



The Crown Prosecution Service

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CPS publishes first homophobic crime data

10/08/2004

Initial figures released today by the Crown Prosecution Service show a conviction rate of almost 71% for hate crimes committed against members of lesbian, gay, bisexual and transgender communities (LGBT) in England and Wales.

Between April 2003 and March 2004, the CPS has identified a sample of 103 homophobic cases. Of these, 59 resulted in a guilty plea and a further 14 resulted in conviction after trial. Thus 73 cases - 71% of the total- resulted in a conviction.

The Director of Public Prosecutions, Ken Macdonald QC, said:

"Hate crime represents an assault upon diversity in society and we shall prosecute it with vigour. A modern prosecution service is not working effectively if LGBT people have much lower levels of confidence in its work than the heterosexual population. By accounting for our performance to the public and responding to the views of communities we serve, we help ourselves to better shape criminal justice policies. We have done it with racist and religiously aggravated offences. We are doing it with homophobic crime."

After extensive consultation, the CPS launched its public policy statement on homophobic crime in 2002. This spelt out the way in which it will deal with victims of crimes with a homophobic aspect. The CPS is now taking forward this work by:

- developing a training programme to help lawyers better understand the context in which homophobic crime occurs
- producing national guidance
- putting in place regular monitoring.

The new data has been gathered using the new COMPASS computerised case management system (CMS). It is now possible to 'flag' particular types of case, such as cases involving a fatality, and

Hate Crime

Hate crime is any criminal offence committed against a person or property that is motivated by hatred of someone because of their:

- [race, colour, ethnic origin, nationality or national origins](#)
- religion
- gender or gender identity
- sexual orientation
- disability
- age

[Find out more about how we prosecute hate crime](#)

The Role of The Crown Prosecution Service

The Crown Prosecution Service is the government department responsible for prosecuting criminal cases investigated by the police in England and Wales.

As the principal prosecuting authority in England and Wales, we are responsible for:

- advising the police on cases for possible

racist/religious incidents, and track them through to their eventual outcomes.

Case studies of homophobic prosecutions handled by the CPS in recent years:

Case study 1

Two men lured a 19-year-old to a deserted car park, stripped him naked and left him lying on the floor because he was gay. The pair admitted robbery. One was jailed for five-and-a-half years and the other for six-and-a-half. The judge remarked: "This is a very serious offence. It was done because of his sexuality. He was left scared and humiliated. It is hard to imagine anything more terrifying."

Case study 2

A group of four friends had been visiting a gay club in a major city. Three were male, one female and they were aged in their late 20s/early 30s. After leaving the club in the early hours of the morning they started to receive homophobic abuse from a group of ten men who perceived them to be gay. The group was chased and one member of the party was assaulted, resulting in severe bruising to his face and jaw. Two of the attackers were arrested at the scene and one was prosecuted, pleading guilty to Actual Bodily Harm and was ordered to pay 50 costs to the victim and 55 costs to the CPS with some credit given for an early guilty plea. All victims gave statements that clearly identified the attack as homophobic.

Case study 3

The victim (31) was at petrol station with his boyfriend. The defendant had previously known the victim although had not known he was gay at the time. He directed homophobic abuse towards the two men, culminating in the victim being punched and kicked in the face. On sentence, the magistrate confirmed the attack was homophobic, this had been taken into account and a four-month custodial sentence for common assault was imposed.

Case study 4

A youth defendant (14 at date of offence) was convicted after trial for using a public communications system to send an offensive message: making nuisance phone calls which contained references to the victim's sexuality. The victim, who gave evidence at the trial, is an openly gay man who lived with his partner and two teenage foster sons at the time of the offence. The defendant was sentenced to 12 months conditional discharge and ordered to pay 263 costs.

Notes to Editors

1. The figures are based on an emerging sample of 32 out of 42 CPS areas using a new IT system now being rolled out. Of the remaining 30 cases that did not result in a conviction, 22 were

prosecution

- reviewing cases submitted by the police
- determining any charges in all but minor cases
- preparing cases for court
- presenting cases at court

[Find out more about the role of the Crown Prosecution Service](#)

discontinued after application of the tests in the Code for Crown Prosecutors.

More detail on how the CPS prosecutes cases with a homophobic element link is available [here](#) on our website.

2. The Crown Prosecution Service is the Government Department responsible for prosecuting people in England and Wales who have been charged with a criminal offence. It works with but is independent from the police.

As the principal prosecuting authority in England and Wales, we are responsible for:

- Advising the police on cases for possible prosecution.
- Reviewing cases submitted by the police.
- Preparing cases for court.
- Presentation of cases at court.

3. There is no statutory definition of a homophobic or transphobic incident. However, when prosecuting such cases, and to help us to apply our policy on dealing with cases with a homophobic element, the CPS adopts the following definition:

"Any incident which is perceived to be homophobic or transphobic by the victim or by any other person."

4. This policy statement also recognises that there are people who have sex with a person of the same sex who do not see themselves as an LGBT person. This fact does not stop this policy applying to them, provided the incident in which they are involved is perceived by someone as homophobic or transphobic.
 5. Media enquiries to CPS Headquarters press office 020 7710 6088.
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Disability Hate Crime



CPS

Policy for
Prosecuting
Cases of
Disability
Hate Crime

Policy for Prosecuting Cases of Disability Hate Crime

What do we mean by disability hate crime?

There is no legal definition of a disability hate crime. However, when prosecuting cases of disability hate crime, and to help us apply our policy on dealing with such cases, we adopt the following definition:

“Any criminal offence, which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person’s disability or perceived disability.”

Safety and security and the right to live free from fear and harassment are basic human rights. Our policy is to prosecute disability hate crime fairly, firmly and robustly.

I am being targeted because of my disability – what can the court do?

If someone pleads or is found guilty of a crime against you, and the court is satisfied that the crime was motivated by hostility because of your disability, then the court must treat this hostility as something that makes the offence more serious. The court must state this openly so that everyone knows this is the case.

If I have mental health issues or learning disabilities, will you listen to me and take me seriously?

Yes. We will apply our policies on Supporting victims and witnesses with Mental Health issues and Supporting victims and witnesses with Learning Disabilities. We will not make assumptions about your reliability or credibility. We will consult with you and, if appropriate, your relatives, carers or medical experts to consider what can be done to support you to give your evidence.

If someone is not able to take part in the criminal proceedings, for example even with appropriate support they cannot understand information given to them or remember that information, we will work with the police to see what other evidence might be available to prove the case in court.

What does the CPS do?

The CPS is the main public prosecution service for England and Wales, headed by the Director of Public Prosecutions. Although we work closely with the police, we are independent of them. The police are responsible for investigating criminal offences and for gathering the evidence. We have the responsibility for deciding (in all but the most minor cases) whether a suspect should be charged with a criminal offence and, if so, what the charge(s) should be.

How does the CPS decide whether to charge someone?

We apply the Code for Crown Prosecutors. In order to bring a prosecution there must first be sufficient evidence to provide a realistic prospect of conviction. If the case does not pass this evidential stage it must not proceed, no matter how serious or sensitive it may be.

If the case does pass the evidential stage, we must then decide if a prosecution is needed in the public interest (the public interest stage). We regard any offence based on hostility, because of perceived or actual disability, as being more serious. As a result, it will usually be in the public interest in disability hate crime cases to bring a prosecution.

What if I don't want to go to court?

Your views as the victim of a crime are important when deciding whether a case should proceed or not, but they are not the only factor. We prosecute cases on behalf of the public at large and not just in the interests of any particular individual.

If a victim has withdrawn support for a prosecution, we have to find out why. We will explore all options fully and offer whatever support we can including, where appropriate, through our Witness Care Units, before we decide whether or not to proceed with a prosecution. Generally speaking, the more serious the case, the more it will be in the public interest to proceed with a prosecution, even if the victim says they do not wish us to.

What do Witness Care Units do?

We have Witness Care Units in all CPS Areas, run jointly by the police and CPS. Witness Care Officers provide a single point of contact and individually tailored support for each witness to help them give their best evidence. If you are a victim of crime a Witness Care Officer will manage your care from the point of charge until the conclusion of the case.

What support will I be given in court?

Support could include, for example, transport to and from court; giving evidence through a live link rather than in the courtroom; ensuring time is given for taking medication; asking questions in a way the person can best understand or having an intermediary to explain questions being asked and answers being given.

When you attend court as a witness, the CPS prosecutor presenting the case will introduce themselves and answer any general queries that you may have. If you are kept waiting, we will make sure you are told the reasons for the delay and the estimated time when you will be required to give evidence.

Wherever possible, we will try to make sure that separate waiting facilities are made available for prosecution witnesses so that you do not have to mix with the defendant or his or her friends or family.

The following publications provide further information on how prosecution decisions are reached and what victims and witnesses can expect from the criminal justice system –

- CPS Policy for Prosecuting Cases of Disability Hate Crime
- The Code for Crown Prosecutors
- The Prosecutors' Pledge
- The Code of Practice for Victims of Crime (Victim's Code)

These publications are public documents and are available on the CPS website: www.cps.gov.uk

Or copies can be obtained from:

CPS Communication Division
Rose Court
2 Southwark Bridge
London SE1 9HS
Tel: 020 335 70913
Email: publicity.branch@cps.gsi.gov.uk

Translations into other languages, and audio copies are available.

Help or advice can be obtained from:

Equality and Human Rights Commission

www.equalityhumanrights.com

England

Switchboard: 0845 604 6610

Text Line 0845 604 6620

Wales

Switchboard: 0292 0663710

Helpline and advice line: 0845 604 8810

Text and bi-lingual line: 0845 604 8820

Victim Support

www.victimsupport.org.uk

Victim Support is the national charity which helps people affected by crime. The organisation provides free and confidential support to help victims deal with their experience, whether or not they report a crime.

United Kingdom's Disabled People's Council (UKDPC)

www.ukdpc.net

Tel and fax: 01773 746698

UKDPC is an umbrella organisation that represents some 80 organisations run and controlled by disabled people to promote full equality and participation within society.

Ann Craft Trust

www.anncrafttrust.org

Tel: 0115 9515400

Fax: 0115 9515232

The Ann Craft Trust works with staff in the statutory, independent and voluntary sectors to protect people with learning disabilities who may be at risk from abuse. The Ann Craft Trust also provides advice and information to parents and carers who may have concerns about someone they are supporting.

MIND

www.mind.org.uk

Tel: 020 8519 2122

Fax: 020 8522 1725

MIND works to create a better life for everyone with experience of mental distress by advancing the views, needs and ambitions of people with mental health problems.

VOICE UK

www.voiceuk.org.uk

Tel: 01332 295775

Fax: 01332 295670

Voice UK supports people with learning disabilities and other vulnerable groups who have experienced crime or abuse and offers support to families, carers and professional workers.

Further copies of this leaflet may be obtained from:

CPS Communication Division
Rose Court
2 Southwark Bridge
London SE1 9HS

Tel: 020 335 70913

Email: publicity.branch@cps.gsi.gov.uk

For information about the Crown Prosecution Service, and to view or download an electronic copy of this document, please visit our website:

www.cps.gov.uk

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CPS

Leaflet about Disability Hate Crime

Easy read version

Leaflet about Disability Hate Crime

This leaflet tells you what the Crown Prosecution Service (CPS) is doing to prosecute people who commit hate crimes against disabled people.



It tells you what you can expect from the CPS if you are a victim of a disability hate crime.



This leaflet is based on the 'CPS Policy for Prosecuting Cases of Disability Hate Crime'.



Difficult words are **written in blue** in this leaflet. You can look up a **difficult word** at the end of this leaflet.



What is the Crown Prosecution Service?

The Crown Prosecution Service (CPS) is the government organisation that deals with criminal cases after someone has been arrested and up to the trial in court. The CPS is led by the Director of Public Prosecutions.



The CPS deals with cases of crime after the police have got the **evidence**.



Prosecutors from the CPS decide if someone should be **charged** for doing a crime and what the charge should be.



Prosecutors decide about how to deal with crimes using the Code for Crown Prosecutors. You can get a copy of the easy read version of this Code on the CPS website at www.cps.gov.uk.



What is disability hate crime?

A hate crime is any crime which the **victim** (or someone else) thinks happened because of who they are. The person who did the crime was hurtful, unfriendly and unfair to the victim because of the victim's:



- ethnic or national origin
- gender
- disability
- age
- religion or belief
- sexual orientation or
- gender identity.

Disability hate crime means a crime which the **victim** (or someone else) thinks happened because they are a disabled person.



The words '*disability hate crime*' are not written down anywhere official in the **Law**.



How will the CPS deal with disability hate crime?

The CPS wants to **prosecute** disability hate crime in a way that is fair and strong.



The CPS will always take you seriously.



The CPS has rules about how to work with **victims** and **witnesses** who have mental health distress and/or learning disabilities.



The CPS will not guess if you can give good **evidence** in court. It will talk with you and with other people, if this is the right thing to do. There are different ways to support you to give the best evidence you can.



If someone is really not able to give good evidence in court, the CPS will work with the police to try to find other sorts of evidence to support the case in court.



What about going to court?

The CPS thinks hate crimes are very serious, so it is more likely that hate crimes will go to court. If the court agrees it was a hate crime it can pass a longer **sentence** if someone is found guilty.



Some **victims** and **witnesses** don't want to go to court. Your views are important but the CPS also has to take cases to court for the good of the public, not just individual people.



The CPS will talk to you to find out why you don't want to go to court. They will do their best to look at all the options and all the support available.



What support can I get?

The support you can get includes things like:

- transport to and from the court
- giving **evidence** on video rather than in the court
- having time to take your medication, if you need to
- being asked questions in court in a way you can understand
- having someone called an '**intermediary**' who will explain what's happening and help you take part.



When you get to court, the **prosecutor** will tell you what's happening and answer your questions.



The CPS will try to find you somewhere to wait away from the defendant and their family or friends.



You can also get support from the Witness Care Unit. This is run by the police and the CPS to support **victims** and **witnesses** while the case is being prepared for court.



Difficult Words

Charge/Charged

The charge is the name of the crime that someone does and the law that makes it wrong. The prosecutor normally decides what to charge someone.



Crime

A crime means doing something that is against the law. The police can arrest someone for doing a crime.



Ethnic or National Origin

Your ethnic or national origin says where you were born and where your family are from. People have a **race or ethnic identity**, which says which communities, cultures and/or countries they feel are part of who they are.



Evidence

This is the information that proves someone did a crime.



Gender Identity/ Trans

Gender identity is about feeling you are male, female, neither or outside these groups. Your gender identity and your body might not match or might not fit into what society says about being male or female. Some people challenge society's idea that there are only two gender groups, male and female. Some people choose to take action to change their body and/or their gender identity. This is called being a trans person.



Intermediary

An intermediary is an official person who helps a victim or witness give evidence in court. They can explain what the court is doing and what questions mean. They can also help the court understand what someone is saying.



Law

Laws are the rules which all citizens are supposed to follow. Laws are made by Parliament.



Prosecutor

The prosecutor is a professional person with legal training. Their job is to charge people suspected of doing crimes and make sure the criminal justice system deals with them in the right way.



Prosecute

To prosecute means to charge someone suspected of doing a crime and take them to court. Some cases are dealt with out of court.



Sentence

The sentence is the punishment the court gives to someone found guilty of doing a crime.



Sexual Orientation

Sexual orientation is about who you are attracted to. Being lesbian, gay, bisexual or heterosexual is called your sexual orientation.



Suspect

A suspect is someone who the police think has done a crime but they haven't been charged yet.



Victim

A victim is someone who has had a crime done to them.



Witness

A witness is someone who saw what happened or who knows something about the crime that took place. The witness tells the police and may give evidence in court.



Help and Advice

These organisations can give advice and support if you have experienced disability hate crime or support someone who has.

Equality and Human Rights Commission

www.equalityhumanrights.com

England switchboard 0845 604 6610

Text line 0845 604 6620

Wales switchboard 0292 0663710

Helpline and advice line 0845 604 8810

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Victim Support

www.victimsupport.org.uk

Supportline 0845 30 30 900

Victim Support is a national charity that gives free and confidential support to anyone who has experienced crime, even if you do not report the crime.

VOICE UK

www.voiceuk.org.uk

Helpline 0808 80 28 686

Tel 01332 295775

Fax 01332 295670

Voice UK supports people with learning disabilities who have experienced crime or abuse. It supports families, carers and professional workers.

More Information

You can get more information about how the Crown Prosecution Service works from these documents:

- Policy for Prosecuting Cases of Disability Hate Crime
- The Code for Crown Prosecutors
- The Prosecutors' Pledge
- The Code of Practice for Victims of Crime

By post:

Communication Division
Rose Court
2 Southwark Bridge
London SE1 9HS

By email:

publicity.branch@cps.gsi.gov.uk

On the website:

www.cps.gov.uk

Thanks

This easy read document was prepared by a team of people with and without learning difficulties based at Values Into Action (www.viauk.org). Photographs are by Photosymbols (www.photosymbols.com).



**Crown Prosecution Service
Communication Division
Rose Court
2 Southwark Bridge
London SE1 9HS**

June 2010



Hate crime and crimes against older people report

2009- 2010

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Foreword by the Director of Public Prosecutions

I welcome the third Crown Prosecution Service (CPS) annual hate crime report.

Hate crime harms individuals, communities and society. What starts as ‘low level’ name calling can escalate to serious harm and even death. This report gives key information to the public about our performance in prosecuting these damaging crimes and demonstrates that we continue to improve. The CPS is getting better at identifying cases of hate crime, and more victims are supporting the criminal justice process. However, we recognise that there is still room for improvement and no space for complacency, so we remain committed to improving the quality of our prosecutions in all hate crime cases, and to addressing victim safety and support concerns. I am, therefore, confident that we will see a further increase in the volume of cases successfully prosecuted by the CPS in the coming years.

This report also includes information about our performance in prosecuting crimes against older people. These crimes take place in a context of an aging population in which older people can experience negative and even prejudiced attitudes. The effective and successful prosecution of crimes against older people is an age equality issue and we are determined to play our part in challenging negative attitudes towards older people manifested as crimes against them. The figures are encouraging and show that a large and growing number of crimes against older people were prosecuted and our successful outcome rate has improved in 2009-10.

The data contained in this report embodies the spirit of the CPS Core Quality Standards, providing accountability and transparency to the public and especially people and communities that are affected by hate crime and crimes against older people.

In 2009-10 the CPS continued to work closely with other government departments, agencies and the voluntary sector. This is important because if our approach to hate crime is to succeed, it must be truly cross government and multi-agency.

My thanks go to all the Area prosecutors and advocates dealing with these cases and the services who work with us to provide support for victims. This report contains examples of very good practice in prosecuting hate crime and crimes against older people. My aim is for this approach to be business as usual for the CPS.

Keir Starmer QC
Director of Public Prosecutions

Executive summary

This is the third CPS annual hate crime report and presents information on CPS performance in prosecuting racist and religious hate crime, transphobic and homophobic crime, and disability hate crime. Also included in this report is data on prosecutions where crimes against an older person have been identified.

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Hate crime: overall key findings

- In the four years ending March 2010, more than 53,600 defendants were prosecuted for hate crimes
- The conviction rate rose from 77% in 2006-07 to 82% in 2009-10
- Guilty pleas increased from 64% to 70%
- The proportion of cases failing due to key reasons such as victim issues (comprising retraction, non attendance and non supportive victim evidence), acquittals after trial and essential legal element missing increased from 63% to 67% of all unsuccessful outcomes
- The majority of defendants across the hate crime strands were men
- Data on victim demographics are less complete and remain under development. However, where gender is known, men formed the largest proportion of victims across all strands, at 68% of the total.
- The most commonly prosecuted offences were those against the person and public order offences (43% and 40% of the total respectively)
- 75% of hate crime defendants were identified as belonging to the White British category, and 79% were categorised as White
- 50% of defendants were aged between 25-59 and 30% between 18-24.

Racist and religious crime: key findings

- In the four years ending March 2010, more than 48,400 defendants were prosecuted for crimes involving racist or religious crime
- Convictions rose from 77% in 2006-07 to more than 82% in 2009-10
- Guilty pleas increased from 64% to 70%
- The most common reasons for unsuccessful outcomes included acquittals and victim non attendance at court. Cases failing due to victim issues including victim retraction, and those cases where the evidence of victims did not support the case increased from 20% to 22%
- The majority of defendants were men at 83%
- Offences against the person and public order offences were the most common (83%)
- In 2009-10, 75% of racially and religiously aggravated crime defendants were identified as belonging to the White British category
- 50% of defendants were aged between 25-59 and 30% between 18-24.

Homophobic and transphobic crime: key findings

- In the four years ending in March 2010, more than 3,900 defendants were prosecuted for homophobic or transphobic crimes
- Over the same period, convictions rose from 74% to 81%
- Guilty pleas increased from 58% to 68%
- Acquittals, conflicts of evidence and where the evidence of the victim did not support the case accounted for the majority of unsuccessful outcomes
- The number and proportion of unsuccessful outcomes due to victim difficulties increased from 06-07 to 09-10
- The majority of defendants were men (85%)
- Offences against the person were the most common offences
- 75% of defendants were identified as belonging to the White British category
- 45% of defendants were aged between 25-59 and 31% between 18-24.

Disability hate crime: key findings

- In the three years ending March 2010, 1,200 defendants were prosecuted for disability hate crime
- 76% of cases resulted in a conviction
- The guilty plea rate was 66%
- Acquittals after trial and an essential legal element missing accounted for more unsuccessful outcomes than victim issues
- 83% of defendants prosecuted were men
- Offences against the person were the most common offences. Public order, theft and handling were also common
- 72% of defendants were identified as belonging to the White British category
- 51% of defendants were aged between 25-59 and 24% between 18-24.

Crimes against an older person: key findings

- 2009-10 is the second year that performance information on crimes committed against older people have been captured
- In the two years ending March 2010, 2,997 defendants were prosecuted for crimes against an older person
- 82% of cases resulted in a conviction
- The guilty plea rate was 72%
- 16% of unsuccessful outcomes were due to victim issues
- 79% of defendants prosecuted were men
- Offences against property (including the categories theft, robbery, burglary and forgery) were the most common offences
- Offences against the person was the largest single category
- 63% of defendants were aged between 25-59 and 22% between 18-24
- 76% of defendants were identified as belonging to the White British category.

Introduction

The CPS aims to build confidence in communities affected by hate crime and improve transparency in its approach. The purpose of this report is to give the public and particularly affected communities clear information about the work of the CPS in tackling hate crime, and the detail of its performance in prosecuting hate crime. The best available data is presented and gaps are identified.

This is the third CPS annual hate crime report and provides information on our performance in prosecuting the following crimes in 2009-10:

- Racist and religious hate crime
- homophobic and transphobic hate crime
- disability hate crime.

This report also includes information about our performance in prosecuting crimes against older people.

Hate crime: the wider government context

During 2009-2010 the CPS worked with criminal justice partners and across government to deliver its actions in the Home Office Hate Crime Action plan launched in September 2009. Following the General Election, the CPS has been a key member of the cross-cutting Hate Crime Strategy Board, sponsored by the Ministry of Justice and the Home Office, which brings together officials from across Government, provides leadership for this agenda and co-ordinates strategy and action to prevent and tackle hate crime.

Community engagement in hate crime prosecution

In 2009-2010 the CPS continued to develop the Hate Crime Scrutiny Panel approach to continuous improvement through intense community engagement. The Hate Crime Scrutiny Panels (HCSP) include the CPS, community stakeholders, an independent facilitator and legal adviser. Community members are drawn from local groups which have direct experience of hate crime. They consider what went well and not so well, and, if there are any lessons to be learned for the future. The efficiency and effectiveness of the HCSPs is being reviewed during 2010-2011 with a view to making further improvements to the process.

CPS Community Involvement Panels (CIP) have also been established across the country. They are on a regional basis and have a more general focus on CPS business, performance and strategy. The CIPs have an important role in monitoring and improving CPS performance and scrutinise local performance information to make recommendations for improvement.

The national CPS Community Accountability Forum is consulted on significant hate crime policy developments.

Continuing improvement through performance management

2009-10 was the second year of assessing Areas' performance against the hate crime indicator across the monitored strands. Each Area was assessed on a six monthly basis, with reports to the Director of Public Prosecutions and Chief Executive, either by a written report or meeting. All Areas had at least one meeting a year.

In 2010-11 the CPS is moving away from centrally managed performance targets towards a validation measure system which provides performance information at a regional level, and which is focused on driving improvements down to local Areas. As a result this report includes data at a regional, or CPS Group, level and at Area level.

Raising awareness and training

In May 2009, the CPS developed and published information leaflets aimed at victims of hate crime and organisations that support them. In March 2010 the CPS launched the hate crime e-learning module, which is required learning for all CPS prosecutors. Seminars addressing the latest policy and practice development were held for all hate crime coordinators in November 2009 and March 2010. Classroom based training aimed at specialist prosecutors is being finalised and rolled out later in 2010-2011.

Hate crime: key findings

The CPS has reported on its performance in relation to the prosecution of hate crime and domestic violence as part of the performance review process since 2005. From 2007, domestic violence figures have been reported in the Violence against Women annual report. Figures for earlier periods have been revised in the present report to exclude domestic violence, giving a more accurate picture of hate crime prosecution activity. Performance data on hate crimes are recorded within the Compass Case Management System (CMS), and extracted from the related Compass Management Information System.

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

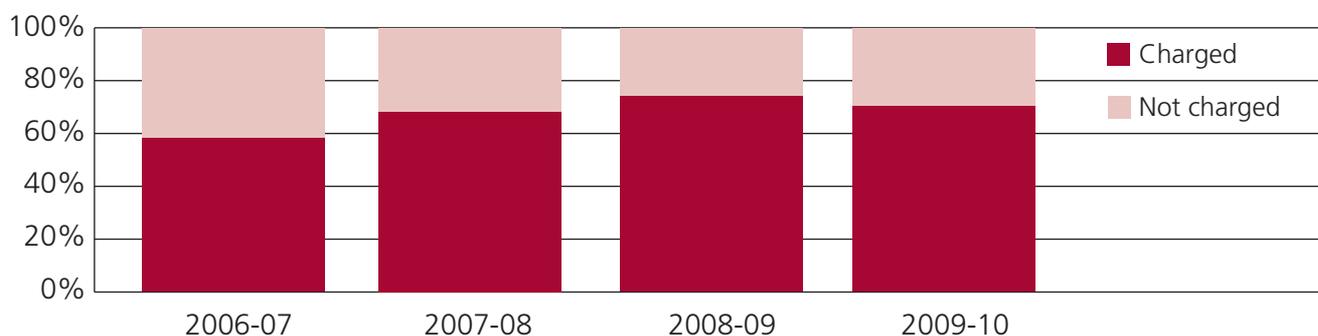
Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals, dismissals after trial and dismissals no case to answer, judge directed acquittals and jury acquittals.

Charging

Statutory charging of defendants by the CPS was fully rolled out in April 2006. In the four years following that date the number of cases identified as involving hate crimes that were referred to the CPS for a charging decision rose by 6% (887).

The proportion of cases charged rose from 59.4% of hate crime cases referred to the CPS in 2006-07 to 70.8% in 2009-10. The proportion of cases charged within each hate strand is reported in the relevant section of this report. Charging rates varied across the strands. In 2009-10, 71.3% of racially and religiously aggravated crimes were charged compared with 66.1% of homophobic crimes and 70.3% of disability hate crime.

Table 1 – Pre-charging decisions *



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Charged	8,390	59.4%	10,060	69.4%	9,675	72.3%	10,627	70.8%
Request for further evidence	297	2.1%	150	1.0%	95	0.7%	104	0.7%
No prosecution	2,919	20.7%	2,773	19.1%	2,167	16.2%	2,581	17.2%
All other decisions	2,527	17.9%	1,511	10.4%	1,442	10.8%	1,708	11.4%
Total	14,133		14,494		13,379		15,020	

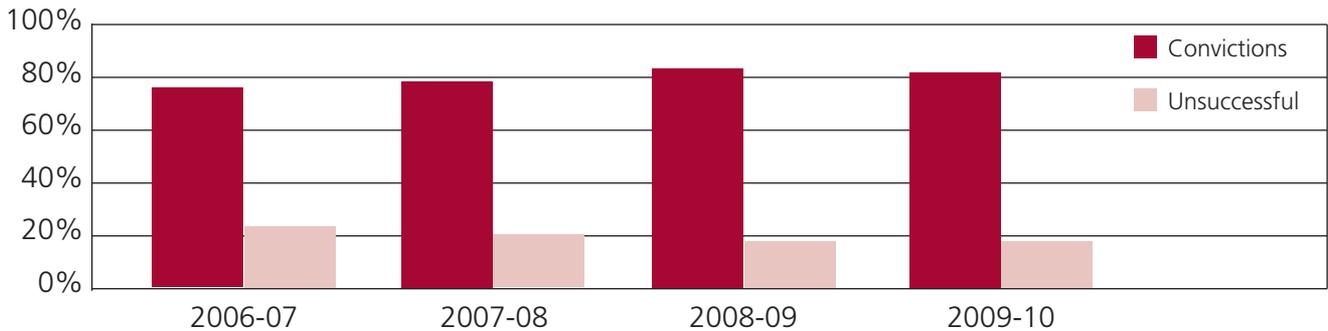
Statutory charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from the 2007-08 report.

Convictions

In the four years ending March 2010, more than 53,600 defendants were prosecuted for hate crimes. Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 77% in 2006-07 to 82% in 2009-10.

Table 2 - Completed prosecutions by outcome



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	9,621	76.8%	11,317	79.8%	10,690	82.0%	11,405	81.9%
Unsuccessful	2,914	23.2%	2,869	20.2%	2,340	18.0%	2,516	18.1%
Total	12,535		14,186		13,030		13,921	

The table below shows a detailed breakdown of prosecution outcomes for hate crimes in 2009-10. Comparisons of outcomes in 2009-10 and earlier years will be found in the chapters covering racial and religious crimes, homophobic and transphobic, and disability hate crime, which follow. In the four year period ending March 2010 guilty pleas increased from 64.0% to 69.7%, contributing to an improved conviction rate of 82% overall in 2009-10. Prosecutions dropped by the CPS, including judge ordered acquittals, discontinuances, and those in which no evidence was offered, fell from 14.6% to 10.6%.

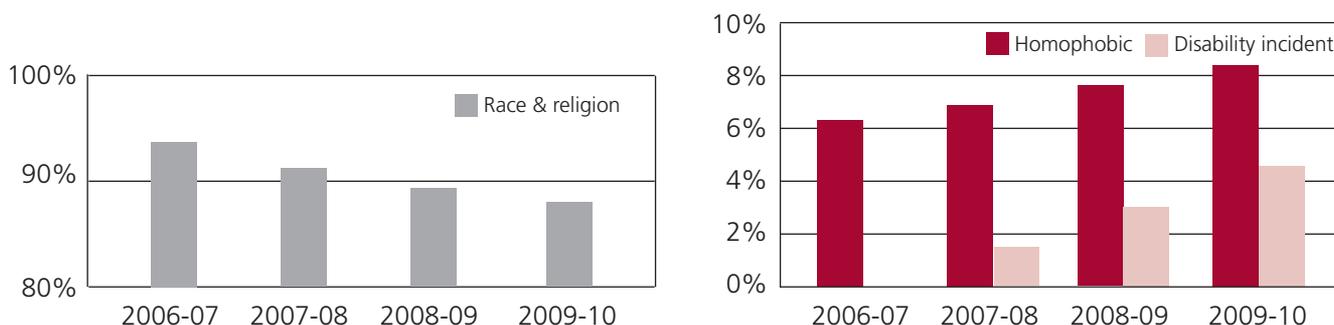
Table 3 - Prosecution outcomes

	2009-10	
	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,482	10.6%
<i>of which - no evidence offered</i>	807	5.8%
Dismissed after trial	551	4.0%
Judge directed acquittal	51	0.4%
Jury acquittal	210	1.5%
All other unsuccessful outcomes	222	1.6%
Unsuccessful outcomes	2,516	18.1%
Guilty plea	9,700	69.7%
Conviction after trial	1,657	11.9%
Proved in absence	48	0.3%
Convictions	11,405	81.9%
Total prosecutions	13,921	

Prosecution by hate crime type

The table and charts below (4) show prosecutions by hate crime type from 2006-07 to 2009-10. Racial and religiously aggravated crimes comprised the largest proportion of the total at 93% in 2006-07 and 87% in 2009-10. The collection of data for disability hate crimes commenced in April 2007.

Table 4 – Completed prosecutions by hate crime type



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Racist & religious	11,713	93.4%	13,008	91.7%	11,624	89.2%	12,131	87.1%
Homophobic	822	6.6%	995	7.0%	1,013	7.8%	1,152	8.3%
Disability	0	0.0%	183	1.3%	393	3.0%	638	4.6%
Total	12,535		14,186		13,030		13,921	

Unsuccessful prosecutions

Cases may fail because of evidential reasons, (e.g. conflicts of evidence), public interest reasons, (e.g. the loss or harm has been put right, or where there may be an adverse effect of the victim’s physical or mental health), because a case is unable to proceed, (e.g. the victim refuses to give evidence or retracts), because proceedings are subject to an administrative finalisation, (e.g. a bench warrant for the arrest of a defendant remains unexecuted, or the defendant has died), and other reasons. In 2009-10, 5.0% of unsuccessful outcomes were due to administrative reasons and 30.6% were due to evidential reasons, lower than previous years; 11.4% were unsuccessful for public interest reasons; 19.8% were unable to proceed, and 33.1% fell into other reasons, higher than previous years.

Table 5 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those where there was a conflict of evidence; where an essential legal element was missing; where the defendant was the subject of indictments or sentences in respect of other proceedings, and acquittals after trial. Within these key reasons, acquittals after trial remained the largest single category, rising from 20.0% in 2006-07 to 27.7% in 2009-10, while there was a smaller rise in the proportion failing owing to victim issues, from 19.6% to 21.1%. Within this total the proportions failing because the victim did not attend rose from 7.5% to 9.8%, whilst those unsuccessful because the victim retracted or the evidence of victims did not support the prosecution case remained broadly the same. However, cases failing because an essential legal element was missing fell from 13.1% to 9.7%. The proportion failing because of key reasons rose by nearly five percentage points from 62.5% to 67.4%.

Table 5 – Key reasons for unsuccessful prosecutions

	2009-10	
	Volume	%
Victim retraction	143	5.7%
Victim non-attendance	246	9.8%
Evidence of victim does not support case	142	5.6%
Total victim issues	531	21.1%
Conflict of evidence	151	6.0%
Essential legal element missing	244	9.7%
Other indictment/sentence	74	2.9%
Acquittal after trial	697	27.7%
Total key reasons	1,697	67.4%
All other reasons	692	27.5%
Administrative finalisations	127	5.0%
Total	2,516	

The analysis of reasons for each individual strand of hate crime is reported in the relevant section of this report. There were differences in key reasons across the strands. While there were rises in case failures due to victim issues in homophobic crimes, in disability hate crime there was a 6.6 percentage point fall in unsuccessful outcomes for these reasons. Acquittals after trial and the absence of an essential legal element were the largest other reasons for failure across all strands.

Table 6 shows the volume and proportion of victim issues in relation to all outcomes. Case failures due to victim difficulties decreased, from 570, or 4.5%, in 2006-07 to 531, or 3.8%, in 2009-10. Total unsuccessful outcomes fell from 23% in 2006-07 to 18% in 2009-10.

Table 6 – Comparison of key reasons for unsuccessful outcomes

	2009-10	
	Volume	%
<i>Total unsuccessful due to victim issues</i>	531	3.8%
Total unsuccessful	2,516	18.1%
Total convictions	11,405	81.9%
Total prosecutions	13,921	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category, to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 82% of hate crime prosecutions in 2009-10 (42% and 40% respectively). Criminal damage accounted for a further 5%. A similar pattern was recorded for men, with 42% being categorised as offences against the person, 40% as public order and 6% as criminal damage. There was a slightly different pattern for women, offences against the person being higher at 45% and criminal damage lower at 4%. However public order offences were similar at 40%. A further 4% of prosecutions against women were recorded in the theft and handling category. Men comprised 82% of defendants whose principal offences were identified as offences against the person and public order, slightly lower than the previous year.

Offences against the person was the largest category in all the hate crime strands (42% for racial and religiously aggravated cases, 48% for homophobic, and 52% for disability hate crimes) with public order the second largest for racially and religiously aggravated, and homophobic cases (41% and 38%). Public order offences were also the second largest category in disability hate crime at 11% however robbery and theft and handling offences accounted for a further 15%. Sexual offences accounted for a further 6%.

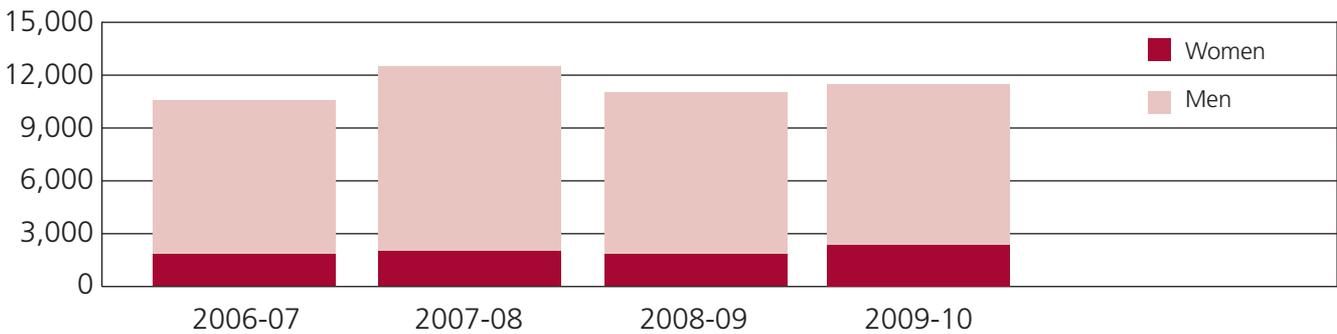
Equalities

(i) Defendants

Gender

Table 7 provides a breakdown of the gender of defendants and of victims respectively. The proportion of men prosecuted fell slightly from 85% in 2006-07 to 83% in 2009-10. In the latter period, men were 83% of defendants in racially and religiously aggravated crimes, 85% in homophobic crimes and 83% in disability crimes.

Table 7 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	1,887	15.1%	2,137	15.1%	2,020	15.5%	2,344	16.8%
Men	10,645	84.9%	12,047	84.9%	11,007	84.5%	11,573	83.1%
Unknown	3	0.0%	2	0.0%	3	0.0%	4	0.0%
Total	12,535		14,186		13,030		13,921	

Ethnicity

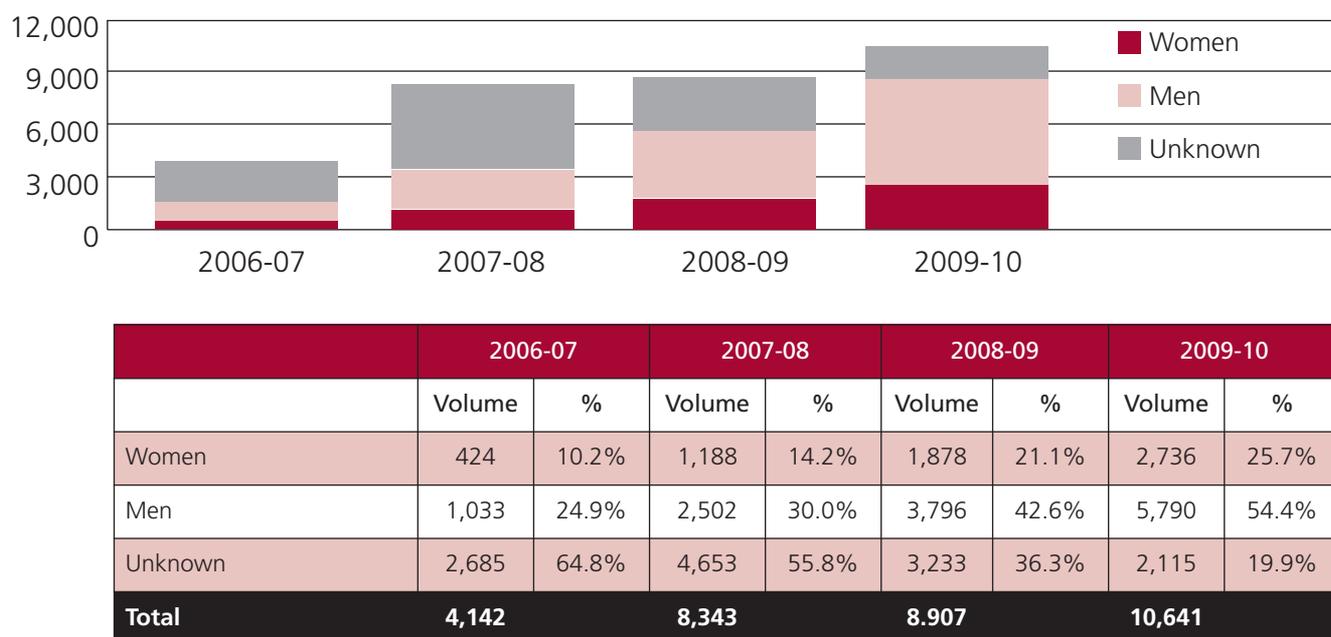
Data on defendant ethnicity is collected by the CPS in accordance with the agreed criminal justice system (CJS) definitions for the 16+1 ethnic categories. The proportions within each category remained similar to the previous year. In 2009-10, 75% of hate crime defendants were identified as belonging to the White British category, and 79% were categorised as White. 5% of defendants were identified as Asian, and a further 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest, and in a further 5% of cases ethnicity was not provided to the CPS by the police.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 18-24 years (30%) and those aged between 25-59 years (50%) were the most numerous categories, a similar pattern to 2007-08 at 30% and 45% respectively. A further 16% were aged between 14-17 years, lower than in 2007-08 when 21% of defendants were recorded in this category. Age varied across the strands, in racial and religious crimes a similar pattern was recorded whereas in homophobic and disability hate crimes 76% and 75% of defendants respectively were recorded in the 18-24 and 25-59 age bands (18-59) with a further 21% and 22% aged 17 or under.

(ii) Victims**Gender**

Table 8 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. Recording of gender has improved from 35% of victims in 2006-07 to 80% in 2009-10. The completeness and accuracy of this information while improving, remains under development. Of those victims whose gender has been identified the highest proportion are men, at 71% in 2006-07 and 68% in 2009-10. Where gender has been identified, 70% of victims of racially and religiously aggravated crimes were men, 60% were men in homophobic crimes, and 51% were men in disability hate crimes.

Table 8 – Gender of victims *

* Data from 2006-07 was reported for all victims whether civilian or not, data from 2007-08 onwards only reports civilian victims.

Other equality data

Data on victims is extracted from the Witness Management System (WMS). The completeness and accuracy of this information remains under development, although it is improving. 58% of victim's ethnicity remains not stated or not provided and 24% of age band data is recorded as not provided, this data is therefore not included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton¹ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

¹ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a case management system (CMS) and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the CPS hate crime annual report.

Table 9 – Hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	6,700	
Referrals offered	4,103	61.2%
Referrals made (of those offered)	1,715	41.8%
Types of referrals made **		
Total referrals	1,904	
Hate crime agency referrals	30	1.6%
Victim Support agency referrals	230	12.1%
Witness Services agency referrals	1,368	71.8%
Other referrals	276	14.5%
Total victims *	6,700	
Other support explored (total victims)	2,529	37.7%
<i>(ii) Attendance measures</i>		
Required to attend	5,097	76.1%
Actual attendance	4,518	88.6%
Pre-trial court visit accepted	1,112	21.8%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

Referrals to support services

During the year 4,103 or in 61.2% of cases, referrals were offered to hate crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing and of these 1,715 or 41.8% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 71.8% of referral types were to the Witness Service, 12.1% to Victim Support and 1.6% to a hate crime agency. The remaining 276, or 14.5%, were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

37.7% of hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 21.8% of victims required to attend court accepted pre-trial court visits.

Attendance at court

76.1% of hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 88.6% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Racially and religiously aggravated hate crime

The CPS has reported on the prosecution of racist and religious hate crime (RARA) since April 2005. The Service recognises that RARA hate crime remains pervasive in society, targets a wide range of ethnic groups and attacks the roots of social cohesion. We are determined to play our part in bringing these offences to justice and in supporting victims and witnesses. The findings in this section show that the CPS's performance in prosecuting this type of hate crime has continuously improved over the past five years. RARA hate crime comprised the highest volume of offences at 12,927 and demonstrated the highest successful outcome rate at 82.4%. The guilty plea rate has increased by 4.5% and the rate at which the CPS drops cases has decreased by about 2%. This is particularly encouraging because it suggests that cases are being better prepared and that more victims and witnesses have been able to avoid what can be a difficult experience in court.

The volume of cases referred to the CPS from the police and charged by the CPS increased following a dip in 2008-09, which is also encouraging. The successful prosecution rate has remained the same, despite an increased volume. Requests by the CPS to the police for further evidence remained low suggesting a good prosecution team approach. The most significant reason for cases failing in 2009-2010 was acquittal after trial.

Greater Manchester: anti semitism

In June 2009 the three defendants drove a car around the Broughton area deliberately squirting liquid at members of the Jewish community, including a group of children, and shouting racist abuse.

Two of the defendants pleaded guilty to eight charges of racially aggravated common assault and were sentenced to four months' imprisonment. A third defendant pleaded guilty to one charge of racially aggravated common assault and was given a twelve month community order.

All three defendants were issued five year anti-social behaviour orders banning them from entering the neighbourhood, home to the largest Jewish community in the UK outside of London.

Anti Muslim case: Leicestershire

In December 2009, the defendant pulled down the veil of a Muslim woman. The incident was originally charged as a 'low-level' public order offence. However, a senior crown prosecutor reviewed the file and advised a charge of religiously aggravated common assault.

The victim attended a meeting of a local community group, with police and CPS representatives present, to speak about her experience of the criminal justice process. She reported that, although there were lessons to be learned when dealing with Muslim women when crimes are first reported, she was very grateful to the CPS for taking the incident seriously and charging the more serious offence and that she had been well supported throughout the court process. The defendant changed his plea to guilty on the day of the trial and was fined £1,000, given a 16-week suspended prison sentence and 150 hours' community service.

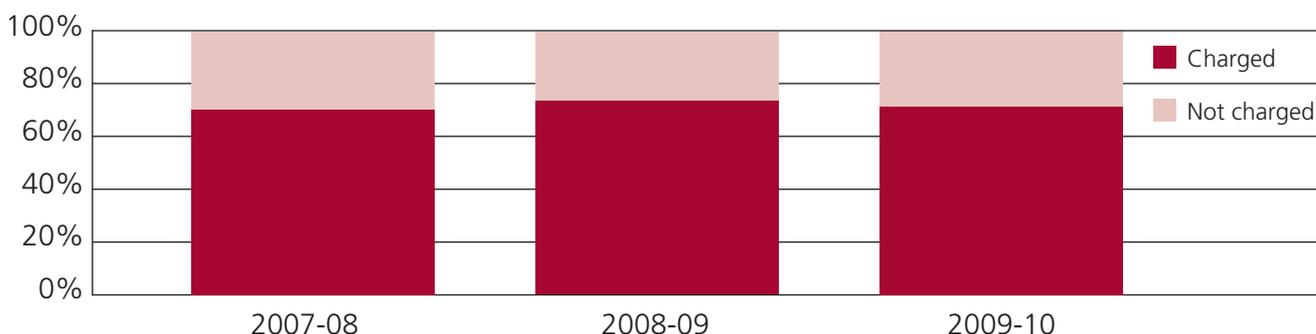
Racially and religiously aggravated hate crime: key findings

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Charging

The rate of CPS decisions to charge defendants rose from 70.1% of racially or religiously aggravated cases referred to the Service in 2007-08 to 71.3% in 2009-10.

