place before the enactment of the SOA 03, but reported in the 2018 calendar year.

² Investigations that were initially reported as an offence under the SOA 03, but were later re-classified as non SOA 03 offences have not been included.

³ AFA 06 requires that all charges of SOA 03 offences can only be heard in the Court Martial.

⁴ As a Schedule 2 or unlisted offence, no sexual offences are dealt with at Summary Hearing

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The Service Police investigation statistics are derived from the Service Police electronic crime recording system known as **REDCAP**, which is used for the recording of all offences investigated by the Service Police.

Information regarding sexual offences is manually extracted from REDCAP on a daily basis and stored on a separate database by the Crime Statistics and Analysis Cell (CSAC) within the Service Police Crime Bureau. In completing this extraction and transfer of information, the content is quality controlled and verified to ensure that it is accurate.

The SPA case statistics are derived from the SPA electronic case recording system known as the **Central Information Management Application (CIMA)**, which is used for the recording and tracking of all cases prosecuted by the SPA.

Information regarding sexual offences has been manually extracted from CIMA and stored on a separate database by the SPA Chief of Staff (COS). In completing this extraction and transfer of information, the content is quality controlled and verified to ensure that it is accurate.

The MCS case statistics are derived from the MCS electronic case recording system known as the **Service Courts Information Management (SCIM)**, which is used for the recording and tracking of all Court Martial trials managed by the MCS

Information regarding sexual offences has been manually extracted from SCIM and stored on a separate database by MCS staff. In completing this extraction and transfer of information, the content is quality controlled and verified to ensure that it is accurate.

2. Relevance

The principal stakeholders for Service personnel statistics are within the Service Police, SPA, MCS themselves and the Chief of Defence People area of the Ministry of Defence (MOD). The statistics are produced by these SJS stakeholders to identify trends, develop crime prevention strategies, identify performance indicators and develop prosecution/court administrative policy and within the MOD to inform discipline, conduct and legislation policy. They are also used to answer parliamentary questions and Freedom of Information requests.

For detail on pre-release access to Defence Statistics publications please see the Defence Statistics pre-release access list webpage for the most up to date pre-release access list.

<https://www.gov.uk/government/statistics/defence-statistics-pre-release-access-list>

People in the roles with access receive pre-release access to the publication up to 24 hours in advance of publication and an accompanying ministerial submission.

These statistics were developed in close consultation with all SJS stakeholders.

The coverage of these statistics is close to, if not equal to all cases of offences contrary to the SOA 03 investigated by the Service Police, referred to the SPA for a prosecution decision and heard at Court Martial during the 2018 calendar year. There are no known unmet user needs.

3. Accuracy

3.1 Service Police

All offences investigated by the Service Police must be recorded on REDCAP as a

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matter of policy. This then generates an Investigation Reference Number (IRN) which follows the case throughout the Service Justice System. The IRN is used to manage and store all evidence in the case. REDCAP therefore holds information on all offences investigated by the Service Police.

Whilst the information placed on to REDCAP is carried out by the investigator, the content is subjected to quality control by line management and the Records Office at the Service Police Crime Bureau (SPCB). It is therefore as accurate as a manual system will allow.

REDCAP is a live system; consequently the information contained within it may change as an investigation progresses. For example, an investigation into a sexual assault may change to a common assault. Interrogation of the REDCAP information for statistics may therefore produce differing results dependent on when it was conducted in relation to the change of offence. The 2018 statistics were obtained from REDCAP on 6 February 2019. Those cases under investigation on that day are therefore subject to change.

In cases of multiple offences, REDCAP will only show the result as the headline offence. Therefore, an investigation into a series of sexual assaults with one suspect will only produce a result as one case. Similarly, if a case involves allegations of rape and sexual assault, it will only show as the 'headline offence' and produce the result as one case of rape.

3.2 Service Prosecuting Authority (SPA)

The SPA classify each referral received as one case, regardless of the number of accused, or the individual charges identified by the Service Police or the CO in that referral. Subsequently the SPA statistical data provided is based on the number of cases they have referred.