Table 1 – Pre-charge decisions*



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	9,115	70.1%	8,673	73.2%	9,214	71.3%
Request for further evidence	134	1.0%	84	0.7%	85	0.7%
No prosecution	2,426	18.7%	1,836	15.5%	2,132	16.5%
All other decisions	1,321	10.2%	1,252	10.6%	1,496	11.6%
Total	12,996		11,845		12,927	

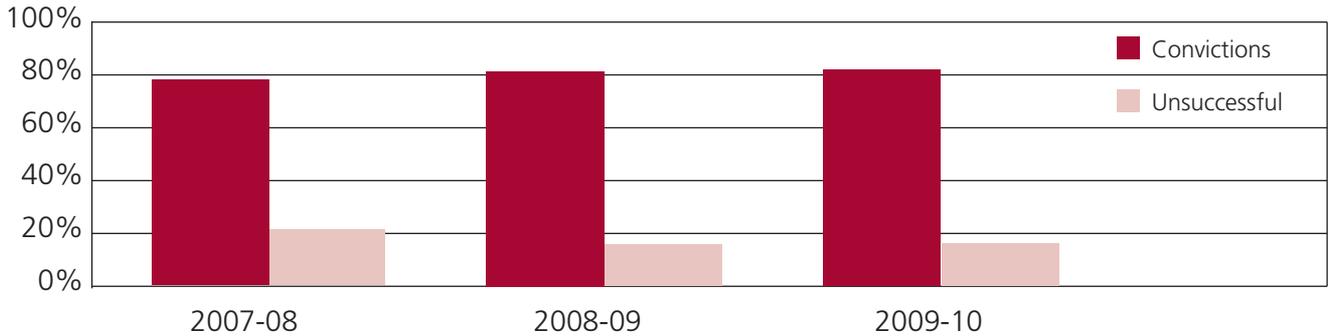
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in the 2007-08 report

Convictions

Table and chart 2 below provide a breakdown of prosecutions over the last three years, showing that convictions rose from 80% in 2007-08 to 82% in 2009-10.

Table 2 - Completed prosecutions by outcome

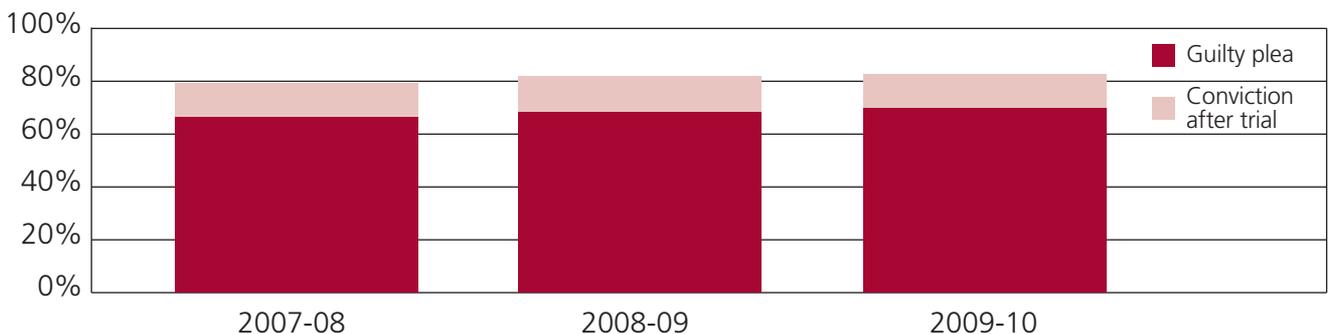


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	10,398	79.9%	9,576	82.4%	9,993	82.4%
Unsuccessful	2,610	20.1%	2,048	17.6%	2,138	17.6%
Total	13,008		11,624		12,131	

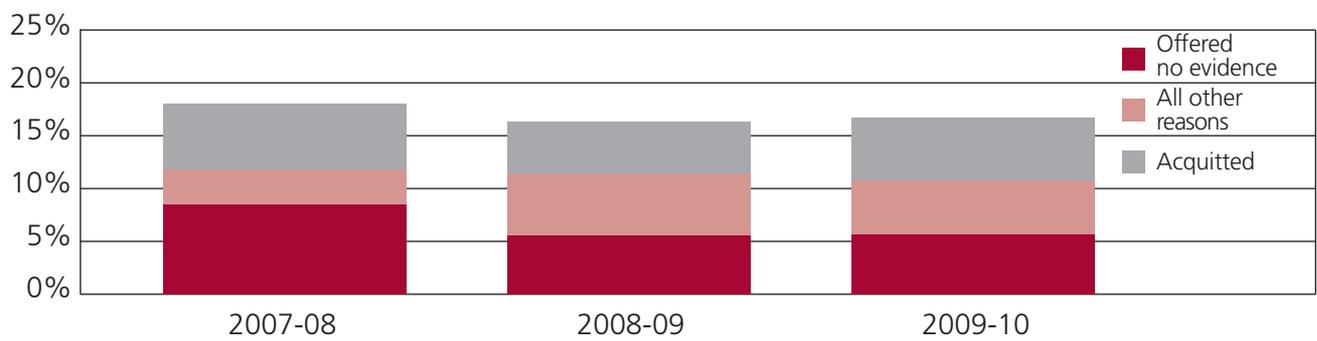
The table and charts below show a detailed breakdown of prosecution outcomes for racial or religiously motivated crimes in 2007-08, 2008-09 and 2009-10. Guilty pleas increased from 67% to 70%, contributing to an improved conviction rate of 82.4% overall in 2009-10. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from almost 13% to just over 10%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,631	12.5%	1,248	10.7%	1,260	10.4%
<i>of which - no evidence offered</i>	942	7.2%	673	5.8%	698	5.8%
Dismissed after trial	478	3.7%	415	3.6%	472	3.9%
Judge directed acquittal	40	0.3%	18	0.2%	42	0.3%
Jury acquittal	160	1.2%	161	1.4%	169	1.4%
All other unsuccessful outcomes	301	2.3%	206	1.8%	195	1.6%
Unsuccessful outcomes	2,610	20.1%	2,048	17.6%	2,138	17.6%
Guilty plea	8,648	66.5%	8,112	69.8%	8,501	70.1%
Conviction after trial	1,708	13.1%	1,423	12.2%	1,451	12.0%
Proved in absence	42	0.3%	41	0.4%	41	0.3%
Convictions	10,398	79.9%	9,576	82.4%	9,993	82.4%
Total prosecutions	13,008		11,624		12,131	

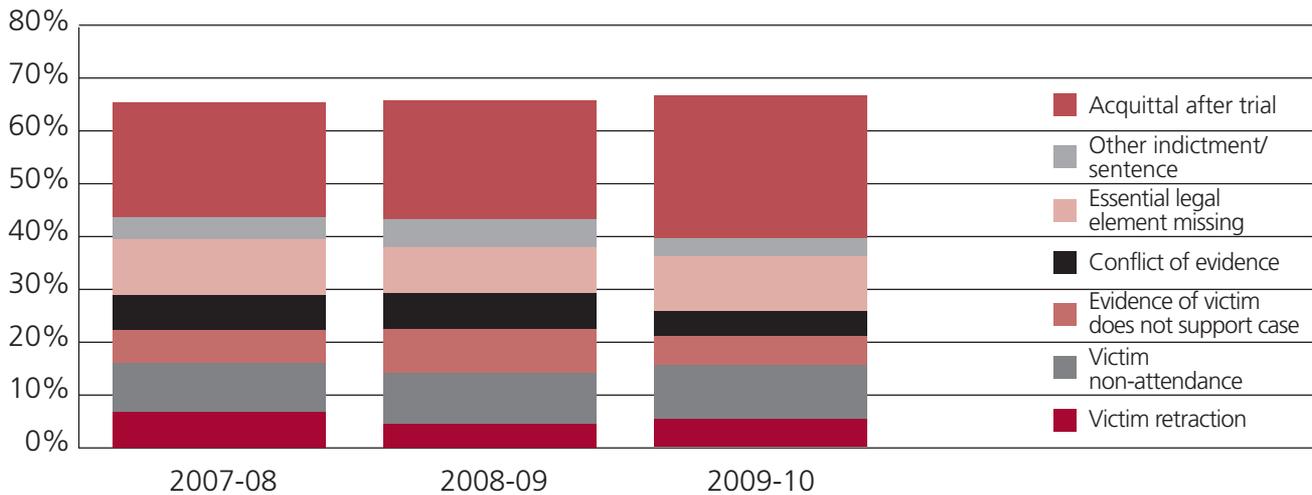
Unsuccessful prosecutions

Cases may fail due to evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2007-08 to 2009-10. In 2009-10, 5.4% were unsuccessful for administrative reasons lower than in 2007-08 (7%); 29.4% for evidential reasons, a four percent decrease from 33.8% recorded in the earlier period; 11.3% for public interest (similar to the 10.7% recorded in 2007-08); 20.7% were unable to proceed (similar to 21.1% in 2007-08), and 33.2% fell into other reasons, nearly six percentage points higher than in 2007-08 (27.4%).

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons including victim issues (comprising victim retraction, where the evidence of the victim did not support the case, and cases in which a victim failed to attend a court hearing), where an essential legal element was missing, those where there was a conflict of evidence, and those where there was an acquittal after trial. Within these key reasons, cases failing due to victim issues remained broadly similar at 23% to 22% during the period under review.

Cases failing because an essential legal element was missing or where defendants were either subject to other indictments, or sentences in respect of other proceedings reduced during the period from 11.3% to 9.9% and from 4.1% to 2.9% respectively. However, acquittals rose sharply by over 6 percentage points from just over 21% to over 27%. The proportion failing because of key reasons rose from 65% to 67% of all unsuccessful outcomes.

Table 4 – Key reasons for unsuccessful prosecutions

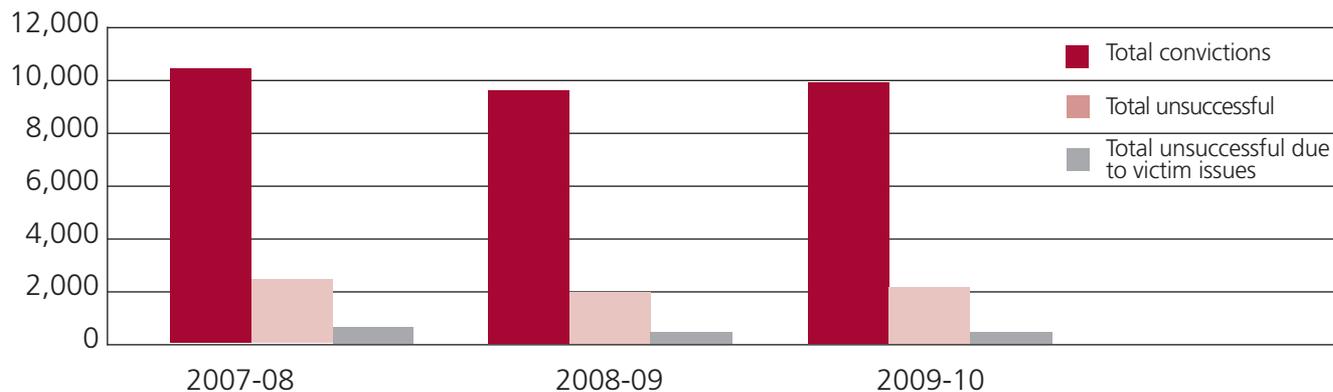


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	170	6.5%	95	4.6%	121	5.7%
Victim non-attendance	240	9.2%	198	9.7%	224	10.5%
Evidence of victim does not support case	176	6.7%	157	7.7%	114	5.3%
Total victim issues	586	22.5%	450	22.0%	459	21.5%
Conflict of evidence	155	5.9%	145	7.1%	114	5.3%
Essential legal element missing	295	11.3%	198	9.7%	211	9.9%
Other indictment/sentence	106	4.1%	78	3.8%	61	2.9%
Acquittal after trial	557	21.3%	498	24.3%	590	27.6%
Total key reasons	1,699	65.1%	1,369	66.8%	1,435	67.1%
All other reasons	729	27.9%	537	26.2%	587	27.5%
Administrative finalisations	182	7.0%	142	6.9%	116	5.4%
Total	2,610		2,048		2,138	

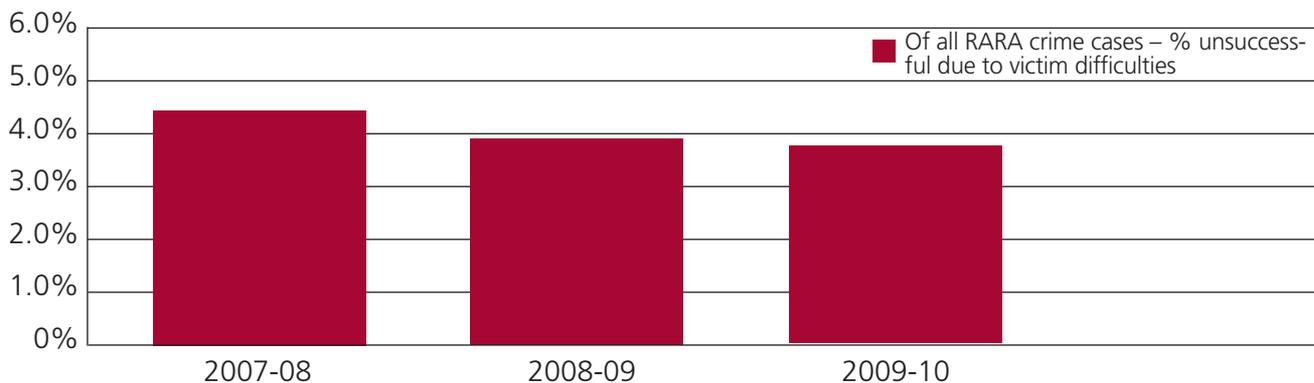
Table and charts 5 show the volume and proportion of victim issues in relation to all outcomes. The volume of those unsuccessful due to victim difficulties decreased, from 586 in 2007-08 to 459 in 2009-10, while the proportions remained similar 4%-5%. Total unsuccessful outcomes, however, fell from 20.1% in 2007-08 to 17.6% in 2009-10.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	586	4.5%	450	3.9%	459	3.8%
Total unsuccessful	2,610	20.1%	2,048	17.6%	2,138	17.6%
Total convictions	10,398	79.9%	9,576	82.4%	9,993	82.4%
Total prosecutions	13,008		11,624		12,131	

Principal offence category

At the conclusion of proceedings, each defendant is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 83% (42% and 41% respectively) of racial and religiously aggravated crime prosecutions in 2009-10. Criminal damage accounted for a further 6%, unchanged from the previous year. A similar pattern was recorded for men, with 41% being categorised as offences against the person and as public order, and a further 6% as criminal damage. There was a slightly different pattern for women, offences against the person and public order being a little higher at 44% and 42% respectively and criminal damage lower at 4%. Theft and handling offences were also more prevalent for women at 4%. Men comprised 82% of defendants whose principal offence was identified as offences against the person or as public order, slightly lower than 2007-08 and 2008-09.

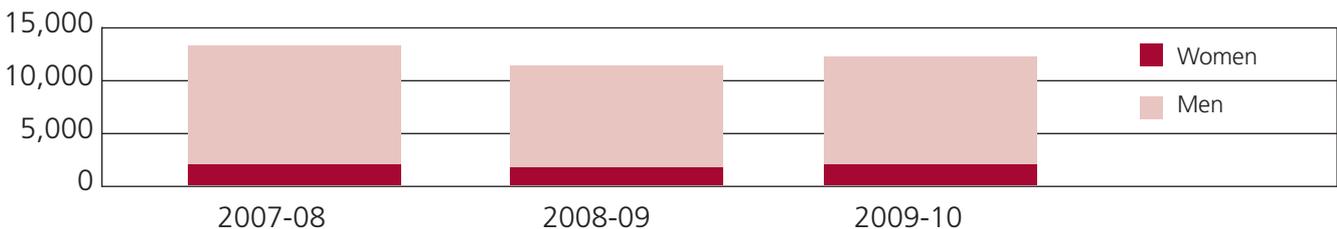
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men reduced slightly to 83% from 85% in the period under review.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	1,970	15.1%	1,794	15.4%	2,065	17.0%
Men	11,036	84.8%	9,827	84.5%	10,062	82.9%
Unknown	2	0.0%	3	0.0%	4	0.0%
Total	13,008		11,624		12,131	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 75% of racially and religiously aggravated crime defendants were identified as belonging to the White British category, and 79% were categorised as White. 5% of defendants were identified as Asian, and 5% were identified as Black the same as the previous year. 4% of defendants did not state an ethnicity on arrest and 5% of defendant ethnicity was not provided to the CPS by the police.

Age

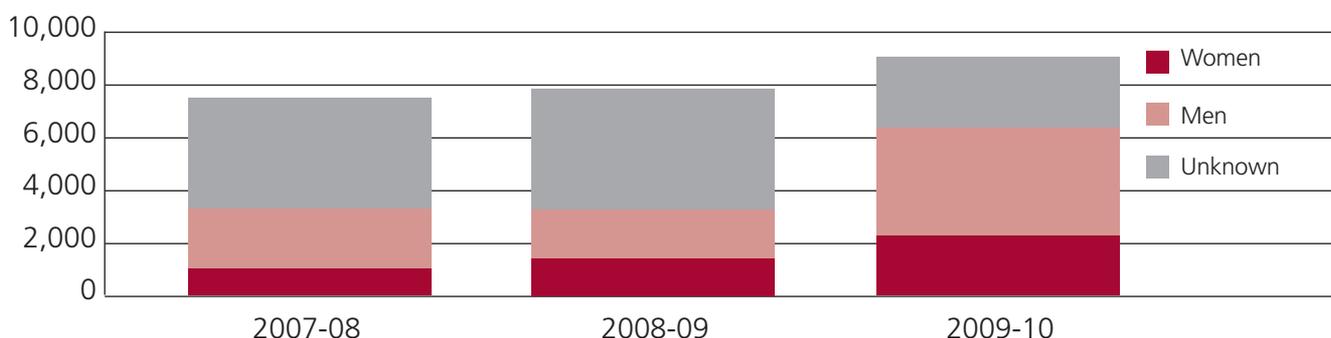
Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (15%), 18-24 years (30%) and those aged between 25-59 years (50%) were the most numerous categories accounting for 95% of defendants the same overall proportion recorded in these age bands in 2007-08. A further 2% were aged between 10-13 years little changed from 2007-08.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available only from April 2006. The completeness and accuracy of this information have improved with 80% of victim gender identified in the latest year compared to 44% in 2007-08, however, work to improve recording continues. Of those victims whose gender has been identified, the highest proportion were men, at 68% in both 2007-08 and 2008-09 increasing slightly to 70% in 2009-10.

Table 7 – Gender of victims



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	1,055	13.9%	1,623	20.5%	2,197	24.2%
Men	2,278	30.0%	3,430	43.3%	5,086	56.0%
Unknown	4,250	56.0%	2,864	36.2%	1,798	19.8%
Total	7,583		7,917		9,081	

* Data from 2006-07 was reported for all victims whether civilian or not, data from 2007-08 onwards only reports civilian victims.

Other equality data

Data on ethnicity is available from April 2006. The completeness and accuracy of this information remains under development – for example 59% of victim’s ethnicity remains not stated or not provided and 24% of age band data are recorded as not provided, this data has therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton² or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a CMS and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the racial and religious crime: key findings chapter of the CPS hate crime annual report.

Table 8 – Race and religious hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	5,765	
Referrals offered	3,550	61.6%
Referrals made (of those offered)	1,426	40.2%
Types of referrals made **		
Total referrals	1,574	
Hate crime agency referrals	24	1.5%
Victim Support agency referrals	179	11.4%
Witness Services agency referrals	1,151	73.1%
Other referrals	220	14.0%
Total victims *	5,765	
Other support explored (total victims)	2,154	37.4%
<i>(ii) Attendance measures</i>		
Required to attend	5,765	76.8%
Actual attendance	3,922	88.6%
Pre-trial court visit accepted	905	20.4%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

² A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

Referrals to support services

During the year 3,550 or in 61.6% of cases, referrals were offered to victims of racist and religious hate crime associated with cases where a not guilty plea has been entered or with a witness related hearing, and of these 1,426 or 40.2% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 73.1% of referral types were to the Witness Service, 11.4% to Victim Support and 1.5% to a hate crime agency. The remaining 220 or 14% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

37.4% of race and religious hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 20.4% of victims required to attend court accepted pre-trial court visits.

Attendance at court

76.8% of race and religious hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 88.6% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Homophobic and transphobic crime

The CPS recognises the serious nature of homophobic and transphobic crime and the particular issues facing lesbian, gay, transgender and bisexual people in coming forward to play their part as victims and witnesses. For example, many people will not want to be 'outed' by the criminal justice process and our public policy statement is clear that we will do all that we can to protect people's sexual orientation and gender identity.

Since April 2005 the CPS has reported on the prosecution of homophobic and transphobic crimes as part of the CPS Area performance review process. While we recognise the distinct nature of these crimes, within this report homophobic and transphobic crimes are grouped under the category 'homophobic'.

The Criminal Justice and Immigration Act 2008 ('the 2008 Act') received Royal Assent on 8 May 2008. Section 74 and schedule 16 of the 2008 Act amended part 3A of the Public Order Act 1986 ('the 1986 Act') so as to create the offence of intentionally stirring up hatred on the grounds of sexual orientation.

The offence is committed if a person uses threatening words or behaviour, or displays any written material, which is threatening, if he intends thereby to stir up hatred on the grounds of sexual orientation. The offence can be committed in a public or private place, but not within a dwelling, unless the offending words and behaviour were heard outside the dwelling, and were intended to be heard.

These types of allegations are by their very nature sensitive. For that reason, and to ensure a consistent approach, any allegation under this legislation is referred to the Counter Terrorism Division and requires the consent of the Attorney General for a prosecution to go ahead. The provisions came into force on 23 March 2010, and legal guidance was disseminated to all CPS prosecutors.

Our performance in prosecuting homophobic and transphobic crime is encouraging. The volume of cases increased by around 100 cases, and the percentage of successful outcomes remained about the same.

Work is planned in 2010-2011 to improve our understanding of the prevalence of cases based on hostility towards transgender status that the CPS deals with.

Transgender and homophobic hate crime: CPS Northumbria

The victim was in the process of gender reassignment and worked as a security officer in a shop. The defendant was barred from the shop for previous abuse, for which she was cautioned. She later repeated the abuse calling the victim a 'tranny' and, later, a 'lesbian and dyke'. She pleaded not guilty and the case was prosecuted by the Area hate crime coordinator. The hate crime coordinator met the victim at court and secured the use of a private room to answer any questions she may have, and to establish what information, if any, she wanted the court to have about her gender reassignment treatment. The hate crime coordinator kept her informed personally throughout the morning about what was happening. The Witness Care officer at Court ensured that she received appropriate support.

This specific support encouraged the victim to remain engaged with the criminal justice process. As a result of the victim attending court on the day of the trial, the defendant pleaded guilty. A sentence uplift under s.146 Criminal Justice Act 2003 was applied by the court for the homophobic remarks. Because of her lack of record, the defendant was given a six month conditional discharge, however as a result of the aggravating feature, this was uplifted to 12 months. The sentence was fully explained to the victim at court.

Homophobic hate crime: key findings

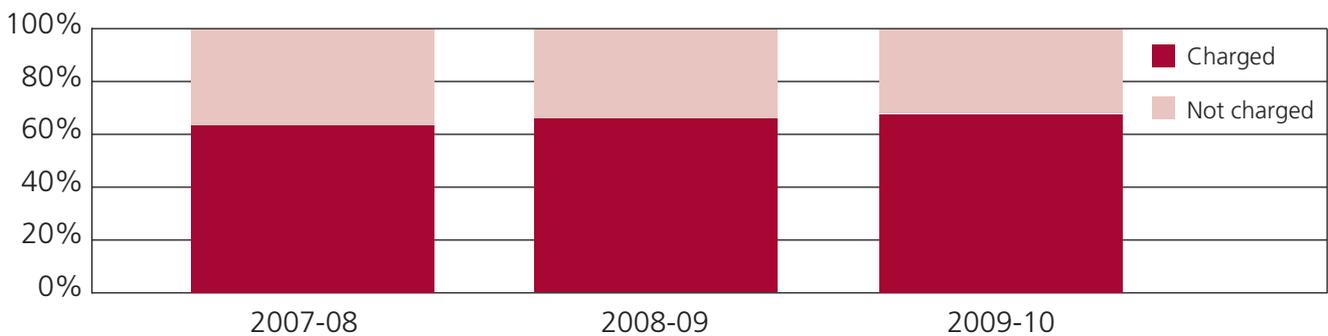
The CPS data is drawn from the CPS’s administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals, dismissals after trial and dismissals no case to answer, judge directed acquittals and jury acquittals.

Charging

The CPS decided that a defendant should be charged in 62.2% of homophobic crime cases referred to the Service in 2007-08, rising to 66.1% in 2009-10.

Table 1 – Pre-charge decisions*



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	758	62.2%	710	65.1%	907	66.1%
Request for further evidence	14	1.1%	6	0.6%	9	0.7%
No prosecution	272	22.3%	222	20.4%	292	21.3%
All other decisions	175	14.4%	152	13.9%	165	12.0%
Total	1,219		1,090		1,373	

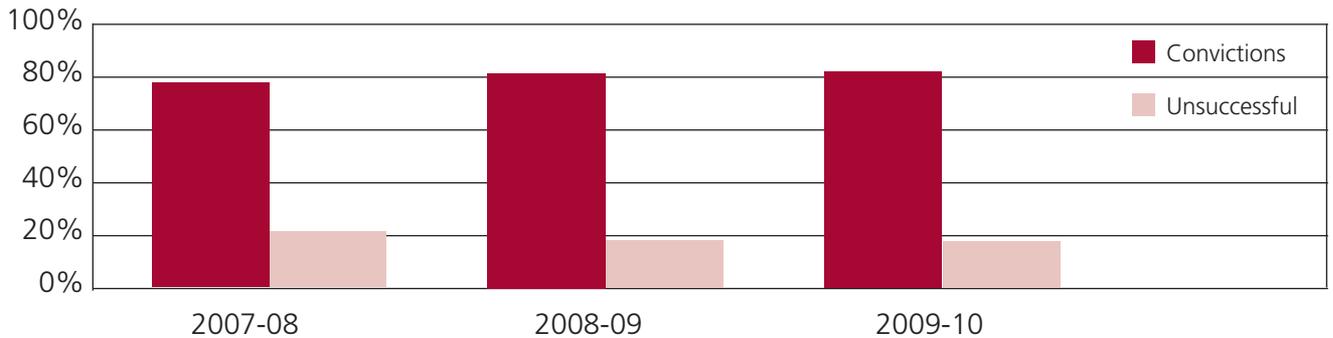
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in the 2007-08 report

Convictions

In the three years ending March 2010, 3,160 defendants were prosecuted for crimes involving homophobia. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 78% in 2007-08 to 81% in 2009-10.

Table 2 - Completed prosecutions by outcome

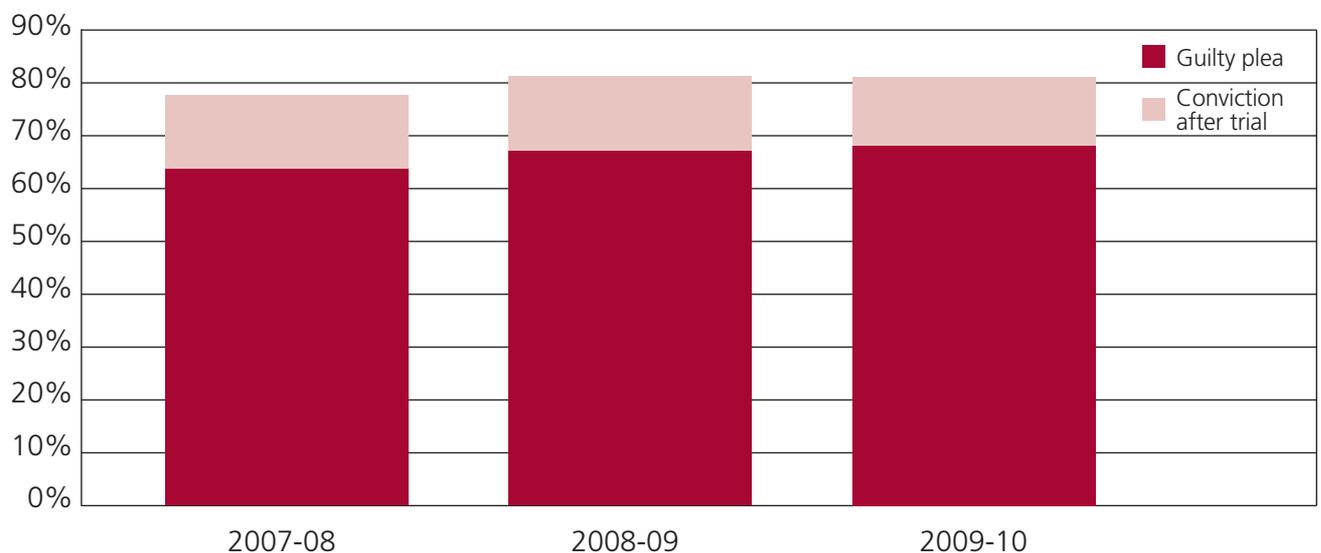


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	778	78.2%	815	80.5%	929	80.6%
Unsuccessful	217	21.8%	198	19.5%	223	19.4%
Total	995		1,013		1,152	

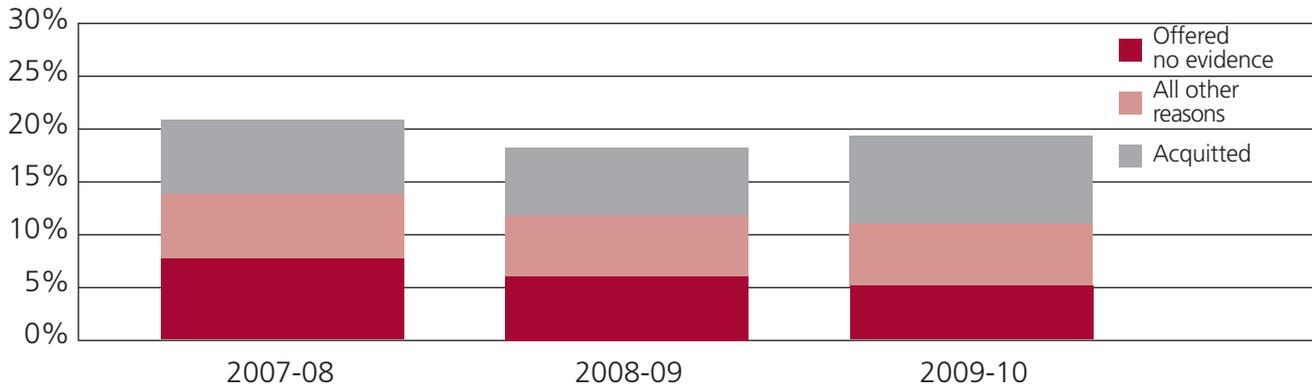
The table and charts below show a detailed breakdown of prosecution outcomes for homophobic crimes in 2007-08, 2008-09 and 2009-10. Guilty pleas increased slightly from 67% to 68% in the three year period however, the conviction rate remained steady at 81% in both 2008-09 and 2009-10. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from 14% to 12%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	137	13.8%	115	11.4%	139	12.1%
<i>of which - no evidence offered</i>	67	6.7%	62	6.1%	63	5.5%
Dismissed after trial	53	5.3%	48	4.7%	51	4.4%
Judge directed acquittal	2	0.2%	3	0.3%	0	0.0%
Jury acquittal	6	0.6%	9	0.9%	19	1.6%
All other unsuccessful outcomes	19	1.9%	23	2.3%	14	1.2%
Unsuccessful outcomes	217	21.8%	198	19.5%	223	19.4%
Guilty plea	662	66.5%	683	67.4%	780	67.7%
Conviction after trial	114	11.5%	130	12.8%	142	12.3%
Proved in absence	2	0.2%	2	0.2%	7	0.6%
Convictions	778	78.2%	815	80.5%	929	80.6%
Total prosecutions	995		1,013		1,152	

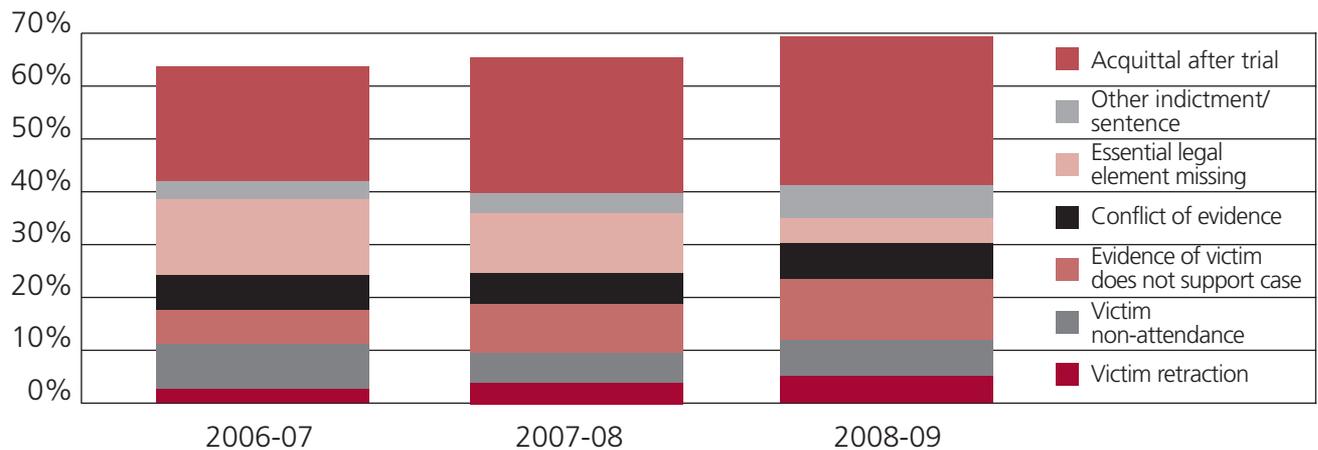
Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2007-08 to 2009-10. In 2009-10, 2.7% were unsuccessful for administrative reasons and 35.4% for evidential reasons both lower than the figures recorded in previous years. In the same period those unsuccessful for public interest reasons, at 14.3%, were unable to proceed, at 14.8%, and cases failing because of other reasons, at 32.7%, all rose compared to earlier years.

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim does not support the case), those where an essential legal element was missing, conflicts of evidence, and those in which the defendant was acquitted. Within these key reasons, acquittals after trial remained the largest single category, rising during the period under review from 22% in 2007-08 to 28%. There were increases in the proportion failing owing to victim retraction, from 2% to 5%, while

those failing because the evidence of the victim did not support the case rose from 6% to nearly 10%. The proportion failing because of victim issues rose by five percentage points during the period, from 17.1% to 22.0% of all unsuccessful outcomes. Cases failing because an essential legal element was missing fell from 15% to 6%, while those unsuccessful owing to a conflict of evidence rose from 7% to 8%. The proportion of total key reasons for case failures rose from 65% to 70% over the three year period.

Table 4 – Key reasons for unsuccessful prosecutions

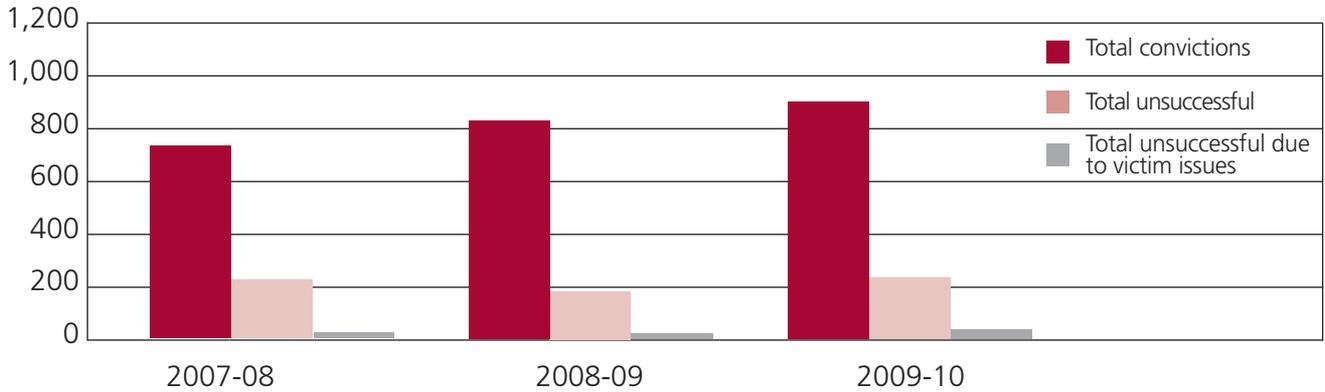


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	5	2.3%	8	4.0%	11	4.9%
Victim non-attendance	19	8.8%	12	6.1%	16	7.2%
Evidence of victim does not support case	13	6.0%	19	9.6%	22	9.9%
Total victim issues	37	17.1%	39	19.7%	49	22.0%
Conflict of evidence	15	6.9%	11	5.6%	18	8.1%
Essential legal element missing	32	14.7%	24	12.1%	13	5.8%
Other indictment/sentence	9	4.1%	7	3.5%	13	5.8%
Acquittal after trial	47	21.7%	50	25.3%	62	27.8%
Total key reasons	140	64.5%	131	66.2%	155	69.5%
All other reasons	65	30.0%	52	26.3%	62	27.8%
Administrative finalisations	12	5.5%	15	7.6%	6	2.7%
Total	217		198		223	

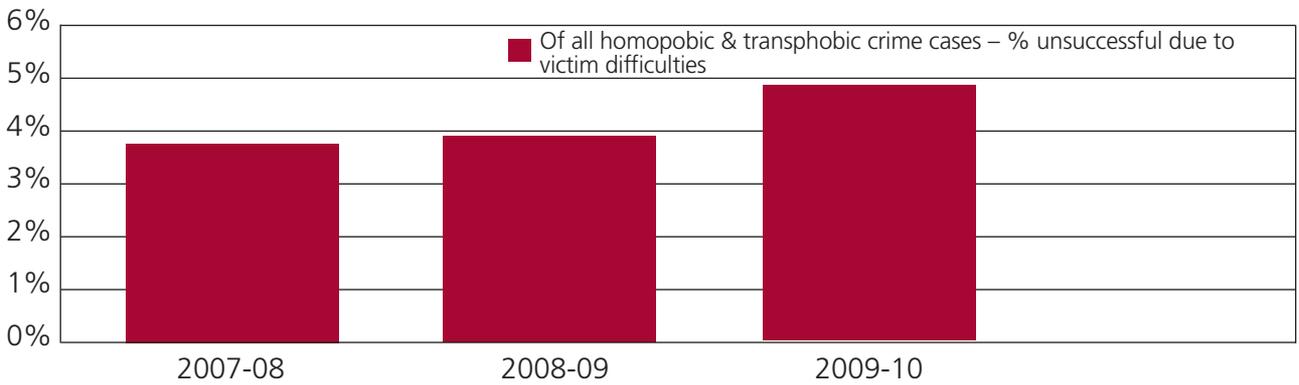
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties increased, from 37, or 3.7%, in 2007-08 to 49, or 4.3%, in 2009-10. Total unsuccessful outcomes fell from 22% in 2007-08 to 19% in 2009-10.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	37	3.7%	39	3.8%	49	4.3%
Total unsuccessful	217	21.8%	198	19.5%	223	19.4%
Total convictions	778	78.2%	815	80.5%	929	80.6%
Total prosecutions	995		1,013		1,152	

Principal offence category

At the conclusion of proceedings, each defendant is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 48% and 38% of homophobic crime prosecutions in 2009-10. Additionally, just under 4% were categorised as criminal damage. A similar pattern was recorded for men, with 47% being categorised as offences against the person, 39% as public order, and 4% as criminal damage. There was a slightly different pattern for women, offences against the person being higher at 53% and public order a little lower at 36%

while criminal damage offences were recorded against less than 1% of women. Theft and handling, burglary and robbery accounted for a further 4% of offences recorded against women. Men comprised 83% of defendants whose principal offence was identified as offences against the person.

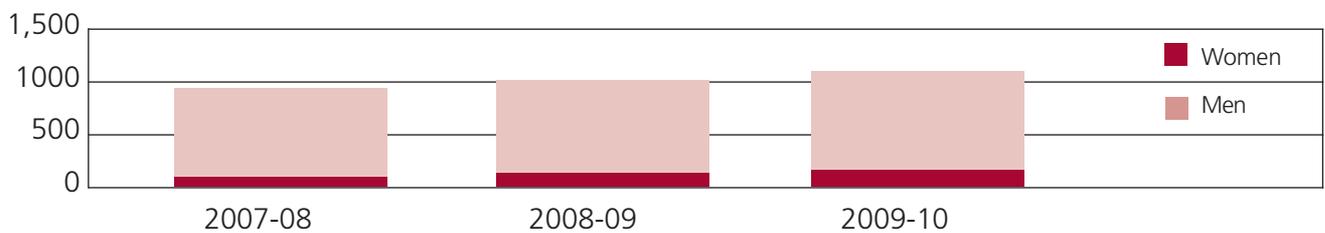
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men fell from 87% in 2007-08 to 85% in 2009-10.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	134	13.5%	143	14.1%	171	14.8%
Men	861	86.5%	870	85.9%	981	85.2%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	995		1,013		1,152	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 200910, 75% of homophobic crime defendants were identified as belonging to the White British category, and 79% were categorised as White, a little lower than the previous year at 78% and 81% respectively. 3% of defendants were identified as Asian, and a further 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest and 7% of defendant ethnicity was not provided to the CPS by the police.

Age

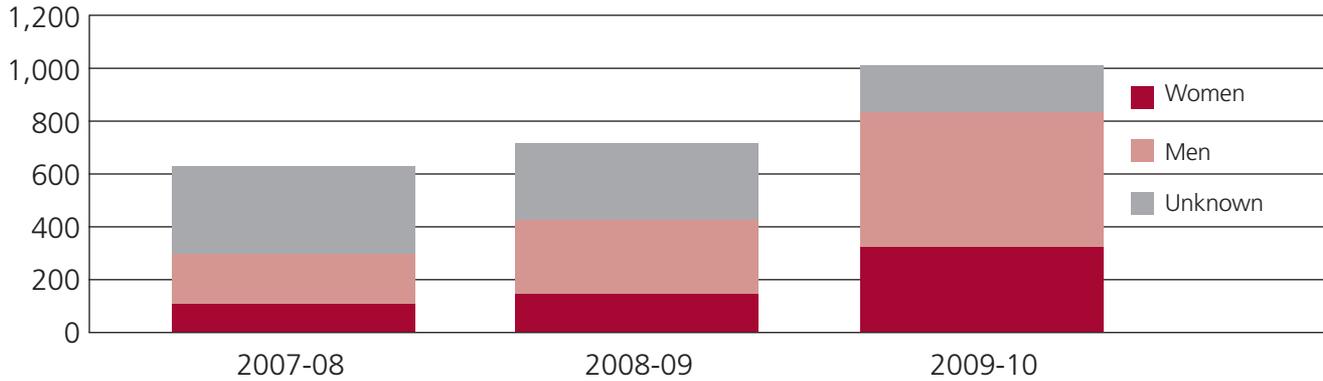
Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (19%), 18-24 years (31%) and those aged between 25-59 years (45%) were the most numerous categories accounting for 95% of defendants similar to 2007-08 when 96% of defendants were recorded in these age bands. A further 3% were aged between 10-13 years slightly higher than in 2007-08 when 2% of defendants were recorded in this category.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available only from April 2006. Despite improvements in recording victim gender, in the three year period under review from 48% to 82% of gender recorded, the completeness and accuracy of this information remains under development. Of those victims whose gender has been identified the highest proportion were men, at 65% in 2007-08 and 60% in 2009-10.

Table 7 – Gender of victims



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	103	16.7%	149	21.0%	336	33.0%
Men	191	31.0%	281	39.6%	493	48.5%
Unknown	322	52.3%	280	39.4%	188	18.5%
Total	616		710		1,017	

Other equality data

Data on ethnicity is available from April 2006, and data on religion or belief, age and disability from April 2007. The completeness and accuracy of this information remains under development – for example, 54% of victim’s ethnicity remains not stated or not provided and 22% of age band data is recorded as not provided, this data has therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton³ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

³ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution’s case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

During the period under review, a number of CPS Areas were either not using the WMS, or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a CMS and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that this data has been included in the homophobic and transphobic crime: key findings chapter of the CPS hate crime annual report.

Table 8 – Homophobic and transphobic hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	637	
Referrals offered	404	63.4%
Referrals made (of those offered)	198	49.0%
Types of referrals made **		
Total referrals	222	
Hate crime agency referrals	5	2.3%
Victim Support agency referrals	30	13.5%
Witness Services agency referrals	144	64.9%
Other referrals	43	19.4%
Total victims *	637	
Other support explored (total victims)	264	41.4%
<i>(ii) Attendance measures</i>		
Required to attend	503	79.0%
Actual attendance	446	88.7%
Pre-trial court visit accepted	142	28.2%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

Referrals to support services

During the year 404 or in 63.4% of cases, referrals were offered to homophobic hate crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing and of these 198 or 49% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 64.9% of referral types were to the Witness Service, 13.5% to Victim Support and 2.3% to a hate crime agency. The remaining 43 or 19.4% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

41.4% of homophobic hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 28.2% of victims required to attend court accepted pre-trial court visits.

Attendance at court

79% of homophobic hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 88.7% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Disability hate crime

Disability hate crime has been a key focus for the CPS during 2009-2010. The Service has taken a number of steps to improve its understanding of disability hate crime and its performance in tackling it. For example, further guidance to prosecutors in relation to improving identification and prosecution of disability hate crime cases was published in March 2010 and the themed review of disability hate crime performance is due to be completed in December 2010. The figures set out later in this report demonstrate a marked improvement in the number of cases coming through to the CPS, however, the Service is aware that there are still improvements to be made.

The percentage of successful outcomes performance on disability hate crime improved for the first time and the volume of cases prosecuted continued to increase on previous years. The continued increase in volume, combined with the improvement in successful outcomes is very encouraging.

Case study: Disability hate crime

A mother with her two children, a daughter who was 21 years old and visually impaired, and a son who was 16 and has Aspergers syndrome, lived two doors from the defendant. They were subjected to a course of harassment over nine months. The harassment came from a group of youths, the defendant being the main instigator and ring leader. As well as verbal abuse, stones being thrown and damage to property, the defendant attacked the visual aid of the visually impaired woman causing her to fall. Verbal abuse included calling the daughter a 'fat pirate' (she wore a patch), the son was called a 'stupid fucking spacka'.

The CPS authorised a charge under s.2 Protection from Harassment Act. The charging lawyer immediately identified this as a hate crime and referred to s.146 on the charging records. The defendant pleaded not guilty and a full summary trial was conducted in the magistrates' court on 28 October 2010. The defendant was convicted and sentenced to 22 weeks' imprisonment (the maximum being 26). The court applied section 146 at the sentencing stage and granted the application for a restraining order. The defendant appealed his sentence and the area hate crime co-ordinator conducted the appeal.

The judge and magistrates were appalled by the defendant's behaviour and dismissed the appeal. At the conclusion of the case, the mother rang the witness care service and thanked the witness care unit for a good service.