At initial receipt of a referral the SPA does not record each charge identified by the Service Police or the CO by the section of the Sexual Offences Act 2003, as until the SPA has reviewed the case, they are unable to definitively classify the exact offence and/or the total number of offences. For example a case may be referred to the SPA on suggested charges of attempted rape and sexual assault but the SPA, on reviewing the case in line with the Code for Crown Prosecution, may decide to direct charges of assault by penetration and sexual assault. Until all the evidence has been produced, it is impossible to definitely categorise the charges.

On receipt of the referral the case is initially recorded on CIMA and subsequently allocated to a prosecutor. This process generates an internal SPA reference number linked to the Service Police Investigation Reference Number (IRN). CIMA is used to record all SPA activity on every case including non-direction, non-institution and direction. CIMA therefore holds information on all cases prosecuted by the SPA.

The content is subjected to quality control by line management and the SPA Chief of Staff (COS). It is therefore as accurate as a manual system will allow.

CIMA is a live system; consequently the information contained within it will develop as the case progresses to conclusion (i.e. Direction or non-direction). For example, a case referred to the SPA as a sexual assault may result in a charge with an alternative non-sexual offence or possibly a non-direction. Interrogation of the CIMA information for statistics may therefore produce differing results dependent on when it was conducted in relation to the change of offence. These statistics were collated on 7 March 2019.

In cases of multiple suspects for the same offence, CIMA will only show the matter as a single case. Consequently, some of the cases contained within the SPA statistics may have more than one suspect.

In cases of multiple offences, CIMA will only show the result as the most serious offence. Therefore, an investigation into a series of sexual assaults with one suspect will only produce a result as one case. Similarly, if a case involves allegations of rape and sexual assault, it will only show as the most serious offence and produce the result as one case of rape.

3.3 Military Court Service (MCS)

All cases that are brought to trial in the Court Martial must be recorded by the MCS on SCIM on receipt of the trial direction by SPA/Commanding Officer, in order for the necessary pre-trial and subsequent Court Martial hearings to be arranged. This then generates an internal MCS reference number that links to the Service Police Investigation Reference Number (IRN) which follows the case throughout the Court Martial process. SCIM is used to record all MCS activity on each case throughout the complete Court Martial process. SCIM therefore holds information on all Court Martial trials administered by the MCS. No other organisation conducts such administration.

The information is placed on to SCIM by administrative staff on receipt of a notification that a case is required to be heard by Court Martial, following which it is updated by the MCS personnel responsible for administering the hearing each time there is a development in the case. The content is subjected to quality control by line management and the Director MCS. It is therefore as accurate as a manual system will allow.

SCIM is a live system; consequently the information contained within it will develop and may change as a case progresses through the SPA to prosecution or not. For example, a charge of sexual assault referred for trial by Court Martial may change to an alternative non-sexual offence or no charge at all as the case proceeds to trial. Interrogation of the SCIM information for statistics may therefore produce differing results dependent on when it was conducted in relation to the change of offence. These statistics were gained on 19 February 2019.

Offences that were found guilty by Court Martial in 2018, but were not sentenced until 2019 are not included within these statistics.

4. Timeliness and Punctuality

This is the fourth MOD publication of statistics regarding sexual offences dealt wholly within the SJS. The Service Police information was gathered on 6 February 2019, in order to ensure that all cases investigated during 2018 had been uploaded on to REDCAP. The SPA information was gathered on 7 March 2019, in order to ensure that all cases referred to them during 2018 had been uploaded on to CIMA and the content confirmed as accurate. The MCS information was gathered on 19 February 2019, in order to ensure that the SCIM content was confirmed as accurate.

These statistics will continue to be published on an annual basis.

Historic and planned publication dates can be found on the UK National Statistics Publication release list here:

<https://www.gov.uk/government/statistics/announcements>

The release date for this publication was pre-announced on the [MOD's Calendar of Upcoming Releases](#)² section of GOV.UK.