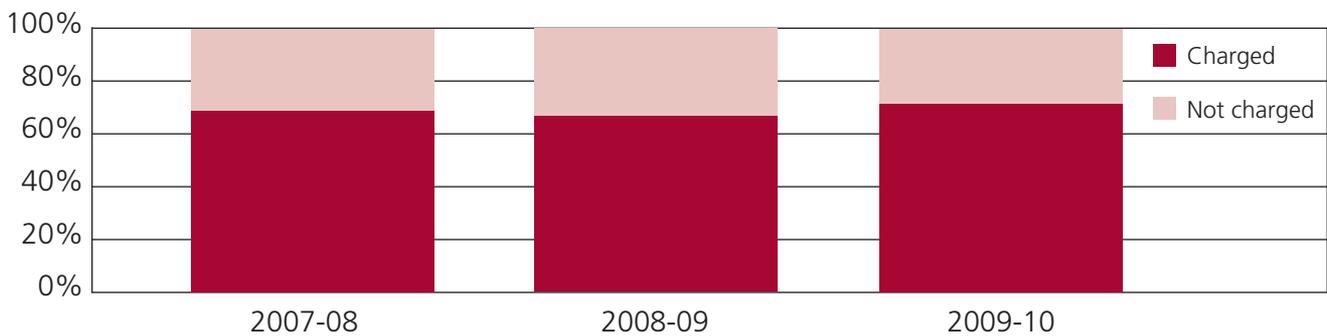
Disability hate crime: key findings

Charging

The CPS data is drawn from the CPS’s administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

The CPS decided that a defendant should be charged in 70% of all disability hate crimes referred to the Service in 2009-10: higher than the 67% charged in 2007-08.

Table 1 – Pre-charge decisions*



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	187	67.0%	292	65.8%	506	70.3%
Request for further evidence	2	0.7%	5	1.1%	10	1.4%
No prosecution	75	26.9%	109	24.5%	157	21.8%
All other decisions	15	5.4%	38	8.6%	47	6.5%
Total	279		444		720	

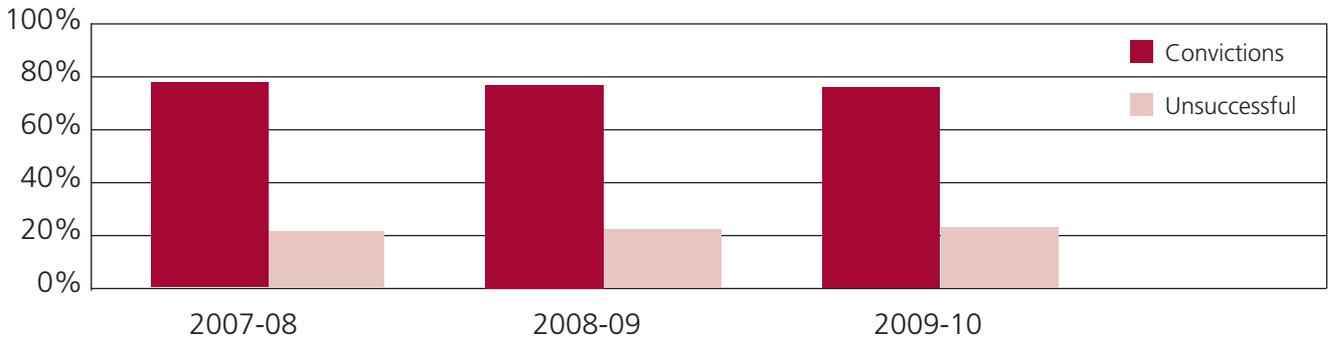
Statutory Charging was fully rolled out on 3 April 2006.

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in the 2007-08 report.

Convictions

In the three years ending March 2010, 1,214 defendants were prosecuted for disability hate crimes. Table and chart 2 below provide a breakdown of outcomes, showing that 76% of completed cases resulted in a conviction in 2009-10.

Table 2 - Completed prosecutions by outcome

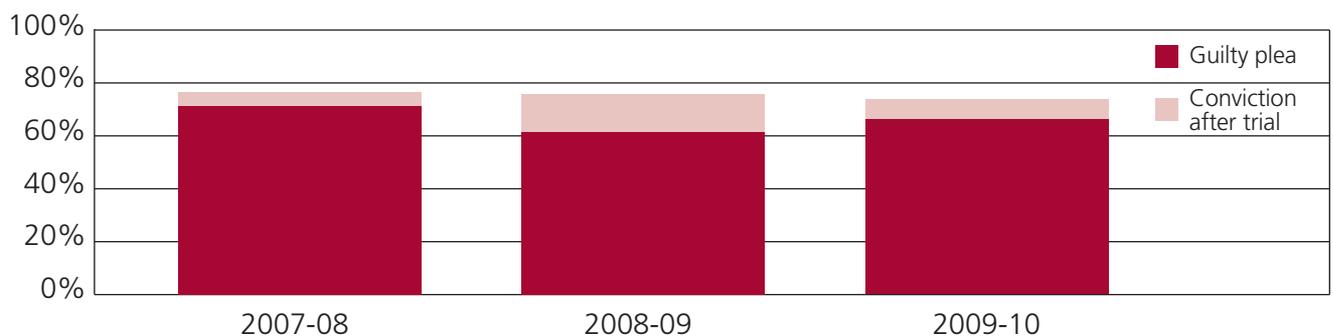


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	141	77.0%	299	76.1%	483	75.7%
Unsuccessful	42	23.0%	94	23.9%	155	24.3%
Total	183		393		638	

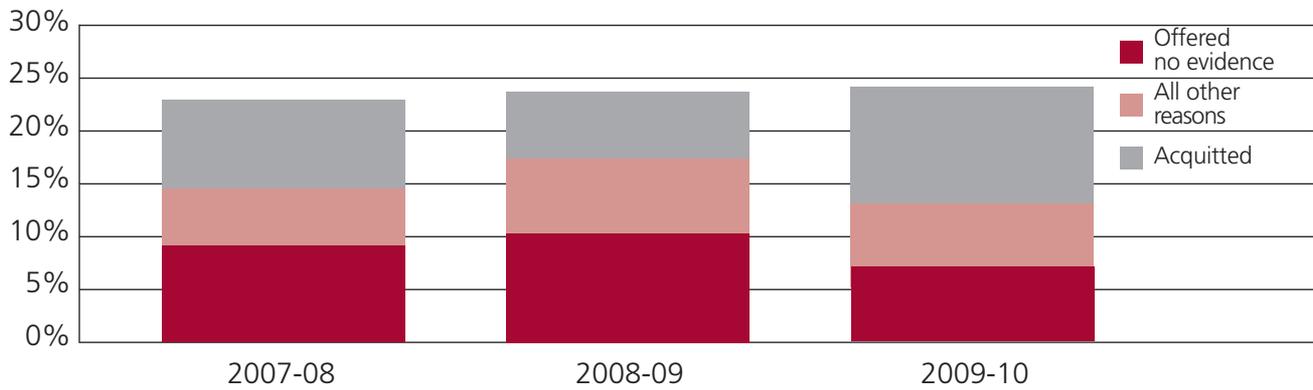
The table and charts below show a detailed breakdown of prosecution outcomes for disability hate crimes in the three years ending 2009-10. Guilty pleas represented 66% of the total, a fall of eight percentage points on 2007-08 when 72% of all defendants pleaded guilty but five points higher than the proportion of guilty pleas in 2008-09. However the conviction rate remained stable at 77%-76% in the period, mainly due to a rise in convictions after trial in the three year period from 6% to 10%. Prosecutions dropped by CPS, including discontinuances and cases in which no evidence was offered, fell from 15% of total outcomes to 13%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	27	14.8%	69	17.6%	83	13.0%
<i>of which - no evidence offered</i>	16	8.7%	41	10.4%	46	7.2%
Dismissed after trial	12	6.6%	11	2.8%	28	4.4%
Judge directed acquittal	0	0.0%	1	0.3%	9	1.4%
Jury acquittal	2	1.1%	3	0.8%	22	3.4%
All other unsuccessful outcomes	1	0.5%	10	2.5%	13	2.0%
Unsuccessful outcomes	42	23.0%	94	23.9%	155	24.3%
Guilty plea	131	71.6%	240	61.1%	419	65.7%
Conviction after trial	10	5.5%	57	14.5%	64	10.0%
Proved in absence	0	0.0%	2	0.5%	0	0.0%
Convictions	141	77.0%	299	76.1%	483	75.7%
Total prosecutions	183		393		638	

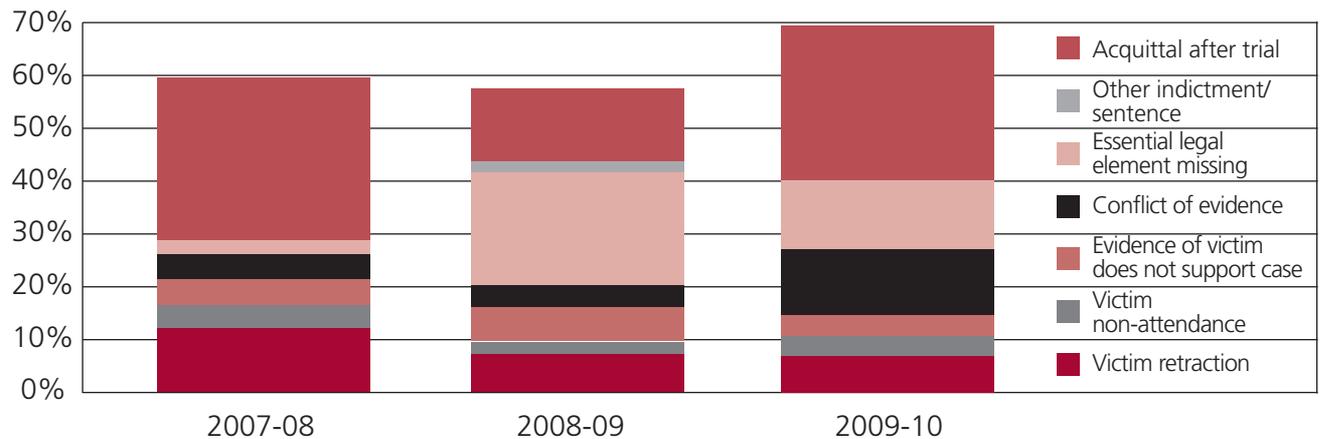
Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons (including those resulting in bindover and acquittal after trial). In 2009-10 the evidential category was the largest at 40.0% of all reasons for unsuccessful outcomes, and cases failing for other reasons accounted for a further 33.5%. 3.2% were unsuccessful for administrative reasons; the proportion unsuccessful for public interest reasons was little changed in the period under review at 8.4% compared with 7.1% in 2007-08; and 14.8% were unable to proceed, a fall on the 19% recorded in 2007-08.

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim did not support the case), those where an essential legal element was missing, where there was a conflict of evidence, and those in which the defendant was acquitted. Within these key reasons, an essential legal element missing, conflicts of evidence and acquittals after trial were the largest single

categories at 13%, 12% and 29% respectively. Within victim issues, the proportions of victim retractions fell from 12% to 7%; victim non attendances and where the evidence of the victim did not support the case both reduced from 5% to 4%. Cases failing because of the overall key reasons rose from 60% to 69%.

Table 4 – Key reasons for unsuccessful prosecutions

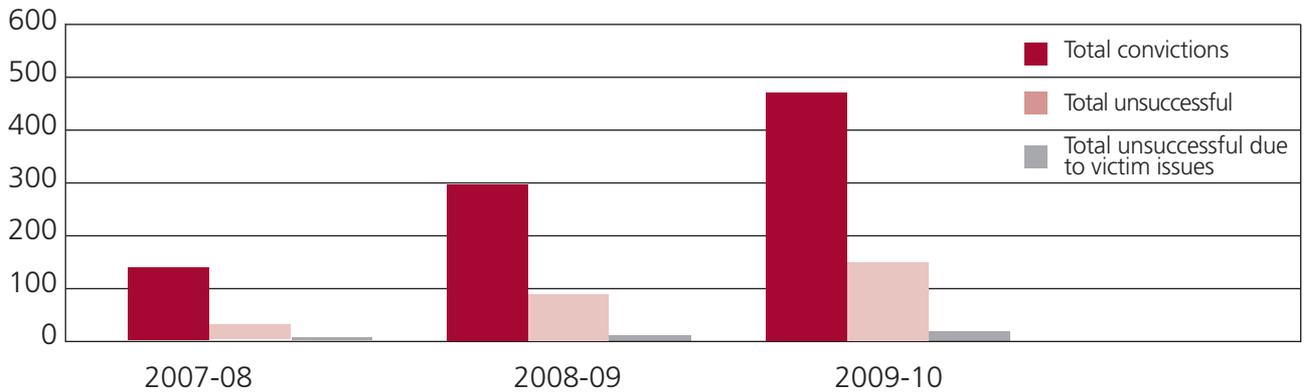


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	5	11.9%	7	7.4%	11	7.1%
Victim non-attendance	2	4.8%	2	2.1%	6	3.9%
Evidence of victim does not support case	2	4.8%	6	6.4%	6	3.9%
Total victim issues	9	21.4%	15	16.0%	23	14.9%
Conflict of evidence	2	4.8%	4	4.3%	19	12.3%
Essential legal element missing	1	2.4%	21	22.3%	20	12.9%
Other indictment/sentence	0	0.0%	2	2.1%	0	0.0%
Acquittal after trial	13	31.0%	12	12.8%	45	29.0%
Total key reasons	25	59.5%	54	57.4%	107	69.1%
All other reasons	17	40.5%	38	40.4%	43	27.7%
Administrative finalisations	0	0.0%	2	2.1%	5	3.2%
Total	42		94		155	

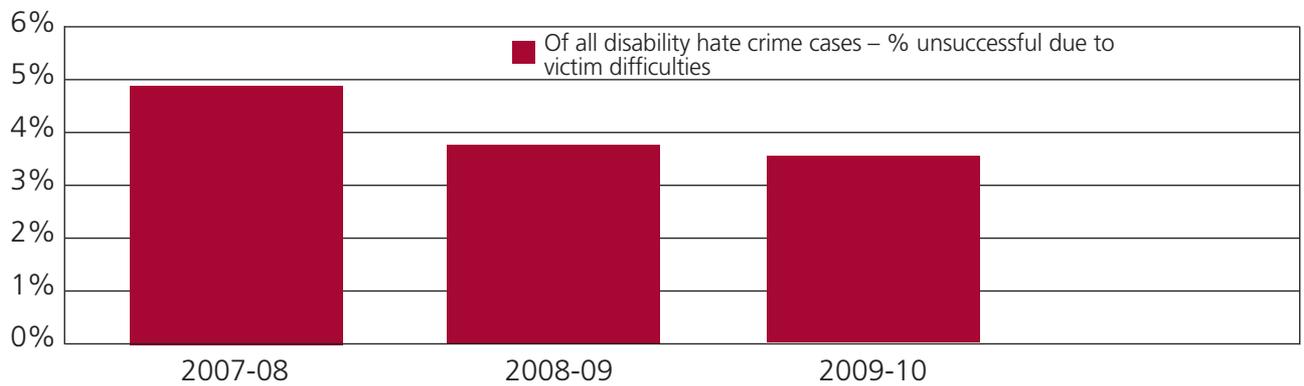
Table and chart 5 show that victim issues represented 23 defendants, or 4%, in 2009-10. Unsuccessful outcomes amounted to 24% of the total in 2009-10 compared to 23% in 2007-08.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	9	4.9%	15	3.8%	23	3.6%
Total unsuccessful	42	23.0%	94	23.9%	155	24.3%
Total convictions	141	77.0%	299	76.1%	483	75.7%
Total prosecutions	183		393		638	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 52% of disability hate crime prosecutions in 2009-10 similar to the 53% recorded in 2007-08. Public order, theft and handling, sexual offences and robbery accounted for a further 11% (13% in 2007-08), 8% (8%), 6% (2%) and 7% (4%) respectively. The proportions recorded as burglary fell from 9% to 5%. A similar pattern was recorded for men, with 52% being categorised as offences against the person, 11% as public order, 6% as theft and handling, sexual offences 7% and 7% as robbery. There was a slightly different pattern for women,

offences against the person and public order being similar at 51% and 11%. Theft and handling and robbery were far higher at 16% and 9% while fraud and forgery offences accounted for a further 5%. Men comprised 84% of defendants whose principal offence was identified as offences against the person, and women comprised 35% of defendants categorised with a theft and handling offence. The pattern of offences differed from that for other hate crimes, with a lower level of public order offences and a higher proportion of property offences (theft and handling, burglary and robbery).

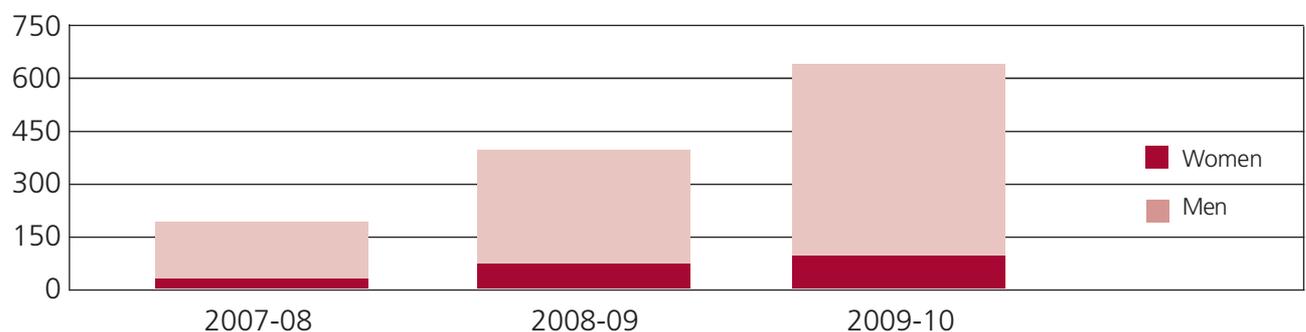
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. 83% of defendants prosecuted were men, similar to the other hate crime strands.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	33	18.0%	83	21.1%	108	16.9%
Men	150	82.0%	310	78.9%	530	83.1%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	183		393		638	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 72% of disability hate crime defendants were identified as belonging to the White British category, and 75% were categorised as White, compared with 78% and 80% in 2008-09. 2% of defendants were identified as Asian, and 8% were identified as Black compared with 4% in 2007-08. 3% of defendants did not state an ethnicity on arrest and 8% of defendant ethnicity was not provided to the CPS by the police.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (19%), 18-24 years (24%) and those aged between 25-59 years (51%) were the most numerous categories accounting for 94% of defendants similar to 2007-08 when 90% of defendants were recorded in these age bands.

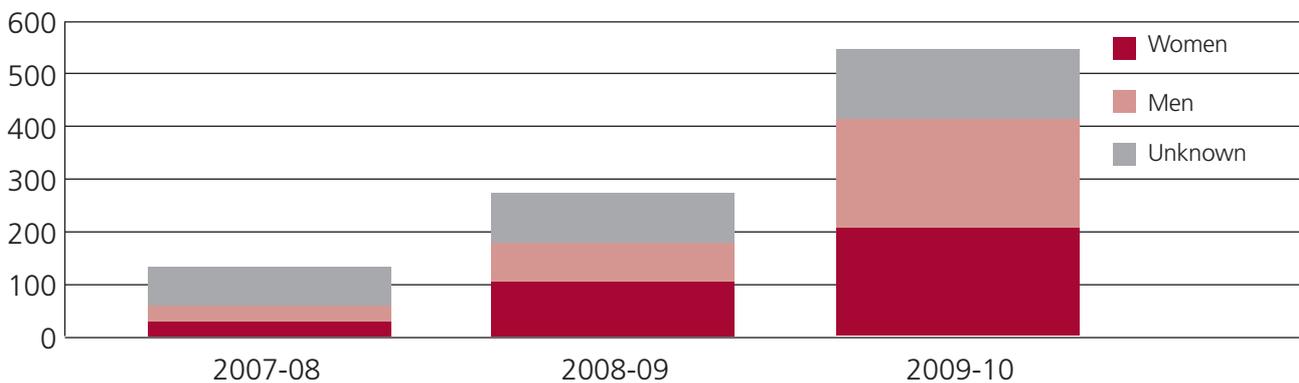
A further 3% were aged between 10-13 years lower than in 2007-08 when 5% of defendants were recorded in this category.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available for disability hate crimes from April 2007: however, despite improvements in data recording from 44% of gender recorded in 2007-08 to 76% in 2009-10, the completeness and accuracy of this information remains under development. Of those victims whose gender was identified in 2009-10, 51% were men and 49% women. This contrasts with the other hate crime strands where a higher proportion of victims were men.

Table 7 – Gender of victims*



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	30	20.8%	106	37.9%	203	37.4%
Men	33	22.9%	85	30.4%	211	38.9%
Unknown	81	56.3%	89	31.8%	129	23.8%
Total	144		280		543	

*Data from 2006-07 was reported for all victims whether civilian or not, data from 2007-08 onwards only reports civilian victims.

Other equality data

Data on ethnicity is available from April 2006, and data on religion or belief, age and disability from April 2007. The completeness and accuracy of this information remains under development – for example 33% of victim’s ethnicity remains not stated or not provided and 16% of age band data are recorded as not provided, these data have therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton⁴ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a case management system and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the disability hate crime: key findings chapter of the CPS hate crime annual report.

Table 8 – Disability hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	298	
Referrals offered	149	50.0%
Referrals made (of those offered)	91	61.1%
Types of referrals made **		
Total referrals	108	
Hate crime agency referrals	1	0.9%
Victim Support agency referrals	21	19.4%
Witness Services agency referrals	73	67.6%
Other referrals	13	12.0%
Total victims *	298	
Other support explored (total victims)	111	37.2%
<i>(ii) Attendance measures</i>		
Required to attend	166	55.7%
Actual attendance	150	90.4%
Pre-trial court visit accepted	65	39.2%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

⁴ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

Referrals to support services

During the year 149 or in 50% of cases, referrals were offered to disability hate crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing and of these 91 or 61.1% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 67.6% of referral types were to the Witness Service, 19.4% to Victim Support and 0.9% to a hate crime agency. The remaining 13 or 12% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

37.2% of disability hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 39.2% of victims required to attend court accepted pre-trial court visits.

Attendance at court

55.7% of disability hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 90.4% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Crimes against the older person

The CPS recognises that crimes against older people take place in a context of a growing older population in which older people can experience negative and prejudiced attitudes. This year the volume of cases charged by the CPS has significantly increased. In addition, the successful prosecution rate has improved, which is encouraging.

Case study: Liverpool

The victim was a 78-year-old woman who was a patient at the hospital where the defendant worked. The defendant was the senior nursing sister on duty when the patient was admitted. She stole the victim's debit card and used it to shop and withdraw money at local cash points in Southport Merseyside.

Although the fraud offences were technically against the card issuer, the victim was the person who suffered great distress as a result of the offence. Sadly, the victim died during the case but a successful application was made to admit her evidence under the hearsay provisions.

The evidence against the defendant was circumstantial and in the main consisted of CCTV footage, however the prosecution were able to satisfy the jury and the def was convicted this month. The defendant is serving an eight month sentence.

Crimes against the older person: key findings

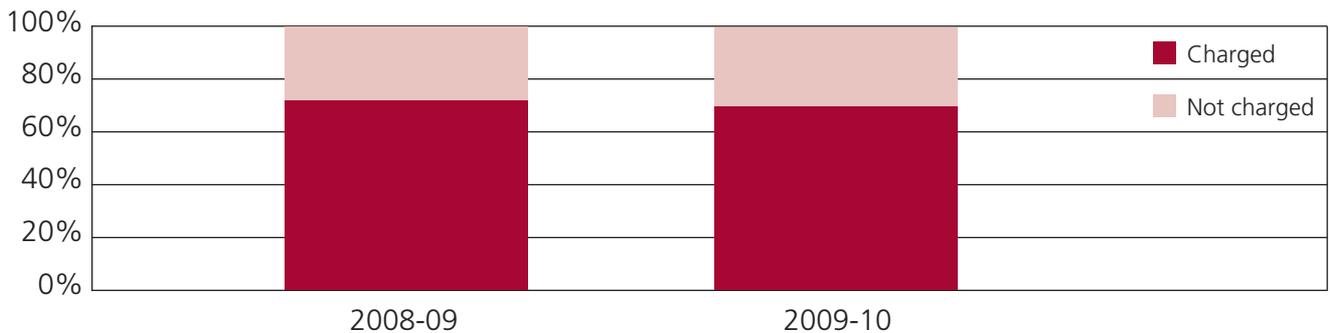
The CPS began monitoring the effectiveness of prosecutions where crimes against the older person are flagged in April 2008. Data reported in these key findings tables and charts are for the periods 2008-09 and 2009-10.

The CPS data is drawn from the CPS’s administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Charging

In the two years ending March 2010, 3,690 defendants identified as involving crimes against the older person were referred to the CPS for a charging decision. The table and chart below show that a decision to charge was made in 2,628 or 71% of these. In 2009-10 a decision to charge was made in 70% of those submitted to the CPS: lower than the 73% charged in 2008-09.

Table 1 – Pre-charge decisions

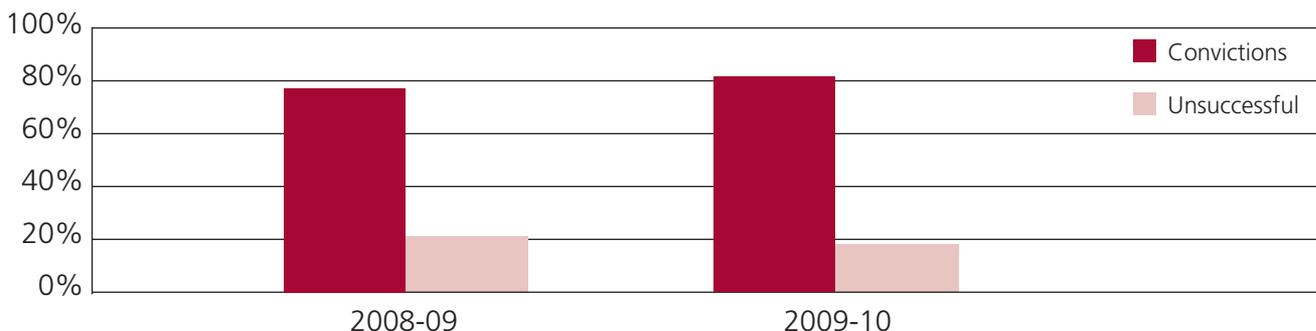


	2008-09		2009-10	
	Volume	%	Volume	%
Charged	1,086	72.7%	1,542	70.2%
Request for further evidence	21	1.4%	35	1.6%
No prosecution	279	18.7%	374	17.0%
All other decisions	108	7.2%	245	11.2%
Total	1,494		2,196	

Convictions

In the two years ending March 2010, 2,997 defendants were prosecuted for crimes against older people. Table and chart 2 below provide a breakdown of outcomes, showing that 82% of completed cases resulted in a conviction in 2009-10.

Table 2 – Completed prosecutions by outcome

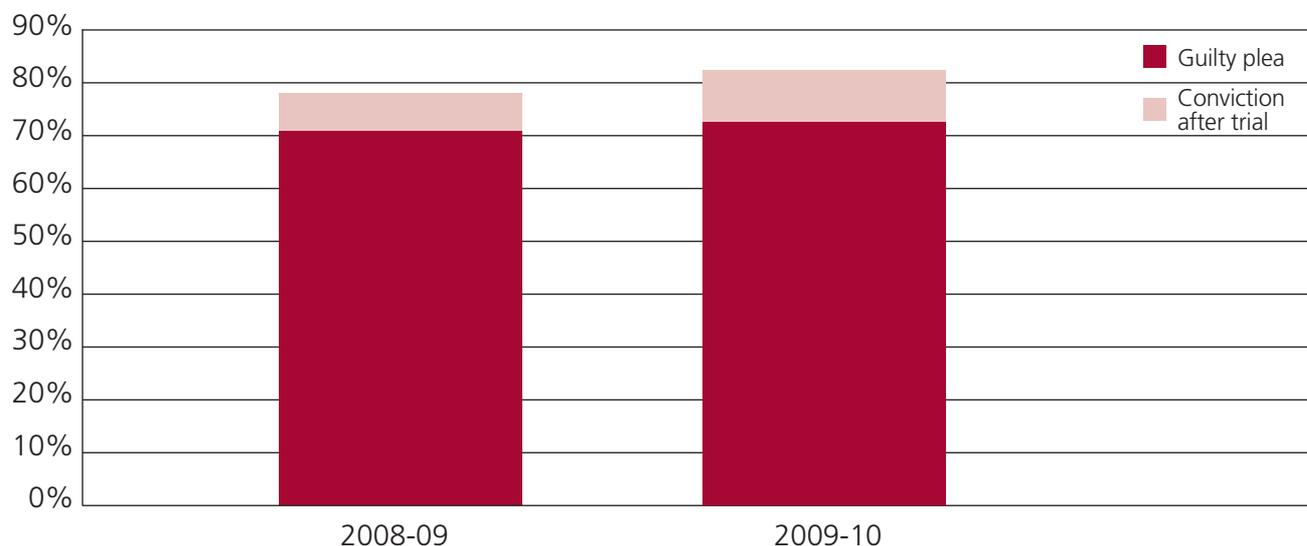


	2008-09		2009-10	
	Volume	%	Volume	%
Convictions	790	78.7%	1,641	82.3%
Unsuccessful	214	21.3%	352	17.7%
Total	1,004		1,993	

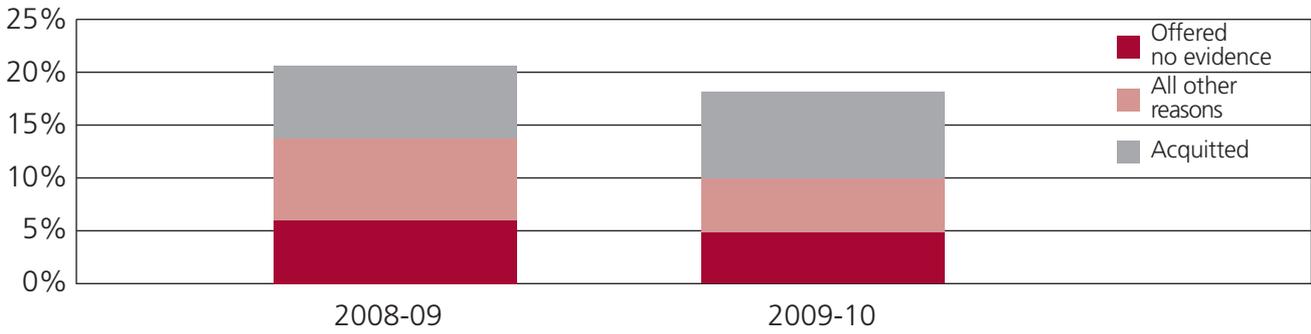
The table and charts below show a detailed breakdown of prosecution outcomes for crimes against the older person in the two years ending 2009-10. Guilty pleas and convictions after trial represented 72% and 10% of the total respectively compared to 70% and 8% in the previous year contributing to an improved conviction rate in the period from 79% to 82%. Prosecutions dropped by CPS, including discontinuances and cases in which no evidence was offered, fell from 14% of total outcomes to 10%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2008-09		2009-10	
	Volume	%	Volume	%
Prosecutions dropped <i>inc discontinued, no evidence offered & withdrawn</i>	140	13.9%	204	10.2%
<i>of which – no evidence offered</i>	65	6.5%	97	4.9%
Dismissed after full trial	38	3.8%	54	2.7%
Judge directed acquittal	1	0.1%	12	0.6%
Jury acquittal	16	1.6%	33	1.7%
All other unsuccessful outcomes	19	1.9%	49	2.5%
Unsuccessful outcomes	214	21.3%	352	17.7%
Guilty plea	707	70.4%	1,438	72.2%
Conviction after trial	83	8.3%	201	10.1%
Proved in absence	0	0.0%	2	0.1%
Convictions	790	78.7%	1,641	82.3%
Total prosecutions	1,004		1,993	

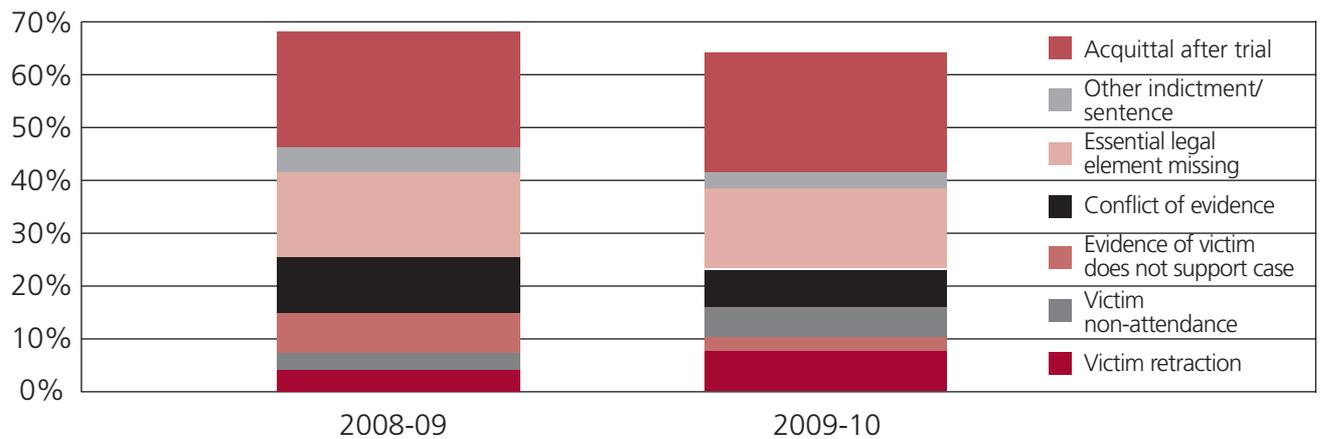
Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons (including those resulting in bindover and acquittal after trial). In 2009-10 the evidential category was the largest at 39.5% of all reasons for unsuccessful outcomes, and cases failing for other reasons accounted for a further 27.3%. 7.1% were unsuccessful for administrative reasons; 15.6% for public interest reasons; and 10.5% were unable to proceed. Although proportions varied when compared to the previous year, there was a broadly similar pattern of reasons for case failures with evidential and other reasons the largest categories at 78.9% of total unsuccessful outcomes in 2008-09.

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim did not support the case), those where an essential legal element was missing, where there was a conflict of evidence, and those in which the defendant was acquitted. Within these key reasons, an essential legal element missing, conflicts of evidence and acquittals after trial were the largest single categories at 14%, 8% and 23% respectively. Within victim issues, the proportions of victim retractions

rose from 4% to 8%; victim non attendances and where the evidence of the victim did not support the case both fell from 4% to 3% and from 7% to 5% respectively. Cases failing because of the overall key reasons fell from 68% to 65%.

Table 4 – Key reasons for unsuccessful prosecutions

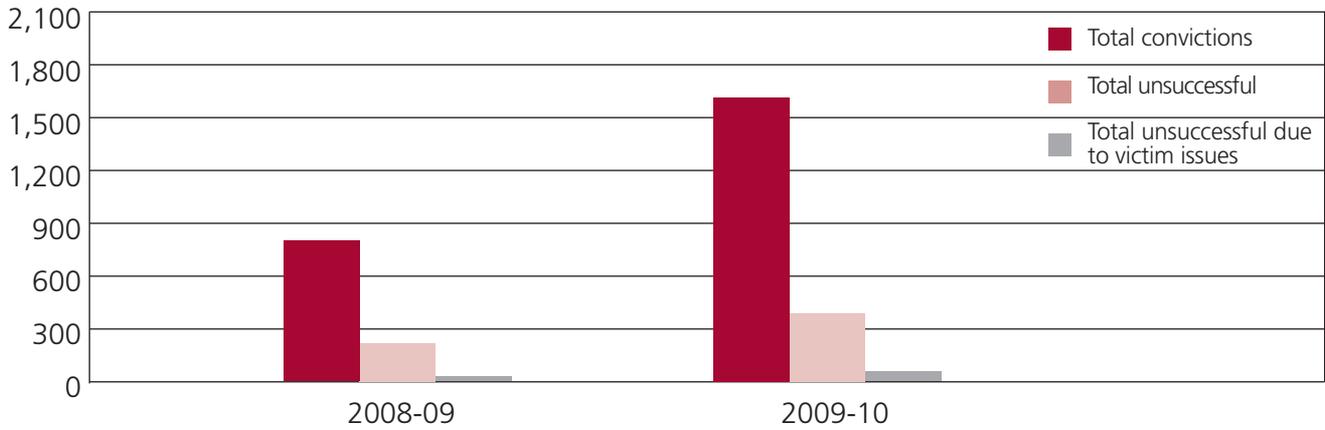


	2008-09		2009-10	
	Volume	%	Volume	%
Victim retraction	8	3.7%	27	7.7%
Victim non-attendance	8	3.7%	10	2.8%
Evidence of victim does not support case	14	6.5%	19	5.4%
Total victim issues	30	13.9%	56	15.9%
Conflict of evidence	25	11.7%	28	8.0%
Essential legal element missing	35	16.4%	50	14.2%
Other indictment/sentence	9	4.2%	13	3.7%
Acquittal after trial	47	22.0%	80	22.7%
Total key reasons	146	68.2%	227	64.5%
All other reasons	58	27.1%	100	28.4%
Administrative finalisations	10	4.7%	25	7.1%
Total	214		352	

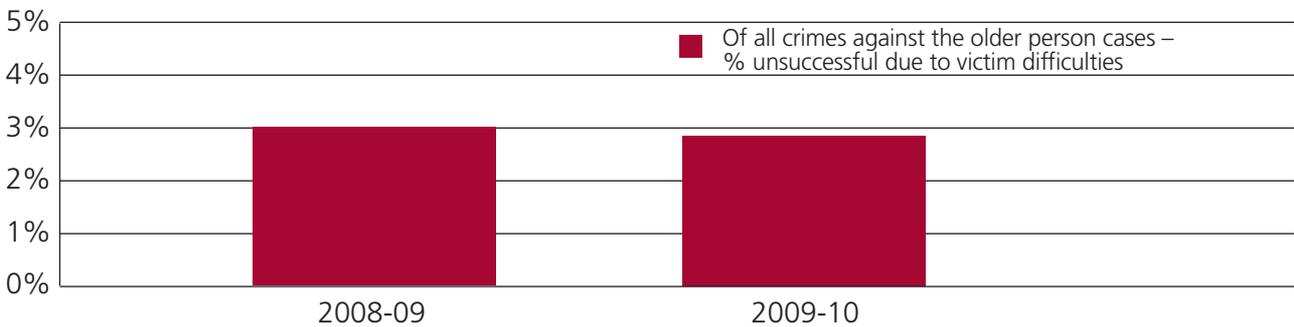
Table and chart 5 show that victim issues represented 56 defendants, or 3%, in 2009-10. Unsuccessful outcomes amounted to 18% of the total in 2009-10 compared to 21% in 2007-08.

Table 5 – Comparison of key reason for unsuccessful outcome

Key reasons in relation to all outcomes



% Victim issues



	2008-09		2009-10	
	Volume	%	Volume	%
Total unsuccessful due to victim issues	30	3.0%	56	2.8%
Total unsuccessful	214	21.3%	352	17.7%
Total convictions	790	78.7%	1,641	82.3%
Total	1,004		1,993	

Principal offence category

At the conclusion of proceedings, each defendant is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against property, burglary (22%), theft and handling (20%), robbery (7%) and fraud and forgery (11%) were the most numerous categories, representing 60% of crimes against the older person prosecutions in 2009-10 a little higher than the 55% recorded in 2008-09. Offences against the person was the largest single category accounting for 27% similar to 2008-09, at 28%. A similar pattern was recorded for men, with 58% being categorised as offences against property and 27% as offences against the person. There was a slightly different pattern for women, offences against the person being similar at 26% while property offences accounted for 68%. The largest category for women were theft and handling offences, comprising for 36% of the total. Men comprised 80% of defendants whose principal offence was identified as offences against the person, and women comprised 36% of defendants categorised with a theft and handling offence.

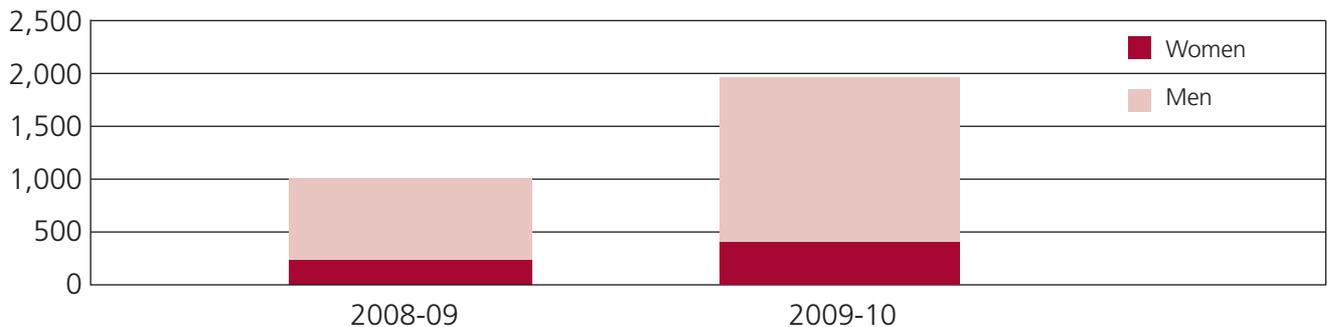
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. 79% of defendants prosecuted were men and 21% were women in 2009-10.

Table 6 – Completed prosecutions by gender of defendant



	2008-09		2009-10	
	Volume	%	Volume	%
Women	243	24.2%	425	21.3%
Men	760	75.7%	1,568	78.7%
Unknown	1	0.1%	0	0.0%
Total	1,004		1,993	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 76% of crimes against the older person defendants were identified as belonging to the White British category, and 81% were categorised as White, compared with 77% and 83% in 2008-09. 4% of defendants were identified as Asian, and 4% were identified as Black. 3% of defendants did not state an ethnicity on arrest and 4% of defendant ethnicity was not provided to the CPS by the police.

Age

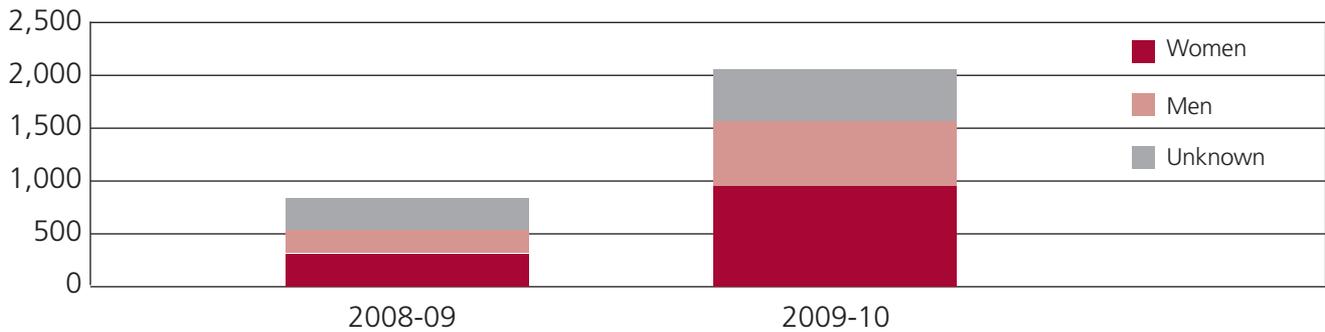
Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (9%), 18-24 years (22%) and those aged between 25-59 years (63%) were the most numerous categories accounting for 94% of defendants similar to 2008-09 when 95% of defendants were recorded in these age bands. Just over 2% were aged between 60-69 years similar to 2008-09 when nearly 3% of defendants were recorded in this category.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available for crimes against the older person from April 2008. The completeness and accuracy of this information remains under development. Of those victims whose gender was identified in 2009-10, 59% were women and 41% men similar to the previous year.

Table 7 – Gender of victims *



	2008-09		2009-10	
	Volume	%	Volume	%
Women	303	36.0%	924	45.5%
Men	203	24.1%	648	31.9%
Unknown	335	39.8%	457	22.5%
Total	841		2,029	

* Data only reports civilian victims.

Other equality data

Data on ethnicity, religion or belief, age and disability is available from April 2008. The completeness and accuracy of this information remains under development – for example 58% of victim’s ethnicity remains not stated or not provided and 28% of age band data are recorded as not provided, these data have therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Total hate crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	11,405	81.9%	2,516	18.1%	13,921
Cymru/Wales	552	82.6%	116	17.4%	668
Dyfed Powys	46	80.7%	11	19.3%	57
Gwent	88	88.0%	12	12.0%	100
North Wales	178	79.1%	47	20.9%	225
South Wales	240	83.9%	46	16.1%	286
Eastern	618	83.7%	120	16.3%	738
Cambridgeshire	106	80.3%	26	19.7%	132
Essex	241	79.8%	61	20.2%	302
Norfolk	129	88.4%	17	11.6%	146
Suffolk	142	89.9%	16	10.1%	158
East Midlands	938	85.6%	158	14.4%	1,096
Derbyshire	200	85.5%	34	14.5%	234
Leicestershire	302	86.5%	47	13.5%	349
Lincolnshire	78	83.9%	15	16.1%	93
Northamptonshire	66	85.7%	11	14.3%	77
Nottinghamshire	292	85.1%	51	14.9%	343
London	1,547	73.9%	547	26.1%	2,094
Merseyside & Cheshire	581	77.1%	173	22.9%	754
Cheshire	162	80.2%	40	19.8%	202
Merseyside	419	75.9%	133	24.1%	552
North East	603	82.2%	131	17.8%	734
Cleveland	111	82.2%	24	17.8%	135
Durham	119	81.0%	28	19.0%	147
Northumbria	373	82.5%	79	17.5%	452
North West	1,638	83.5%	324	16.5%	1,962
Cumbria	99	88.4%	13	11.6%	112
Greater Manchester	983	83.2%	198	16.8%	1,181
Lancashire	556	83.1%	113	16.9%	669
South East	620	82.4%	132	17.6%	752
Kent	205	84.7%	37	15.3%	242
Surrey	117	92.1%	10	7.9%	127
Sussex	298	77.8%	85	22.2%	383
South West	618	86.8%	94	13.2%	712
Avon & Somerset	301	86.5%	47	13.5%	348
Devon & Cornwall	206	86.9%	31	13.1%	237
Gloucestershire	111	87.4%	16	12.6%	127
Thames & Chiltern	723	84.4%	134	15.6%	857
Bedfordshire	112	89.6%	13	10.4%	125
Hertfordshire	254	82.5%	54	17.5%	308
Thames Valley	357	84.2%	67	15.8%	424
Wessex	614	81.4%	140	18.6%	754
Dorset	88	83.3%	17	16.2%	105
Hampshire & IOW	446	82.3%	96	17.7%	542
Wiltshire	80	74.8%	27	25.2%	107
West Midlands	1,310	83.6%	257	16.4%	1,567
Staffordshire	183	88.4%	24	11.6%	207
Warwickshire	100	88.5%	13	11.5%	113
West Mercia	180	84.5%	33	15.5%	213
West Midlands	847	81.9%	187	18.1%	1,034
Yorkshire & Humberside	1,043	84.6%	190	15.4%	1,233
Humberside	179	92.7%	14	7.3%	193
North Yorkshire	92	81.4%	21	18.6%	113
South Yorkshire	273	87.5%	39	12.5%	312
West Yorkshire	499	81.1%	116	18.9%	615

RARA crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	9,993	82.4%	2,138	17.6%	12,131
Cymru/Wales	453	82.4%	97	17.6%	550
Dyfed Powys	31	79.5%	8	20.5%	39
Gwent	77	87.5%	11	12.5%	88
North Wales	138	79.8%	35	20.2%	173
South Wales	207	82.8%	43	17.2%	250
Eastern	541	84.3%	101	15.7%	642
Cambridgeshire	102	82.3%	22	17.7%	124
Essex	212	80.3%	52	19.7%	264
Norfolk	104	88.9%	13	11.1%	117
Suffolk	123	89.8%	14	10.2%	137
East Midlands	833	86.2%	133	13.8%	966
Derbyshire	181	86.6%	28	13.4%	209
Leicestershire	266	86.4%	42	13.6%	308
Lincolnshire	71	84.5%	13	15.5%	84
Northamptonshire	56	86.2%	9	13.8%	65
Nottinghamshire	259	86.3%	41	13.7%	300
London	1,362	74.5%	467	25.5%	1,829
Merseyside & Cheshire	479	76.8%	145	23.2%	624
Cheshire	140	82.4%	30	17.6%	170
Merseyside	339	74.7%	115	25.3%	454
North East	534	82.3%	115	17.7%	649
Cleveland	102	82.9%	21	17.1%	123
Durham	89	80.9%	21	19.1%	110
Northumbria	343	82.5%	73	17.5%	416
North West	1,462	84.4%	271	15.6%	1,733
Cumbria	84	89.4%	10	10.6%	94
Greater Manchester	864	84.1%	163	15.9%	1,027
Lancashire	514	84.0%	98	16.0%	612
South East	530	83.6%	104	16.4%	634
Kent	187	83.9%	36	16.1%	223
Surrey	103	92.8%	8	7.2%	111
Sussex	240	80.0%	60	20.0%	300
South West	542	87.1%	80	12.9%	622
Avon & Somerset	265	86.6%	41	13.4%	306
Devon & Cornwall	183	88.0%	25	12.0%	208
Gloucestershire	94	87.0%	14	13.0%	108
Thames & Chiltern	663	84.4%	123	15.6%	786
Bedfordshire	100	89.3%	12	10.7%	112
Hertfordshire	238	83.2%	48	16.8%	286
Thames Valley	325	83.8%	63	16.2%	388
Wessex	515	81.9%	114	18.1%	629
Dorset	67	82.7%	14	17.3%	81
Hampshire & IOW	382	82.9%	79	17.1%	461
Wiltshire	66	75.9%	21	24.1%	87
West Midlands	1,148	84.0%	219	16.0%	1,367
Staffordshire	150	88.8%	19	11.2%	169
Warwickshire	90	90.9%	9	9.1%	99
West Mercia	146	85.9%	24	14.1%	170
West Midlands	762	82.0%	167	18.0%	929
Yorkshire & Humberside	931	84.6%	169	15.4%	1,100
Humberside	152	93.8%	10	6.2%	162
North Yorkshire	77	80.2%	19	19.8%	96
South Yorkshire	244	87.1%	36	12.9%	280
West Yorkshire	458	81.5%	104	18.5%	562

Homophobic & transphobic crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	929	80.6%	223	19.4%	1,152
Cymru/Wales	63	87.5%	9	12.5%	72
Dyfed Powys	8	88.9%	1	11.1%	9
Gwent	5	83.3%	1	16.7%	6
North Wales	25	83.3%	5	16.7%	30
South Wales	25	92.6%	2	7.4%	27
Eastern	46	80.7%	11	19.3%	57
Cambridgeshire	2	33.3%	4	66.7%	6
Essex	20	80.0%	5	20.0%	25
Norfolk	15	88.2%	2	11.8%	17
Suffolk	9	100.0%	0	0.0%	9
East Midlands	68	84.0%	13	16.0%	81
Derbyshire	11	84.6%	2	15.4%	13
Leicestershire	19	82.6%	4	17.4%	23
Lincolnshire	6	85.7%	1	14.3%	7
Northamptonshire	7	87.5%	1	12.5%	8
Nottinghamshire	25	83.3%	5	16.7%	30
London	134	74.0%	47	26.0%	181
Merseyside & Cheshire	79	83.2%	16	16.8%	95
Cheshire	17	70.8%	7	29.2%	24
Merseyside	62	87.3%	9	12.7%	71
North East	42	85.7%	7	14.3%	49
Cleveland	6	85.7%	7	14.3%	49
Durham	14	82.4%	3	17.6%	17
Northumbria	22	88.0%	3	12.0%	25
North West	122	73.9%	43	26.1%	165
Cumbria	8	72.7%	3	27.3%	11
Greater Manchester	80	74.8%	27	25.2%	107
Lancashire	34	72.3%	13	27.7%	47
South East	53	79.1%	14	20.9%	67
Kent	9	100.0%	0	0.0%	9
Surrey	8	100.0%	0	0.0%	8
Sussex	36	72.0%	14	28.0%	50
South West	40	85.1%	7	14.9%	47
Avon & Somerset	21	84.0%	4	16.0%	25
Devon & Cornwall	13	86.7%	2	13.3%	15
Gloucestershire	6	85.7%	1	14.3%	7
Thames & Chiltern	41	87.2%	6	12.8%	47
Bedfordshire	7	87.5%	1	12.5%	8
Hertfordshire	13	76.5%	4	23.5%	17
Thames Valley	21	95.5%	1	4.5%	22
Wessex	69	78.4%	19	21.6%	88
Dorset	14	87.5%	2	12.5%	16
Hampshire & IOW	49	79.0%	13	21.0%	62
Wiltshire	6	60.0%	4	40.0%	10
West Midlands	100	84.7%	18	15.3%	118
Staffordshire	21	95.5%	1	4.5%	22
Warwickshire	6	75.0%	2	25.0%	8
West Mercia	21	91.3%	2	8.7%	23
West Midlands	52	80.0%	13	20.0%	65
Yorkshire & Humberside	72	84.7%	13	15.3%	85
Humberside	16	94.1%	1	5.9%	17
North Yorkshire	8	80.0%	2	20.0%	10
South Yorkshire	18	90.0%	2	10.0%	20
West Yorkshire	30	78.9%	8	21.1%	38

Disability hate crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	483	75.7%	155	24.3%	638
Cymru/Wales	36	78.3%	10	21.7%	46
Dyfed Powys	7	77.8%	2	22.2%	9
Gwent	6	100.0%	0	0.0%	6
North Wales	15	68.2%	7	31.8%	22
South Wales	8	88.9%	1	11.1%	9
Eastern	31	79.5%	8	20.5%	39
Cambridgeshire	2	100.0%	0	0.0%	2
Essex	9	69.2%	4	30.8%	13
Norfolk	10	83.3%	2	16.7%	12
Suffolk	10	83.3%	2	16.7%	12
East Midlands	37	75.5%	12	24.5%	49
Derbyshire	8	66.7%	4	33.3%	12
Leicestershire	17	94.4%	1	5.6%	18
Lincolnshire	1	50.0%	1	50.0%	2
Northamptonshire	3	75.0%	1	25.0%	4
Nottinghamshire	8	61.5%	5	38.5%	13
London	51	60.7%	33	39.3%	84
Merseyside & Cheshire	23	65.7%	12	34.3%	35
Cheshire	5	62.5%	3	37.5%	8
Merseyside	18	66.7%	9	33.3%	27
North East	27	75.0%	9	25.0%	36
Cleveland	3	60.0%	2	40.0%	5
Durham	16	80.0%	4	20.0%	20
Northumbria	8	72.7%	3	27.3%	11
North West	54	84.4%	10	15.6%	64
Cumbria	7	100.0%	0	0.0%	7
Greater Manchester	39	83.0%	8	17.0%	47
Lancashire	8	80.0%	2	20.0%	10
South East	37	72.5%	14	27.5%	51
Kent	9	90.0%	1	10.0%	10
Surrey	6	75.0%	2	25.0%	8
Sussex	22	66.7%	11	33.3%	33
South West	36	83.7%	16.3%	43	
Avon & Somerset	15	88.2%	2	11.8%	17
Devon & Cornwall	10	71.4%	4	28.6%	14
Gloucestershire	11	91.7%	1	8.3%	12
Thames & Chiltern	19	79.2%	5	20.8%	24
Bedfordshire	5	100.0%	0	0.0%	5
Hertfordshire	3	60.0%	2	40.0%	5
Thames Valley	11	78.6%	3	21.4%	14
Wessex	30	81.1%	7	18.9%	37
Dorset	7	87.5%	1	12.5%	8
Hampshire & IOW	15	78.9%	4	21.1%	19
Wiltshire	8	80.0%	2	20.0%	10
West Midlands	62	75.6%	20	24.4%	82
Staffordshire	12	75.0%	4	25.0%	16
Warwickshire	4	66.7%	2	33.3%	6
West Mercia	13	65.0%	7	35.0%	20
West Midlands	33	82.5%	7	17.5%	40
Yorkshire & Humberside	40	83.3%	8	16.7%	48
Humberside	11	78.6%	3	21.4%	14
North Yorkshire	7	100.0%	0	0.0%	7
South Yorkshire	11	91.7%	1	8.3%	12
West Yorkshire	11	73.3%	4	26.7%	15

Crime against the older person	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	1,641	82.3%	352	17.7%	1,993
Cymru/Wales	101	78.0%	28	21.7%	129
Dyfed Powys	14	87.5%	2	12.5%	16
Gwent	12	85.7%	2	14.3%	14
North Wales	22	75.9%	7	24.1%	29
South Wales	53	75.7%	17	24.3%	70
Eastern	81	81.0%	19	19.0%	100
Cambridgeshire	20	80.0%	5	20.0%	25
Essex	19	79.2%	5	20.8%	24
Norfolk	24	82.8%	5	17.2%	29
Suffolk	18	81.8%	4	18.2%	22
East Midlands	101	80.8%	24	19.2%	125
Derbyshire	27	79.4%	7	20.6%	34
Leicestershire	19	79.2%	5	20.8%	24
Lincolnshire	22	95.7%	1	4.3%	23
Northamptonshire	2	66.7%	1	33.3%	3
Nottinghamshire	31	75.6%	10	24.4%	41
London	169	77.9%	48	22.1%	217
Merseyside & Cheshire	71	78.0%	20	22.0%	91
Cheshire	31	81.6%	7	18.4%	38
Merseyside	40	75.5%	13	24.5%	53
North East	116	89.2%	14	10.8%	130
Cleveland	29	87.9%	4	12.1%	33
Durham	31	93.9%	2	6.1%	33
Northumbria	56	87.5%	8	12.5%	64
North West	183	86.3%	29	13.7%	212
Cumbria	15	62.5%	9	37.5%	24
Greater Manchester	119	88.1%	16	11.9%	135
Lancashire	49	92.5%	4	7.5%	53
South East	159	87.4%	23	12.6%	182
Kent	44	88.0%	6	12.0%	50
Surrey	24	88.9%	3	11.1%	27
Sussex	91	86.7%	14	13.3%	105
South West	99	91.7%	9	8.3%	108
Avon & Somerset	45	93.8%	3	6.3%	48
Devon & Cornwall	15	93.8%	1	6.3%	16
Gloucestershire	39	88.6%	5	11.4%	44
Thames & Chiltern	97	74.6%	33	25.4%	130
Bedfordshire	9	75.0%	3	25.0%	12
Hertfordshire	32	82.1%	7	17.9%	39
Thames Valley	56	70.9%	23	29.1%	79
Wessex	87	82.1%	19	17.9%	106
Dorset	26	89.7%	3	10.3%	29
Hampshire & IOW	41	74.5%	14	25.5%	55
Wiltshire	20	90.9%	2	9.1%	22
West Midlands	229	77.9%	65	22.1%	294
Staffordshire	39	73.6%	14	26.4%	53
Warwickshire	27	93.1%	2	6.9%	29
West Mercia	53	81.5%	12	18.5%	65
West Midlands	110	74.8%	37	25.2%	147
Yorkshire & Humberside	148	87.6%	21	12.4%	169
Humberside	48	87.3%	7	12.7%	55
North Yorkshire	10	90.9%	1	9.1%	11
South Yorkshire	45	95.7%	2	4.3%	47
West Yorkshire	45	80.4%	11	19.6%	56

Glossary

Hate crimes

Racial & religious incidents: a racist or religious incident is any incident which is perceived to be racist by the victim or any other person.

Homophobic crime: any incident which is perceived to be homophobic or transphobic by the victim or by any other person.

Disability incidents: any incident where disability is a factor in the offence. This includes any incident which is perceived by the victim or any other person to be based upon prejudice towards, or hatred of, the victim because of their disability, and/or where the victim is targeted because of their perceived vulnerability.

Monitoring flags: sensitive case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case.

Crime against the older person: offences in the categories below, where the victim is aged 60 or older:

- where there is a relationship and an expectation of trust, for example, theft or assault by a carer or family member
- which are specifically targeted at the older person because they are perceived as being vulnerable or an easy target, for example, a distraction burglary or a mugging
- which are not initially related to the older person's age but later becomes so, for example, a burglary where the burglar does not know the age of the householder, but later exploits the situation on discovering that the householder is an older person
- which appear to be in part or wholly motivated by hostility based on age, or perceived age. For example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age.

Case outcomes

Pre-charge decisions: in all but minor cases, and those where a guilty plea is anticipated, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be, in accordance with the Director's Guidelines.

Charged: cases where the CPS's decision is to charge.

Request for further evidence: where further information or action is requested or deemed necessary.

No prosecution: those cases where the CPS's decision is not to prosecute, for evidential or public interest reasons.

All other decisions:	where a caution, reprimand or final warning are given; where the offence has been taken into consideration in relation to other charges; or where the defendant has failed to answer to bail and a warrant is outstanding.
Prosecutions:	all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
<u>Unsuccessful outcomes:</u>	all completed prosecutions where the defendant is not convicted, comprising the following:
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.
Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
<u>All other unsuccessful outcomes:</u>	comprising administrative finalisations, discharged committals and no case to answer.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely.
Discharged committals:	committal proceedings in which the defendant is discharged.
No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences- mostly motoring matters- which are heard by the court in the absence of the defendant.

Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
Public interest:	where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.
Unable to proceed:	where the evidence and the public interest support a prosecution, but circumstances make it impossible for the case to proceed.
Other reasons:	where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead: or where proceedings are adjourned indefinitely.

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non-attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
Conflict of evidence:	contradictions in prosecution evidence leads to an unsuccessful prosecution.
Essential legal element:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Other indictment or sentence:	the case does not proceed because the same defendant is the subject of either other indictments, or sentences in respect of other proceedings.
Acquittals after trial:	the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case.

Principal offence category: charged offences are allocated one of twelve offence categories to indicate the type and seriousness of the charges brought against the defendant.

Further copies of this report are available to download in Adobe Acrobat PDF on the CPS website:

www.cps.gov.uk

December 2010



CPS

**Policy for Prosecuting
Cases of Homophobic
and Transphobic
Hate Crime**

Policy for Prosecuting Cases of Homophobic and Transphobic Hate Crime

What do we mean by a homophobic or transphobic incident?

There is no legal definition of a homophobic or transphobic incident. However, we adopt this definition when applying our policy:

“Any incident which is perceived to be homophobic or transphobic by the victim or any other person”.

This definition is wide and covers all incidents which are felt to be homophobic or transphobic by anyone involved in them (including the perpetrator) or by anyone who witnesses them.

I am being targeted because of my sexual orientation – what can the court do?

If someone pleads or is found guilty of a crime against you, and the court is satisfied that the crime was motivated by hostility towards you based on your sexual orientation, then the Court must treat this hostility as something that makes the offence more serious. The Court must state this openly so that everyone knows that this is the case.

The hostility could be based on what the offender thought your sexual orientation was – even if they were wrong.

I do not want my sexual orientation or trans identity to become widely known. What safeguards can you offer?

We recognise these concerns and we will treat all victims and witnesses with dignity. We will do all that we can to make giving evidence in court as easy as possible. This could include applying to the court for media reporting restrictions about your identity, although the court will need to be satisfied that it is in the interests of justice to make a reporting restriction.

If the court allows the application then all sections of the media are barred from publishing any information that could identify you.

What does the CPS do?

The CPS is the main public prosecution service for England and Wales, headed by the Director of Public Prosecutions. Although we work closely with the police, we are independent of them. The police are responsible for investigating criminal offences and for gathering the evidence. We have the responsibility for deciding (in all but the most minor cases) whether a suspect should be charged with a criminal offence, and, if so, what the charge(s) should be.

How does the CPS decide whether to charge someone?

We apply the Code for Crown Prosecutors. In order to bring a prosecution there must first be

sufficient evidence to provide a realistic prospect of conviction. If the case does not pass this evidential stage it must not proceed, no matter how serious or sensitive it may be.

If the case does pass the evidential stage, we must then decide if a prosecution is needed in the public interest (the public interest stage). We regard any offence based on hostility, because of perceived or actual sexual orientation, as being more serious. As a result, it will usually be in the public interest in homophobic or transphobic hate crime cases to bring a prosecution.

What if I don't want to go to court?

Your views as the victim of a crime are important when deciding whether a case should proceed or not, but they are not the only factor. We prosecute cases on behalf of the public at large and not just in the interests of any particular individual.

If a victim has withdrawn support for a prosecution, we have to find out why. We will explore all options fully and offer whatever support we can through our Witness Care Units before we decide whether or not to proceed with a prosecution. Generally speaking, the more serious the case, the more it will be in the public interest to proceed with a prosecution, even if the victim says they do not wish us to.

What do Witness Care Units do?

We have Witness Care Units in all CPS Areas, run jointly by the CPS and the police. Witness Care Officers provide a single point of contact and tailored support for each witness to ensure

that you are able to give your best evidence. If you are a victim of crime a Witness Care Officer will manage your care from the point of charge until the conclusion of the case.

What support will I receive at court?

When you attend court as a witness, the CPS prosecutor presenting the case will introduce themselves and answer any general queries that you may have. If you are kept waiting, we will make sure you are told the reasons for the delay and the estimated time when you will be required to give evidence.

Wherever possible, we will try to make sure that separate waiting facilities are made available for prosecution witnesses so that you do not have to mix with the defendant or his or her friends or family.

The following publications provide further information on how prosecution decisions are reached and what victims and witnesses can expect from the criminal justice system –

- CPS Policy for Prosecuting Cases of Homophobic and Transphobic Hate Crime
- The Code for Crown Prosecutors
- The Prosecutors' Pledge
- The Code of Practice for Victims of Crime (Victim's Code)

These publications are public documents and are available on the CPS website: www.cps.gov.uk

Or copies can be obtained from:

CPS Communications Branch, 50 Ludgate Hill,
London EC4M 7EX

Tel: 020 7796 8442

Fax: 020 77968351

Email: publicity.branch@cps.gsi.gov.uk

Translations into other languages, and audio copies are available.

Further information and support:

The Albert Kennedy Trust

www.akt.org.uk

Tel: 020 7831 6562

E-mail: contact@akt.org.uk

Unit 203, Hatton Square
16/16a Baldwins Gardens
London EC1N 7RJ

Gires (The Gender Identity Research & Education Society)

www.gires.org.uk

Tel: 01372 801554

E-mail: info@gires.org.uk

Milverley

The Warren

Ashstead

Surrey KT21 2SP

LGF (The Lesbian and Gay Foundation)

www.lgf.org.uk

Helpline: 0845 3 30 30 30

Princess House

105-107 Princess Street

Manchester M1 6DD

London Lesbian & Gay Switchboard

www.llgs.org.uk

Helpline: 020 7837 7324

E-mail: admin@llgs.org.uk

PO Box 7324

London N1 9QS

Stonewall

www.stonewall.org.uk

Info Line: 0800 50 20 20

E-mail: info@stonewall.org.uk

Tower Building

York Road

London SE1 7NX

Further copies of this leaflet may be obtained from:

CPS Communication Division
Rose Court
2 Southwark Bridge
London SE1 9HS

Tel 020 335 70913

Email publicity.branch@cps.gsi.gov.uk

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Published October 2009



CPS

**Policy for Prosecuting Cases of
Racially and Religiously
Aggravated Crime**

Policy for Prosecuting Cases of Racially and Religiously Aggravated Crime

What do we mean by racially and religiously aggravated crime?

When prosecuting cases of racially and religiously aggravated crime, and to help us apply our policy on dealing with such cases, we adopt the following definition:

“Any criminal offence which is perceived to be motivated by hostility towards a person’s race or religion or perceived race or religion, by the victim or any other person.”

Safety and security and the right to live free from fear and harassment are basic human rights. Our policy is to prosecute racist and religious crime fairly, firmly and robustly.

There is no single criminal offence of racist crime or religious crime.

- There are a number of specific offences where, if we are able to prove an element of racial or religious aggravation, the accused person is liable to receive a higher sentence if found guilty;

- Apart from these offences, the criminal courts have a general duty to treat any offence as being more serious where there is evidence that the accused person demonstrated or was motivated by racial or religious hostility;
- There are also a number of different offences involving incitement to racial or religious hatred.

What does the CPS do?

The CPS is the main public prosecution service for England and Wales, headed by the Director of Public Prosecutions. Although we work closely with the police, we are independent of them. The police are responsible for investigating criminal offences and for gathering the evidence. We have the responsibility for deciding (in all but the most minor cases) whether a suspect should be charged with a criminal offence and, if so, what the charge(s) should be.

How does the CPS decide whether to charge someone?

We apply the Code for Crown Prosecutors. In order to bring a prosecution there must first be sufficient evidence to provide a realistic prospect of conviction. If the case does not pass this evidential stage it must not proceed, no matter how serious or sensitive it may be.

If the case does pass the evidential stage, we must then decide if a prosecution is needed in the public interest (the public interest stage). We regard any offence motivated by hostility

towards the victim because of the victim's perceived racial origin or religious beliefs, or where such hostility has been demonstrated, as being more serious. As a result, it will usually be in the public interest to bring a prosecution in cases of racist and religious hate crime.

What if I don't want to go to court?

Your views as the victim of a crime are important when deciding whether a case should proceed or not, but they are not the only factor. We prosecute cases on behalf of the public at large and not just in the interests of any particular individual.

If a victim has withdrawn support for a prosecution, we have to find out why. We will explore all options fully and offer whatever support we can through our Witness Care Units before we decide whether or not to proceed with a prosecution. Generally speaking, the more serious the case, the more it will be in the public interest to proceed with a prosecution, even if the victim says they do not wish us to.

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What support will I receive at court?

When you attend court as a witness, the CPS

prosecutor presenting the case will introduce themselves and answer any general queries that you may have. If you are kept waiting, we will make sure you are told the reasons for the delay and the estimated time when you will be required to give evidence. Wherever possible, we will try to make sure that separate waiting facilities are made available for prosecution witnesses so that you do not have to mix with the defendant or his or her friends or family.

The following publications provide further information on how prosecution decisions are reached and what victims and witnesses can expect from the criminal justice system –

- Racist and Religious Crime – CPS Prosecution Policy
- The Code for Crown Prosecutors
- The Decision to Prosecute – leaflet
- The Prosecutors’ Pledge
- The Code of Practice for Victims of Crime (Victim’s Code)

These publications are public documents and are available on the CPS website: www.cps.gov.uk

Or copies can be obtained from:
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London EC4M 7EX
Tel: 020 7796 8442
Fax: 020 77968351
Email: publicity.branch@cps.gsi.gov.uk

Translations into other languages, and audio copies are available.

Help or advice can be obtained from:

GENERIC ORGANISATIONS

Equality and Human Rights Commission
www.equalityhumanrights.com

Main switch board 0845 604 6610
Text Line 0845 604 6620

Wales – Cardiff

Main Switch Board 0292 0663710

Main helpline and advice line 0845 604 8810

Text line and bi-lingual line 0845 604 8820

The Monitoring Group

www.monitoring-group.co.uk

020 7636 6000

Freephone emergency number: 0800 374 618

28 Museum Street

London WC1A 1LH

Provides legal, moral and practical support to people experiencing racial harassment.

Victim Support

www.victimsupport.org.uk

Victim Support is the national charity for people affected by crime. Our volunteers provide free and confidential support to help people deal with their experience whether or not they report crime. Victim Support also runs the Witness Service and Support line. The Witness Service helps witnesses, victims and their families before, during and after a trial. Trained volunteers provide emotional support and practical information about court proceedings, a visit to the court, and a quiet place to wait before and during the hearing.

Support line can give practical help and emotional support in confidence and anonymously. 0845 30 30 900.

FAITH BASED ORGANISATIONS

Community Security Trust

www.thecst.org.uk/incidents

Records and investigates incidents against members of the Jewish community. Provides referral to Jewish counselling services where appropriate, and with the victim's permission.

Incidents Dept. 020 8457 9964 and 020 8457 9999

Forum Against Islamophobia and Racism (FAIR)

www.fairuk.org

FAIR is an independent charity organisation established to raise awareness of Islamophobia and combat related prejudice and practices.

To report an incident of Islamophobic discrimination contact
Fair on: 020 8940 0100
fair@fairuk.org

ASYLUM SEEKER AND REFUGEE ORGANISATIONS

Joint Council for the Welfare of Immigrants (JCWI)

www.jcwi.org.uk

020 7251 8708

JCWI is an independent and national voluntary organisation campaigning for justice and

combating racism in immigration, nationality and asylum law and policy. JCWI provides free advice and casework, training courses and publications.

Refugee Council

www.refugeecouncil.org.uk

info@refugeecouncil.org.uk

The Refugee Council works across the UK with asylum seekers and refugees.

Their one-stop service advice line offers advice and information to individuals and organisations on a range of issues operated by advisers with experience in asylum and immigration matters.

**Further copies of this leaflet may be
obtained from:**

CPS Communication Division
Rose Court
2 Southwark Bridge
London SE1 9HS

Tel 020 335 70913

Email publicity.branch@cps.gsi.gov.uk

Printed by Blackburns of Bolton
Tel 01204 532121

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Crown Prosecution Service
Delivering justice



Hate Crime Annual Report

2017–18

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Foreword by the Director of Public Prosecutions



This is the 11th year we have been reporting on our hate crime performance. This year the number of convictions where there was an announced and recorded sentence uplift increased to 67.1% which exceeds the level of ambition we set in the CPS 2020 business plan. It is positive to have exceeded the goal we set ourselves so much earlier than expected but this does not mean we will be in any way complacent. We will continue to work to increase this figure year on year, sending a clear message that offenders should expect to receive a higher sentence if they target someone based on their race, religion, sexual orientation, transgender identity or disability.

Alongside this significant increase in sentence uplift, there have been overall increases in the conviction rate and guilty pleas. In addition, there have been reductions in the number of cases which end due to complainant issues. These factors combined show improved outcomes for victims and witnesses.

One of the things I am really pleased to see this year is the recognition the CPS has received from external stakeholders. The HMCPSP and HMICFRS joint thematic inspection of the handling of cases involving disability hate crime shows the significant progress we have made in this area following the previous inspections in 2013 and 2015. There is a lot we can be proud of and I am particularly pleased to see the hate crime coordinators praised for their dedication to improving performance in this area through the hate crime assurance checks and feedback to prosecutors.

In March, I was asked to give evidence to the Home Affairs Select Committee (HASC) inquiry into hate crime and its violent consequences. It was a good opportunity to tell the committee about the CPS' work to tackle hate crime but also to have a discussion about some of the challenges we face especially in relation to disability hate crime where the term 'hostility' fails to capture the experiences of many complainants. This echoed the evidence given by others especially academics from Sussex University who covered this area in their recent report into Hate Crime and the Legal Process which also recognised the hard work and dedication of the CPS in prosecuting hate crime.

The Lammy Review into 'The treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System' was also published in 2017 and praised the CPS for its 'openness to external scrutiny'. This is something that we pride ourselves on in relation to hate crime. The work we do is greatly improved by the input and expertise of the community members who sit on our Local Scrutiny and Involvement Panels in each of the CPS Areas and our National Scrutiny Panels. This year our valued stakeholders have supported us in our work on crimes against older people and hate crime affecting Gypsy, Roma and Traveller Communities which continues into 2018-19.

We have continued to work with the police to improve our joint response to hate crime. This includes

working together to understand the reasons for the drop in hate crime flagged cases referred by the police to the CPS for charging. We have also worked with the police this year to develop a hate crime checklist to support police and prosecutors in establishing and presenting evidence of hostility in hate crime cases. We will continue this work in 2018-19.

This Hate Crime Report is my last as Director of Public Prosecutions. I am proud of the work of our dedicated HQ team, Area hate crime coordinators and the CPS staff who deal with these cases. Their commitment to continuously improving the way we work, and ensuring our casework is of the highest quality, is to be commended.

It is clear that 2017-18 saw some significant improvements in our hate crime performance as well as important recognition from valued partners. There is, however, more to be done in the coming year. The refresh of the cross-Government hate crime action plan, published in October 2018, has provided continued focus for our work in this area. The CPS will continue to build on its success, to acknowledge areas for improvement and work with partners to deliver justice for those affected by hate crime.

A handwritten signature in black ink that reads "Alison Saunders". The signature is written in a cursive, flowing style.

Alison Saunders CB
Director of Public Prosecutions
October 2018

Hate Crime Report

This Hate Crime Report is the tenth published by the CPS. It is an analysis of the key prosecutions in each hate crime strand – disability hate crime, homophobic, biphobic and transphobic hate crime and racially and religiously aggravated hate crime – as well as offences of stirring up hatred and crimes against older people.

The report provides an assessment of prosecution performance on crimes which meet the National Police Chiefs' Council (NPCC) and the CPS agreed a definition of hate crime:

“any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person’s race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.”

In March 2018, the CPS published its [Hate Crime Strategy 2017-2020](#) which sets out how the CPS aims to secure justice and support those affected by these crimes. The Strategy should be read in conjunction with the cross-Government hate crime action plan - [Action Against Hate: the UK Government's Plan to Tackle Hate Crime](#) which was published in 2016. The CPS has delivered on a number of its actions within the cross-Government hate crime action plan as well as contributing to the update and refresh of the plan which was published in October 2018. In this recent refresh, the CPS has committed to continuing its work promoting convictions in order to increase reporting, supporting claimants and witnesses and obtaining sentence uplifts for hate crime prosecutions. The CPS will continue to work as part of the joint hate crime strategy board with police and other government partners.

The CPS published its [2020 vision](#) in 2016. As part of this plan, the CPS committed to improving public confidence by increasing performance on sentence uplift for hate crime cases to 55%. In 2017-18 the CPS performance on sentence uplift was 67.1% - more than 10 percentage points higher than our 2020 goal. While the CPS has achieved its 2020 goal, it recognises that there is more to do. Further work is planned for 2018-19 to continue this upward trend.

In March 2018, the [Inclusion and Community Engagement strategy](#) was published, setting out how we engage communities in our work, ensure diverse representation and how we will take forward this work within hate crime. We are committed to engaging communities locally through hate crime Local Scrutiny and Involvement Panels and nationally through the hate crime National Scrutiny Panels and planned External Consultation Group.

This report provides key data, commentary and case studies in separate sections for each of the hate crime strands as well as cases of stirring up hatred and crimes against older people. The CPS collects data for case management purposes in order to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007.¹

Please note that the data details and analysis are provided in the next section of this report, the [hate crime](#) data report. This data report also provides further details on CPS activity and next steps.

¹ The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

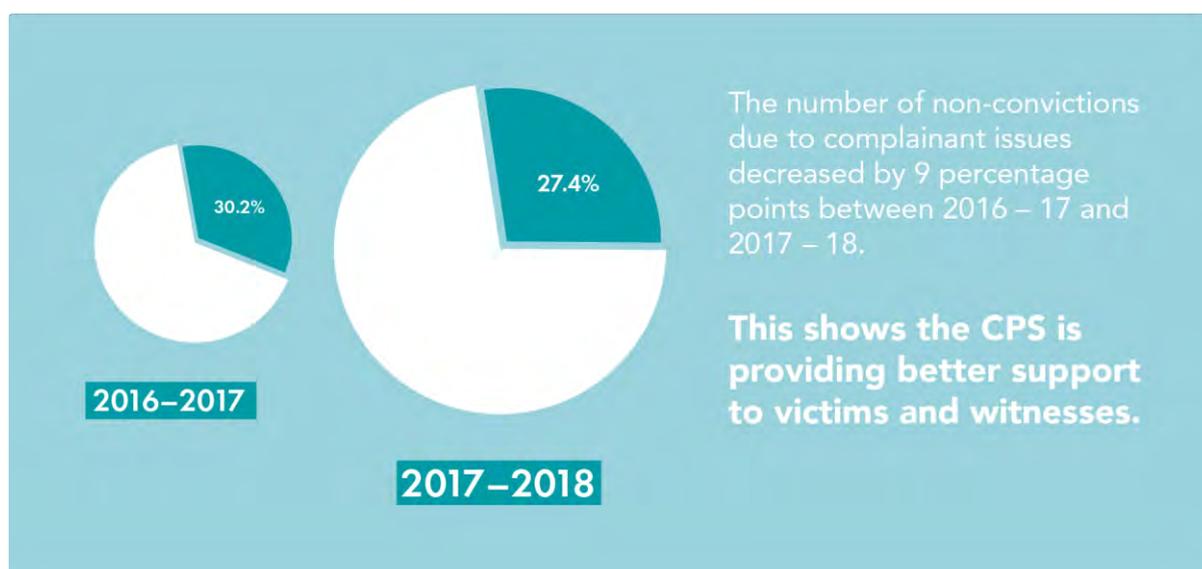
In 2017-18, the CPS obtained sentence uplifts in **two thirds** of hate crime convictions, up from 53.5% the previous year and **exceeding** the 55% level of ambition.



For more information on sentence uplift, including some of the changes in the way this data is calculated, please see the section [‘Reading the Report’](#) in the Data Report.

Race and Religion

In 2017-18, the CPS concluded its action plan for supporting Gypsy, Roma and Traveller (GRT) communities affected by hate crime. Actions taken forward included promoting positive outcomes in relevant cases to improve public confidence and including appropriate references to GRT communities in guidance and policy statements. The CPS will continue to work with partner organisations from the GRT communities to support victims of hate crime.



The internet, and social media in particular, have provided new platforms and opportunities for hate crimes to occur. Being the target of online hate crime can have a devastating impact on complainants, witnesses and wider communities. The CPS takes online hate crime as seriously as offline hate crime as these two convictions show:

Racially aggravated hate crime – The defendant posted a picture on Facebook along with an offensive comment regarding Jewish people. A friend of the defendant challenged the inappropriateness of the post and was then subjected to a tirade of racist and anti-Semitic images and abuse, some of which referenced the holocaust. The complainant said in her statement this had upset her and left her feeling shocked and angry. The defendant was charged with sending a communication / article of an offensive nature, contrary to sections 1 and 4 of the Malicious Communications Act 1988. The defendant pleaded guilty at the first hearing, and was sentenced to a six month youth referral order, increased to nine months due to the racial aggravation. She was also ordered to pay £25 compensation to the complainant.

Religiously aggravated hate crime - CPS Cymru/Wales prosecuted two individuals for posting grossly offensive messages on Facebook. The two posts were made after and related to the Finsbury Park Mosque attack in June 2017. The initial post was made by the son of the owner of Pontyclun van hire – the company from whom the defendant hired the van he was driving during the attack. The second offender posted a comment underneath which was supportive of the original message. The two offenders were arrested and charged with an offence under section 127 of the Communications Act 2003. They both pleaded guilty and were sentenced to 12 weeks' custody suspended for 12 months. This was increased from eight weeks due to the offence being religiously aggravated.

These two cases show that the CPS is tackling hate crime online in accordance with its policy to treat these cases as seriously as offline offending.

Racially and religiously aggravated hate crime data combined:

- The volume of racially and religiously aggravated hate crime referrals from the police increased from 10,706 in 2016–17 to 11,200 in 2017-18.
- The volume of prosecutions completed decreased from 12,004 in 2016–17 to 11,881 – a decrease of 123 (1.0%).
- The conviction rate increased from 83.8% in 2016–17 to 85.4% in 2017-18.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 69.9% in 2017-18, an increase from 57.0% the previous year – an increase of 12.9 percentage points.

Racially aggravated hate crime data:

- The volume of racially aggravated hate crime referrals from police increased slightly from 10,198 in 2016–17 to 10,472 in 2017-18 – an increase of 2.7%.
- The volume of completed prosecutions decreased from 11,411 in 2016–17 to 11,061 in 2017-18 – a decrease of 3.1%
- The conviction rate increased from 84.0% in 2016-17 to 85.4% in 2017-18
- Guilty pleas also increased from 74.2% in 2016-17 to 76.4% in 2017-18

- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 69.9% in 2017-18, an increase from 57.0% the previous year – an increase of 12.9 percentage points.

Religiously aggravated hate crime data:

- The volume of religiously aggravated hate crime referrals from police increased significantly from 508 in 2016–17 to 728 in 2017-18 – an increase of 43.3%.
- The volume of completed prosecutions also increased significantly from 593 in 2016–17 to 820 in 2017-18 – an increase of 38.3%
- The conviction rate increased from 80.6% in 2016-17 to 84.3% in 2017-18
- Guilty pleas also increased slightly from 70.3% in 2016-17 to 72.8% in 2017-18
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 69.2% in 2017-18, an increase from 57.0% the previous year – an increase of over 12 percentage points.

Link to the [racially and religiously aggravated hate crime data section](#) for details of CPS activity, next steps and data.

Homophobic, Biphobic and Transphobic Hate Crime

In 2017-18, the CPS provided prosecutors with mandatory training on hate crimes targeting sexual orientation and gender identity which focussed on case flagging, charging, developing a case strategy and presenting evidence of hostility in order to obtain a recorded sentence uplift. The CPS worked with [Stonewall](#) and [Galop](#) on the content of the training as well as introductory videos for the course. They provided significant insight into the current issues that communities and individuals encounter, and ensured the case studies reflected the realities of current offending patterns and contexts.

“While we have made significant progress towards equality in recent years, we know that LGBT people are continuing to face rising levels of hate crime, abuse and violence. That’s why, alongside Galop, Stonewall was delighted to support the CPS in developing a training package to help improve prosecutors’ confidence to identify and handle cases of homophobic, biphobic and transphobic hate crime. Proactive work like this is crucial to help increase victim confidence and will also send a powerful signal that hostility based on sexual orientation and gender identity is taken very seriously”

Tom Morrison, Policy Officer, Stonewall

“This is a fantastic initiative and we were very pleased to work with the CPS on it. Training to understand the complexity of need surrounding those impacted by homophobia, biphobia and transphobia is a key part of responding appropriately, so the CPS warrants praise for investing in this programme”

In 2017-18, the CPS contributed to the creation of the [LGBT Action Plan](#) which was published by the Government Equalities Office in July. The CPS has a number of actions within the plan which include updating the LGBT hate crime schools packs in partnership with young LGBT people and professionals with experience of combating identity-based bullying in schools.

Homophobic hate crime – An offender threatened to bring a bomb to an LGBT march in Cardiff. The offender told passengers on a train attending Pride Cymru that he had a bomb in his backpack. The offender said to those on the train, ‘it was Adam and Eve, not Adam and Adam’ he also said that LGBT people were ‘disgusting’.

One of the passengers on the train called 999 and the offender was arrested by police. The offender was not carrying a bomb and had a toy gun in his backpack.

He admitted communicating or falsely giving information with intent and was sentenced to nine months’ imprisonment which included a three month sentence uplift to reflect the hate crime element.

Transphobic hate crime - CPS Yorkshire and Humberside prosecuted a case of transphobic hate crime. The defendant sent a series of offensive, transphobic and threatening text messages to the complainant and threatened to put photos of her on the internet. He was charged with using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. The defendant pleaded guilty at the first hearing and was sentenced to a £200 fine uplifted from £100 and a five year Restraining Order was imposed. He was also ordered to pay £85 costs and a £30 victim surcharge.

Homophobic and transphobic hate crime data combined:

The number of transphobic hate crimes remains low so small changes can significantly impact the data.

- The volume of homophobic, biphobic and transphobic hate crime referrals from the police increased from 1,392 in 2016–17 to 1,564 – an increase of 172 referrals (12.4%).
- The volume of prosecutions completed increased from 1,467 in 2016–17 to 1,518 in 2017-18 – an increase of 51 prosecutions (3.5%).
- The conviction rate increased from 82.5% in 2016–17 to 84.5% in 2017-18.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 63.8% in 2017-18, an increase from 48.9% the previous year – an increase of 14.9 percentage points.

Homophobic hate crime data:

- The volume of homophobic hate crime referrals from the police increased from 1,305 in 2016–17 to 1,472 – an increase of 167 referrals (12.8%)
- The volume of prosecutions completed increased from 1,375 in 2016–17 to 1,436 – an increase of 61 prosecutions (4.4%)
- The conviction rate increased slightly from 83.2% in 2016-17 to 84.9% in 2017-18.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 64.1% in 2017-18, an increase from 48.6% the previous year –an increase of 15.5 percentage points.

Transphobic hate crime data:

- The volume of transphobic hate crime referrals increased from 87 in 2016–17 to 92 in 2017-18 – an increase of 5 referrals (5.7%)
- The volume of prosecutions completed decreased from 92 in 2016–17 to 82 to 2017-18– a decrease of 10 prosecutions (10.9%)
- The conviction rate increased from 72.8% in 2016-17 to 76.8% in 2017-18.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 58.1% 2017-18, an increase from 53.8% the previous year – an increase of 4.3 percentage points.

Link to [homophobic, biphobic and transphobic hate crime section](#) for details of CPS activity, next steps and data.

Disability Hate Crime

In 2017-18 the HM Crown Prosecution Service Inspectorate (HMCPSI) conducted a thematic inspection of how the CPS prosecutes cases of disability hate crime. The report, published in September, states there has been ‘substantial progress’ in this area.

The inspectorate noted that there has been a sustained drive by the CPS to raise awareness of disability hate crime and improve the number of cases with recorded and announced sentence uplifts. The report also praises the work of the hate crime coordinators who conduct assurance checks on all hate crime strands including disability hate crime. The inspectorate described CPS decision making as ‘excellent’.

As well as noting the significant improvements in this area, the inspectorate also identified some areas for improvement which are covered in more detail in the [data report](#).

The results of the thematic inspection show that, when disability hate crime cases come to the CPS, they are dealt with properly in accordance with the recently revised legal guidance and public statement. However, the performance data for disability hate crime in 2017-18 shows disappointing decreases in referrals from police, completed prosecutions and the conviction rate.

Evidence given to the Home Affairs Select Committee inquiry into hate crime and its violent consequences by academics shows the difficulties of prosecuting disability hate crime and obtaining sentence uplifts. They stated that the word ‘hostility’ in hate crime legislation does not fit with the reality of a large portion of disability hate crime where individuals are targeted because of a perceived vulnerability. This is supported by research conducted by Sussex University contained in their report

Hate Crime and the Legal Process.

Some offenders are motivated by a perception that disabled people are ‘vulnerable’ or an ‘easy target’, rather than by hostility or hatred. This is an important distinction and the CPS is unable to apply for a statutory sentence uplift under the Criminal Justice Act 2003 in these cases. If an offence does not meet the legal definition of a disability hate crime however, the CPS will put before the court any evidence that a disabled person is targeted for this reason, so that the sentence reflects the gravity of such offending even if a statutory uplift cannot be applied.



CPS North East successfully challenged a sentence handed down in relation to a disability hate crime case. The offender was subject to a non-molestation order preventing him from contacting his mother. On two occasions he breached this order and made contact with her. He shouted abuse at her relating to her disability, threatened her, spat in her face and hit her head against a headboard. The offender was charged with two breaches of a non-molestation order and two counts of battery. The two counts of battery were prosecuted as a disability hate crime. The offender pleaded guilty and he was sentenced to twelve weeks' custody for breach of the non-molestation order, four weeks' custody for each assault - to run concurrently and £200 compensation. The court, however, refused to uplift the sentence as in their view the CPS had not proved the complainant was disabled. The CPS challenged this view and explained why this was not lawful. The sentencing was reopened under s.142 of the Magistrates' Court Act, as the court conceded that it had not properly complied with s.146 and applied a sentence uplift. The offender was resentenced with an announced uplift of an additional week in custody for each count of battery.

Disability hate crime data:

- The volume of disability hate crime referrals from the police decreased significantly from 988 in 2016–17 to 754 – a decrease of 234 referrals (23.7%).
- The volume of prosecutions completed significantly decreased from 1,009 in 2016-17 to 752 in 2017-18 – a decrease of 257 prosecutions (25.5%)

- The conviction rate decreased from 79.3% in 2016–17 to 75.0% - a decrease of 4.3 percentage points.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 24.8% 2017-18, an increase from 15.5% the previous year – an increase of 9.3 percentage points.

Link to [disability hate crime section](#) for details of CPS activity, next steps and data.

Stirring up Hatred

The Public Order Act 1986 covers stirring up hatred on the grounds of race, religion and sexual orientation. There is no offence of stirring up hatred on the grounds of transgender identity or disability.

Hate crime focuses on hostility or prejudice against specific sections of society however, the public order offences of “stirring up hatred” focus on hatred itself and the intention or likely effect of the offence in question.

The number of cases brought is much lower than for other offences covered in this report. This is due to higher evidential thresholds and the need to consider an individual’s right to freedom of expression. Potential cases are referred to the Special Crime and Counter Terrorism Division (SCCTD) by CPS Areas and prosecution of these offences requires the consent of the Attorney General.

The CPS Special Crime and Counter Terrorism Division prosecuted a man for stirring up racial hatred. The offender made a speech on Blackpool promenade in March 2016 at a far right demonstration, during which he stated that Adolf Hitler got it wrong by showing mercy to Jewish people. In another speech at a gathering of far right groups in North Yorkshire, he said that Jewish people did not deserve to be shown any mercy and needed to be eradicated. He went on to explain his support for the neo-Nazi group National Action and was in effect recruiting new members for them. The group was later banned in the UK and is now classified as a terrorist organisation. After the speech, he answered questions from the audience and repeated his inflammatory statements.

The CPS argued that it was clear the purpose of the speech was to get the audience to agree with his point of view and therefore he was stirring up racial hatred. He accepted making both speeches and acknowledged that he was a Nazi who hated Jewish people but denied inciting hatred at Preston Crown Court.

The offender was found guilty and, in total, was sentenced to three years’ imprisonment.

Sue Hemming from the CPS said: “When making those speeches this man intended to stir up hatred and he wanted others to hate Jewish people like he does. The CPS explained in court that his remarks went beyond protected free speech and crossed the line into vilifying a group using threatening and abusive language at public meetings. Clearly the jury agreed”.

Stirring up hatred offences data:

- There were nine prosecutions in 2017-18, eight of which were convictions. This is the highest number prosecuted since we started reporting on stirring up hatred cases.

Link to [stirring up hatred section](#) for details of CPS activity, next steps and data.

Crimes against Older People

There is no statutory definition of a crime against an older person. For the purposes of the CPS Policy and legal guidance, an older person is someone aged 60 or older.

Sentencing guidelines invite courts to increase the sentence for offences against older people on the basis that their perceived vulnerability is an aggravating factor in increasing the seriousness of the crime.

In 2017-18, the CPS held two National Scrutiny Panels (NSPs) to support the refresh of the policy guidance and legal guidance on crimes against older people (CAOP). Each panel consisted of academics and community partners with expertise in the field of crimes against older people and/or experience in supporting older people as complainants. The policy guidance was refreshed following the input from these panels and the revised version was published for public consultation on 10 September. The consultation responses will be analysed and a final version published in 2018-19.

The CPS takes prosecuting crimes against older people seriously as this CPS South East case shows. The offender contacted older people on their landlines pretending to be from their bank. He convinced them there were security issues on their accounts and asked for their bank details including PINs. He told them to give their bank cards to a courier who would attend their home. The offender then used the cards and PIN to access the complainant's accounts withdrawing significant amounts of cash and purchasing items such as a Rolex Watch. The offender was arrested and charged with multiple counts of fraud. He pleaded guilty and was sentenced to two years' imprisonment. He was also ordered to pay compensation to those he targeted.

Crimes against older people data:

- The number of cases referred by the police as a CAOP decreased from 3,467 in 2016-17 to 3,389 in 2017-18, a decrease of 78 (2.2%).
- The volume of completed prosecutions fell from 3,554 in 2016-17 to 3,295 in 2017-18 – a decrease of 259 7.3%.
- The conviction rate increased from 80.4% in 2016-17 to 83.6% in 2017-18.

Link to the [crimes against older people section](#) for details of CPS activity, next steps and data.

Hate Crime data report

The hate crime data report provides detailed data analysis on each of the hate crime strands as well as stirring up hatred cases and crimes against older people.