5. Accessibility and Clarity

The current publication consists of a pdf report containing commentary, graphs and tables on trends in the statistics, supported by excel spreadsheets. Other formats may be possible for Defence Statistics to produce on request.

All Defence Statistics (Tri-Service) publications can be found on the MOD National and Official Statistics by topic webpage:

<https://www.gov.uk/government/statistics/mod-national-and-official-statistics-by-topic>

They can also be accessed via the Statistics release calendar on GOV.UK:

<https://www.gov.uk/government/statistics/announcements>

Copies of the reports are also placed in the House of Commons library.

The commentary in our reports identifies and analyses the key changes in the data and provide summary statistics and policy context. Graphs, tables and other data visualisation methods are used to further explain these trends.

6. Coherence and Comparability

Defence Statistics published statistics on UK Armed Forces are the definitive statistics in the MOD. There are no other publically available regular publications solely on the numbers of sexual offences dealt with by the SJS with which to ensure coherence. Within the MOD direct queries of the REDCAP, CIMA or SCIM will produce slightly different numbers due to timing and quality issues.

These statistics may not be directly comparable with those published by other countries due to differences in the manner in which jurisdiction of offences committed by members of the Armed Forces is managed overseas. Some countries may deal with all Armed Forces offending within their SJS, whereas others may rely more greatly on their nation's Criminal Justice System (CJS). These statistics do not contain any cases dealt with by the CJS.

7. Trade-offs between Output Quality Components

The main trade-off is between timeliness and quality. To ensure statistics are timely, the editing and validation process relies heavily on manual processes, which take at least a month. Spending less time investigating every relevant case would skew the accuracy of the statistics in what is an extremely sensitive field and negatively impact on the quality of our reports.

8. Assessment of User Needs and Perceptions

The MOD has previously held regular consultation meetings with users of Defence Official Statistics, which provided a forum for user feedback on their needs and perceptions. Proposed changes were set out at the consultation meetings in order to gain feedback from both internal and external users.

The MOD invites users to provide feedback to the statistical output teams on any of their publications or reports using the contact information on the front of the publication.

9. Performance, Cost and Respondent Burden

The Crime Statistics Analysis Cell (CSAC) within the SPCB, SPA COS and MCS administrative staff are responsible for producing information relating to investigations, prosecution and Court Martials respectively, as well as providing analysis and advice for management information. This also includes the gathering and preparation of information

in answering ad hoc enquiries and FOI requests.

There is no respondent burden as all of the data is obtained from the REDCAP, CIMA and SCIM databases which are owned by each respective SJS stakeholder.

10. Confidentiality, Transparency and Security

10.1 Confidentiality

All published outputs are counts of individuals in particular groupings. The rounding policy has not been used because the results of Court Martials are public information, routinely published on the gov.uk website.

However, the statistics are presented in a manner to ensure the confidentiality of both the victims and suspects of these offences.

10.2 Transparency

The reports provide commentary on the key features of the outputs and identify any issues or caveats to the data. This quality report provides further information on the method, production process and quality of the output.

10.3 Security

All staff involved in the statistical production process adhere to all MOD, Civil Service and data protection regulations. The data is stored, accessed and analysed using the MOD's restricted network and IT systems, and access to raw data is password protected and approval for access is granted only by the Department Head, Discipline, Conduct and Legislation, Defence People Secretariat.

11. References

| | Reference | Website Location |
|---|--|---|
| 1 | SPA Publications | http://spa.independent.gov.uk/test/about_us/publication_scheme.htm |
| 2 | Court Martial Results | https://www.gov.uk/government/publications/court-martial-results-from-the-military-court-centres |
| 3 | Statistics at MOD Homepage | https://www.gov.uk/government/organisations/ministry-of-defence/about/statistics |
| 4 | MOD's Timetable of Future Releases of National and Official Statistics | https://www.gov.uk/government/publications/mod-timetable-for-future-releases-of-national-and-official-statistics |

12. Contact Details

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