Hate Crime Data Report

Introduction

This is the tenth CPS Hate Crime Report and provides information on CPS performance in prosecuting the following crimes between April 2017 and March 2018:

- Racist and religious hate crime;
- Homophobic, biphobic and transphobic hate crime;
- Disability hate crime;
- Stirring up hatred; and
- Crimes against older people².

The National Police Chiefs' Council (NPCC) and the CPS have agreed a common definition of hate crime which is:

“any criminal offence which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender.”

The legal framework for hate crime is for the most part provided by the Crime and Disorder Act 1998 and the Criminal Justice Act 2003. The key word in the joint definition and the legal framework is “hostility”, a word used in its ordinary, everyday sense. The prosecution does not therefore need to prove *hatred* as the motivating factor behind an offence. (This will apply only under the stirring up hatred offences). Nor does the whole offence need to be motivated by hostility. It can provide the sole reason for the offending but, equally, such motivation can play a part or provide just one element of the offending behaviour.

The CPS seeks to build and maintain the confidence of communities affected by hate crime. The aim of this report is to give the public clear information about the work the CPS is doing to tackle hate crime and to provide details of its performance. It also sets out the steps the CPS will take to support and sustain improved performance.

In addition to the analysis provided in this report, the underlying data on which CPS conclusions are based have been published. These data can be found [on the CPS website](#).

Reading the report

The CPS collects data for case management purposes in order to assist in the effective management of its prosecution functions. The CPS continues to review its recording processes and practices to further improve the collection and use of data held. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007,³ however there continues to be

² Information about crimes against older people is included in this report. Such crimes may or may not be a hate crime depending on the facts of each particular case and references to hate crime data in this report do not include crimes against older people unless specifically stated.

³ The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

a high level of public interest in accessing this information.

The purpose of this report is for the CPS to be transparent about the data that it holds and to ensure that steps are taken to improve the accessibility and understanding of the data held. The data in this report provides an assessment of performance based on the best available data from the CPS Management Information System. Efforts are made throughout the report to provide explanatory notes to assist with the interpretation of the data provided.

The report does not provide data on the prevalence of hate crime and the overall CJS response to it. Further information and deeper analysis of the prevalence of hate crime is available in the [Crime Survey of England and Wales \(CSEW\)](#) and from the Home Office and Ministry of Justice (MoJ) where available.

This hate crime data report is therefore an analysis of the key prosecution issues in each hate crime strand – detailed above. The data that forms the basis of the report is derived from the CPS' Case Management System (CMS), CPS' Witness Management System (WMS) and its associated Management Information System (MIS). The data are held within three separate databases within the MIS⁴, based on defendants, offences and victims or witnesses. Data cannot be correlated between the separate databases⁵.

Hate crime cases are identified by flags manually applied to defendants in the CMS and reported through the MIS. This data is recorded on a suspect (pre-charge) or defendant (post-charge) basis and therefore provides data on police referrals and charged suspects as well as defendant outcomes. In addition, it provides the facility to record equality profiles of defendants.⁶ We analyse the outcomes of prosecutions using the defendant database and therefore this report reflects that throughout. Equality profiles of defendants, by gender, ethnicity and age are assessed and reported on in this annex. Data on the equality profiles of victims are reported where available and we continue to look for ways in which to improve the victim related data held in the Criminal Justice System. In line with government policy, we publish the underlying data used in our reports.

The CPS works in a number of ways to improve performance on cases flagged as hate crime. This involves supporting our prosecutors; engaging proactively with community stakeholders, the police and other partners in the CJS and Government departments and maintaining a range of checks on performance itself.

The counting rules for the presentation of hate crime sentence uplift volumes and proportions were amended with effect from April 2018. Cases where defendants have been committed for sentence to the Crown Court following conviction in magistrates' courts are now excluded from the dataset. The convictions data collated by the CPS does not capture sentence uplifts recorded on cases where the sentence has been deferred by committing for sentence at the Crown Court.

A committal for sentence is a procedure by which a convicted defendant is sent from a magistrates' court to the Crown Court for sentencing, where magistrates consider that the penalties available to them are inadequate having regard to the seriousness of the offence or combination of offences, they may commit the offender to the Crown Court for sentencing.

⁴ As with any large scale recording system, data is subject to possible errors in data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

⁵ This report provides outcomes by defendant and cannot provide separate information on outcomes based on victims or offences. To that end, data cannot be provided separately for the outcome of cases faced by female and male victims; nor is it possible to correlate the gender of the defendant with the gender of the victim.

⁶ Equality profiles of defendants include data on their gender, age and ethnicity.

Figures in the present report have been produced in accordance with the revised rules. To ensure consistency, data for previous years have been recalculated using the new approach.

Going forward, the CPS will continue to evolve its response to hate crime and its prosecution. Ultimately, the central challenge remains the better identification and effective prosecution of all offences with the engaged and focused support of all relevant partners.

Hate Crime governance

In 2017-18, a new Chief Crown Prosecutor was appointed as the national CPS hate crime champion, linking across Headquarters and all CPS Areas. National CPS hate crime Senior Policy Advisors, in the Operations Directorate of CPS Headquarters, oversee the hate crime work across CPS Areas. They oversee the delivery of the hate crime strategy, especially through the hate crime assurance scheme outlined below. The national hate crime leads publish regular CPS hate crime newsletters, outlining updates of work across all hate crime strands.

During the year, plans to establish an External Consultation Group (ECG) for hate crime were approved. The ECG will involve key hate crime expert groups to advise the hate crime policy team.

In 2017–18, CPS Area Hate Crime Coordinators (HCCs) continued to lead hate crime prosecutions locally and worked with Area Inclusion and Community Engagement Managers (ICEMs) in the running of Local Scrutiny and Involvement Panels (LSIPs). All Areas have panels covering hate crime issues. HCCs are experienced specialists who have been appointed in each CPS Area and CPS Direct⁷.

HCCs met twice over the year to engage in discussion of current and emerging issues, operational matters and to share good working practice. These meetings were supplemented by monthly telephone conferences led by experienced HCCs to facilitate a regular dialogue on the prosecution of hate crime across the CPS.

In the reporting year, HCCs contributed to a number of file sampling exercises; the assessment of the Hate Crime Assurance Scheme's impact; and proposals for the streamlining scheme.

Hate crime sections have been set up within the CPS casework and knowledge hubs of the internal website to ensure that prosecutors have practical assistance related to casework preparation as well as good practice examples, links to local leads, legal guidance, toolkits and hate crime newsletters.

Hate Crime Assurance Scheme

In 2017-18, CPS Areas continued to monitor their performance using the Hate Crime Assurance Scheme which was originally introduced on 1 January 2015. This involved agreed checks which are conducted by hate crime specialists on a monthly basis which support file quality and data accuracy. Central to the scheme is feedback to individual lawyers and managers, where appropriate, in order to improve practice individually and performance more generally.

In 2017–18, the CPS reviewed the assurance process and, as a result, refreshed the spread sheet used to ensure continuing relevance and accuracy. In addition, an assessment of the scheme's impact was undertaken and the following comments illustrate the broadly held views of HCCs:

⁷ CPS Direct is responsible for providing charging advice to the police around the country, 24 hours a day, 365 days a year.

“There has also been a significant increase in the quality of review work.”

“We have been able to pick upon issues for the court and for the police which, strictly speaking, are outside the scope of the scheme but we are doubtful that we would have been alerted to these problems if we had not undertaken the HCA.”

The HMCPSI’s Joint Inspection of Cases Involving Disability Hate Crime identified the current quality assurance work carried out by Area HCCs as a strength:

“We were impressed with the level of quality assurance carried out by the coordinators and the level of feedback they gave to prosecutors on how they handled their DHC cases.”

As part of a stocktake on the department’s overall approach to inclusion, a broad range of views across the CPS were sought on the effectiveness of the Hate Crime Assurance Scheme. Overall, there was positive feedback and support for the Scheme. There was also a clear appetite to review the Scheme to further improve the process and ensure greater parity with the Violence Against Women and Girls (VAWG) Assurance Scheme. To this end, in 2017–18, a review of the VAWG and Hate Crime Assurance Schemes was undertaken to implement an even more robust Scheme for 2018–19.

Inclusion and Community Engagement strategy

In March 2018, the [Inclusion and Community Engagement Strategy](#) was published, setting out how we engage communities in our work, ensure diverse representation and how we will take forward this work within hate crime. The strategy was developed following an Independent Review in 2017 of CPS Inclusion activities. The Review included assessment of the views of hate crime stakeholders, highlighting the value of stakeholder engagement in developing our hate crime approach and the need for ongoing engagement with communities. We are committed to engaging communities locally through Local Scrutiny and Involvement Panels and nationally through the National Scrutiny Panels.

National Scrutiny Panels (NSPs) were established on an ad hoc basis in 2013. Membership is drawn from community stakeholders with the experience and expertise in supporting victims of hate crime, and those researching the experience and impact of hate crime. The Independent review interviewed members of the NSPs and concluded:

“There was praise for the work the CPS had undertaken to refresh the race and religious and homophobic, biphobic and transphobic hate crimes and disability hate crime statements which ‘now reflect the lives of people today’. This work was described as having extended the value of the panels so that the CPS is now ‘in the vanguard of effective, community-facing policy-making’.”

As part of its response to the Independent Review, the CPS committed to establishing a Hate Crime External Consultation Group which is planned to be operational from the autumn 2018.

Social Media

The CPS has continued to address prosecution of hate crime offences involving the use of the internet, social media platforms, emails, text messages and smart-phone apps. In 2017-18, the CPS prosecuted 6,029 cases under s127 Communications Act 2003 and s1 Malicious Communications Act 1988. 435 (7.2%) of these were flagged as hate crimes. This represents a 12.7% increase on the previous year

when the number of offences was 386.

The revised CPS public statements on all strands of hate crime were published in August 2017. The statements contain a section on social media for the first time and commit to treating online hate crime as seriously as offline hate crime.

Feedback from prosecutors in 2017-18 has led to the refresh of the [guidelines on prosecuting cases involving communications sent via social media](#). The final version was published in August 2018 and provides greater assistance to prosecutors on hate crime offending committed online.

In November 2017, the CPS responded to a consultation launched by the Department of Culture Media and Sport (DCMS) on their Internet Safety Strategy Green Paper. The Paper included reference to the CPS hate crime public statements as well as the legal guidance on prosecuting offences involving communications sent via social media recognising the importance of the CPS commitment to tackling online offending. The CPS has continued to engage across government on this work.

In 2017, the CPS was pleased to have been a part of the Mayor's Office for Policing and Crime (MOPAC) Online Hate Crime Hub Steering Group. MOPAC set up a dedicated police team that built technological and community capacity to address hate crime perpetrated via social media as well as working with social media companies themselves. The CPS looks forward to continuing to support the National online hate crime hub which has been launched by the Home Office as a result of the success of the MOPAC project.

In December 2017, the Committee on Standards in Public Life published its report on Intimidation in Public Life. The Committee found that the widespread use of social media has been the most significant factor accelerating and enabling intimidatory behaviour in recent years. The report acknowledges that such behaviour has a disproportionately negative impact on women; Black and Minority Ethnic; Lesbian, Gay, Bi-sexual and Transgender and other Parliamentary candidates from minority groups. The CPS has committed to supporting the National Police Chief's Council in their work to produce accessible guidance for Parliamentary candidates giving clear advice on behaviour they may expect during a campaign which is likely to constitute a criminal offence and what they should do in the face of such intimidation. Work on this will continue in 2018-19.

Misogyny and Hate Crime

The Home Affairs Select Committee (HASC) inquiry into Hate Crime and its Violent Consequences has taken evidence on misogyny and is likely to make recommendations for consideration, to which Government will provide a response. The NPCC have supported a government-wide decision.

The CPS has considered addressing misogyny within a hate crime framework and discussed the issue with Violence Against Women and Girls (VAWG) stakeholders. The CPS currently addresses misogyny within the CPS VAWG framework and considers this the most effective approach. The existing structures, mechanisms and expertise are a basis for addressing any criminal misogynistic behaviour.

For more information on the CPS performance on VAWG offending, please see the VAWG report.

Summary of CPS Activity

- The Director of Public Prosecutions gave evidence to the Home Affairs Select Committee (HASC) inquiry into [hate crime and its violent consequences](#). Over the course of an almost two-hour session, the Director covered a wide range of issues relating to the prosecution of

hate crime. She also spoke about the importance of community engagement and the fact that the CPS is working hard to engage with communities both nationally and locally. The Lammy Review found that ‘the CPS demonstrates good practice in areas such as openness to external scrutiny, systems of internal oversight, and diversity of the wider workforce, which other CJS institutions should learn from’.

- An Evidence Checklist for submission by the police alongside each file flagged as a hate crime submitted for charging was developed as a result of the hate crime action plan 2016-17. The checklist will support better file quality and ultimately better outcomes for victims, by assisting both reporting officers and receiving lawyers to build consistent files in a timely manner, covering appropriate evidence and information regarding support needs. The checklist was approved by the Director of Public Prosecutions and discussions with police leads are ongoing regarding operational roll-out across all 42 police forces.
- [The Hate Crime Strategy 2017/20](#) was published on the CPS website in March 2018. The strategy is an overarching framework to address crimes that meet the National Police Chiefs’ Council (NPCC) and the CPS agreed definition of hate crime. It is structured around the four pillars of the CPS 2020 Vision and covers: Public Confidence; High Quality Casework; Continuously Improving; and Success of our People and sets out the means by which we will measure our achievements.
- During 2017-18 the CPS worked on guidance for prosecutors on the use of Community Impact Statements (CIS) in hate crime cases. The fear and lack of safety felt by the victims of hate crime can have a ripple effect on the wider community, undermining peoples’ confidence and security. The use of a CIS allows for both the prevalence and the impact of these crimes to be fully understood and gives communities a voice in the criminal justice process. [The Guidelines](#) were published in August 2018.

CPS engagement with partners

- The #No2H8 Crime Awards 2017 were held in October 2017 to honour those who seek to address intolerance and prejudice, who support victims and witnesses and who promote cohesion. The CPS sponsored the special award for ‘Supporting Victims, Reporting Hate Crime’ which was awarded to Emma Roebuck who has worked for many years supporting members of the LGBTQI communities in County Durham and Darlington as well as working with criminal justice agencies locally and nationally to raise awareness of homophobia and transphobia and the impact of hate crime on LGBTQI individuals.
- In August 2017 a guide for victims of hate crime was published by the Community Security Trust and Tell MAMA; two third party reporting organisations who have provided great support to the victims of hate crime over many years. The guide is aimed at any community experiencing hate crime and can be accessed [here](#). The CPS supported the development of the guide with legal input and an opening statement from the Director of Public Prosecutions.
- [The Cross-Government Hate Crime Action Plan 2016-2020](#) (Action Against Hate) was launched in July 2016. The Government announced a half-way point refresh for 2018 to which CPS has contributed progress to date, including finalised action, and new commitments reflecting emerging issues and priorities.

Next Steps

- Keep policies, guidance, training and best practice across monitored strands of Hate crime under review, emphasising the need to ensure an offender-centric approach and to demonstrate an appropriate understanding of the needs of victims.
- Provide regular oversight of hate crime prosecutions, including bi-annually for the Director of Public Prosecutions, through regular performance reviews of CPS casework.
- Ensure transparency and accountability of hate crime prosecutions through the publication of the CPS Hate Crime Annual Report.
- Address ways with others in the Criminal Justice System to improve the level of support provided to victims of Hate Crime throughout the criminal justice process.
- Engage with stakeholders to inform the work of the CPS on hate crime including quarterly meetings of a newly established External Consultation Group; and through existing Local Scrutiny and Involvement Panels; National Scrutiny Panels; the Community Accountability Forum and through the Inclusion and Community Engagement Manager Area Network.
- Work with others in the Criminal Justice System to ensure consistent, accurate and timely data collection relating to victims and witnesses, defendants and outcomes in hate crime prosecutions.
- Work with police to enhance the investigation and reporting of hate crime.

Hate Crime Data

Despite increases in hate crime reporting as shown by [Home Office figures](#), the CPS has noted a continuing fall in police receipts. The CPS can only prosecute cases referred to it by the police.

Police receipts are defined by CPS as those cases submitted to the CPS for a charging decision by the police, flagged as a hate crime. Police referrals have been finalised and include cases flagged by CPS lawyers as hate crimes.

Following discussion with the NPCC, a police-led assessment exercise was undertaken in Q3 2017/18 across a sample of affected forces. The aim was to identify and explore disposals in cases recorded as hate crimes but not referred to the CPS for charging. Once the results of the assessment exercise are known, joint action will be taken to address findings.

The most recent data (2017/18) indicates a continued fall in receipts of 4.4%. The most significant falls over 2017/18 were: Staffordshire 39.0%; North Yorkshire 34.6%; South Wales 25.8%; Derbyshire 22.5%; and West Mercia 22.5%.

The most significant falls over the last three years were: Lancashire 51.3%; Greater Manchester Police 45.6%; South Wales 39.0%; Sussex 35.5% and Merseyside 35.2%.

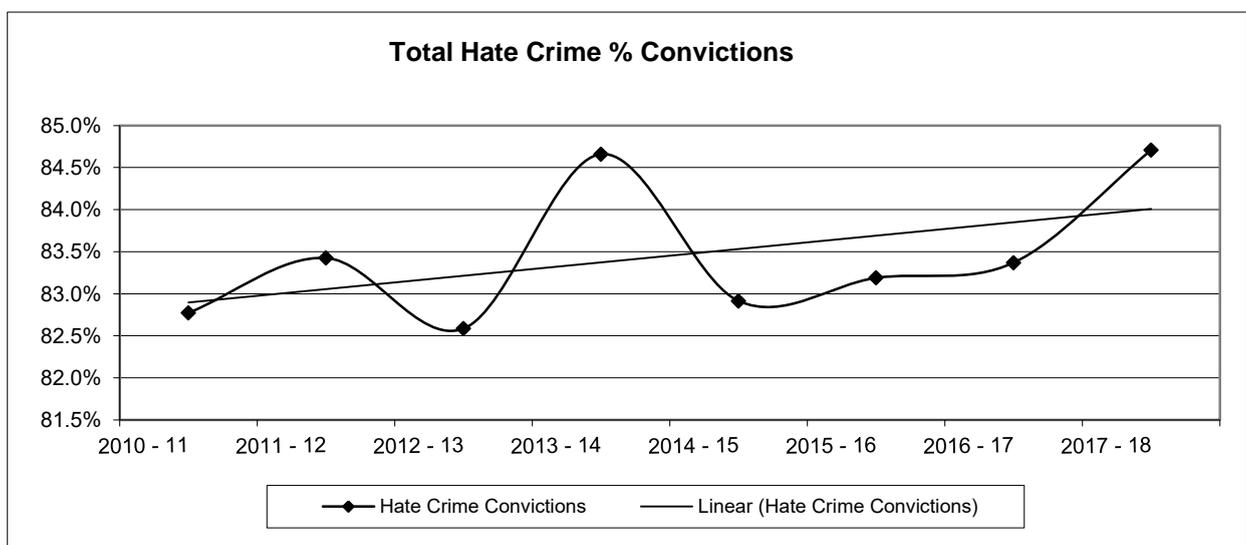
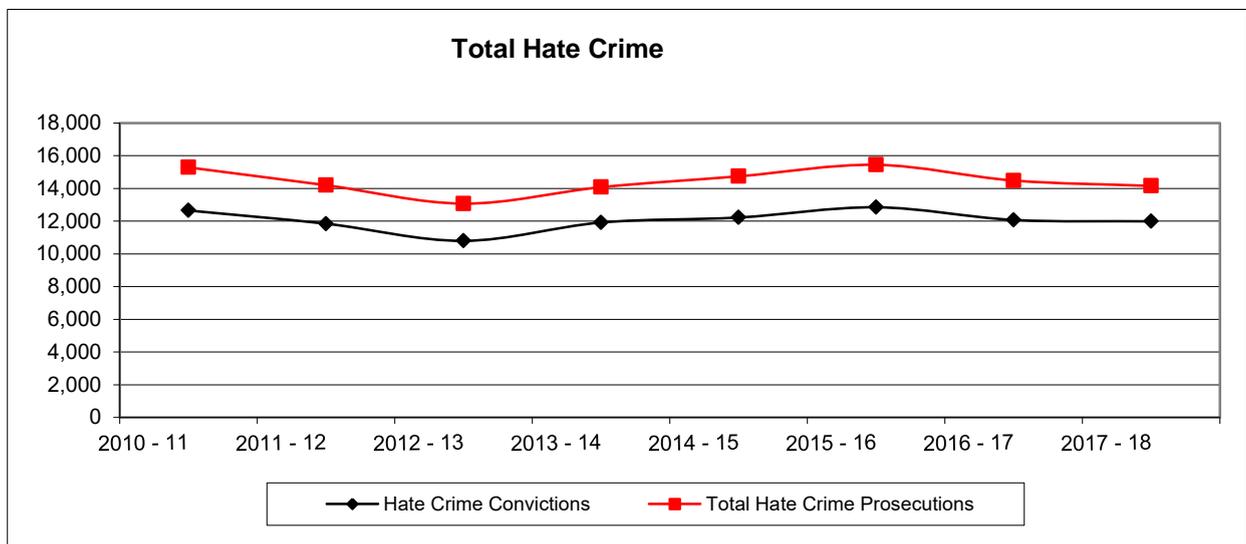
The majority of cases flagged as hate crime are racially and religiously aggravated (84.0%), followed by homophobic/biphobic/transphobic crimes (10.7%) and those involving hostility on the grounds of disability (5.3%). The proportion of racial and religious crimes and homophobic, biphobic and transphobic crimes prosecuted have risen over the last two years and the proportion of disability hate crimes has fallen.

In 2017-18, there was a small increase of 3.3 % in finalised police referrals compared to the previous year, from 13,086 to 13,518. There was a fall in the proportion of cases charged from 82.2% the previous year to 78.9%, resulting in 10,663 suspects being charged.

The volume of cases flagged as hate crime which were completed in 2017-18 fell from 14,480 in 2016–17 to 14,151. This represents a fall of 329 or 2.3%.

Table 2: Completed hate crime prosecutions by outcome

	2012-13		2013-14		2014-15		2015-16		2016-17		2017-18	
	Vol	%										
Convictions	10,794	82.6%	11,915	84.7%	12,220	82.9%	12,846	83.2%	12,072	83.4%	11,987	84.7%
Non-convictions	2,276	17.4%	2,159	15.3%	2,518	17.1%	2,596	16.8%	2,408	16.6%	2,164	15.3%
Total	13,070		14,074		14,738		15,442		14,480		14,151	



- The volume of convictions fell by 0.7% from 12,072 in 2016–17 to 11,987 in 2017-18, with a slight increase in conviction rate to 84.7%. This compares with the average CPS conviction rate of 84.1% in 2017-18.
- The conviction rate has risen from 82.0% 2008–09 to 84.7% in 2017–18.
- 75.4% of convictions were due to guilty pleas which indicates the quality of our casework and the strength of evidence remains high. This compares with the rate of guilty pleas across all offences of 77.5%.
- Out of all prosecutions flagged as hate crime which were contested at trial (excluding mixed pleas⁸), 66.5% were convicted, this compares with a rate of 62.5% in 2016-17 and with the national rate for all offences of 60.1%.
- 2,164 prosecutions did not result in a conviction – 8.0% due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence), a fall from 8.7% in 2016–17.
- Out of all non-convictions, 27.9% were due to complainant issues⁹, a fall from 29.6% in 2016–17. This reflects the actions taken locally to put in place requisite support measures for victims.
- In 2017–18, the proportion of non-convictions due to acquittal after trial represented 26.7% (578) of all non-convictions, a fall from 31.4% (756) in 2016–17.
- An announced and recorded sentence uplift in a hate crime case resulting in a conviction is a clear indicator of the law being applied to best effect. In 2017–18, there were 7,784 announced and recorded sentence uplifts (67.1%), a rise from 6,292 or 53.5% in 2016–17.
- At the end of a prosecution, cases are allocated a principal offence category to indicate the type and seriousness of the charges brought. Table 3 below indicates that in 2017-18, offences against the person and public order offences were the most common, across all hate crime prosecutions over the reporting period, with the highest proportion in racially and religiously aggravated crimes. In the context of disability hate crime however, it is of interest that what might be termed more acquisitive offending is more common than public order offending and this is detailed in the disability section of the report.

Table 3: Principal offence category for each hate crime strand

Principal Offence Category	Disability		Homophobic and Transphobic		Racially and Religiously Aggravated	
	2016–17	2017-18	2016–17	2017-18	2016–17	2017-18
Homicide	0.7%	0.6%	0.1%	0.3%	0.0%	0.1%
Offences against person	46.4%	48.1%	59.5%	56.2%	87.7%	86.8%
Sexual offences	5.1%	3.2%	1.3%	0.6%	0.1%	0.1%
Burglary	7.3%	7.2%	0.1%	0.3%	0.3%	0.3%
Robbery	7.5%	9.7%	1.4%	1.2%	0.3%	0.5%
Theft and handling	11.4%	8.0%	1.1%	1.7%	1.0%	1.1%

⁸ Exclusive of mixed pleas are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

⁹ Non-convictions where a victim retracts, unexpectedly fails to attend court or their evidence does not support the case

Fraud and forgery	8.4%	9.3%	0.2%	0.2%	0.0%	0.1%
Criminal damage	2.1%	1.4%	3.3%	4.6%	2.5%	2.2%
Drugs offences	0.3%	0.7%	1.4%	1.5%	0.5%	0.4%
Public order offences	9.1%	11.1%	30.6%	32.8%	7.1%	7.9%

Equalities Issues

The gender and ethnicity of victims is recorded by the Witness Care Units on the Witness Management System (WMS) utilising the data that the police are expected to supply in accordance with the joint interface agreements. CPS reports on victim gender and ethnicity, using the data from the WMS.

The CPS Hate Crime report provides details of the volume of victims by gender and ethnicity and their proportions, where more than 80% of the information is recorded. If more than 20% of the data is not recorded the data is considered not robust enough to report on the proportions.

In 2016-17 the Hate Crime report indicated a decline in the recording, or continued poor recording of, both the gender and the ethnicity of victims, across many strands. It was therefore not possible for the CPS to report on the proportion of hate crime victims by either gender or ethnicity.

Discussions have taken place with the NPCC lead on hate crime to identify explanations for this fall. The data from 2017-18 suggests that further work will be required to ensure accurate data capture and sharing. Without accurate data relating to both defendants and victims, it makes the job of understanding hate crime more difficult. Understanding hate crime, its perpetrators and its victims is central to our ability to provide effective strategies in response to the needs of both.

Gender

- In 2017-18, of the 14,151 defendants prosecuted, 11,632 defendants were male, 2,501 were female and in 18 cases the gender was not recorded. Where the gender of the defendant was recorded, 82.2% were male and 17.7% female, a slight fall in female defendants from 18.8% in the previous year.
- For victim data, the Witness Management System recorded 13,322 victims. Of all victims, 6,003 were male, 3,566 were female and in 3,753 cases the gender was not recorded. The recording of victim gender increased slightly from 70.7% in 2016-17 to 71.9% but remains therefore not robust enough to calculate proportions by gender accurately. As the CPS is reliant on victim information collected and passed on by the police, further joint action will be sought to ensure more robust recording of gender.

Ethnicity

- In 2017-18, 64.5% of defendants in hate crime flagged cases were categorised as White (a fall from 68.4% in 2016-17), with 58.4% being identified as belonging to the White British category. 7.1% of defendants were identified as Black, the same as the previous year and 4.9% were identified as Asian, a slight fall from 5.3% the previous year¹⁰.

¹⁰ 11.4% of defendants did not state an ethnicity on arrest (a rise since 2016-17 of 2.2ppt) and 8.9% of defendants' ethnicity was not provided to the CPS by the police (a rise since 2016-17 of 2.1ppt).

- Just under half of victim ethnicity is still not recorded and therefore the data is not included in this report. As the CPS is reliant on victim information collected and passed on by the police, further joint action will be sought to ensure more robust recording of gender.

Age

- From those defendants where age was recorded, the majority of defendants were aged 25–59 (70.7%) and 18–24 (18.1%). 25.1% of defendants (3,548) were aged 24 and under, with 841 (5.9%) of defendants being 14–17 years old and 152 (1.1%) aged 10–13.
- From those victims where age was recorded¹¹, the majority were aged 25–59 (76.6%) and 18–24 (14.0%). 17.6% of victims (2,184) were 24 years old and under, with 332 (2.7%) of victims being 14–17 years old, 114 (0.9%) aged 10–13 and 7 under 10 (0.1%).

¹¹ 92.9% of victim ages were recorded in 2017-18 – a rise from 90.6% in 2016-17.

Race and Religion

Introduction

The separate reporting of racially and religiously aggravated hate crime began in 2010–11. Previously, the data had been combined. Cases can now be flagged on the CPS digital case management system as racially aggravated, religiously aggravated or, where appropriate evidence is available, both. Accurately identifying and assessing the available evidence of hostility in support of one facet of hostility or another remains a challenge. For example, perpetrators may be unaware of the actual identity of the individual victim(s) and use language which can be unclear. Prosecutors are focused on being as accurate as possible in all prosecutions and in the arguments put to the court in support.

Legislation and case law assist in better understanding racial and religious hostility. Sikhs and Jews for example, can fall within both race and religion depending on the circumstances of the offence. Religious hostility can also include different sects within a religion, people who do not hold any religious beliefs, sectarian hostility and hostility towards converts and apostates. Hostility on the grounds of race can also include Gypsies and some Travellers, refugees or asylum seekers or others from less visible minorities.

Summary of CPS activity

The action plan to address hate crime impacting Gypsy, Roma and Traveller (GRT) communities was concluded over the reporting year. The plan was developed with the support of a National Scrutiny Panel and concluded with the production of operational guidance for prosecutors on how to recognise and deal with such cases. Work was also carried out to link community members to local CPS Areas to enhance working relations and to improve awareness of how the law on hate crime works. Continuing commitment to support these communities will involve on-going discussion with the NPCC lead on GRT and a workshop on the hate crime legal framework will be provided in late 2018 for Panel members providing support to the victims of hate crime.

The CPS published internal advice for prosecutors on practice lessons and current experience of handling hate crime directed towards Gypsy, Roma and Traveller communities. The advice contains information on the changing nature of hate crime affecting these communities and was developed with stakeholder input. During the year the CPS started the refresh of two additional advice notes covering anti-Semitism and Anti-Muslim hostility with support from the Community Security Trust and Tell MAMA.

Data

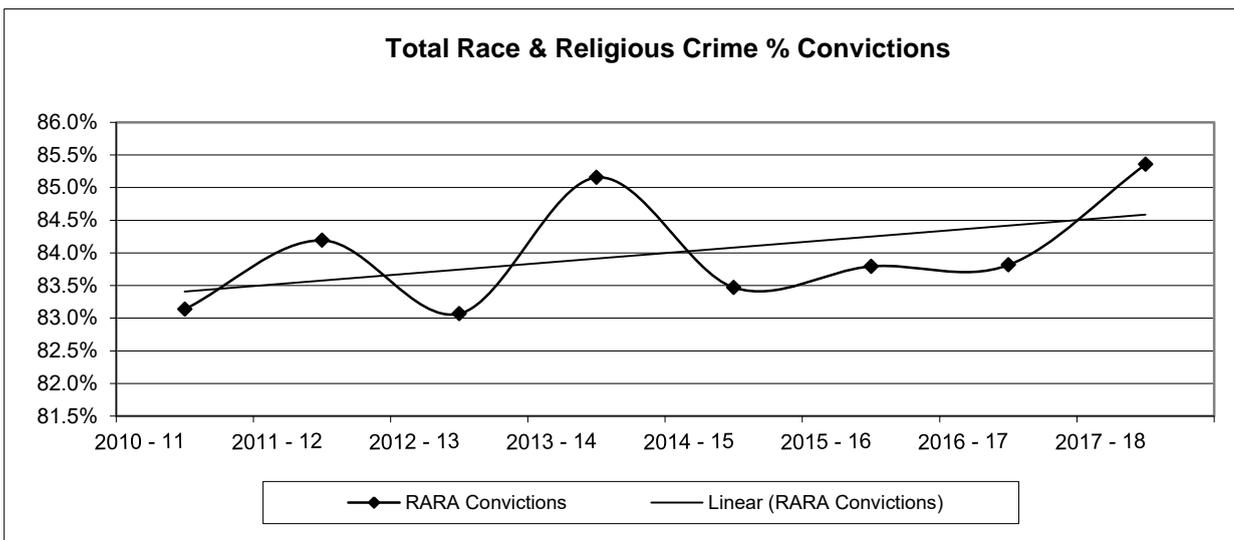
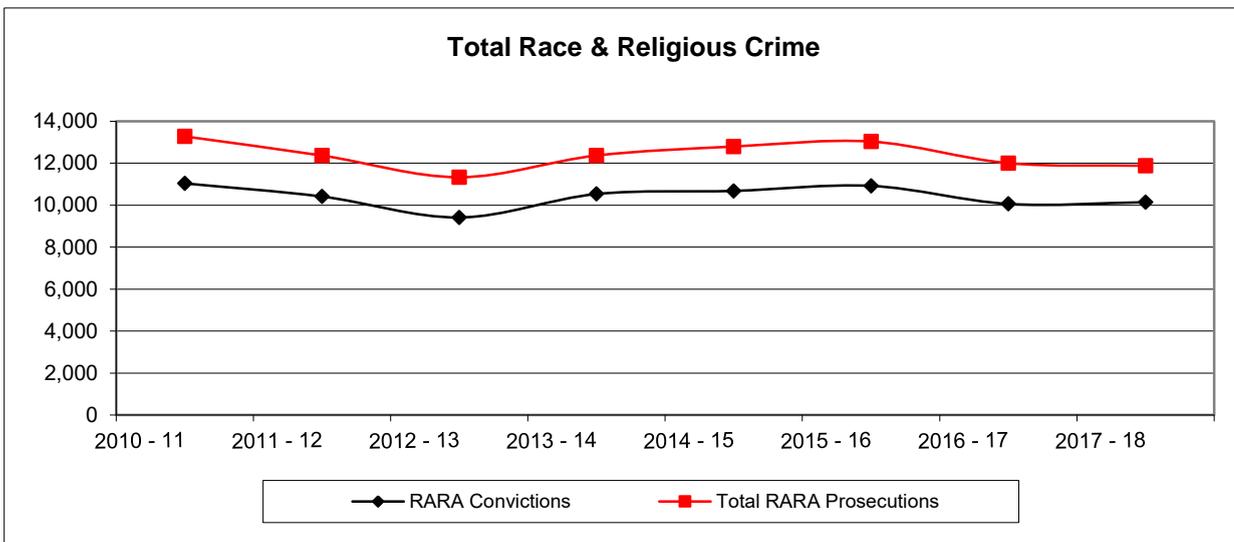
- The volume of racially and religiously aggravated hate crime finalised case referrals from the police increased slightly from 10,706 in 2016–17 to 11,200 2017–18 – an increase of 494 referrals (4.6%). Of these, 79.6% were charged (down from 83.0% in the previous year) resulting in 8,913 suspects charged (a rise of 0.2% from 2016–17).
- The volume of prosecutions¹² completed fell from 12,004 in 2016–17 to 11,881 in 2017-18, a fall of 123 defendants (1.0%).

¹² Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2016–17 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2016–17.

- There are variations between racially aggravated and religiously aggravated crimes which are outlined in the sections below.

Table 5: Completed prosecutions by outcome for racially and religiously aggravated offences

	2012-13		2013-14		2014-15		2015-16		2016-17		2017-18	
	Vol	%	Vol	%								
Convictions	9,415	83.1%	10,532	85.2%	10,680	83.5%	10,920	83.8%	10,061	83.8%	10,141	85.4%
Non-convictions	1,919	16.9%	1,836	14.8%	2,115	16.5%	2,112	16.2%	1,943	16.2%	1,740	14.6%
Total	11,334		12,368		12,795		13,032		12,004		11881	



- The volume of convictions increased from 10,061 in 2016-17 to 10,141 in 2017-18, an increase of 80 convictions (0.8%). The conviction rate improved to 85.4% in 2017-18, from 83.8% in

2016–17. This compares with the combined average for all CPS convictions which stood at 84.1% in 2017–18.

- In 2017–18, guilty pleas improved to 76.1% from 74.0% in 2015-16. There were also 68.3% convictions out of all prosecutions flagged as racially and religiously aggravated contested at trial (excluding mixed pleas), compared to 62.5% in the previous year¹³.
- In 2017–18, the proportion of non-convictions due to complainant issues was 27.4% (477), an improvement on 30.2% (586) in 2016-17.
- In 2017–18, the proportion of non-convictions due to acquittal after trial was 25.7% (447), an improvement on 32.0% (621) in 2016-17.
- In 2017–18, there were 6,864 announced and recorded sentence uplifts (69.9%), a 22.6% rise from the 5,599 announced and recorded sentence uplifts (57.0%) in 2016–17.

Equalities issues

Gender

- In 2017-18 of the 11,881 defendants prosecuted, 9,761 defendants were male, 2,104 were female and in 16 cases the gender was not recorded. Where the gender of the defendant was recorded, 82.2% were male and 17.7% female, a slight fall in female defendants from 18.2% in the previous year.
- For victim data, the Witness Management System recorded 11,147 victims. Of all victims, 5,032 were male, 2,816 were female and the gender was not recorded for 3,299 victims. The recording of victim gender improved from 69.3% in 2016-17 to 70.4% and is therefore not robust enough to calculate proportions by gender accurately.

Ethnicity

- In 2017–18, 64.4% of defendants in cases flagged as racially and religiously aggravated were categorised as White (a fall from 68.0% in 2016–17), with 57.9% being identified as belonging to the White British category. 7.2% of defendants were identified as Black, the same proportion as in 2016-17 and 5.1% were identified as Asian, a slight fall from 5.7% the previous year¹⁴.
- Over half of victim ethnicity is still not recorded and therefore the data is not included in this report.

Age

- From those defendants where age was recorded, the majority of defendants were aged 25–59 (71.1%) and 18–24 (17.7%). 24.4% of defendants (2,902) were aged 24 and under, with 679 (5.7%) of defendants being 14–17 years old and 121 (1.0%) aged 10–13.

¹³ Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues

¹⁴ 11.4% of defendants did not state an ethnicity on arrest (a rise since 2016–17 of 2.1ppt) and 8.7% of defendants' ethnicity was not provided to the CPS by the police (a rise since 2016–17 of 2.0 ppt).

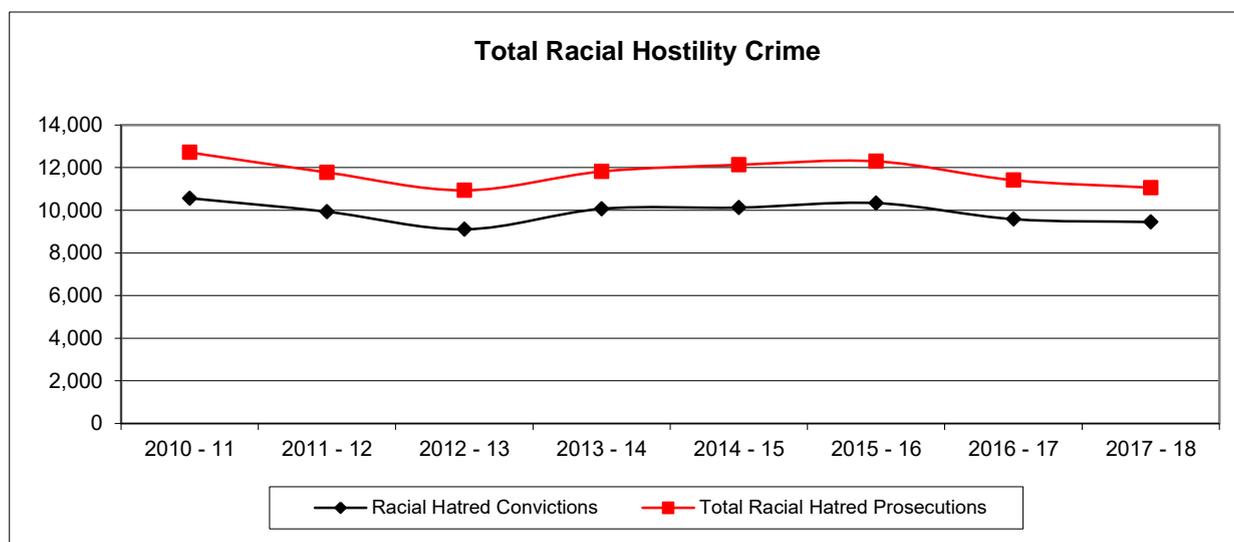
- From those victims where age was recorded, the majority were aged 25-59 (78.4%) and 18-24 (13.3%). 16.7% of victims (1,732) were 24 years old and under, with 262 (2.5%) of victims being 14–17 years old, 92 (0.9%) aged 10–13 and 3 under 10 (0.0%).

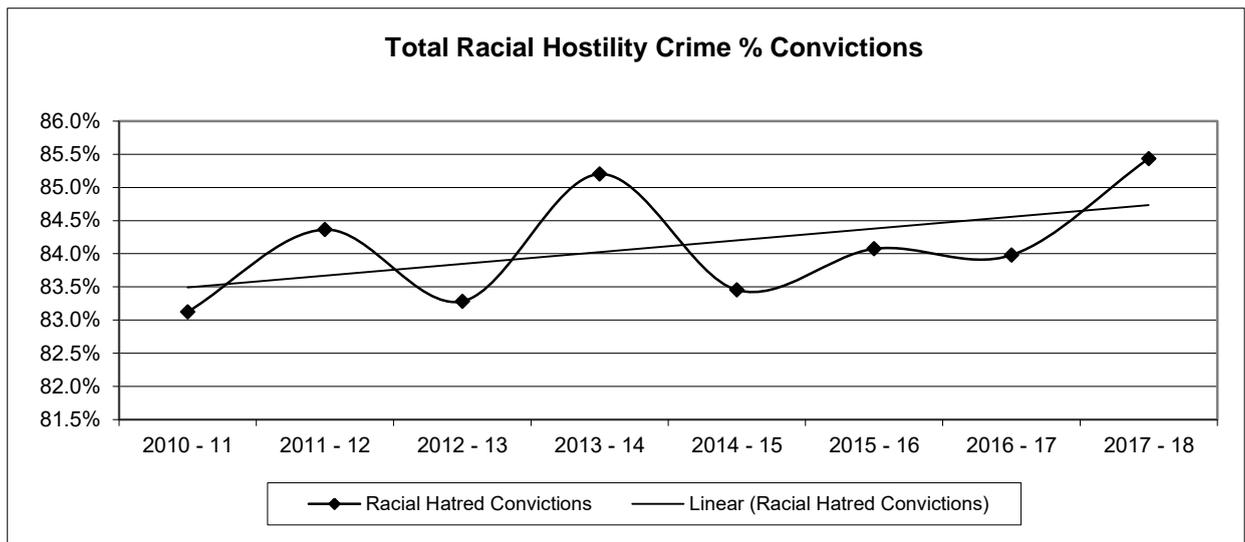
Racially aggravated crimes

- In 2017–18, there was a small increase of 2.7% in finalised referrals compared to the previous year, from 10,198 to 10,472. There was a fall in the proportion of cases charged from 83.0% to 79.7%, resulting in 8,342 suspects charged.
- The volume of prosecutions completed fell from 11,411 in 2016–17 to 11,061 in 2017-18. This represents a fall of 350 or 3.1%.

Table 6: Completed prosecutions by outcome for racially aggravated offences

	2012–13		2013–14		2014–15		2015–16		2016–17		2017-18	
	Vol	%										
Convictions	9,107	83.3%	10,069	85.2%	10,123	83.5%	10,337	84.1%	9,583	84.0%	9,450	85.4%
Non-convictions	1,828	16.7%	1,749	14.8%	2,007	16.5%	1,958	15.9%	1,828	16.0%	1,611	14.6%
Total	10,935		11,818		12,130		12,295		11,411		11,061	





- The volume of convictions fell by 1.4% from 9,583 in 2016–17 to 9,450 in 2017-18, with the conviction rate improving to 85.4%.
- The conviction rate has risen from 84.0% in 2016–17 to 85.4% in 2017-18.
- 76.4% of convictions were due to guilty pleas and out of all racially aggravated prosecutions contested at trial (excluding mixed pleas) 68.3% were convicted compared to 62.6% in 2016-17.
- 1,611 prosecutions did not result in a conviction, 7.5% due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence), a fall from 8.0% in 2016–17.
- Of all non-convictions, 27.6% were due to complainant issues, a fall from 30.4% in 2016–17.
- In 2017–18, the proportion of non-convictions due to acquittal after trial represented 25.3% (408) of all non-convictions, a fall from 32.0% (585) in 2016–17.
- In 2017–18, there were announced and recorded sentence uplifts in 69.9% of cases, a rise from 57.0% in 2016–17.

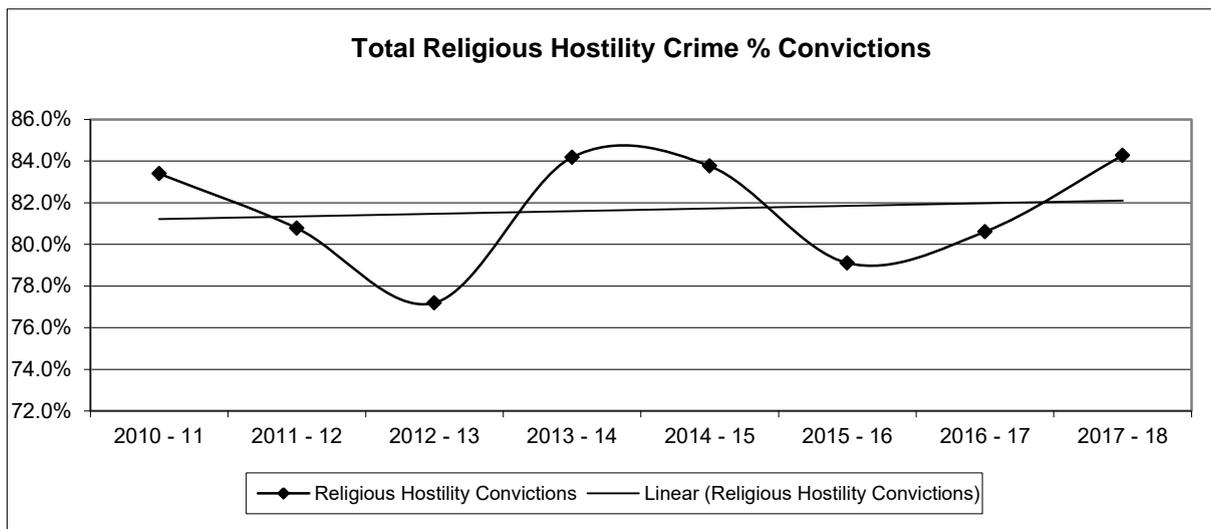
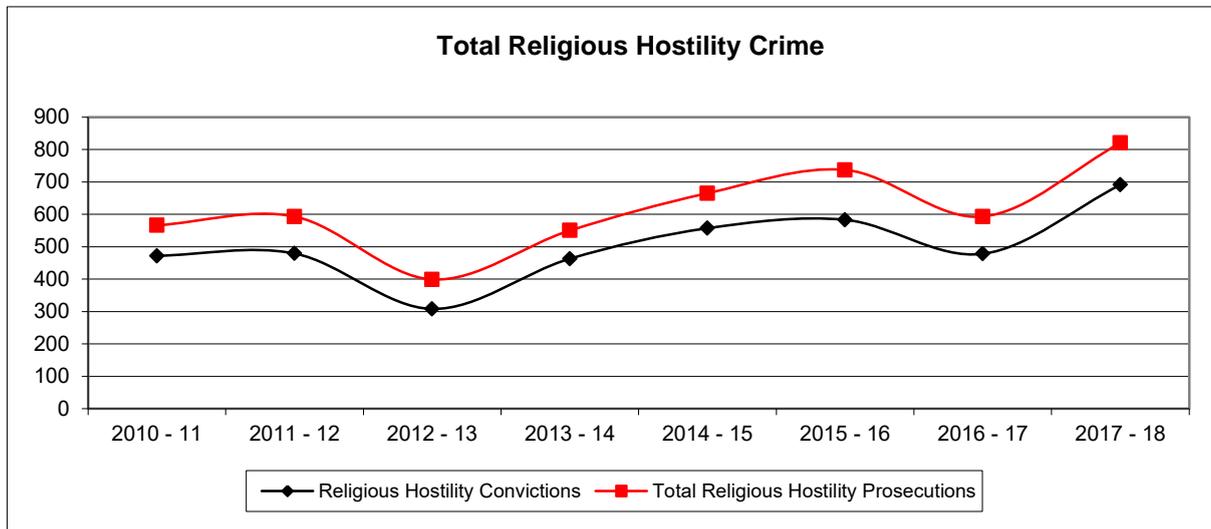
Religiously aggravated crimes

- In 2017–18, there was an increase in finalised referrals compared to the previous year, from 508 to 728, an increase of 43.3%. There was a fall in the proportion of cases charged from 83.1% in the previous year to 78.4%, resulting in 571 suspects charged (an increase of 149 suspects from 2016–17).
- The volume of completed prosecutions flagged as religiously aggravated increased from 593 in 2016–17 to 820 in 2017-18. This represents an increase of 227 or 38.3%.

Table 7: Completed prosecutions by outcome for religiously aggravated offences

2012–13	2013–14	2014–15	2015–16	2016–17	2017-18
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	Vol	%										
Convictions	308	77.2%	463	84.2%	557	83.8%	583	79.1%	478	80.6%	691	84.3%
Non-conviction	91	22.8%	87	15.8%	108	16.2%	154	20.9%	115	19.4%	129	15.7%
Total	399		550		665		737		593		820	



- The volume of convictions increased by 44.6% to 691 in 2017–18 from 478 in 2016–17, with an increased conviction rate of 84.3% up from 80.6% in 2016–17.
- 72.8% of convictions were due to guilty pleas and out of all prosecutions contested at trial (excluding mixed pleas), 68.1% were convicted compared with 61.6% the previous year.
- The proportion of cases failing due to complainant issues accounted for 26.1% (30) of all non-convictions in 2016–17. In 2017–18, the figure had fallen to 24.8% (32). Caution is needed with such small numbers.
- In 2017–18, the proportion of non-convictions due to acquittal after trial represented 30.2% (39) of all non-convictions, a fall from 31.3% (36) in 2016–17.

- In 2017–18, the proportion of religiously aggravated cases resulting in a conviction with an announced and recorded sentence uplift was 69.2%, a rise from 57.0% in 2016–17.

Homophobic, Biphobic and Transphobic

Introduction

The CPS contributed an update on progress to date as part of the Government Equalities Office [LGBT Action Plan](#) covering a wide range of sectors; education, health, safety, employment, international and life in the UK. In addition the CPS contributed a number of commitments to the new action plan.

Summary of CPS activity

2017-18 saw the final stage of a three year training programme on the prosecution of hate crime. This mandated training package focused on hostility on the grounds of sexual orientation and gender identity. Representatives from Stonewall and Galop were members of the training project board developing the package. They provided significant insights into the experience of communities and the case studies used within the training package were designed to reflect themes that commonly arise in this type of hate crime.

A DVD was developed in which representatives from Stonewall and Galop provide detail about the ways in which people self-identify, the barriers to justice that might be encountered and how prosecutors might improve the court experience for victims and witnesses.

In January 2018, a National Scrutiny Panel was established with the aim of assisting the refresh of the Transgender Equality Management Guidance (TEMG) document. This was first published in 2006 and then refreshed in February 2014 with the support of a sub-Group of the Community Accountability Forum.

The guidance aimed to assist managers with good practice suggestions and covered employment, community engagement and prosecution as well as a list of contacts from within the CPS and relevant community stakeholders, many of whom contributed to the guide's development.

The National Scrutiny Panel to revise the guidance included representatives from Stonewall, Galop, GIRES, a:gender, Mermaids, CPS Area LSIPs and academics. The NSP members considered the original TEMG to have been ground-breaking but that it had now served its purpose. Panel members believed that a much shorter document targeted at communities themselves would be far more effective. A draft was produced internally and was shared for comment with the NSP. The CPS expects to launch the refreshed documents in the autumn of 2018.

Data

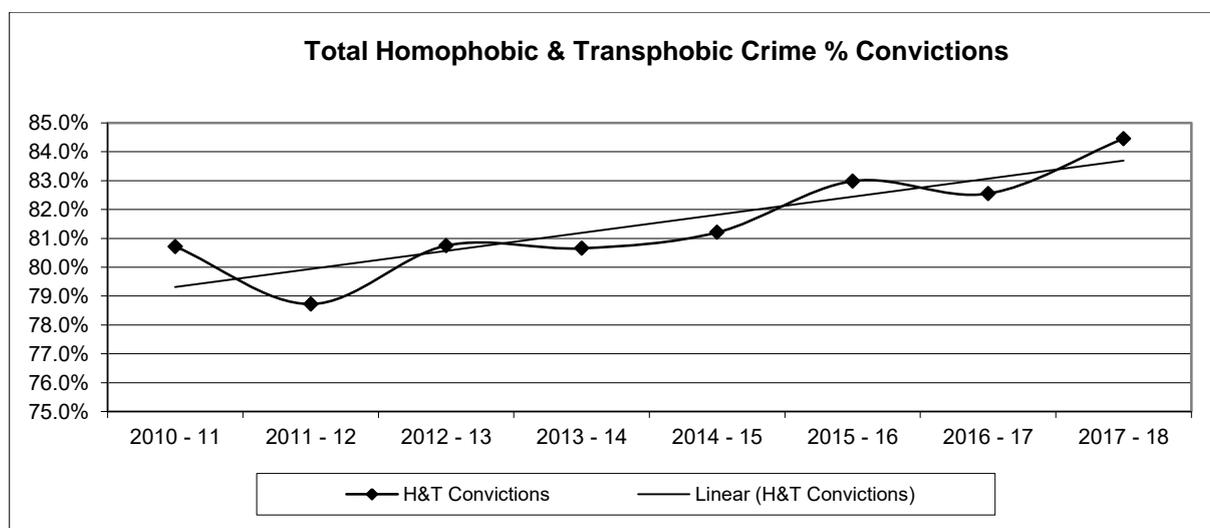
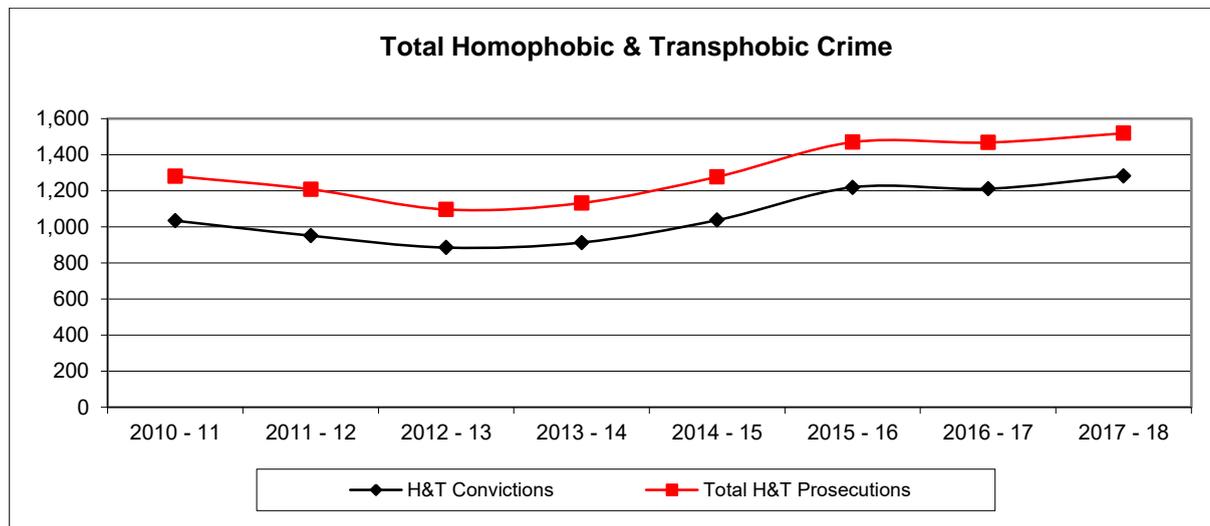
Please note CPS performance data on Sexual Orientation and Transgender Identity is not reported separately prior to 2012 when the law changed to incorporate transphobic hate crime.

- The volume of all cases flagged as homophobic, biphobic and transphobic hate crime referrals from the police increased to 1,564 compared with 1,392 in 2016–17 – an increase of 172 referrals (12.4%). Of these 77.9% were charged (down from 78.3% in the previous year) resulting in 1,219 suspects charged (a rise of 11.8% from 2016–17).

- However, there was a difference between homophobic and transphobic hate crimes - with a rise in referrals in both types of hate crime but a slight fall in charged defendants for transphobic hate crimes, which is outlined in the sections below. However caution should be exercised when dealing with such low numbers.
- The volume of prosecutions flagged as homophobic, biphobic and transphobic hate crime which were completed increased by 3.5% from 1,467 in 2016–17 to 1,518 in 2017-18.

Table 8: Completed prosecutions by outcome for homophobic and transphobic offences

	2012–13		2013–14		2014–15		2015–16		2016–17		2017-18	
	Vol	%										
Convictions	885	80.7%	913	80.7%	1,037	81.2%	1,219	83.0%	1,211	82.5%	1,282	84.5%
Non-convictions	211	19.3%	219	19.3%	240	18.8%	250	17.0%	256	17.5%	236	15.5%
Total	1,096		1,132		1,277		1,469		1,467		1,518	



- The volume of convictions rose slightly from 1,211 2016–17 to 1,282 in 2017–18 – a rise of 71 convictions (5.9%). The conviction rate rose slightly from 82.5% in 2016–17 to 84.5% in 2017–18.
- In 2017–18, guilty pleas increased to 74.5%. There was also 64.7% convictions out of all homophobic, biphobic and transphobic hate crime flagged prosecutions contested at trial (excluding mixed pleas¹⁵) compared with 62.7% in 2016-17.
- In 2017–18, the proportion of non-convictions due to complainant issues was 32.2% (76) which was broadly in line with the figure for 2016–17 which was 32.0 % (82).
- In 2017–18, the proportion of non-convictions due to acquittal after trial increased whilst the number of cases affected remained the same from 27.7% (71) in 2016-17 to 30.1% (71) in 2017-18.
- In 2017–18, there were 787 or 63.8% announced and recorded sentence uplifts a rise from 577 or 48.9%, in 2016–17.

Equalities Issues

Gender

- In 2017-18, of the 1,518 defendants prosecuted, 1,311 defendants were male, 205 were female and in two cases the gender was not recorded. Where the gender of the defendant was recorded, 86.4% were male and 13.5% female, a fall in female defendants from 17.0% in the previous year.
- For victim data, the Witness Management System recorded 1,467 victims. Of all victims, 655 (44.6%) were male, 482 (32.9%) were female and in 330 (22.5%) cases, the gender was not recorded. The recording of victim gender improved slightly from 76.8% in 2016-17 to 77.5% in 2017-18 and is therefore not robust enough to calculate proportions by gender accurately. In 2017–18 measures will be considered to ensure more robust recording of gender.

Ethnicity

- In 2017–18, 63.0% of defendants in cases flagged as homophobic, biphobic and transphobic were categorised as White (a fall from 68.2% in 2016–17), with 58.6% being identified as belonging to the White British category. 7.6% of defendants were identified as Black, compared to 7.0% the previous year and 4.2% were identified as Asian, a slight increase from 3.7% the previous year.
- Just over half of victim ethnicity is still not recorded and therefore the data is not included in this report.

Age

¹⁵ Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

- From those defendants where age was recorded, the majority of defendants were aged 25-59 (69.2%) and 18-24 (20.6%). 27.7% of defendants (420) were aged 24 and under, with 89 (5.9%) of defendants being 14–17 years old, 18 (1.2%) aged 10–13 and 0 under 10.
- From those victims where age was recorded, the majority were aged 25-59 (71.6%) and 18-24 (21.0%). 24.5% of victims (338) were 24 years old and under, with 40 (2.9%) of victims being 14–17 years old, 7 (0.5%) aged 10–13 and 1 under 10 (0.1%).

Transphobic crimes

- In 2017–18, there was a slight increase in finalised police referrals compared to the previous year, from 87 to 92. There was a slight fall in the volume of cases charged from 66 (75.9%) in 2016–17 to 64 (69.6%) in 2017–18.
- The volume of completed prosecutions flagged as transphobic hate crime fell from 92 in 2016–17 to 82 in 2017–18. This represents a fall of 10.9%.
- The conviction rates for transphobic cases was 76.8% (or 63 convictions) in 2017-18 and 72.8% (or 67 convictions) in 2016/17. Guilty pleas featured in 67.1% (or 55 cases) in 2017–18 and 60.9% (or 56 cases) in 2016–17.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 58.1% in 2017–18, an increase on 53.8% in 2016–17.
- There were four cases of non-convictions due to complainant issues in 2017–18 and five cases in 2016–17.
- There were eight prosecutions resulting in acquittal after trial in 2017-18 and nine prosecutions in 2016-17.

Equalities issues

- In relation to defendants in transphobic cases, in 2017–18, 64 (78.0%) were men and 18 (22.0%) were women; with gender recorded in all cases. In 2016–17, 72 defendants were men (78.3%) and 20 (21.7%) were women with gender recorded in all cases.
- For victim data, from the Witness Management System, 85 victims were recorded. Of all victims 41 were female, 25 were male and the gender was not recorded for 19 victims. The recording of victim gender at 77.6% is not robust enough to include gender proportions in this report.

Homophobic crimes

- In 2017–18, there was an increase of 12.8% in finalised police referrals compared to the previous year, from 1,305 to 1,472. Of these 1,155 defendants were charged, a rise from 1,024 in the previous year.
- The volume of completed prosecutions flagged as homophobic hate crime increased from 1,375 in 2016–17 to 1,436 in 2017-18. This represents an increase of 61 or 4.4%.

- The conviction rate increased in 2017-18 to 84.9% (1,219 convictions) from 83.2% (1,144) in 2016-17. Guilty pleas featured in 74.9% of convictions in 2017–18 and in 73.3% of convictions in 2016–17.
- The proportion of homophobic cases recorded as non-convictions due to complainant issues was 33.2% (72) in 2017-18 and 33.3% (77) in 2016–17.
- In 2017–18, prosecutions resulting in acquittal after trial amounted to 29.0% of all non-convictions. In 2016–17 this figure was 26.8%.
- In 2017–18 the proportion of homophobic hate crime cases resulting in a conviction with an announced and recorded sentence uplift was 64.1%, a rise from 48.6% in 2016–17.

Equalities issues

- Of the 1,436 defendants prosecuted, 1,247 were male, 187 were female and in two cases the gender was not recorded. In 2016–17, where the gender of the defendant was recorded, 83.2% were male and 16.7% were female
- For victim data, the Witness Management System recorded 1,382 victims. Of all victims, 630 were male, 441 were female and in 311 cases, the gender was not recorded. The recording of victim gender fell slightly from 77.6% in 2016–17 to 77.5% and therefore remains not robust enough to calculate proportions by gender accurately. As the CPS is reliant on victim information collected and passed on by the police, measures will be considered jointly to ensure more robust recording of gender.

Disability Hate Crime

Introduction

HMCPST carried out a joint thematic inspection with HMICFRS on disability hate crime at the start of 2018. The inspection question focused on improvements since the joint thematic inspection in 2015.

“Since then (2015), there has been a sustained drive by the CPS to raise awareness of and identify these cases to ensure they are recorded on the system. Area Hate Crime Co-ordinators (HCCs) now carry out effective quality assurance checks of disability hate crime cases, and inspectors were impressed by the use of feedback to staff, particularly on the use of s146 Criminal Justice Act 2003. Elements identified as good practice in our 2015 report are now embedded.”

The CPS has developed an action plan in response to the report’s recommendations and is working alongside the NPCC lead on hate crime to ensure that effective improvement measures are engaged across the investigation and prosecution of disability hate crime.

Summary of CPS activity

The public statement on disability hate crime and crimes against disabled people makes clear the CPS acknowledgement of the social model of disability and the value of the approach in identifying and removing barriers to justice. The approach was first agreed within the context of hate crime but has clear implications for all prosecutions involving disabled people, whether as complainants, witnesses or defendants as well as employment practices.

As part of the CPS’ commitment to engaging this approach, four bespoke webinars were arranged for Area HCCs and Inclusion Managers in preparation to deliver a training package on the social model of disability or improving access to justice for disabled people.

Assessment of the pilot recommended providing a sharper focus on the practical applications including the identification of barriers to access to justice and the steps necessary to remove them.

A HCC Network conference was used to trial material prepared by Breakthrough and the Foundation for People with Learning Disabilities. Consideration will now be given to converting this material into video for incorporation into appropriate training.

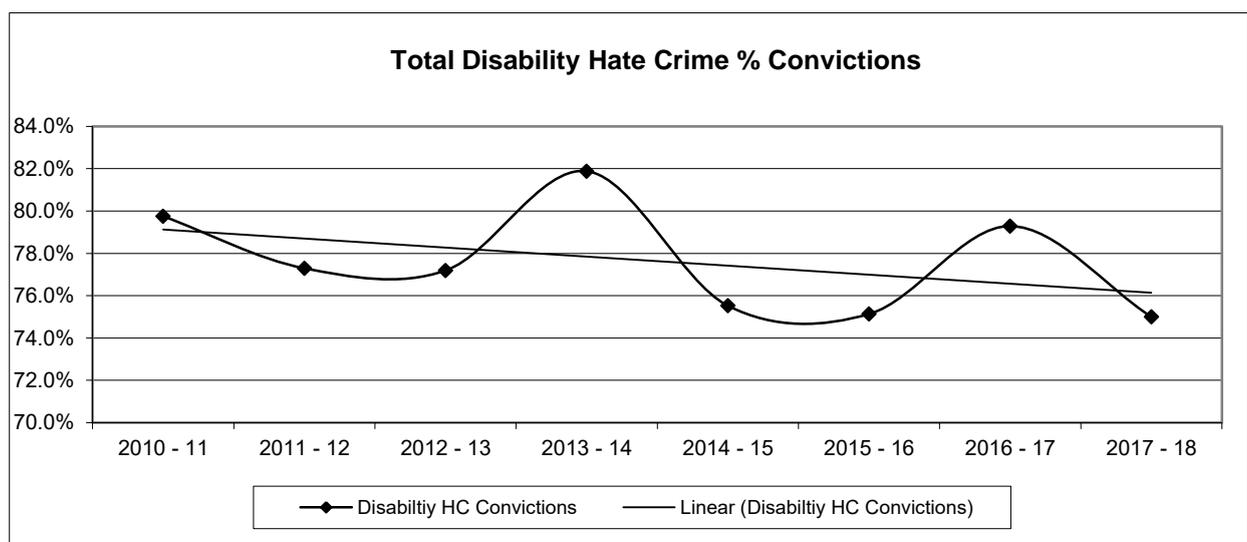
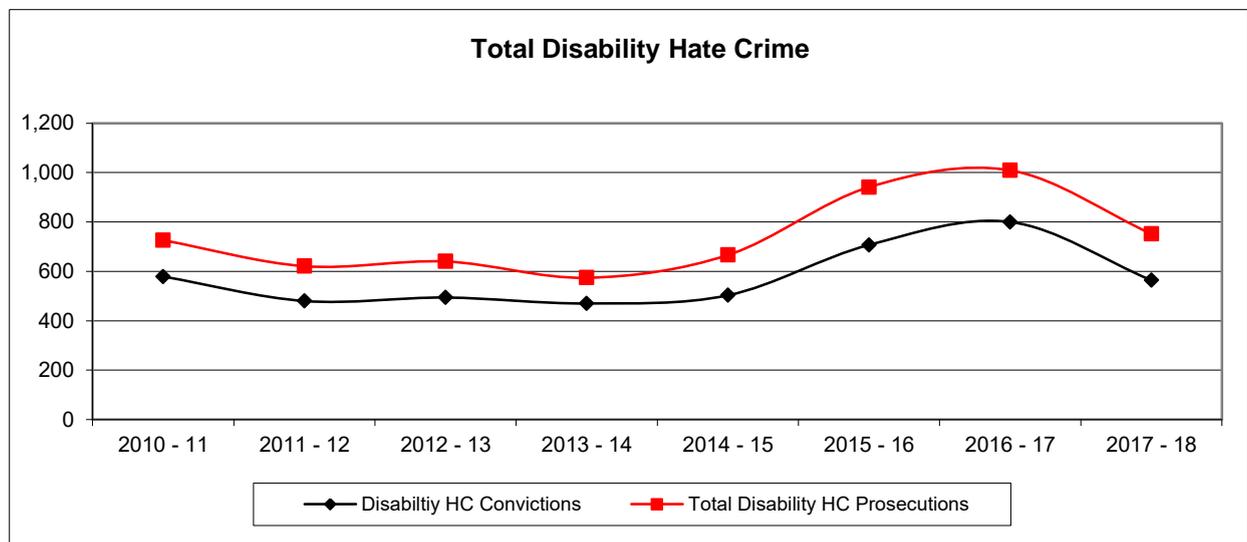
The CPS continued to support the work of the Foundation for People with Learning Disabilities (FPLD) in relation to the next phase of its research following Loneliness and Cruelty (2012). Current research has focused on mapping the experience of hate crime and the provision of support to people wishing to report. The Chief Executive of the CPS visited the organisation at the half way point of the research in 2016 and the CPS was represented at the launch of the report in the House of Lords in September 2018. The CPS is currently preparing a number of supporting measures which will complement the research findings.

Data

- In 2017–18, there was a fall of 23.7% in finalised police referrals compared to the previous year, from 988 to 754. In addition, there was a fall in the proportion of cases charged from 77.9% the previous year to 70.4%.
- The volume of completed prosecutions flagged as disability hate crime fell from 1,009 in 2016–17 to 752 in 2017-18. This represents a fall of 257 or 25.5%.

Table 11: Completed prosecutions by outcome

	2012–13		2013–14		2014–15		2015–16		2016–17		2017-18	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	494	77.2%	470	81.9%	503	75.5%	707	75.1%	800	79.3%	564	75.0%
Non-convictions	146	22.8%	104	18.1%	163	24.5%	234	24.9%	209	20.7%	188	25.0%
Total	640		574		666		941		1,009		752	



- The volumes of convictions decreased by 29.5% from 800 in 2016–17 to 564 in 2017-18, with a fall in the conviction rate from 79.3% to 75.0%.

- 65.7% of convictions were due to guilty pleas. Out of all disability hate crimes contested at trial (excluding mixed pleas) 51.1% were convicted compared to 61.8% in 2016-17.
- 188 prosecutions did not result in a conviction – 14.4% (108) due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence) an increase from 12.9% (130) in 2016-17. Out of all non-convictions, 26.6% (50) were due to complainant issues¹⁶; an increase from 21.5% (45) in 2016-17.
- In 2017-18, the proportion of non-convictions due to acquittal after trial represented 31.9% (60) of all non-convictions, an increase from 30.6% (64) in 2016-17.
- An announced and recorded sentence uplift in a case resulting in a conviction is a clear indicator of the law being applied to best effect. In 2017-18, there were 133 announced and recorded sentence uplifts 24.8% of all disability hate crime convictions, a rise from 116 or 15.5% in 2016-17. Whilst the result is encouraging, the figure remains considerably lower than that for other hate crime strands and steps to sustain continuing improvement will be identified via the Hate Crime Assurance Scheme.
- In 2017-18, the rate of convictions in disability hate crime cases derived from guilty pleas was 65.7% (494). This is a fall from 67.9% (685) in 2016-17. Again a larger volume of cases settled in this way, but the CPS will work closely with CPS Areas to explore potential reasons for this fall and measures required to reverse it.
- At the end of a prosecution, cases are allocated a principal offence category (see Table 3 above) to indicate the type and seriousness of the charges brought. Offences against the person remained the most common representing 48.1% of all disability hate crime prosecutions allocated a principal offence in 2017-18 and 46.4% in 2016-17. Overall, there was a more significant range of offence categories represented within disability hate crime prosecutions than for any other strand of hate crime - perhaps reflecting the acquisitive nature of some disability hate crime. This aspect of disability hostility was explored with the assistance of the National Scrutiny Panel on disability hostility which supported the development of the public statement on disability hate crime and other crimes against disabled people in 2016-17.

Equalities Issues

Gender

- In 2017-18, of the 752 defendants prosecuted, 560 male, 192 were female and there were no cases in which the gender was not recorded. 74.5% were male and 25.5% female, a fall in female defendants from 28.0% in the previous year. This gender ratio between male and female defendants is unique to disability hate crime. In race and religious cases the ratio in 2017-18 was 82.2%:17.7% and in homophobic, biphobic and transphobic cases the ratio is 86.4%:13.5%.
- For victim data, the Witness Management System recorded 708 victims. Of all victims, 316 were male, 268 were female and the gender was not recorded for 124 victims. The recording

¹⁶ Complainant issues include complainant retractions, complainant non-attendance and where the 'evidence of the complainant does not support the case'.

of victim gender increased from 77.8% in 2016–17 to 82.5% and is therefore robust enough to calculate proportions by gender accurately.

Ethnicity

- In 2017–18, 69.0% of defendants in disability hate crime flagged cases were categorised as White (a fall from 72.7% in 2016–17), with 66.1% being identified as belonging to the White British category. 4.9% of defendants were identified as Black down from 5.6% the previous year and 3.2% were identified as Asian, an increase from 2.7% the previous year.
- Just under half of victim ethnicity is still not recorded and therefore the data is not included in this report.

Age

- From those defendants where age was recorded, the majority of defendants were aged 25-59 (66.1%) and 18-24 (18.6%). 30.1% of defendants (226) were aged 24 and under, with 73 (9.7%) of defendants being 14–17 years old and 13 (1.7%) aged 10–13.
- From those victims where age was recorded, the majority were aged 25-59 (58.7%) and 18-24 (10.1%). 17.4% of victims (114) were 24 years old and under, with 30 (4.5%) of victims being 14–17 years old, 15 (2.3%) aged 10–13 and 3 (0.5%) under 10.

Stirring up Hatred

Introduction

Hate crime focuses on hostility or prejudice against specific sections of society. Hostility carries the ordinary, everyday meaning of the word and its dictionary definition captures ill-will, unfriendliness, spite, ill-feeling, contempt, prejudice, resentment and dislike. However, the public order offences of “stirring up hatred” focus on hatred itself and the intention or likely effect of the offence in question.

The number of cases brought is much lower than for other offences covered in this report. This is due to higher evidential thresholds and the need to consider an individual’s right to freedom of expression. It is essential in a free, democratic and tolerant society that people are able to exchange views, even when offence may be caused. However, the CPS must also balance the rights of an individual to freedom of speech and expression against the duty of the state to act proportionately in the interests of public safety, to prevent disorder and crime, and to protect the rights of others.

Potential cases are referred to the Special Crime and Counter Terrorism Division (SCCTD) by CPS Areas in line with the CPS Public Guidance on Prosecuting Cases of Inciting Racial and Religious Hatred and Hatred based upon Sexual Orientation. Prosecution of these offences requires the consent of the Attorney General.

Public concern relating to these cases has risen in recent times following the spike in hostility experienced and reported following incidents of domestic or international terrorism such as occurred in London, Manchester, Barcelona and Berlin. The police and third party reporting agencies, Tell MAMA and the Community Security Trust, have noted increased levels of hate crime incidents immediately following such events.

Whilst there remain issues around awareness-raising in relation to all forms of hate crime, stirring-up offences bring an additional layer of complexity. In part, this reflects the heightened nature of hatred as opposed to hostility. There is also a stated need within the law to consider the right to freedom of expression. Different “strands” have significant differences written into the law and although the rate of convictions is high compared to other forms of hate crime, referrals and decisions to charge are much lower.

SCCTD has recently refreshed the internal legal guidance for prosecutors on stirring up hatred offences on the grounds of race, religion and sexual orientation under the Public Order Act 1986 (as amended) to reflect case law and recent positive outcomes.

Data

- There were nine prosecutions in 2017–18, eight of which resulted in convictions.
- The first conviction involved eight offences of publishing or distributing written material intended to stir up religious hatred contrary to section 29C of the Public Order Act 1986 against Muslim communities. The defendant entered guilty pleas and was sentenced to 20 months’ imprisonment.

- The second case involved three counts of stirring up religious hatred towards Muslim communities contrary to 29C Public Order Act 1986. The defendant pleaded guilty to creating three Facebook posts and was sentenced to two years' imprisonment.
- The third case involved one count of stirring up racial hatred against refugees and one count of stirring up religious hatred against Muslim communities contrary to 19(1) and 29C Public Order Act 1986. The defendant pleaded guilty to posting two Facebook posts and was sentenced to nine months' imprisonment suspended for two years and 20 days rehabilitation.
- The fourth case involved one count of stirring up religious hatred against Muslim communities shortly after the Manchester Arena attack, contrary to 29C Public Order act 1986. The defendant pleaded guilty and was sentenced to 12 months' imprisonment.
- The fifth case involved one count of stirring up racial hatred and two counts of publishing/distributing written material stirring up religious hatred targeting "foreigners" and Muslim communities in response to the London Bridge terrorist attack. The defendant was sentenced to 15 months' imprisonment.
- The sixth case involved six counts of stirring up religious hatred towards Muslim communities. The defendant pleaded guilty and was sentenced to 20 months' imprisonment.
- The seventh case involved three counts of stirring up religious hatred towards Muslim communities. The defendant pleaded guilty was sentenced to 12 months' imprisonment suspended for two years together with 20 days rehabilitation and 300 hours Community Service.
- The eighth case involved six counts of publishing written material and six Counts of publishing threatening material intended to stir up hatred towards the Muslim, African Caribbean and Jewish communities. The defendant pleaded guilty and was sentenced to a total of four years' imprisonment.

Crimes against Older People

In November 2017, the CPS held two National Scrutiny Panels on crimes against older people (CAOP); one in London and one in Cardiff. Attendees included Police, Age UK, Age Cymru, Action on Elder Abuse, the Office of the Public Guardian, Trading Standards and the office of the Older Peoples Commissioner for Wales.

The purpose of the panels was to support the CPS in refreshing its legal guidance and policy guidance on CAOP to ensure they are up to date and reflect the context, nature and impact of these crimes.

The panels provided invaluable insight and highlighted a number of issues including the need to consider domestic abuse of older people by family members, barriers to reporting such as isolation, embarrassment and a dependence on their abuser and a need to work collaboratively with police but also the social care system.

The revised policy guidance was published for consultation on 10 September. The consultation is due to close on 29 October. After this date responses will be analysed and a final version of the policy statement published alongside revised legal guidance.

There is no statutory definition of a crime against an older person and no specific legislation. Sections 145 and 146 of the Criminal Justice Act 2003, which provide for a sentencing uplift in cases of racist and religious crime, homophobic, biphobic and transphobic crime and disability hate crime, do not apply to crimes against an older person unless the crime also falls into one of these other categories. Sentencing guidelines do however invite courts to increase the sentence for offences against older people on the basis that their perceived vulnerability is an aggravating factor increasing the seriousness of the crime.

The CPS engages the sentencing guidelines in all applicable cases and applies a CAOP flag on the CPS digital case management system to crimes in the following circumstances to allow for identification of cases:

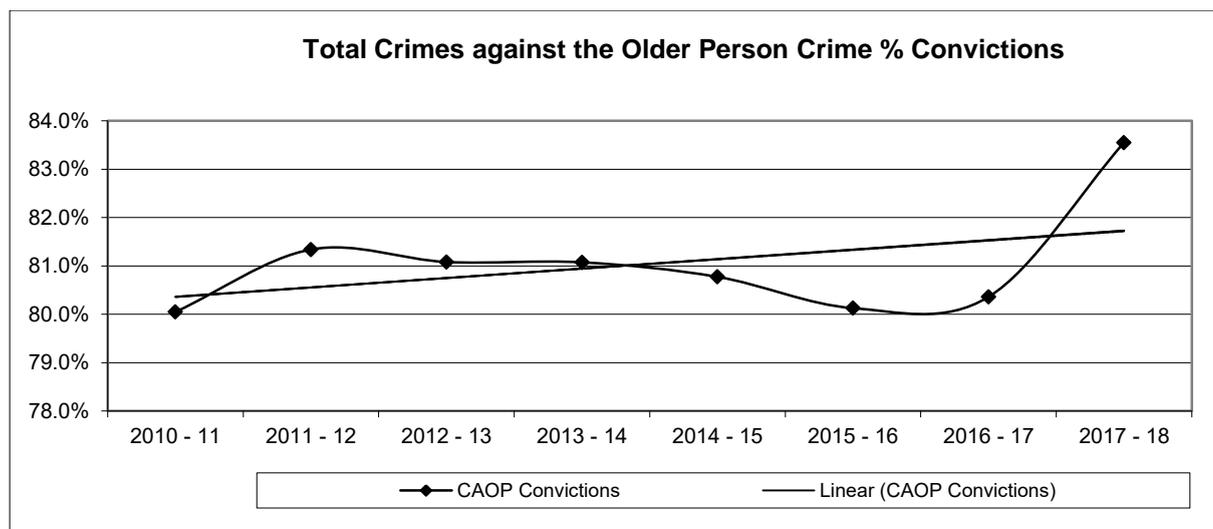
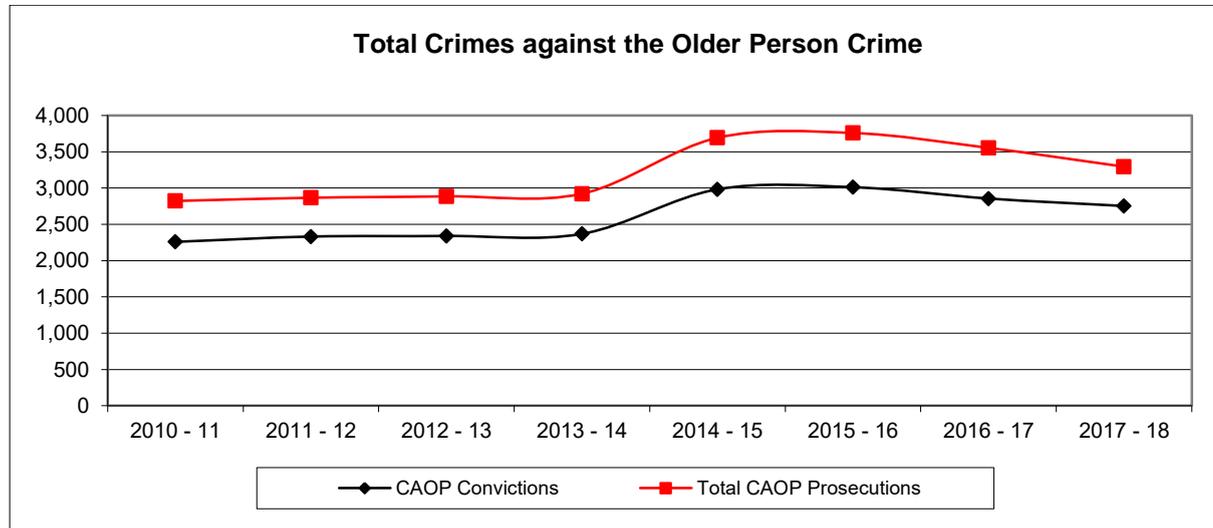
- where there is a relationship and an expectation of trust e.g. assault/theft by a carer or family member;
- where the offence is specifically targeted at the old person because they are perceived as being vulnerable or an 'easy target' e.g. a distraction burglary or a mugging;
- where the offence is not initially related to the older person's age but later becomes so e.g. a burglary where the burglar does not know the age of the householder but later exploits the situation on discovering that the householder is an older person;
- where offences appear to be in part, or wholly motivated by hostility based on age, or perceived age e.g. an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age; or
- where an offender deliberately targets an older person because of his/her hostility towards older people.

Data

- In 2017–18, there was a decrease of 2.2% in police referrals compared to the previous year, from 3,467 to 3,389. There was a fall in the proportion of cases charged from 80.3% in the previous year to 77.2% resulting in 2,615 suspects being charged.
- The volume of CAOP prosecutions completed fell from 3,554 in 2016–17 to 3,295. This represents a fall of 259 or 7.3%.

Table 14: Completed prosecutions by outcome for crimes against older people

	2012–13		2013–14		2014–15		2015–16		2016–17		2017–18	
	Vol	%										
Convictions	2,340	81.1%	2,369	81.1%	2,983	80.8%	3,012	80.1%	2,856	80.4%	2,753	83.6%
Non-convictions	546	18.9%	553	18.9%	710	19.2%	747	19.9%	698	19.6%	542	16.4%
Total	2,886		2,922		3,693		3,759		3,554		3,295	



- The volumes of convictions fell by 3.6% from 2,856 in 2016–17 to 2,753 in 2017-18 while the conviction rate improved significantly from 80.4% to 83.6%. 75.3% of convictions were due to guilty pleas, an improvement from 71.8% the previous year.

- 542 prosecutions were non-convictions, a fall of 156 or 22.3% on the previous year. 9.3% due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence), a fall from 12.4% in 2016–17.
- Out of all non-convictions, 23.8% were due to complainant issues¹⁷ a slight rise from 23.2% in 2016–17.
- In 2017–18, the proportion of non-convictions due to acquittal after trial represented 26.2% (142) of all non-convictions, an increase from 23.4% (163) in 2016–17.

Equalities Issues

- Of defendants where gender was recorded, 2,479 (75.2%) in completed prosecutions were male. This has risen from 2,708 (76.2%) in 2016–17.
- Recording of victim gender has improved from 75.6% in 2016–17 to 80.3% in 2017-18 but is therefore not robust enough to calculate proportions by gender accurately.

At the end of a prosecution, cases are allocated a principal offence category to indicate the type and seriousness of the charges brought. Table 15 below shows the offence categories for CAOP.

Table 15: Principal offence categories for crimes against older people

Principal Offence Category	2014–15	2015–16	2016–17	2017-18
Homicide	1.0%	1.0%	0.9%	0.8%
Offences against person	28.4%	31.3%	33.8%	35.7%
Sexual offences	1.6%	1.3%	1.5%	1.6%
Burglary	20.9%	20.4%	18.0%	16.8%
Robbery	6.5%	7.3%	6.6%	8.1%
Theft and handling	17.8%	16.8%	13.7%	11.8%
Fraud and forgery	13.0%	15.1%	20.2%	18.3%
Criminal damage	4.2%	3.1%	2.4%	3.4%
Drugs offences	0.7%	0.7%	0.8%	0.7%
Public order offences	2.3%	1.5%	1.3%	1.3%

- The proportion of cases categorised as Offences against the Person increased again over 2017–18 but of note is the persistence of acquisitive crime with an emphasis on financial gain.

¹⁷ Complainant issues include victim retractions, victim non-attendance and where the 'evidence of the victim does not support the case'.

Annex I Prosecutions by Area and police force area

CPS Total Hate Crime Prosecutions

	2017 - 18				
	Convictions		Non-convictions		TOTAL
	Vol	%	Vol	%	
14 CPS Areas	11,987	84.7%	2,164	15.3%	14,151
Cymru Wales	610	86.9%	92	13.1%	702
Dyfed Powys	49	94.2%	3	5.8%	52
Gwent	105	86.8%	16	13.2%	121
North Wales	138	87.9%	19	12.1%	157
South Wales	318	85.5%	54	14.5%	372
Eastern	524	86.0%	85	14.0%	609
Cambridgeshire	157	87.7%	22	12.3%	179
Essex	145	81.0%	34	19.0%	179
Norfolk	134	86.5%	21	13.5%	155
Suffolk	88	91.7%	8	8.3%	96
East Midlands	920	86.7%	141	13.3%	1,061
Derbyshire	169	88.5%	22	11.5%	191
Leicestershire	327	89.8%	37	10.2%	364
Lincolnshire	67	85.9%	11	14.1%	78
Northamptonshire	97	82.2%	21	17.8%	118
Nottinghamshire	260	83.9%	50	16.1%	310
London North	1,302	78.3%	361	21.7%	1,663
London South	1,209	78.2%	337	21.8%	1,546
Merseyside and Cheshire	623	86.5%	97	13.5%	720
Cheshire	262	87.9%	36	12.1%	298
Merseyside	361	85.5%	61	14.5%	422
North East	555	82.7%	116	17.3%	671
Cleveland	133	86.9%	20	13.1%	153
Durham	87	87.0%	13	13.0%	100
Northumbria	335	80.1%	83	19.9%	418
North West	942	86.6%	146	13.4%	1,088
Cumbria	75	88.2%	10	11.8%	85
Greater Manchester	638	87.2%	94	12.8%	732

Lancashire	229	84.5%	42	15.5%	271
South East	685	87.0%	102	13.0%	787
Kent	298	86.1%	48	13.9%	346
Surrey	160	84.7%	29	15.3%	189
Sussex	227	90.1%	25	9.9%	252
South West	544	86.5%	85	13.5%	629
Avon and Somerset	287	84.9%	51	15.1%	338
Devon and Cornwall	199	91.3%	19	8.7%	218
Gloucestershire	58	79.5%	15	20.5%	73
Thames and Chiltern	771	83.7%	150	16.3%	921
Bedfordshire	143	81.7%	32	18.3%	175
Hertfordshire	217	85.4%	37	14.6%	254
Thames Valley	411	83.5%	81	16.5%	492
Wessex	613	91.5%	57	8.5%	670
Dorset	118	90.8%	12	9.2%	130
Hampshire and IOW	386	90.6%	40	9.4%	426
Wiltshire	109	95.6%	5	4.4%	114
West Midlands	1704	86.3%	270	13.7%	1,974
Staffordshire	152	84.4%	28	15.6%	180
Warwickshire	77	83.7%	15	16.3%	92
West Mercia	192	83.1%	39	16.9%	231
West Midlands	1,283	87.2%	188	12.8%	1,471
Yorkshire and Humberside	985	88.7%	125	11.3%	1,110
Humberside	110	90.2%	12	9.8%	122
North Yorkshire	79	88.8%	10	11.2%	89
South Yorkshire	204	87.2%	30	12.8%	234
West Yorkshire	592	89.0%	73	11.0%	665

CPS Total Racial and Religious Crime Prosecutions

	2017-18				
	Convictions		Non-convictions		TOTAL
	Vol	%	Vol	%	
14 CPS Areas	10,141	85.4%	1,740	14.6%	11,881
Cymru Wales	487	88.1%	66	11.9%	553
Dyfed Powys	34	94.4%	2	5.6%	36

Gwent	80	87.9%	11	12.1%	91
North Wales	111	88.8%	14	11.2%	125
South Wales	262	87.0%	39	13.0%	301
Eastern	453	86.1%	73	13.9%	526
Cambridgeshire	148	88.6%	19	11.4%	167
Essex	123	80.4%	30	19.6%	153
Norfolk	107	86.3%	17	13.7%	124
Suffolk	75	91.5%	7	8.5%	82
East Midlands	765	86.4%	120	13.6%	885
Derbyshire	148	88.6%	19	11.4%	167
Leicestershire	266	88.7%	34	11.3%	300
Lincolnshire	52	86.7%	8	13.3%	60
Northamptonshire	80	79.2%	21	20.8%	101
Nottinghamshire	219	85.2%	38	14.8%	257
London North	1208	79.5%	311	20.5%	1,519
London South	1061	78.0%	299	22.0%	1,360
Merseyside and Cheshire	491	86.1%	79	13.9%	570
Cheshire	200	87.3%	29	12.7%	229
Merseyside	291	85.3%	50	14.7%	341
North East	439	85.1%	77	14.9%	516
Cleveland	110	90.9%	11	9.1%	121
Durham	64	88.9%	8	11.1%	72
Northumbria	265	82.0%	58	18.0%	323
North West	754	87.5%	108	12.5%	862
Cumbria	53	91.4%	5	8.6%	58
Greater Manchester	513	88.1%	69	11.9%	582
Lancashire	188	84.7%	34	15.3%	222
South East	559	88.0%	76	12.0%	635
Kent	251	86.9%	38	13.1%	289
Surrey	137	84.0%	26	16.0%	163
Sussex	171	93.4%	12	6.6%	183
South West	456	88.7%	58	11.3%	514
Avon and Somerset	251	87.8%	35	12.2%	286
Devon and Cornwall	158	91.9%	14	8.1%	172
Gloucestershire	47	83.9%	9	16.1%	56
Thames and Chiltern	661	84.7%	119	15.3%	780
Bedfordshire	125	81.7%	28	18.3%	153

Hertfordshire	185	86.4%	29	13.6%	214
Thames Valley	351	85.0%	62	15.0%	413
Wessex	489	93.1%	36	6.9%	525
Dorset	92	91.1%	9	8.9%	101
Hampshire and IOW	308	92.5%	25	7.5%	333
Wiltshire	89	97.8%	2	2.2%	91
West Midlands	1500	87.4%	216	12.6%	1,716
Staffordshire	131	86.2%	21	13.8%	152
Warwickshire	63	82.9%	13	17.1%	76
West Mercia	163	87.2%	24	12.8%	187
West Midlands	1143	87.9%	158	12.1%	1,301
Yorkshire and Humberside	818	88.9%	102	11.1%	920
Humberside	89	92.7%	7	7.3%	96
North Yorkshire	64	90.1%	7	9.9%	71
South Yorkshire	163	86.2%	26	13.8%	189
West Yorkshire	502	89.0%	62	11.0%	564

CPS Total Homophobic and Transphobic Crime Prosecutions

	2017-18				
	Convictions		Non-convictions		TOTAL
	Vol	%	Vol	%	
14 CPS Areas	1,282	84.5%	236	15.5%	1,518
Cymru Wales	95	87.2%	14	12.8%	109
Dyfed Powys	12	100.0%	0	0.0%	12
Gwent	22	88.0%	3	12.0%	25
North Wales	15	100.0%	0	0.0%	15
South Wales	46	80.7%	11	19.3%	57
Eastern	39	86.7%	6	13.3%	45
Cambridgeshire	6	85.7%	1	14.3%	7
Essex	9	81.8%	2	18.2%	11
Norfolk	16	84.2%	3	15.8%	19
Suffolk	8	100.0%	0	0.0%	8
East Midlands	113	92.6%	9	7.4%	122
Derbyshire	18	85.7%	3	14.3%	21

Leicestershire	52	96.3%	2	3.7%	54
Lincolnshire	7	87.5%	1	12.5%	8
Northamptonshire	10	100.0%	0	0.0%	10
Nottinghamshire	26	89.7%	3	10.3%	29
London North	80	71.4%	32	28.6%	112
London South	123	82.0%	27	18.0%	150
Merseyside and Cheshire	89	87.3%	13	12.7%	102
Cheshire	33	86.8%	5	13.2%	38
Merseyside	56	87.5%	8	12.5%	64
North East	53	79.1%	14	20.9%	67
Cleveland	18	90.0%	2	10.0%	20
Durham	10	100.0%	0	0.0%	10
Northumbria	25	67.6%	12	32.4%	37
North West	114	85.1%	20	14.9%	134
Cumbria	15	78.9%	4	21.1%	19
Greater Manchester	76	86.4%	12	13.6%	88
Lancashire	23	85.2%	4	14.8%	27
South East	93	83.8%	18	16.2%	111
Kent	31	81.6%	7	18.4%	38
Surrey	17	85.0%	3	15.0%	20
Sussex	45	84.9%	8	15.1%	53
South West	59	79.7%	15	20.3%	74
Avon and Somerset	25	71.4%	10	28.6%	35
Devon and Cornwall	26	89.7%	3	10.3%	29
Gloucestershire	8	80.0%	2	20.0%	10
Thames and Chiltern	79	85.9%	13	14.1%	92
Bedfordshire	14	87.5%	2	12.5%	16
Hertfordshire	24	85.7%	4	14.3%	28
Thames Valley	41	85.4%	7	14.6%	48
Wessex	94	89.5%	11	10.5%	105
Dorset	19	95.0%	1	5.0%	20
Hampshire and IOW	59	88.1%	8	11.9%	67
Wiltshire	16	88.9%	2	11.1%	18
West Midlands	157	81.3%	36	18.7%	193
Staffordshire	11	68.8%	5	31.3%	16
Warwickshire	12	85.7%	2	14.3%	14
West Mercia	23	76.7%	7	23.3%	30

West Midlands	111	83.5%	22	16.5%	133
Yorkshire and Humberside	94	92.2%	8	7.8%	102
Humberside	14	100.0%	0	0.0%	14
North Yorkshire	7	87.5%	1	12.5%	8
South Yorkshire	19	90.5%	2	9.5%	21
West Yorkshire	54	91.5%	5	8.5%	59

CPS Total Disability Hate Crime Prosecutions

	2017-18				
	Convictions		Non-convictions		TOTAL
	Vol	%	Vol	%	
14 CPS Areas	564	75.0%	188	25.0%	752
Cymru Wales	28	70.0%	12	30.0%	40
Dyfed Powys	3	75.0%	1	25.0%	4
Gwent	3	60.0%	2	40.0%	5
North Wales	12	70.6%	5	29.4%	17
South Wales	10	71.4%	4	28.6%	14
Eastern	32	84.2%	6	15.8%	38
Cambridgeshire	3	60.0%	2	40.0%	5
Essex	13	86.7%	2	13.3%	15
Norfolk	11	91.7%	1	8.3%	12
Suffolk	5	83.3%	1	16.7%	6
East Midlands	42	77.8%	12	22.2%	54
Derbyshire	3	100.0%	0	0.0%	3
Leicestershire	9	90.0%	1	10.0%	10
Lincolnshire	8	80.0%	2	20.0%	10
Northamptonshire	7	100.0%	0	0.0%	7
Nottinghamshire	15	62.5%	9	37.5%	24
London North	14	43.8%	18	56.3%	32
London South	25	69.4%	11	30.6%	36
Merseyside and Cheshire	43	89.6%	5	10.4%	48
Cheshire	29	93.5%	2	6.5%	31
Merseyside	14	82.4%	3	17.6%	17
North East	63	71.6%	25	28.4%	88
Cleveland	5	41.7%	7	58.3%	12

Durham	13	72.2%	5	27.8%	18
Northumbria	45	77.6%	13	22.4%	58
North West	74	80.4%	18	19.6%	92
Cumbria	7	87.5%	1	12.5%	8
Greater Manchester	49	79.0%	13	21.0%	62
Lancashire	18	81.8%	4	18.2%	22
South East	33	80.5%	8	19.5%	41
Kent	16	84.2%	3	15.8%	19
Surrey	6	100.0%	0	0.0%	6
Sussex	11	68.8%	5	31.3%	16
South West	29	70.7%	12	29.3%	41
Avon and Somerset	11	64.7%	6	35.3%	17
Devon and Cornwall	15	88.2%	2	11.8%	17
Gloucestershire	3	42.9%	4	57.1%	7
Thames and Chiltern	31	63.3%	18	36.7%	49
Bedfordshire	4	66.7%	2	33.3%	6
Hertfordshire	8	66.7%	4	33.3%	12
Thames Valley	19	61.3%	12	38.7%	31
Wessex	30	75.0%	10	25.0%	40
Dorset	7	77.8%	2	22.2%	9
Hampshire and IOW	19	73.1%	7	26.9%	26
Wiltshire	4	80.0%	1	20.0%	5
West Midlands	47	72.3%	18	27.7%	65
Staffordshire	10	83.3%	2	16.7%	12
Warwickshire	2	100.0%	0	0.0%	2
West Mercia	6	42.9%	8	57.1%	14
West Midlands	29	78.4%	8	21.6%	37
Yorkshire and Humberside	73	83.0%	15	17.0%	88
Humberside	7	58.3%	5	41.7%	12
North Yorkshire	8	80.0%	2	20.0%	10
South Yorkshire	22	91.7%	2	8.3%	24
West Yorkshire	36	85.7%	6	14.3%	42

CPS Total Crime against an older person Prosecutions

2017-18

	Convictions		Non-convictions		TOTAL
	Vol	%	Vol	%	
14 CPS Areas	2,753	83.6%	542	16.4%	3,295
Cymru Wales	214	85.6%	36	14.4%	250
Dyfed Powys	17	73.9%	6	26.1%	23
Gwent	37	90.2%	4	9.8%	41
North Wales	53	84.1%	10	15.9%	63
South Wales	107	87.0%	16	13.0%	123
Eastern	207	89.2%	25	10.8%	232
Cambridgeshire	46	90.2%	5	9.8%	51
Essex	77	87.5%	11	12.5%	88
Norfolk	59	90.8%	6	9.2%	65
Suffolk	25	89.3%	3	10.7%	28
East Midlands	200	88.5%	26	11.5%	226
Derbyshire	32	86.5%	5	13.5%	37
Leicestershire	43	87.8%	6	12.2%	49
Lincolnshire	39	88.6%	5	11.4%	44
Northamptonshire	21	91.3%	2	8.7%	23
Nottinghamshire	65	89.0%	8	11.0%	73
London North	131	74.0%	46	26.0%	177
London South	161	79.7%	41	20.3%	202
Merseyside and Cheshire	99	83.2%	20	16.8%	119
Cheshire	43	79.6%	11	20.4%	54
Merseyside	56	86.2%	9	13.8%	65
North East	186	79.1%	49	20.9%	235
Cleveland	34	77.3%	10	22.7%	44
Durham	42	82.4%	9	17.6%	51
Northumbria	110	78.6%	30	21.4%	140
North West	271	86.3%	43	13.7%	314
Cumbria	27	87.1%	4	12.9%	31
Greater Manchester	147	85.0%	26	15.0%	173
Lancashire	97	88.2%	13	11.8%	110
South East	213	84.2%	40	15.8%	253
Kent	102	85.7%	17	14.3%	119
Surrey	35	76.1%	11	23.9%	46
Sussex	76	86.4%	12	13.6%	88
South West	119	79.3%	31	20.7%	150

Avon and Somerset	45	72.6%	17	27.4%	62
Devon and Cornwall	53	84.1%	10	15.9%	63
Gloucestershire	21	84.0%	4	16.0%	25
Thames and Chiltern	232	83.5%	46	16.5%	278
Bedfordshire	37	88.1%	5	11.9%	42
Hertfordshire	75	83.3%	15	16.7%	90
Thames Valley	120	82.2%	26	17.8%	146
Wessex	109	85.2%	19	14.8%	128
Dorset	40	87.0%	6	13.0%	46
Hampshire and IOW	48	80.0%	12	20.0%	60
Wiltshire	21	95.5%	1	4.5%	22
West Midlands	297	81.6%	67	18.4%	364
Staffordshire	44	67.7%	21	32.3%	65
Warwickshire	26	89.7%	3	10.3%	29
West Mercia	55	84.6%	10	15.4%	65
West Midlands	172	83.9%	33	16.1%	205
Yorkshire and Humberside	314	85.6%	53	14.4%	367
Humberside	40	90.9%	4	9.1%	44
North Yorkshire	27	79.4%	7	20.6%	34
South Yorkshire	87	84.5%	16	15.5%	103
West Yorkshire	160	86.0%	26	14.0%	186

Glossary of terms and acronyms

Hate Crime Strands

Racial or religious incidents:	Any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or religion, or perceived race or religion.
Homophobic, biphobic or transphobic incidents:	Any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's sexual orientation or transgender identity or perceived sexual orientation or transgender identity.
Disability incidents:	Any incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's disability or perceived disability.
Monitoring flags:	Case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case. Flags are applied in cases of hate crime and crimes against older people.
Crimes against older people:	<p>Offences in the categories below, where the victim is aged 60 or older:</p> <ul style="list-style-type: none">• where there is a relationship and an expectation of trust, for example, theft or assault by a carer or family member• which are specifically targeted at the older person because they are perceived as being vulnerable or an easy target, for example, a distraction burglary or a mugging• which are not initially related to the older person's age but later becomes so, for example, a burglary where the burglar does not know the age of the householder, but later exploits the situation on discovering that the householder is an older person• which appear to be in part or wholly motivated by hostility based on age, or perceived age. For example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age.

Case Outcomes

Pre-charge decisions:	In all but minor cases, and those where a guilty plea is anticipated, Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be.
Charged:	Cases where the CPS decision is to bring proceedings against the suspect.
No prosecution:	Those cases where the CPS decision is not to prosecute for evidential or public interest reasons.
Out of court disposal:	Where a caution, conditional caution, reprimand or final warning has been given or where the offence has been taken into consideration in relation to other charges.
Administrative Finalisation:	The suspect has failed to answer bail and a warrant is outstanding or the case has been finalised administratively for various reasons.
Other:	The outcome of the charging decision has not been recorded or is undefined.
Prosecutions:	All defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
Non-convictions:	All completed prosecutions where the defendant is not convicted, comprising the following:
Discontinued and withdrawn:	Consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	Cases in which the defendant pleads not guilty and proceedings are dismissed by the court after hearing the defence case.
Judge directed acquittal:	Cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	When the defendant pleads not guilty and, following a trial, is acquitted by the jury.
All other non-conviction	Comprising administrative finalisations,

outcomes:	discharged committals and no case to answer.
Administrative finalisation:	When a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely.
No case to answer:	Cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the court without hearing the defence case.
Convictions:	Cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences - mostly motoring matters - which are heard by the court in the absence of the defendant.
Sentence uplift:	Sections 145 and 146 of the Criminal Justice Act 2003 provide for a sentencing uplift in cases of racist and religious crime, homophobic, biphobic and transphobic crime and disability hate crime.

Reason categories for non-conviction outcomes

Evidential:	Where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
Public interest:	Where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.
Other reasons:	Where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	When a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead: or where proceedings are adjourned indefinitely.

Reasons for non-conviction outcomes

Complainant retraction:	Where the evidence of the complainant supports the prosecution case, the complainant refuses to be called as a witness, or retracts, or withdraws a complaint.
Complainant non-attendance:	The complainant is called as a witness in a trial, but fails to

attend court.

Complainant evidence does not support case:

The evidence of the complainant of an offence does not support the prosecution of the defendant, leading to a non-conviction, but the complainant however, has not retracted. (The reason title was amended in April 2013 to: 'The evidence of the victim does not come up to proof, but there is no retraction').

Conflict of evidence:

Contradictions in prosecution evidence leads to a non-conviction. (From April 2013 the guidance was amended to clarify that this reason is not to be used when the complainant retracts, does not attend or their evidence does not come up to proof).

Essential legal element missing:

The prosecution cannot continue because an essential legal element is missing from the prosecution case. (The 'reason title' was amended in April 2013 to 'Incorrect charging decision – legal element missing'; the updated guidance made it clear that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof).

Other indictment or sentence:

The case does not proceed because the same defendant is the subject of either other indictments, or sentences in respect of other proceedings.

Acquittals after trial:

The defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case. (Cases dismissed no case to answer or judge directed acquittals are not included).

Principal offence category:

Charged offences are allocated one of twelve offence categories to indicate the type and seriousness of the charges brought against the defendant at the time of finalisation.

Disability Hate Crime



CPS

Policy for
Prosecuting
Cases of
Disability
Hate Crime

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Introduction

- 1.1 This policy statement explains the way that we, the Crown Prosecution Service (CPS) deal with cases of disability hate crime.
- 1.2 We are publishing this statement because we want disabled victims and witnesses and their families and communities, as well as the general public, to be confident that the CPS understands the serious nature of this type of crime. Feeling and being unsafe or unwelcome – from shunning or rejection to violence, harassment and negative stereotyping – has a significant negative impact on disabled people’s sense of security and wellbeing. It also impacts significantly on their ability to participate both socially and economically in their communities.
 - The Disability Rights Commission’s Attitudes and Awareness Survey (2003) revealed that 22% of disabled respondents had experienced harassment in public because of their impairment. Incidents of harassment were more acute among 15-34 year olds with 33% of this group of disabled people experiencing harassment (DRC, 2003).
 - Eight per cent of disabled people in London suffered a violent attack during 2001-02 compared with four per cent of non-disabled people. Research by Greater London Action on Disability (GLAD) found that, “The attacks have a major impact on disabled people. Around a third have had to avoid specific places and change their usual

routine. One in four has moved home as a result of the attack. Many disabled people are not confident that the police can help to stop the incidents” (GLAD 2002).

- Research by Mencap demonstrated that 90% of people with a learning disability had experienced bullying¹ and harassment. Sixty-six per cent of people with a learning disability have been bullied regularly with 32% stating that bullying was taking place on a daily or weekly basis (Living in Fear, 2000).

- 1.3 Safety and security, and the right to live free from fear and harassment, are fundamental human rights and the CPS recognises the wider community impact of disability hate crime where it strikes at all disabled people by undermining their sense of safety and security in the community. For this reason we regard disability hate crime as particularly serious. Such crimes are based on ignorance, prejudice, discrimination and hate and they have no place in an open and democratic society.
- 1.4 This policy statement is primarily focused on how the CPS deals with disability hate crime as defined by section 146 of the Criminal Justice Act 2003. However, we also recognise that some disabled people may be victims of crime due to their perceived vulnerability or because they have unequal access to safety. For example, relationships where there

¹We recognise that the term “bullying” may involve criminal acts. For example, 33% reported physical attacks and other attacks including: “being spat at, having your head hit against a wall, being called names, being stolen from and having stones thrown at them”.

may be unequal power between the parties such as where the defendant is the victim's carer. This policy statement will therefore also make reference to crimes committed against disabled people because of their perceived vulnerability, recognising that these people may need support to enable them to give evidence in order to ensure they have equal access to justice. We explain later how the needs of the disabled victim and any disabled witnesses will be assessed at the earliest opportunity in order to see what measures, including special measures, may be available and suitable to support them in court, so that they can give the best possible evidence.

- 1.5 Securing the confidence of those affected by disability hate crime *and* those that are targeted because of their perceived vulnerability because they are disabled is an essential part of our approach to dealing effectively with such cases. We want to make sure that **all** people have equal access to justice.
- 1.6 In the CPS we are committed to proactively promoting disability equality. We welcome the Disability Equality Duty (under the Disability Discrimination Act 2005) and the requirement to mainstream disability issues into our prosecution policies and practices as well as our employment policies and practices. This policy statement forms a key part of our response to the Disability Equality Duty and its development, implementation, and training to support implementation is included in our disability equality action plan. We are committed to its vigorous implementation, we will monitor its impact and we will report on outcomes.

- 1.7 Disabled people also go to court as defendants. We are mindful of our responsibility under the Disability Equality Duty to ensure that disabled defendants are treated fairly within the context of their disability and we would expect that those working with them will consider any support and assistance disabled defendants may need.
- 1.8 Every person has an equal right to be protected by the criminal law and by the criminal justice agencies. Stopping disability hate crime and bringing perpetrators to justice must therefore be a priority for our society and for the CPS. We are determined to play our part by prosecuting cases effectively. In doing so, we want to promote greater confidence in the criminal justice system – a key aim for all agencies involved in the criminal justice system.
- 1.9 The CPS is not the only agency that deals with cases of disability hate crime. The police, the criminal courts, magistrates and judges all have roles to play in promoting greater confidence of disabled people in the criminal justice system. We work with the police and other colleagues in the criminal justice system, both locally and nationally, to help us improve our understanding of disability hate crime to ensure that the whole criminal justice process brings perpetrators of disability hate crime to justice.
- 1.10 This policy statement has been developed and taken forward by a Steering Group with representatives from disability organisations with professional knowledge in the fields of disabilities, crime reduction and victim and witness support. We have also consulted with disabled people as well as representatives of disability and victims

organisations. We have greatly appreciated all input; however, the content of this document is the responsibility of the CPS alone. This policy statement is supported by more detailed guidance for all CPS prosecutors and caseworkers so that they have a clear understanding of the policy and how we deal with this sort of crime.

2. Disability hate crime

- 2.1.1 In April 2005 the law was changed by section 146 of the Criminal Justice Act 2003 (CJA).
<http://www.opsi.gov.uk/acts/acts2003/30044—o.htm#146>
Section 146 did not create any new offences; it imposed a duty upon courts to increase the sentence for **any** offence (for example, assault or criminal damage) aggravated by hostility based on the victim's disability (or presumed disability). Therefore, when an offender has pleaded guilty or been found guilty and the court is deciding on the sentence to be imposed, it must treat evidence of hostility based on disability as something that makes the offence more serious. The court must also state that fact openly so that everyone knows that the offence is being treated more seriously because of this evidence of hostility based on disability.
- 2.1.2 Section 146 is designed to ensure that these offences are treated seriously by the police, prosecutors and the courts and brings them in line with offences that are aggravated by racial or religious hostility or hostility based on sexual orientation.

2.1.3 The CPS therefore now has a duty to ensure that where there is evidence of such hostility, this is brought to the attention of the sentencing court.

2.1.4 In this policy we will refer to crimes which fall within the ambit of section 146 CJA as disability hate crime.

2.2 Definition of “Disability” and “Disability Related Incident”

2.2.1 For the purposes of section 146 “disability” means any physical or mental impairment.²

2.2.2 Section 146 is also relevant to cases where the offender has assumed a person is disabled, whether or not that *assumption* is correct.

2.2.3 There is no statutory definition of a disability related incident. However, to help us apply our policy on dealing with cases of disability hate crime we have adopted the following definition:

“Any incident, which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person”.

2.2.4 This is the same definition used by the Association of Chief Police Officers (ACPO) in the March 2005 tactical manual

² This definition of disability is not the same definition of disability as defined by the Disability Discrimination Act 2005 which covers people with a wide variety of disabilities, including those people living with HIV or AIDS, or who have cancer or multiple sclerosis.

guidance issued to all police services, in relation to Hate Crime and Hate Incidents.

2.3 When will section 146 CJA apply?

2.3.1 *Section 146 CJA applies to offences committed in either of the following circumstances:*

At the time of committing the offence or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on a disability or presumed disability of the victim.

For example, an assault upon a disabled person by an offender who, immediately before hitting the victim, makes a derogatory and offensive comment about disabled people.

OR

The offence was motivated (wholly or partly) by hostility towards persons who have a disability or a particular disability.

For example, assault upon the parents of a disabled child committed by an offender where there is evidence of hostility towards the disabled child because of previous remarks.

2.3.2 It is important to note that these are alternatives. This means that in a case where a demonstration of hostility can be proved (this will usually be in the form of spoken words) there is no need to also prove a hostile motivation, and vice versa. Motive is always difficult to prove and it is likely that

more section 146 cases will relate to hostile acts than to hostile motivation.

- 2.3.3 However, section 146 will apply even if the incident was prompted by some non-disability related issue, provided the offender has gone on to demonstrate hostility based on disability.

For example, two motorists collide. One driver gets out and starts to abuse and threaten the other driver. He then becomes aware that the other driver is disabled and refers to this in derogatory and offensive terms. The driver's behaviour may amount to an offence of public order aggravated because he has also demonstrated specific hostility based on disability.

2.4 Proving that an offence was aggravated by hostility based on disability

- 2.4.1 Not all incidents that the victim or some other person has perceived to be a disability hate crime will actually be a disability hate crime in law. For section 146 to apply the prosecution must first have proved that the offender has committed a criminal offence and then have proved that that offence was aggravated by hostility based on the victim's disability. To help us decide whether an incident reported to the police amounts to a crime and whether there is enough evidence to prosecute the case, we use the Code for Crown Prosecutors. We explain the Code later in section 4 of this statement.
- 2.4.2 We do recognise that, to prove that an offence is aggravated under section 146 CJA, verbal hostility may

need to be “heard” by the victim or witness, and in some cases disabled victims or witnesses might not be able to hear or may have a learning disability that results in difficulties communicating. Some responses to these issues are identified in section 9 – “Support for disabled victims and witnesses”. We will also work with disability organisations when developing training for our prosecutors so that our prosecutors are aware of the challenges they may face and possible solutions to them.

2.5 Disability hate crimes and crimes committed against disabled people

- 2.5.1 It is important to make a distinction between a disability hate crime and a crime committed against a disabled person because of his/her perceived vulnerability. A disability hate crime is any crime committed in any of the circumstances explained in section 146 CJA. Where there is evidence available to prove that an offence is aggravated by hostility based on the victim’s disability we will do our utmost to ensure that that evidence is put before the court for sentencing purposes.
- 2.5.2 However, not all crimes committed against disabled people are disability hate crimes – some crimes are committed because the offender regards the disabled person as being vulnerable and not because the offender dislikes or hates disabled people. For example, the theft of a wallet from a blind person; if the offender was preying on the victim’s perceived vulnerability this will not be a disability hate crime within the definition of section 146.

- 2.5.3 In such cases, even where the offence does not fall within the definition of a disability hate crime under section 146 of the CJA, our prosecutors will have regard to guidelines issued by the Sentencing Guidelines Council³. The guidelines explain that, in assessing how serious an offence is, the court will have regard to the level of culpability of the offender and the harm caused or risked being caused to the victim. The level of culpability is considered higher where the offender deliberately targets a vulnerable victim. Also, where a victim is particularly vulnerable, this may indicate a more than usually serious degree of harm. The guidelines explain that in order to consider the appropriate sentence the court will need to take into account both the level of culpability of the offender and the harm that was caused to the victim.
- 2.5.4 Nevertheless, there may be other cases where it cannot be proved either that the offender demonstrated or was motivated by hostility or that the offender knew that the victim was disabled and targeted him or her because of that. In such cases, section 146 will not be relevant nor will the sentencing court be able to treat the perceived vulnerability of the victim as an aggravating feature of the offence.
- 2.5.5 We believe that it is important to make these distinctions now in order not to raise expectations that all crimes committed against disabled people will be prosecuted as disability hate crime.

³ Overarching Principles: Seriousness (Sentencing Guidelines Council 2004)

3. The role of the CPS

- 3.1 It is the responsibility of the police to investigate allegations of crime and to gather evidence about what occurred.
- 3.2 Following the implementation of Statutory Charging it is now the job of the CPS to decide charges in all but the most routine cases and our prosecutors will work with the police to ensure that disability hate crime cases are identified as early as possible so that the correct charging decision can be made.
- 3.3 The criminal justice system in England and Wales relies on witnesses coming to court to give evidence about what occurred. Usually, witnesses give evidence in open court with members of the public and press there. The defendant is almost always present as well. The reporting of crime and the giving of evidence is a public duty and the key to any successful prosecution is based on the willingness of witnesses to come forward.
- 3.4 We know that those affected by disability hate crime are sometimes reluctant or unable to report the incident without support. Even if extra support is not required, we know that disabled people may not report incidents to the police for fear of repeat victimisation. This may also be the case where disabled people are targeted because of their unequal access to safety or on account of the environment in which they live, for example, in a hospital, care home or in their own home. Even if incidents have been reported disabled people may be reluctant to give evidence if the

perpetrator is prosecuted, or may need particular support and help to do so. We will do everything that we can to make giving evidence in court as easy as possible. It is important to us that crimes against disabled people are reported and prosecuted and that disabled people have equal access to justice.

4. The Code for Crown Prosecutors

The way in which we reach our decisions about whether to prosecute is set out in the Code for Crown Prosecutors. This document is issued by the Director of Public Prosecutions who heads the CPS. It is updated regularly so that it reflects current practice. We review the cases that are referred to us in line with the two tests that are set out in the Code.

4.1 The first test – the evidential test

- 4.1.1 Crown Prosecutors must first be satisfied that there is enough evidence to provide a “realistic prospect of conviction against each defendant on each charge”. This means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged.
- 4.1.2 To secure a conviction in a criminal court, we have to prove the case so that the court is sure of guilt.
- 4.1.3 The evidential test that we use is therefore different from the test that the court applies before it may convict a

defendant. Just because a case may pass the evidential test set out in the Code it does not necessarily mean that the case will result in a conviction. Many things can happen between our decision to prosecute a case and the court's verdict: witnesses may not attend court to give evidence; witnesses may give different evidence in court from that which they gave to the police; or the defendant may give evidence and tell a different version of events and this may cast doubt upon the truth of the victim's story. It is for the court to decide whether a defendant is guilty based upon the evidence that it hears or reads, therefore not all cases that are prosecuted result in a conviction.

- 4.1.4 If the case does not pass the first test based on the strength of the evidence, it must not go ahead, no matter how important or serious it may be. This is because we have reached the view that the court is not likely to convict the defendant of the crime alleged. In such cases, it is wrong to put the defendant through the criminal justice process and it is wrong to raise the expectations of victims and witnesses when we do not believe that a conviction is likely.

4.2. The second test – the public interest test

- 4.2.1 If the case does pass the evidential test, Crown Prosecutors must then decide if a prosecution is needed in the public interest. A prosecution will usually take place “unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour”.
- 4.2.2 When considering the public interest test, one of the factors that Crown Prosecutors should always take into account is “the consequences for the victim of the decision whether or

not to prosecute; and any views expressed by the victim or the victim's family". We always think very carefully about the interests of the victim when we decide where the public interest lies. But we prosecute cases on behalf of the public at large and not just in the interests of any particular individual. There can be difficulties in striking this balance. The views and interests of the victim are important, but they cannot be the final word on the subject of a CPS prosecution. The acts of an individual have to be put in the context of the wider society and balanced against the risks to other individuals.

4.2.3 We regard any offence motivated by hostility towards the victim because of the victim's disability or perceived disability as being more serious as set out in the Code for Crown Prosecutors at paragraph 5.9(k). As a result, the public interest in disability hate crime cases that are referred to us will almost always be in favour of a prosecution.

4.2.4 Some of the public interest factors that we will consider are:

- the seriousness of the offence;
- the victim's injuries – whether physical or psychological;
- if the defendant used a weapon;
- if the defendant has made any threats before or after the attack;
- if the defendant planned the attack;
- the chances of the defendant offending again;
- the continuing threat to the health and safety of the victim or anyone else who is, or may become, involved;
- the victim's relationship with the defendant; and
- the defendant's criminal history, particularly any previous offences against disabled people.

- 4.2.5 In cases of disability hate crime – as in all cases – the reviewing prosecutor must apply the Code for Crown Prosecutors. If there is sufficient evidence to proceed without the evidence of the victim, then subject to the public interest test, the case may still be able to proceed.
- 4.2.6 The Code is a public document. Copies are available from CPS Communication Division, Rose Court, 2 Southwark Bridge, London SE1 9HS or from local CPS offices, or from our website
http://www.cps.gov.uk/victims_witnesses/code.html

5. Policing hate crime

- 5.1 The Association of Chief Police Officers (ACPO) represents the 44 police services in England, Wales and Northern Ireland and in March 2005 a tactical guidance manual was issued to all services, in relation to Hate Crime and Hate Incidents.

A Hate Incident is defined as:

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate.

A Hate Crime is defined as:

Any incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

A Disability Related Incident (sometimes referred to as a disability incident) is defined as:

Any incident, which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person.

- 5.2 It is imperative that police investigators notify prosecutors that a crime has been identified as a disability incident and also of whether the victim(s) or a key witness is disabled as this informs the way that prosecutors will handle the case.

6. Prosecuting cases of disability hate crime

- 6.1.1 As we explained at paragraph 2.4.1, we may not always be able to prove that an offence that the victim or some other person thinks is a disability hate crime (a disability related incident) is a disability hate crime in law. However, it is important that any offence which has been considered to be a disability hate crime is identified as such by the police and the CPS as this will inform the way that we handle the case. All disability related incidents should be identified to us by the police and we will then monitor the way we deal with them.
- 6.1.2 We will adopt a proactive approach to seeking further information from the police to help us decide if a case can properly be prosecuted as a disability hate crime. In some cases, we may advise the police to follow up other possible

lines of enquiry. This might include looking at previous reported incidents involving the same victim, or the same suspect. It may also involve seeking information or evidence from other agencies, for example, Social Services, NHS, specialist support groups and community groups working with disabled people. For example, there may be current or previous eviction proceedings taken by a local authority or housing association involving the parties in the criminal proceedings. In all cases, prosecutors should liaise directly with the officer in the case to make sure all available evidence has been obtained and sent to the CPS to consider when reviewing the case. This may be especially important if the situation represents repeat victimisation.

6.1.3 We aim to build the strongest possible cases to put before the court. If we are satisfied that there is sufficient evidence to prove that the offence is aggravated in accordance with section 146, we will make it clear to the defence and the court that we intend to put this in evidence before the court for sentencing purposes.

6.1.4 Where a domestic violence offence is committed against a disabled person, we will also refer to our Policy for Prosecuting Cases of Domestic Violence.

6.2 Charge selection

6.2.1 The charges that we decide on in any prosecution should always reflect the seriousness of what took place, any element of pre-meditation or persistence in the defendant's behaviour, the provable intent of the defendant and the severity of any injury suffered by the victim. The charges

must help us present the case clearly and simply and they must give the court the power to impose a suitable sentence.⁴

6.2.2 The CPS and the police have agreed “charging standards” for certain types of offences including assaults. These are guidelines that help us to make consistent decisions about the right charges. We use them when reviewing all cases. Examples of charging standards can be seen at http://www.cps.gov.uk/legal/section5/chapter_c.html

6.2.3 In a case being prosecuted as a disability hate crime the charge itself will not reflect the fact that the crime is a disability hate crime. This is because, as explained in paragraph 2.1.1, section 146 does not create any specific offence but instead places a duty on courts to increase sentences for offences aggravated by hostility based on the victim’s disability. We do not have to prove the aggravating factor in order for the defendant to be found guilty of the offence charged (for example, assault or criminal damage). However, we do have to prove the aggravating factor to ensure that the offence is treated more seriously by the sentencing court under section 146 CJA. When we are prosecuting a case as a disability hate crime we will make it clear to the defence and the court, at the earliest opportunity, that we are doing so.

⁴ Prosecutors’ Pledge: “Take into account the impact on the victim or their family when making a charging decision” and The Code of Practice for Victims of Crime, section 7.2 refers to the CPS obligation to ensure that victims are informed of charging decisions taken by the CPS.

6.2.4 Prosecutors have an obligation to inform victims of decisions not to prosecute.⁵

6.3 Bail

6.3.1 After a person is charged with an offence, the police will decide whether to release the person on bail to attend the next available court hearing (usually within two to five days of charge), or to keep the person in custody to appear before the magistrates' court that day or the next. Once the accused appears before the court, the magistrates will make the decision about bail after hearing from the prosecution and the defence. We can appeal, in certain circumstances, against a decision to grant bail.

6.3.2 The time after an offender is charged with a crime can cause anxiety for the victim and disabled victims may be particularly vulnerable. We recognise that some disabled victims may well be dependent for their care on the perpetrator of the crime committed against them and we will work with partners to identify support mechanisms which may be provided in the community. However, in order to protect victims and witnesses from the risk of danger or threats or repeat offences, we may ask the court to impose conditions on the bail or may ask for the defendant to be remanded in custody. The court can only agree if we can show that there are substantial grounds for not granting bail or granting bail with conditions as set out in the Bail Act 1976.

⁵ Prosecutors' Pledge and the Code of Practice for Victims of Crime (see 9.2.1. below)

- 6.3.3 Conditions that the court can impose include requirements not to approach any named person or to keep away from a certain area. In making decisions about whether to oppose bail we will take account of information provided to us by the police about the fears of a victim or witness about harassment or repeat offending.
- 6.3.4 We will work with the police and the courts to make sure that the victim or witness is kept informed, either by the police or by us, of any change to the bail conditions or custody status of the accused person. Witness Care Units, run by the police and the CPS provide help and information for victims and witnesses and a Witness Care Officer will keep in contact with the victim or witnesses to let him/her know of any changes.

6.4 Victim Personal Statements

- 6.4.1 A Victim Personal Statement is a statement made by a victim of crime explaining the effect that the crime has had on him or her. In the statement victims can describe how they have been affected by the crime. They can talk about their wishes or needs during the case and any concerns they may have as a result of the offence, for example, about safety, intimidation or bail. They can mention support (or absence of support) for the prosecution and requests for help from any of the support agencies. In this way the court can better understand not only the crime but also the context in which it occurred. It is optional, and the victim should be asked whether or not s/he wishes to make such a statement or if s/he requires help to make a statement from a support worker or family member. This statement can be made at any time and it is possible to

make more than one statement. A victim can ask the police or their CPS lawyer for a leaflet which explains what Victim Personal Statements are and how they can be used.

6.4.2 Prosecutors can use these statements to help them make decisions about cases, for example, when deciding whether they should ask the court to impose conditions when a defendant is on bail.

7. What happens if the victim withdraws support for the prosecution or no longer wishes to give evidence?

7.1 Sometimes, a victim will ask the police not to proceed any further with the case, or will ask to withdraw the complaint. This does not necessarily mean that the case will automatically be stopped. As a general rule, we will prosecute all cases where there is sufficient evidence and there are no factors that prevent us from doing so. If the victim has decided to withdraw support for the prosecution, we have to find out why. This may involve delaying the court hearing to investigate the facts and decide the best course of action.

7.2 We will take the following steps:

- we will ensure that an experienced prosecutor supervises the case;

- if the victim decides to withdraw support, we will ask the police to take a written statement from the victim explaining the reasons for that withdrawal, confirm that the original complaint was true and whether the victim has been put under any pressure to withdraw support; and
- we will ask the police to give their views about the evidence in the case and how they think the victim might react if they are compelled to attend court.

7.3 If the victim's statement, after withdrawing the complaint, is not the same as the earlier statement, we will expect the police to ask the victim to explain why it has changed.

7.4 If the victim confirms that the complaint is true but still wants to withdraw that complaint, we will consider first whether it is possible to continue with the prosecution without the evidence of the victim (the evidential test) and then, if it is possible, whether we should continue the case without the support of the victim/against the victim's wishes (the public interest test).

7.5 If we suspect that the victim has been pressured or frightened into withdrawing the complaint, we will ask the police to investigate further. The investigation may reveal new offences, for example, harassment or witness intimidation, or that bail conditions have been breached. If necessary, we will ask the court to delay any hearing so that a thorough investigation may take place before we decide about the future of the case. If the reason for a victim or witness's withdrawal is based on fear or intimidation, the prosecutor needs to have such evidence brought to their attention and should consider further charges of witness intimidation.

7.6 We will explore all these options fully, before we decide whether to proceed with a prosecution. The safety of the victim or any other potentially vulnerable person will be a prime consideration in reaching our decision.

8. Continuing a case where the victim has withdrawn their support for the prosecution

8.1 Generally, the more serious the offence (because of, for example, the level of violence used or the real and continuing threat to the victim or others) the more likely we are to prosecute in the public interest, even if the victim says they do not wish us to do so.

8.2 In some cases if we have sufficient other evidence we could proceed without relying on the evidence of the victim at all.

8.3 If we decide that the case should continue and that it would be necessary to rely on the victim's evidence to prove the case, we have to decide:

- whether we could apply to the court to use the victim's statement as evidence without the victim having to give evidence in court;
- if we can proceed with the prosecution by helping the victim to attend court by the use of special measures; or
- whether we should compel the victim to give evidence in person in court.

8.4 Background information is crucial in helping a prosecutor to make the correct decision about how to proceed in a case where the victim has withdrawn their support for the prosecution.

Some of the factors that should be considered include:

- the ability of the victim to testify;
- whether there is an ongoing relationship between the victim and the defendant, for example, where the defendant is the victim's carer;
- if there is an ongoing relationship, the history of the relationship and any instances of previous abuse;
- the chances of the defendant offending again;
- the impact on the victim of proceeding or not proceeding with the case; and
- whether there have been any threats made since the incident.

8.5 The prosecutor will want to know the reasons why the victim no longer wishes to give evidence. In cases of disability hate crime, this may be because the victim lives in a place in which they feel isolated or particularly vulnerable (and we recognise that feeling isolated or vulnerable may have deterred or delayed the victim from reporting the incident in the first place), where supporting the prosecution may place the victim at further risk of harm, such as in domestic violence cases or situations where the defendant is the victim's carer and where the victim is fearful of other consequences of giving support to the prosecution. In such cases, the prosecutor must have regard to any special measures or other support available

to the victim that may help them, at least in part, to overcome their concerns⁶.

- 8.6 In cases where it is necessary to call victims to give evidence against their wishes, prosecutors will only make that decision after consultation with the police and possibly others with a legitimate interest and with the safety of the victim as a prime consideration.
- 8.7 The law allows us to use the victim's statement in court without calling the victim to give oral evidence but only in very limited circumstances. It is for the court to decide whether to allow this and it will do so only if it is in the interests of justice to do so. If the victim is the only witness to the offence it may be difficult to satisfy the court that justice is being served when the defence cannot cross-examine the only witness in the case.

⁶ Prosecutors' Pledge: "Address the specific needs of a victim and where justified seek to protect their identity by making an appropriate application to the court" and The Code of Practice for Victims of Crime, section 7.8 states that CPS prosecutors must consider applications for special measures for potentially vulnerable or intimidated witnesses.

9. Support for disabled Victims and Witnesses

The CPS is fully committed to taking all practicable steps to help victims through the often difficult experience of becoming involved in the criminal justice system. Initiatives such as No Witness No Justice, special measures, meetings between the CPS and vulnerable and intimidated witnesses, reporting restrictions and the Witness Support Preparation and Profiling initiative, are all designed to increase the confidence of victims in the criminal justice system. Support may also be available from a very early stage from the police, Social Services and other support agencies which can continue throughout the life of the prosecution.

9.1 The Prosecutors' Pledge

- 9.1.1 This is a 10-point Pledge that describes the level of service victims can expect to receive from prosecutors. The Prosecutors' Pledge should ensure that the specific needs of disabled victims and witnesses are addressed, that they are assisted at court to refresh their memory from their written or video statement and that they are protected from unwarranted or irrelevant attacks on their character.
- 9.1.2 The Prosecutors' Pledge can be obtained from our website http://www.cps.gov.uk/publications/prosecution/prosecutor_pledge.html

9.2 The Code of Practice for Victims of Crime

- 9.2.1 The Victim's Code sets out the obligations of the CPS towards victims. An example of one of the obligations is where a prosecutor decides either that there is insufficient evidence to bring any proceedings (following a full evidential report), or if the prosecutor decides to substantially alter or drop any charge. In those circumstances the prosecutor must notify the victim. If the victim is vulnerable or intimidated the prosecutor must notify them within one working day and within five working days for other victims. For disability aggravated offences, the prosecutor will also offer to meet the victim to explain the decision. Where a prosecutor has made a decision not to charge during a face to face consultation with an investigator, the investigator must advise the victim.
- 9.2.2 Copies of the Code of Practice for Victims of Crime can be obtained from CPS Communication Division, Rose Court, 2 Southwark Bridge, London SE1 9HS or from our website http://www.cps.gov.uk/victims_witnesses/victims_code.pdf

9.3 Witness Care Units

- 9.3.1 No Witness No Justice is a joint initiative between the police and the CPS and is aimed at being responsive to the individual needs of victims and witnesses through the establishment of dedicated Witness Care Units.
- 9.3.2 We have Witness Care Units in all 42 CPS Areas and these are run jointly by the CPS and the police. Witness Care

Officers provide a single point of contact and tailored support for each witness to ensure that they are able to give their best evidence. This tailored support is based on a needs assessment which should lead on to the identification of specialist support that a disabled witness may need. For example, this support could take the form of accredited interpreters for hearing impaired witnesses and accessible courtrooms for physically disabled witnesses.

9.3.3 Witness Care Officers will manage the care of the victim from the time a defendant is charged right up until the final hearing.

9.4 Special measures

9.4.1 In some cases the court may agree to allow a witness to give evidence with the help of “special measures”. The use of special measures should be investigated first by the police and then with the prosecutor. The Witness Care Officer may also have an input following a needs assessment but it will be for the court to decide whether they should be granted.⁷ Special measures were introduced by the Youth Justice and Criminal Evidence Act 1999 and are available in both Crown and in the magistrates’ courts. They are available to help the following witnesses:

- children under 17 years;
- adults (17 and over) who may be considered vulnerable

⁷ The Code of Practice for Victims of Crime, section 7.8 states that CPS prosecutors must consider applications for special measures for potentially vulnerable or intimidated witnesses.

because of incapacity, such as a physical or mental disorder⁸; or learning disability; and

- witnesses whose evidence is likely to be affected because they are intimidated (for example, afraid or distressed about giving evidence).

9.4.2 Special measures can help disabled people give evidence in the best way and with as little stress as possible.

9.4.3 Special measures include:

- video evidence in chief;
- the court allowing the use of screens in a courtroom to prevent a victim or other witness from seeing the defendant;
- giving evidence away from the courtroom through a live television link (but the defendant will still be able to see them);
- clearing the public gallery in sexual offence cases or cases involving intimidation;
- the use of communication aids, for example, an alphabet board, sign and signal boards, or hearing loop;
- giving evidence through an intermediary;⁹ and
- in the Crown Court, advocates and the judge removing their wigs and gowns.

⁸ This includes someone who is living with a particular condition which may inhibit them from pursuing a prosecution if that fact is going to be widely broadcast.

⁹ Someone, usually a specially trained and registered speech therapist, who helps witnesses communicate with the court if, for example, they have a speech impediment.

9.4.4 In deciding whether or not special measures can be applied we have to determine if “the quality of evidence that the witness is going to give is likely to be diminished without the special measures that are requested”. We will positively consider special measures in cases involving disabled victims and witnesses who may benefit from them. We will apply for special measures but it is for the judge to decide and not all special measures are available in every court. As cases proceed individual circumstances may change so special measures may need to be adapted.

9.5 Using intermediaries for vulnerable witnesses

9.5.1 Use of an intermediary is a form of “special measure”. An intermediary is someone who is approved by the court to provide a service which enables witnesses and the court to communicate. Professional intermediaries – usually speech and language therapists or deaf intermediaries who understand deaf culture – work with witnesses to make sure they are understood and can understand the questions put to them. Intermediaries can work with defence or prosecution witnesses and assist in the initial taking of their evidence and when they are in court so that they achieve their best evidence at the trial. Intermediaries come from a range of backgrounds including social work, speech and language therapy and psychology. They will normally be a specialist by training or possibly through a unique knowledge of the witness.

9.6 Witness Support, Preparation and Profiling

9.6.1 This initiative was pioneered by the Investigations Support Unit (ISU) of Liverpool City Council working with the CPS

Policy Directorate and has been adopted in a number of other areas.

- 9.6.2 The initiative aims to promote equal access to justice for witnesses with learning disabilities and (other) vulnerable witnesses by providing an in-depth support and preparation programme. (This programme deals with the understanding, information and skills required of the witness, while avoiding any discussion of, or reference, to their evidence).
- 9.6.3 At the pre-trial stage, an assessment of the individual's potential to be a credible and competent witness in the trial is carried out. This detailed work is undertaken to enable the witness to be prepared to be able to give evidence and a witness profile is generated. The profile is served on the court, the prosecution and the defence in accordance with an agreed protocol.
- 9.6.4 The witness profile prepared by the ISU staff includes details such as the witness's functional skills and powers of concentration (in relation to giving evidence, specifically). Advice is also given to the prosecution advocate on how to ensure that the witness is able to give his/her best evidence and strategies to minimise or resolve potential problems are also included. This enables the prosecuting advocate to consider how to formulate questions at a level that the witness will understand.
- 9.6.5. Additionally, the witness profile can provide the judge with information as to the witness's specific requirements, which may lead to the judge giving directions as to any assistance that the witness may need in the courtroom.

9.7 Meeting between the CPS and vulnerable or intimidated victims and witnesses

- 9.7.1 When an application is made for special measures, the witness will be asked if he/she would like to meet with the prosecutor. The purpose of meeting is to reassure witnesses that their needs will be taken into account and thereby help build trust and confidence. The witness does not have to attend that meeting by themselves. They can bring a relative, a carer or other supporter. In order to facilitate communication with the victim it may be appropriate for an interpreter or other similar person, to attend the meeting. Wherever possible, the CPS prosecutor will ensure that the advocate who will be conducting the trial will attend the meeting between the CPS prosecutor and the disabled witness. The CPS prosecutor will also offer the disabled victim a court familiarisation visit.
- 9.7.2 Further information about meetings with vulnerable or intimidated witnesses is contained in the leaflet *“Witnesses, Your meeting with the CPS Prosecutor”*.

This leaflet is available from CPS Communication Division, Rose Court, 2 Southwark Bridge, London SE1 9HS or from our website

<http://www.cps.gov.uk/publications/prosecution/witnesseng.html>

9.8 Reporting restrictions (Youth Justice and Criminal Evidence Act 1999, section 46)

- 9.8.1 In some cases, the law allows the CPS to apply for an order preventing the reporting of certain details of witnesses in

the media that may lead to their identification. The court must follow a set procedure when considering such an application and must determine whether a witness is eligible and, as with special measures, whether the reporting restriction will be likely to improve the quality of the witness's evidence. The focus of all of these measures is to ensure that giving evidence is made as easy as possible for the witness.

9.8.2 When deciding whether a witness is eligible, the court must take into particular account:

- the nature of the alleged circumstances of the offence to which the proceedings relate;
- the witness's age;
- if relevant, the social and cultural background and ethnic origins of the witness, the domestic and employment circumstances, and any religious beliefs or political opinions; and
- any behaviour towards the witness on the part of the defendant, members of his/her family or associates, or any other person who is likely to be a defendant or witness in the proceedings.

9.8.3 Once these factors are determined, the court will consider:

- whether it would be in the interests of justice to make an order; and
- the public interest in avoiding a substantial and potentially unreasonable restriction on the reporting of proceedings.

9.8.4 Where an order is made (the defence and/or the media are entitled to object to any application we make), the effect will be that no matter relating to the witness during his or her lifetime shall be included in any publication if it is likely to identify him or her as a witness in the proceedings.

10. Sentencing

- 10.1 Evidence of aggravation based on disability makes a case more serious and the court has a duty under section 146 CJA to take this into account when it sentences the accused and to make it clear that it has done so. We will make sure that the court has all the information it needs to carry out this duty.
- 10.2 When a defendant pleads guilty or is found guilty, the court has to decide on the sentence to impose and can choose from a broad range of penalties. The penalties may be in the form of rehabilitative orders, community penalties, fines, “bindovers” or custody.
- 10.3 We will challenge defence mitigation which unfairly attacks the victim’s character¹⁰.

¹⁰ Prosecutors’ Pledge: “Protect victims from unwarranted or irrelevant attacks on their character and may seek the court’s intervention where cross-examination is considered to be inappropriate or oppressive.

- 10.4 If the defendant pleads guilty or is found guilty of an offence but disagrees with the prosecution that the offence was aggravated by hostility based on disability, the judge or magistrates will have to decide whether the aggravating feature is proved or not. The prosecution must call witnesses who can give evidence about the hostility and the defence will be able to cross-examine them before the court makes a decision. This process is called a “Newton hearing”. At the end of the hearing the court must announce whether it is satisfied, having heard the evidence, that the offence was aggravated by hostility based on disability. If so, the court must treat the offence more seriously when deciding on sentence, in accordance with section 146. If not, section 146 will not be relevant.
- 10.5 We will give the court information to help it decide whether to make any orders it has power to make in addition to the main sentence¹¹. This includes making orders in appropriate cases for compensation for loss, injury or damage¹².
- 10.6 In all cases it is for the magistrates or judge alone to decide what the sentence should be. In respect of only a limited number of offences (and only when the defendant is sentenced in the Crown Court) we have the right to ask the

¹¹ The Code of Practice for Victims of Crime, section 7.12 states that the CPS must answer any questions the victim has about the sentence if the victim is referred to the CPS by the Witness Care Unit (this is if the Witness Care Unit is unable to answer the victim’s questions.

¹² Prosecutors’ Pledge: “On conviction, apply for appropriate order for compensation, restitution or future protection of the victim”.

Attorney General to challenge a sentence, if it falls outside the range that could reasonably be considered appropriate. The victim or the victim's family may themselves wish to draw the sentence directly to the attention of the Attorney General, if they consider it to be unduly lenient.

11. Recording disability hate crime

- 11.1 It is essential that cases that involve a demonstration of hostility or are motivated by hostility towards the victim on account of their disability are correctly identified. We will record cases identified as a disability related incident by the police and monitor our performance to ensure that we are using the legislation and applying this policy consistently. We will report on our performance to communities in order to build confidence in the criminal justice system.
- 11.2 The Code of Practice for Victims of Crime has imposed new duties and obligations on the CPS. Monitoring disability hate crime and monitoring the outcomes of crimes involving disabled victims and witnesses will help us to ensure that we are complying with our obligations and that we are providing a quality service for all victims of crime.

12. Conclusion

- 12.1 We are determined to play our part in stopping crimes against disabled people and in bringing offenders to justice. We are committed to improving our performance in handling cases of all hate crime and we want victims and witnesses to have confidence in the way in which we review and progress our cases.
- 12.2 We hope that this document will help victims of disability hate crime to understand the work of the CPS, how we make our decisions and the different stages of the prosecution process.
- 12.3 We will continue to work with the police and other colleagues in the criminal justice system and the voluntary and community sector at national and local levels to help us develop best practice.
- 12.4 We will monitor the way we deal with cases of disability hate crime and will publish this information.
- 12.5 The CPS intends to review this policy statement regularly, so that it reflects current legislation and societal changes. We welcome, therefore, observations that enable us to do this.

Annex A

Listed below are contact details for some of the organisations that support disabled people and that provide information on disabilities

Ann Craft Trust

The Ann Craft Trust works with staff in the statutory, independent and voluntary sectors to protect people with learning disabilities who may be at risk from abuse. The Ann Craft Trust also provides advice and information to parents and carers who may have concerns about someone they are supporting.

Centre for Social Work
University of Nottingham
University Park
Nottingham NG7 2RD
Tel: 0115 9515400
Fax: 0115 9515232
Website: www.anncrafttrust.org

United Kingdom's Disabled People's Council (UKDPC)

UKDPC is an umbrella organisation that represents some 80 organisations run and controlled by disabled people to promote full equality and participation within society.

Rodin House
1 Ivy Grove,
Ripley
Derbyshire DE5 3HN
Tel & Fax: 01773 746698
Email: admin.ukdpc@xln.co.uk

Equality and Human Rights Commission

An independent body whose aim is to reduce inequality, eliminate discrimination, strengthen good relationships between people, and promote and protect human rights.

England

Freepost RRLG-GHUX-CTR
Arndale House, Arndale Centre,
Manchester M4 3AQ
Tel: 0845 604 6610
Textphone: 0845 604 6620
Fax: 0845 604 6630

Wales

Freepost RRLR-UEYB-UYZL
3rd Floor, 3 Callaghan Square,
Cardiff CF10 5BT
Tel: 0845 604 8810
Textphone: 0845 604 8820
Fax: 0845 604 8830
Website: www.equalityhumanrights.com

Guide Dogs for the Blind Association

Guide Dogs for the Blind Association aims to create a world in which all people who are blind and partially-sighted enjoy the same rights, opportunities and responsibilities as everyone else.

Burghfield Common
Reading RG7 3YG
Tel: 0118 983 5555
Fax: 0118 983 5433
email: guidedogs@guidedogs.org.uk
Website: www.gguidedogs.org.uk

Mencap

Mencap is the UK's leading learning disability charity working with people with a learning disability and their families and carers.

123 Golden Lane
London EC1Y 0RT
Tel: 020 7454 0454
Fax: 020 7608 3254
Website: www.mencap.org.uk

MIND

MIND works to create a better life for everyone with experience of mental distress by advancing the views, needs and ambitions of people with mental health problems.

15-19 Broadway
Stratford E15 4BQ
Mindⁱfoline: 020 3242 0200
Email: info@mind.org.uk
Website: www.mind.org.uk

Leonard Cheshire

Leonard Cheshire is the UK's leading provider of disability support services, and campaigns on the rights of disabled people. Services include supported living, care at home, residential care, rehabilitation, resource centres and training and employment programmes.

66 South Lambeth Road
London SW8 1RL
Tel: 020 3242 0200
Fax: 020 3242 0250
Website: www.lcdisability.org

Liverpool City Council — Investigations Support Unit

The Investigations Support Unit (ISU) provides a Witness Support, Preparation and Profiling service to Vulnerable Witnesses, particularly those with a learning disability, who engage with the criminal justice system. This service aims to promote equal access to justice by identifying and reducing barriers for such witnesses and by supporting criminal justice agencies in fulfilling their responsibilities. The WSP&P model developed by ISU has been adopted in a number of other areas.

Investigations Support Unit
Liverpool City Council
Community Safety
c/o Municipal Buildings
Dale Street
Liverpool L2 2DH
Tel: 0151 233 4994 / 4987
Fax: 0151 233 4990
Email: investigations.support@liverpool.gov.uk

DIAL

Dial is a national organisation of a network of approximately 130 local Disability Information and Advice Line services (DIALs) run by and for disabled people, based throughout the UK. DIAL provides information and advice to disabled people and others on all aspects of living with a disability.

St Catherine's
Tickhill Road
Doncaster DN4 8QN
Tel: 01302 310 123
Fax: 01302 310 404
Website: www.dialuk.org.uk

Respond

Respond offers a range of services which provide emotional and psychological support to victims and perpetrators of abuse who have learning disabilities. Respond also provides training and support to professionals and carers.

3rd Floor
24-32 Stephenson Way
London NW1 2HD
Tel: 020 7383 0700
Fax: 020 7387 1222
Helpline: 0808 808 0700
Website: www.respond.org.uk

RNIB

RNIB offers information, support and advice to people with sight problems.

105 Judd Street
London WC1H 9NE
RNIB Helpline: 0303 123 9999
Website: www.rnib.org.uk

RNID

RNID is the largest charity providing support, services and advice to deaf and hard of hearing people throughout the UK.

19-23 Featherstone Street
London EC1Y 8SL
Tel: 020 7296 8000
Fax: 020 7296 8199
Textphone: 0808 808 9000
Website: www.rnid.org.uk

Voice UK

Voice UK supports people with learning disabilities and other vulnerable groups who have experienced crime or abuse and offers support to families, carers and professional workers.

Rooms 100-106 Kelvin House
RTC Business Centre
London Road
Derby DE24 8UP
Helpline: 080 880 2 8686
Tel: 01332 291042
Fax: 01332 207567
Website: www.voiceuk.org.uk

Victim Support

Victim Support is the national charity for people affected by crime. Our volunteers provide free and confidential support to help people deal with their experience whether or not they report the crime. Victim Support also runs the Witness Service and Supportline. The Witness Service helps witnesses, victims and their families before, during and after a trial. Trained volunteers provide emotional support and practical information about court proceedings, a visit to the court, and a quiet place to wait before and during the hearing.

Supportline can give practical help and emotional support in confidence and anonymously.

Supportline: 0845 30 30 900
Website: www.victimsupport.org.uk

This booklet is a public document.

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**Further copies of this document and information about
alternative languages and formats are available from:**

**CPS Communication Division
Rose Court
2 Southwark Bridge
London SE1 9HS
Tel: 020 335 70913
Email: publicity.branch@cps.gsi.gov.uk**

**For information about the Crown Prosecution Service, and to
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CPS

Hate Crime Report

2014/2015 and 2015/16

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Foreword by the Director of Public Prosecutions

Hate crime creates fear and has a devastating impact on individuals and communities. The Crown Prosecution Service is committed to doing everything possible it can to tackle it.

In 2015/16, we completed 15,442 hate crime prosecutions - the highest number ever. There was a 41% increase in disability hate crime prosecutions compared to 2014/15; the highest ever proportion of sentence uplifts in racially and religiously aggravated crime cases; and the highest ever conviction rate in homophobic and transphobic prosecutions.

I would like to thank our hate crime co-ordinators and prosecutors for their work to improve our response to hate crimes.

We have introduced a new assurance regime which helps us to identify good practice, to learn lessons and to make improvements, and we have developed our training and guidance to best support our prosecutors. However, we know that much hate crime still goes unreported – and we know that we can deliver justice for more victims of these crimes.

Over the coming year we will build on our work so far to further improve the way we prosecute hate crime and the service we offer to victims and witnesses.

The next phase of our work in this crucial area is the development of new public policy statements on all strands of hate crime. We are working with communities to draft these statements – ensuring we reflect their experiences and concerns – and will then use them to inform improved guidance and training for our prosecutors. We are also establishing a joint hate crime strategy board with the police to ensure we are working together as effectively as possible, and have a range of measures planned to raise awareness and encourage the reporting of hate crime.

Finally, I would like to thank all those individuals and community organisations who have supported and advised the CPS through scrutiny panels and consultation exercises, as well as all victims and witnesses who have helped us to bring prosecutions.

Alison Saunders CB
Director of Public Prosecutions
July 2016

Overview

All strands

- In 2015/16 the CPS completed 15,442 hate crime prosecutions, the highest number achieved to date.
- The conviction rate across all strands of hate crime increased slightly from 82.9% in 2014/15 to 83.2% in 2015/16.
- Sentence uplifts¹ increased from 11.8% in 2014/15 to 33.8% in 2015/16, the highest proportion recorded to date.

Racially and religiously aggravated crime

- In 2015/16, the CPS completed 13,032 prosecutions for racially and religiously aggravated hate crime, an increase of 1.9% on the previous year when it completed 12,795 cases.
- The conviction rate in racially and religiously aggravated cases increased from 83.5% in 2014/15 to 83.8% in 2015/16.
- Sentence uplifts increased from 12.0% of cases in 2014/15 to 34.8% of cases in 2015/16, the highest proportion achieved to date.

During 2015/16 the Religiously Aggravated and Antisemitic Crime Action Plan was developed and implemented. The Hate Crime Assurance Scheme was extended to include racially and religiously aggravated offences and CPS guidance to prosecutors was updated in relation to offences alleging stirring up hatred.

Homophobic and transphobic crime

- In 2015/16, the CPS completed 1,469 prosecutions for homophobic and transphobic crime, an increase of 15.0% on the previous year when it completed 1,277 cases.
- The conviction rate for homophobic and transphobic crime increased from 81.2% in 2014/15 to 83.0% in 2015/16.
- Sentence uplifts increased from 13.5% of cases in 2014/15 to 37.8% of cases in 2015/16, the highest proportion achieved to date.

During 2015/16 specific guidance and training were delivered to prosecutors in relation to conducting cases alleging homophobic and transphobic crime. The continuing increase in the number of completed prosecutions and convictions is encouraging and indicates progress in addressing the gap between the incidence of people experiencing homophobic and transphobic offending and reporting it.

¹ A sentence uplift will apply in any hate crime prosecution where the evidence of hostility has been accepted by the court and the defendant pleads or is found guilty.

Disability hate crime

- In 2015/16, the CPS completed 941 prosecutions for disability hate crime, an increase of 41.3% on the previous year when it completed 666 cases.
- The number of convictions rose from 503 in 2014/15 to 707 in 2015/16, an increase of 40.6%.
- The overall conviction rate for disability hate crime fell slightly from 75.5% in 2014/15 to 75.1% in 2015/16.
- Sentence uplifts increased from 5.4% of cases in 2014/15 to 11.9% of cases in 2015/16, the highest proportion achieved to date.

During 2015/16 a mandated training package on disability hate crime for all CPS prosecutors was delivered. The tracking of live files by means of the Hate Crime Assurance Scheme was introduced which helps support casework quality through real time scrutiny, this is particularly important in respect of disability hate crime where the proportion of sentence uplifts remains small.

Crimes against older people

- In 2015/16, the CPS completed 3,759 prosecutions for crimes against older people, an increase of 1.8% on the previous year when it completed 3,693 cases.
- The conviction rate for these offences fell slightly from 80.8% in 2014/15 to 80.1% in 2015/16.²

The number of completed prosecutions for crimes against older people increased for the seventh year running. In 2016/17 a bespoke National Scrutiny Panel on crimes against older people will be established to assist the CPS in updating its policy and legal guidance to ensure it takes appropriate account of relevant issues in these cases, such as safeguarding and the prevalence of acquisitive crime.

² Crimes against older people prosecutions do not fall within the same statutory framework as hate crime with regards to sentence uplift.

Introduction

This is the eighth CPS Hate Crime Report and provides information on CPS performance in prosecuting the following crimes between April 2014 and March 2016:

- racist and religious hate crime;
- homophobic and transphobic hate crime;
- disability hate crime;
- stirring up hatred; and
- crimes against older people.³

The National Police Chiefs' Council (NPCC) and the CPS have agreed a common definition of hate crime which is:

“any criminal offence which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender.”

Key words in the definition are “hostility” and “prejudice”, words which are used in their ordinary, everyday sense. The prosecution does not therefore need to prove *hatred* as the motivating factor behind an offence. Nor does the whole offence need to be motivated by hostility. It can provide the sole reason for the offending but, equally, such motivation can play a part or provide just one element of the offending behaviour.

The CPS seeks to build and maintain the confidence of communities affected by hate crime. The aim of this report is to give the public clear information about the work the CPS is doing to tackle hate crime and to provide details of its performance in this field. It also sets out the steps the CPS will take to support and sustain improved performance.

The report illustrates performance by means of available management data. It also provides examples of good practice, lessons learned, policy development and research, which have all contributed to an improvement in the service the CPS provides in respect of hate crime prosecutions and, in particular, the service it provides to victims and witnesses.

Steps taken in support of casework quality improvements are highlighted in the report. The Hate Crime Assurance Scheme was introduced in January 2015, requiring that designated Area hate crime co-ordinators check live and finalised cases in respect of case work quality and the accuracy of case flagging (the process by which the CPS identifies hate crime cases on its digital case management system).

³ Information about crimes against older people is included in this report. Such crimes may or may not be a hate crime depending on the facts of each particular case and references to hate crime data in this report do not include crimes against older people unless specifically stated.

CPS staff have been provided with additional guidance and training materials, including a mandatory disability hate crime package and specialist training on homophobic and transphobic crime to ensure that they are equipped to prosecute cases to the highest standard.

The CPS remains committed to the continuous improvement of data quality. Over the course of the reporting period the CPS has identified ways in which its data might be improved and has undertaken a series of detailed assessments to ensure accuracy. The CPS has previously published a hate crime report each year but the need for a comprehensive data quality review in 2015 meant that the 2014/15 report could not be published in 2015. The review confirmed the accuracy of hate crime data but, given the delay, the 2014/15 report was added to the 2015/16 data to create this two-year report. Annual reports will be reinstated for 2016/17 data.

In addition, and as part of its on-going commitment to improving the quality of data used in both internal and external reports, the CPS has introduced a revised method of reporting the outcomes of charging decisions. This method is used in the report and provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, there may be some slight differences in the data reported from that in previous years. As a way of making the data more accessible to the public, the report now refers to conviction rates rather than attrition rates as used in earlier years. This report also provides comparative data from the past five years, where available, to highlight trends over time.

In addition to the analysis provided in this report, the underlying data on which CPS conclusions are based have been published. These data can be found on the CPS website at: www.cps.gov.uk/data/hate_crime/. It is important to note that the CPS collects data⁴ to assist in the effective management of its prosecution functions. The CPS does not collect data which constitute official statistics as defined in the Statistics and Registration Service Act 2007.⁵

⁴ Data on hate crime have been drawn from the CPS Case Management System (CMS) and associated Management Information System (MIS), 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 is committed to improving the quality of our data and from mid-June 2015 introduced a new data assurance regime which may explain some unexpected variance in future data sets.

⁵ The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

Hate crime across all strands

Introduction

Against a background of significant change, the CPS has maintained its commitment to effective hate crime prosecutions and sustained a constructive dialogue with stakeholders across the criminal justice system (CJS), government departments, communities affected by hate crime and voluntary sectors.

The CPS remains responsive to the evolving hate crime environment. This is essential if the CPS is to improve the expertise of prosecutors and provide the highest quality service in respect of its casework and victim engagement. The CPS actively horizon scans for emerging issues. Such issues might arise from external sources such as inspection and research reports, parliamentary enquiries or community concerns. They might equally be identified from CPS practice and performance which it keeps under regular review.

Hate Crime Assurance Scheme

The CPS Hate Crime Assurance Scheme was introduced on 1 January 2015 to cover all disability, homophobic and transphobic cases. The scheme was extended to include racially and religiously aggravated cases from May 2015.

The scheme focuses on checking live case files so that feedback can be provided to individual prosecutors and managers to encourage improvement in case handling and case outcome. Completed cases are also checked for adherence to policy and for data accuracy. Feedback is central to the scheme as it provides a learning opportunity for individuals and CPS Areas. Reports are submitted centrally to support consistent application of the process and to encourage the identification and dissemination of best practice across the CPS and the wider CJS.

The most recent CPS Hate Crime Assurance report in the reporting period (November 2015) noted improvements in key aspects of case handling: the accuracy of flagging on the CPS digital case management system, the analysis of evidence in support of sentence uplift and the appropriateness of support to victims. These routine checks will continue to provide assurance that quality is consistent across the service and that improvements are being made.

The assurance process includes assessments of the handling and recording of sentence uplifts in all successful hate crime prosecutions. In 2013/14, before the introduction of the assurance scheme, announcements were recorded in 4.1% of cases. The rate, at the end of March 2016, reached 33.8%. Whilst this is a significant increase, this does not reflect the CPS level of ambition in this regard. Further improvement measures will be taken in the coming year, both internally and with relevant stakeholders, to ensure that sentence uplifts are appropriately considered, applied, announced and recorded.

Hate crime co-ordinators

Hate crime co-ordinators (HCCs) are experienced specialists who have been appointed in each CPS Area as well as in CPS Direct⁶ and were pivotal to the introduction of the Hate Crime Assurance Scheme. HCCs work to agreed minimum standards relating to performance management, community and stakeholder engagement and policy implementation and play an essential part in supporting hate crime prosecutions.

Biannual meetings of the hate crime co-ordinators' Network are focused on relevant issues arising from the Hate Crime Assurance Scheme and assist in identifying best practice, highlighting support needs, developing a consistent approach and sharing relevant updates. These meetings, the most recent of which was held in April 2016, are supplemented by monthly telephone conferences led by experienced HCCs to enable a constant dialogue across the CPS.

HCCs also contributed to the work of the CPS in this field in a number of other ways. They have assisted in the development of relevant support materials, engaged in resolving a range of operational issues, participated in compliance and assurance exercises, delivered specialist webinars and assisted in the planning and delivery of the National Scrutiny Panel⁷ on disability hate crime.

Summary of CPS activity

- A hate crime delivery plan was developed and implemented in support of the Hate Crime Strategy 2014/17.
- In January 2015, the Hate Crime Assurance Scheme was introduced to live and finalised files to support casework quality and data accuracy. The scheme is supported by Hate Crime Assurance Practice Notes.
- Area-based Equality, Diversity and Community Engagement Managers also contribute to the delivery of the Hate Crime Assurance Scheme. Additionally they support HCCs and provide effective community engagement.
- Two senior operational leads for hate crime were appointed in October 2014 (Deputy Chief Crown Prosecutor for Mersey-Cheshire, Alison Mutch, and Deputy Chief Crown Prosecutor for London, Gerallt Evans), both experienced HCCs.
- Monthly meetings took place between the Area HCCs to consider best practice and share lessons learned.

⁶ CPS Direct is responsible for providing charging advice to the police around the country, 24 hours a day, 365 days a year.

⁷ National Scrutiny Panels are composed of experienced practitioners and campaigners from a community perspective as well as key government and agency officials and provide a forum for discussion of defined topics relating to a designated strand of hate crime.

- Quarterly performance meetings with senior managers took place to discuss hate crime performance in relation to conviction rates, steps taken in support of quality assurance, improved sentence uplift recording, lessons learned and partnership working with the police.
- In June 2015, to reflect recent changes to relevant law and guidance and to ensure consistency from those engaged in presenting hate crime cases at court, the Instructions to Prosecuting Advocates were updated for disability hate crime, racially and religiously aggravated hate crime and homophobic and transphobic crime.
- To ensure that prosecutors are supported in making accurate and timely decisions, additional CPS training materials were developed. Examples of such packages include strand-specific checklists on points to consider when prosecuting hate crime, guidance relating to the making of charging decisions and an essential guide to sentence uplift.
- Training in June 2015 for CPS prosecutors, in advance of the introduction of Transforming Summary Justice,⁸ emphasised the importance of sentence uplift and the special measures available for witnesses and included a casework scenario arising from a homophobic incident.
- Updated guidance on special measures for witnesses was issued in May 2015. The provisions of the Youth Justice and Criminal Evidence Act 1999 provide support to those defined by the Act as vulnerable or intimidated and are highly relevant to victims and witnesses in hate crime prosecutions who can benefit greatly from the protection they give.

CPS engagement with partners

- CPS Areas support Local Scrutiny and Involvement Panels. Each panel, comprising a range of contributors with experience and expertise in relation to hate crime together with CPS personnel, reviews completed cases to identify learning points and good practice. Their input and expertise are invaluable and have contributed to, amongst other achievements, greater accuracy of case flagging on the CPS digital case management system; recognition of the value of Victim Personal Statements; and accuracy of evidential assessments in racially and religiously aggravated offences.
- The CPS is one of a number of agencies delivering the Government's commitment to effectively address hate crime. The CPS continues to build on effective joint working arrangements across government departments, with the National Police Chiefs' Council, College of Policing, Judiciary and community partners.
- In 2015, the CPS became a formal member of the National Police Chiefs' Council (NPCC) Hate Crime Working Group which brings together representatives across all forces in England and Wales. The group provides a mechanism for considering joint working arrangements and identifying and disseminating best practice. In the first year of collaboration, amongst other activity, the group

⁸ Transforming Summary Justice is a CJS initiative designed to ensure more effective case handling in the magistrates' courts.

agreed an action plan arising from a joint disability hate crime tracking exercise. Much of the work in the action plan has been completed, including the establishment of a regional network of police hate crime leads. Discussions between the CPS hate crime co-ordinators and the regional police leads have focussed on the need for greater use of file sampling to ensure effective case handling and data accuracy.

- A joint event for hate crime leads from police forces and CPS Areas was held in September 2015 at the College of Policing. The overall aim of the conference was for the police and the CPS to gain a better understanding of their respective issues and requirements for investigating and prosecuting hate crime in order to establish a more collaborative approach between police forces and CPS Areas.
- The CPS supports a range of cross-government initiatives such as the working groups on antisemitism and anti-Muslim hostility. These groups provide a forum for communities impacted by hate crime to raise concerns directly with national agencies with responsibility for addressing hate crime issues.
- The CPS participated in the cross-Government Hate Crime Strategy Board convened by the Ministry of Justice and Home Office. The reporting period included a review of progress against the action plan 'Challenge It, Report It, Stop It: the Government's Plan to Tackle Hate Crime (March 2012)'. The CPS met a number of commitments including, in respect of "building victim confidence", activity to raise awareness of the law on hate crime and increase reporting. This included workshops run for community groups by the CPS.
- CPS discussions with the Ministry of Justice have led to clarification over the use of Community Impact Statements in relation to hate crime. Community Impact Statements enable those engaged in the investigation, prosecution and sentencing of hate crime to be better informed as to the local context of the offending.
- The CPS continues to support the Advocate's Gateway which provides practical guidance for criminal justice practitioners in relation to supporting victims, witnesses and defendants with specific needs including those with mental health issues or learning disabilities.
- The CPS undertook a public consultation on revised guidance on prosecuting cases involving communications sent via social media, which concluded in May 2016. The updated guidance includes new sections on hate crime and the use of relevant court orders on conviction.

Next steps

The CPS will:

- consult on and publish public policy statements and update its legal guidance in relation to each strand of hate crime;

- explore the reasons for the non-attendance of victims and witnesses at court in hate crime cases and, alongside colleagues across the CJS, take steps to improve the position;
- put in place a new governance structure for hate crime work. The CPS will establish a joint hate crime strategy board with the police which will ensure increased collaborative working as well as providing direction and oversight to the work. It is anticipated that the new structure will become operational by September 2016;
- encourage the greater use of joint exercises with the police to quality assure cases as a means of ensuring consistency of handling;
- continue to monitor and improve the accuracy of hate crime case flagging on the CPS digital case management system via the Hate Crime Assurance Scheme;
- develop a community focused communications strategy to encourage awareness, confidence and reporting;
- publish guides on recognising and reporting hate crime. Building on previous community engagement and following detailed consultation, this work acknowledges the continuing barriers to reporting presented by a lack of awareness and understanding. One guide will be for individuals and will describe what a hate crime is and what to do about it as well as outlining available support mechanisms. A companion guide will be published for those in frontline services, who may be the first to hear about a hate crime or hate incident, and will provide essential guidance and signposting;
- refresh the school teaching packs on hate crime, produced by CPS North West, to increase awareness and the confidence to report amongst younger people;
- work with partners to develop national best practice standards to support third party reporting of hate crime;
- work with partners to develop guidance on the use of Community Impact Statements as a mechanism for improving awareness within the CJS of the impact that hate crime can have on communities;
- work with partners to promote greater use of Victim Personal Statements in hate crime cases; and
- continue to work with partners on the digitisation of the CJS, recognising that the development of shared systems provides a unique opportunity to capture the potential of technology to the benefit of the victims of hate crime.

Data

Table 1 below contains data for a set of key indicators for all hate crime prosecutions over the reporting period.

Table 1: Key indicators in hate crime prosecutions 2014/15 and 2015/16

Indicator	2014/15	2015/16
Police referrals for charging	14,376	12,997
Completed prosecutions	14,738	15,442
Conviction rate	82.9%	83.2%
Guilty pleas	73.8%	73.3%
No conviction: victim issues	31.3%	31.0%
Acquittal after trial	29.9%	28.9%
Sentence uplift recorded	11.8%	33.8%

- The number of hate crime cases referred, by the police to the CPS, for decision in 2014/15 was 14,376 which was an increase of 2.2% on the previous year's figure. In 2015/16 the number of referrals decreased by 9.6% to 12,997. This fall is reflected only in racially aggravated hate crime and homophobic hate crime as detailed below. Whilst the CPS cannot control the number of cases referred by the police for decision, potential reasons for the fall in 2015/16 will be explored with police colleagues and appropriate action identified.
- The conviction rate across all strands of hate crime was 82.9% in 2014/15. 2015/16 saw a slight increase in the rate to 83.2%. This compares with the combined average for all convictions of 83.1%.
- Guilty pleas featured in 74.1% of successful cases over the past five years, compared to the five year average for total caseload of 71.9%. Guilty pleas featured in 73.3% of successful outcomes across all strands in 2015/16 and in 74.0% of racially and religiously aggravated crime; in 73.9% of homophobic and transphobic crime; and in 63.4% of disability hostility crime.
- In 2014/15, the proportion of unsuccessful cases due to victim issues (i.e. where a victim retracts, unexpectedly fails to attend court or their evidence does not support the case) increased across all strands from 27.5% (593) in 2013/14 to 31.3% (789). In 2015/16, the proportion fell slightly to 31.0% which is still significantly higher than the corresponding data when considering all crimes prosecuted by the CPS (21.3%). In an effort to understand the reasons for this, an exercise was carried out during the final quarter of 2015/16. CPS Areas were asked to examine each case impacted by victim retraction or failure to attend over a two month period. Findings tend to suggest that there are a number of reasons why a victim may not support a prosecution, for example fear of intimidation or loss of earnings in respect of court attendance. In response to this, local action plans have been agreed with police forces seeking to identify, early in the proceedings, victims who may find it difficult to support a prosecution to conclusion, with a view to putting in place requisite support measures.
- In 2014/15, the proportion of unsuccessful cases due to acquittal after trial improved slightly from 30.4% (656) in 2013/14 to 29.9% (754). This improvement should be seen in the context of the increased volume of cases prosecuted. In 2015/16, this improvement continued and the proportion of unsuccessful cases due to acquittal after trial represented 28.9% of all unsuccessful cases.

- An announced and recorded sentence uplift in a successfully prosecuted hate crime case is a clear indicator of the law being applied to best effect. The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 11.8% in 2014/15, an increase from 4.1% the previous year. In 2015/16, this improving trend continued and the proportion of announced and recorded sentence uplifts reached 33.8%. This result provides an indication of the effect of additional guidance, support and CPS Area commitment to achieving success on the issue. Further steps will be taken to support continuing improvement in 2016/17.
- Table 2 below shows that the conviction rate across the combined strands of hate crime has continued its upward trend. It also shows that the fall in volume of completed prosecutions in 2012/13 has been reversed over recent years and now stands at its highest ever level.

Table 2: Completed hate crime prosecutions by outcome

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%										
Convictions	12,651	82.8%	11,843	83.4%	10,794	82.6%	11,915	84.7%	12,220	82.9%	12,845	83.2%
Unsuccessful	2,633	17.2%	2,353	16.6%	2,276	17.4%	2,159	15.3%	2,518	17.1%	2,596	16.8%
Total	15,284		14,196		13,070		14,074		14,738		15,442	

- In 2014/15, the number of completed prosecutions increased nationally by 4.7% on the previous year. Again, in 2015/16 the percentage increase was 4.8%. This increase was reflected across eight areas and, comparing the 2014/15 data and the 2015/16 data, the largest increases were seen in: West Midlands (33.7%), Wessex (9.1%) and Yorkshire and Humberside (8.8%).
- At the end of a prosecution, cases are allocated a principal offence category to indicate the type and seriousness of the charges brought. Table 3 below indicates that in 2014/15 and 2015/16, offences against the person and public order offences were the most common, representing 83.7% and 89.2% of all hate crime prosecutions over the reporting period (although in the context of disability hate crime, exploitative offending is more common than public order offending).

Table 3: Principal offence category for each hate crime strand

Principal Offence Category	Disability		Homophobic and Transphobic		Racially and Religiously Aggravated	
	2014/15	2015/16	2014/15	2015/16	2014/15	2015/16
Homicide	0.8%	0.6%	0.0%	0.0%	0.0%	0.1%
Offences against person	44.2%	48.0%	54.0%	59.2%	53.7%	76.4%
Sexual offences	4.9%	3.6%	1.3%	1.3%	0.3%	0.3%
Burglary	7.7%	8.7%	0.4%	0.3%	0.5%	0.3%
Robbery	9.6%	6.7%	1.9%	1.1%	0.7%	0.6%
Theft & handling	11.3%	12.1%	2.1%	1.7%	3.3%	1.7%
Fraud & forgery	6.1%	6.4%	0.1%	0.1%	0.1%	0.1%
Criminal damage	3.1%	2.9%	4.4%	3.9%	4.3%	3.3%
Drugs offences	0.9%	0.4%	1.7%	1.2%	1.1%	0.6%
Public order offences	8.5%	9.3%	30.3%	29.8%	31.4%	15.1%

Racially and religiously aggravated hate crime

Introduction

The separate reporting of racially and religiously aggravated hate crime began in 2010/11 whereas previously the data had been combined. Cases can now be flagged on the CPS digital case management system as racially aggravated, religiously aggravated or, where appropriate evidence is available, both.

The number of religiously aggravated hate crime cases remains small, therefore it is more difficult to identify meaningful trends in case volume fluctuations and prosecution performance characteristics. Nevertheless, the Crime Survey for England and Wales and the experience of community-based reporting centres underlines the persisting gap between the experience of hate crime and its reporting. The CPS is determined to play its part in raising awareness and increasing the confidence of communities to report, particularly in the light of such discrepancies. Activity to promote awareness and improve the confidence to report is being planned which includes the publication of guides on recognising and reporting hate crime.

The ability to identify and prosecute both racially and religiously aggravated offending remains of the utmost importance to the CPS. This is particularly so given the context of heightened tensions following domestic and international events over the reporting period and their direct impact on the communities affected by this type of hate crime.

CPS Activity specific to this strand

- The Hate Crime Assurance Scheme (see above) was extended to racist and religious offences in May 2015. Reports are submitted centrally to support consistent identification, dissemination and application of best practice.
- The Religiously Aggravated and Antisemitic Crime Action Plan was launched in May 2015. The plan included a commitment to refresh the legal guidance in relation to the prosecution of offending via social media, and to improve capacity to monitor and assess case file quality via the Hate Crime Assurance Scheme. All commitments were met.

Case study

In a CPS Thames and Chiltern case, the defendant was interrupted by two passers-by whilst spraying racist graffiti on an underpass wall. As the two witnesses walked by, the defendant swore at them. When the defendant went to a nearby public convenience, one witness took images of the graffiti on his phone and called the police. The police attended; the defendant claimed responsibility for the graffiti and was arrested.

On the way to the police station, the defendant racially abused an officer and was arrested for a racially aggravated public order offence. On arrival at the police station, the defendant was again racially abusive to another officer. The defendant's bail was opposed by the police as he had previous convictions for similar offending. He admitted guilt to racially aggravated criminal damage and racially aggravated s.4A Public Order Act offences at the first hearing and was sentenced to a total of 18 weeks' custody. The court announced that 6 weeks had been added to enhance the sentence as a result of the racial aggravation involved.

- Instructions for Prosecuting Advocates were updated in respect of racially and religiously aggravated crime in August 2015 to ensure that those charged with prosecuting CPS cases at court are fully appraised of the specific issues arising in respect of these cases.
- Feedback from Local Scrutiny and Involvement Panels and the Hate Crime Assurance Scheme highlighted the need for improved accuracy when flagging racially and religiously aggravated offences on the CPS digital case management system. As a result, an in-depth sampling exercise was undertaken of religiously aggravated offences. Lessons arising were discussed with Area hate crime co-ordinators and the issue will be kept under review going forward.

CPS engagement with partners specific to this strand

- A National Scrutiny Panel, focusing on religiously aggravated hate crime, was convened in September 2014 and suggested a number of actions for improvement. The actions were incorporated into the Religiously Aggravated and Antisemitic Crime Action Plan which committed the CPS to a number of key activities, such as the refresh of guidelines on prosecuting cases involving communications sent by social media and the delivery of a two day training event for specialist hate crime leads from the CPS and police. All actions in the action plan have been completed.
- In March 2015, the CPS provided its response to the findings of the All Party Parliamentary Inquiry Report into antisemitism and incorporated relevant actions into the Action Plan detailed above.
- The CPS supports a range of cross-government initiatives such as the working groups on antisemitism and anti-Muslim hostility. These groups provide a forum for communities impacted by hate crime to raise concerns directly with national agencies with responsibility for addressing hate crime issues.
- Guidance for prosecutors was developed and issued with the active engagement of the Community Security Trust and Tell MAMA.

Case study

In a CPS West Midlands case, two women were found guilty of attempting to deface a copy of the Qur'an at a football match.

During the game, club stewards reported that one of the women took a copy of the Qur'an from her bag, tore pages from the holy book and chanted racist songs. The second woman threw pages around the ground.

The defendants were arrested by the police who later charged them both with racially and religiously aggravated harassment of which they were found guilty. The first defendant was fined £300 with a £400 costs order and a £30 victim surcharge, whilst the second was fined £200 with a £400 costs order and a £20 victim surcharge.

Next Steps

The CPS will:

- make use of the Hate Crime Assurance Scheme to obtain a more detailed picture of case handling and outcomes to support greater consistency and address barriers to progress;
- build on the work of the Religiously Aggravated and Antisemitic Crime Action Plan by improving its ability to appropriately identify cases, providing support to prosecutors with the assistance of the community stakeholders, monitoring the quality of its case handling and disseminating positive outcomes to communities affected by this type of hate crime;
- update the CPS public policy statement and legal guidance on racially and religiously aggravated crime. The work will articulate the rationale for the CPS approach to these crimes and help improve practice throughout the prosecution process, including victim support. The project will be informed by a National Scrutiny Panel with a focus on community interests. The public consultation is due to commence at the end of July 2016;
- provide prosecutors with a face-to-face training package on the accurate identification of evidence in relation to racially and religiously aggravated crime. This training will be delivered by CPS Areas from November 2016; and
- increase monitoring, via the Hate Crime Assurance Scheme and hate crime co-ordinators, with regard to the appropriate flagging of racially and religiously aggravated crime on the CPS digital case management system.

Data

Table 4 below contains data for key indicators in racially and religiously aggravated crime over the reporting period.

Table 4: Key indicators in racially and religiously aggravated crime 2014/15 and 2015/16

Indicator	2014/15	2015/16
Police referrals for charging	12,071	10,728
Completed prosecutions	12,795	13,032
Conviction rate	83.5%	83.8%
Guilty pleas	74.5%	74.0%
No conviction; victim issues	31.6%	31.9%
Acquittal after trial	29.1%	28.0%
Sentence uplift	12.0%	34.8%

- In 2014/15, the police referred 12,071 racially and religiously aggravated hate crime cases to the CPS for decision. This represented a slight fall on the previous year's total of 12,184. The number of referrals fell again in 2015/16 to 10,728, a fall over the reporting period of 12.0%. The fall in police referrals is associated with racially aggravated offences only as set out above. Whilst the CPS cannot control the number of cases referred by the police for decision, reasons for the decline in 2015/16 will be explored with police colleagues and appropriate action identified.
- In 2014/15, the conviction rate for racially and religiously aggravated hate crime was 83.5%. This compares with the combined average for all CPS convictions which stood at 83.5% in 2014/15. In 2015/16, the rate improved slightly to 83.8%.
- Guilty pleas featured in 74.0% of successful outcomes of racially and religiously aggravated crime prosecutions in 2015/16. In 2014/15, the figure had been 74.5%. Guilty pleas can be seen as evidence of well constructed cases. They also lead to early resolution of prosecutions and can avoid the need for victims to give evidence.
- In 2015/16, the proportion of unsuccessful cases due to victim issues remained broadly the same as 2014/15 at 31.9%.
- In 2015/16, the proportion of unsuccessful cases due to acquittal after trial improved slightly from 29.1% (616) in 2014/15 to 28.% (591).
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 12.0% in 2014/15, an increase from 4.3% the previous year, and significantly increased to 34.8% in 2015/16. This result provides an indication of the effect of guidance, support and CPS Area commitment to achieving success on the issue. Further steps will be taken to support continuing improvement in 2016/17.

Table 5 below indicates the number of completed prosecutions and conviction rates over the past six years for racially and religiously aggravated offences.

Table 5: Completed prosecutions by outcome for racially and religiously aggravated offences

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%										
Convictions	11,038	83.1%	10,412	84.2%	9,415	83.1%	10,532	85.2%	10,680	83.5%	10,920	83.8%
Unsuccessful	2,239	16.9%	1,955	15.8%	1,919	16.9%	1,836	14.8%	2,115	16.5%	2,112	16.2%
Total	13,277		12,367		11,334		12,368		12,795		13,032	

- As indicated in Table 5, the conviction rate over the period 2010/11 to 2015/16 has remained stable in racially and religiously aggravated prosecutions. The volume of completed prosecutions over the period dipped in 2012/13 but has shown an improving trend since then.
- In 2014/15, the number of completed prosecutions increased nationally by 3.5% on the previous year. In 2015/16 the percentage increased again, this time by 1.9%. Eight CPS Areas reported increases in 2015/16 and the largest increases, when comparing the 2014/15 data and the 2015/16 data, were seen in: West Midlands (30.0%), South East (4.4%) and Wales (3.8%).

Table 6 below shows the number of prosecutions and their outcomes for racially aggravated offences since 2010/11.

Table 6: Completed prosecutions by outcome for racially aggravated offences

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%										
Convictions	10,566	83.1%	9,933	84.4%	9,107	83.3%	10,069	85.2%	10,123	83.5%	10,337	84.1%
Unsuccessful	2,145	16.9%	1,841	15.6%	1,828	16.7%	1,749	14.8%	2,007	16.5%	1,958	15.9%
Total	12,711		11,774		10,935		11,818		12,130		12,295	

As indicated in Table 6, the conviction rate over the period 2010/11 to 2015/16 has improved from 83.1% to 84.1% in racially aggravated prosecutions. The volume of completed prosecutions dipped to its lowest point in 2012/13 but over the past six years shows an improving trend.

- In relation to racially aggravated hate crime, the total number of police referrals was 11,531 in 2014/15 and 10,155 in 2015/16. The number of police referrals in relation to racially aggravated offences has fluctuated over the past six years, from 13,038 in 2010/11 followed by 12,357 and 10,330, to 11,719 in 2013/14. The fall in police referrals in certain strands of hate crime will be raised with the police for further consideration.
- Of the 12,130 racially aggravated cases prosecuted in 2014/15, 10,123 (83.5%) were successful and 74.5% of all successful outcomes involved guilty pleas. In 2015/16, the 12,295 completed prosecutions produced 10,337 (84.1%) successful outcomes and 74.3% involved guilty pleas.
- The proportion of successfully completed racially aggravated prosecutions with an announced and recorded sentence uplift was 12.1% in 2014/15, a figure which increased to 35.0% in 2015/16.

- The proportion of racially aggravated hate crime prosecutions failing due to victim issues was 31.6% of all unsuccessful prosecutions in 2014/15 and 32.6% in 2015/16.
- In 2014/15, prosecutions resulting in acquittal after trial amounted to 29.3% (588) of all unsuccessful cases. In 2015/16 the figures had improved to 27.5% (538).

Table 7 below shows the number of completed prosecutions and convictions over the past six years.

Table 7: Completed prosecutions by outcome for religiously aggravated offences

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%										
Convictions	472	83.4%	479	80.8%	308	77.2%	463	84.2%	557	83.8%	583	79.1%
Unsuccessful	94	16.6%	114	19.2%	91	22.8%	87	15.8%	108	16.2%	154	20.9%
Total	566		593		399		550		665		737	

- As Table 7 indicates, the trend in completed prosecutions since 2010/11 has been upward and has increased over this period by 30.2%. The conviction rate shows more variability over the whole period as might be expected from smaller volumes, but the trend over the period has seen a drop by over 4 percentage points. The CPS will ensure consistency and greater casework quality by means of the Hate Crime Assurance Scheme and other measures such as targeted training, guidance and support for prosecutors.
- Police referrals in relation to religiously aggravated crime in 2014/15 amounted to 540 (an increase of 16.1% on the previous year) and 573 in 2015/16.
- In 2014/15, 665 cases involving religiously aggravated hostility were prosecuted with an 83.8% conviction rate. 73.8% involved guilty pleas. In 2015/16, this figure increased to 737 of which 79.1% were successful. 68.9% of convictions involved guilty pleas.
- The proportion of successfully completed religiously aggravated prosecutions with an announced and recorded sentence uplift was 9.3% in 2014/15, a figure which increased to 31.9% in 2015/16.
- The proportion of cases failing due to victim issues improved over the reporting period from 30.6% of unsuccessful cases involving victim issues in 2014/15 to 23.4% in 2015/16.
- In 2014/15, prosecutions resulting in acquittal after trial amounted to 25.9% (28) of all unsuccessful cases. In 2015/16 the figure increased to 34.4% (53).

Working together

In the wake of events in Gaza and in Paris, and recognising the significant impact that such events can have on community confidence, CPS Yorkshire and Humberside made a commitment to build on existing relations with the Jewish community as part of its wider engagement with all communities. The aim was to increase the reporting of incidents and improve the subsequent handling of cases from initial investigation to prosecution. The Area meets, on a regular basis, with members of West Yorkshire Police and the Community Security Trust (CST) to discuss case handling and community reassurance measures.

Homophobic and transphobic hate crime

Introduction

The Criminal Justice Act 2003 was amended in 2012 to include hostility on the grounds of transgender identity as an aggravating factor. From August 2013, the combined flag (on the CPS digital case management system) of homophobic and transphobic crime was divided into two flags covering these elements of hostility separately.

This means that the data set out in the 2013/14 report will not be exactly comparable with data set out below.

CPS activity specific to this strand

- A specialist training course was delivered to Area hate crime co-ordinators and Equality, Diversity and Community Engagement Managers in March 2015. The session provided delegates with guidance on the key elements of prosecuting homophobic and transphobic hate crime to increase prosecutor confidence and performance.
- CPS Instructions to Prosecuting Advocates relating to homophobic and transphobic crime were updated in August 2015 to ensure that those charged with prosecuting CPS cases at court are fully apprised of the specific issues arising in respect of these cases.
- An aide memoire and practice lessons covering homophobic and transphobic hate crime have been provided to prosecutors.
- Training for prosecutors on Transforming Summary Justice (a CJS initiative designed to ensure more effective case handling in the magistrates' courts) included a case study dealing with homophobic crime.

Case study

In a CPS Wessex case, a group of three friends, two of whom were transgender women, were in the town centre considering whether to go to the beach. They were approached by a group of men one of whom shouted, "They're men" and punched the first woman to the face. The police attended and shortly afterwards arrested the defendant on suspicion of assault. The defendant initially denied the allegation and claimed that he had been assaulted first.

The defendant was charged with battery and pleaded guilty before the trial. In accordance with Area practice, the court bundle contained a reminder to prosecuting counsel on the relevance and use of s.146 Criminal Justice Act 2003. The advocate addressed the court on the application of s.146 and the requirement on the court to impose an uplift to sentence if it finds that the offence is transphobic. The prosecution stated that this was a clear transphobic offence and that s.146 applied. The defence conceded that the offending behaviour was transphobic and the court agreed.

The sentence was a 9 month referral order with a 2 month uplift for the transphobic element of the offence and a £50 compensation order.

CPS engagement with partners specific to this strand

- National Scrutiny Panel and Local Scrutiny and Involvement Panels were convened to engage with individuals with expertise and experience in the impact of homophobic and transphobic hate crime on communities.
- The CPS is represented on the External Reference Group of the Equality and Human Rights Commission (EHRC) project: '*Increasing the reporting of LGBT crime*'. The EHRC funded programme has established a Lesbian Gay Bisexual and Transgender (LGBT) consortium made up of some 35 agencies from across England, Scotland and Wales. The work supports victims and service providers with a focus on guidance and training. The project concluded in March 2016 by which time 282 training sessions had been delivered to criminal justice agencies, LGBT community members, LGBT young people, youth workers and schools. In addition, 22 written resources were produced for individuals, support agencies, and public services; 300 individuals were supported; two awareness campaigns were successfully run and a prototype reporting portal was developed.

Next steps

The CPS will:

- convene a National Scrutiny Panel to assist in re-drafting the public policy statement on homophobic and transphobic crime. There will be a public consultation in relation to the policy statement and, once settled, the accompanying legal guidance will be updated. This work is scheduled for completion in October 2016; and
- create a training package, for roll out across the CPS, in respect of homophobic and transphobic hate crime to be delivered to prosecutors by the end of March 2017.

Data

- 2014/15 was the first reporting year following the change to the Criminal Justice Act 2003 to incorporate transgender identity as an aggravating feature. The CPS is now able for the first time to report separately on its performance in relation to prosecutions involving transphobic hostility. Whilst two years does not provide a sufficiently robust basis on which to draw firm conclusions in respect of trend data, the fact that the CPS is now able to publish this data will be of reassurance to communities and will play a part in encouraging the confidence to report.
- In 2014/15, the police referred 56 transphobic cases to the CPS for a charging decision. This figure rose to 98 in 2015/16. There were 37 completed prosecutions under the transphobic crime flag on the CPS digital case management system in 2014/15 and 85 the following year.
- The conviction rates for transphobic cases each year were 75.7% (or 28 successful outcomes) and 80.0% (or 68 successful outcomes) respectively. Guilty pleas featured in successful outcomes in 73.0% of prosecutions in 2014/15 and 68.2% in 2015/16.

- No transphobic cases were recorded as unsuccessful due to victim issues in 2014/15 but there were 4 cases (23.5%) impacted in this way in 2015/16.
- In relation to defendants in transphobic cases, in 2014/15, 26 (70.3%) were men and 11 (29.7%) were women: a disclosure rate⁹ of 100.0%. In 2015/16, 66 (77.6%) were men and 19 (22.4%) were women.
- In relation to victims in cases of transphobic hate crime, in 2014/15, 20 (57.1%) were women and 12 (34.3%) were men (with a disclosure rate of 91.4%). In 2015/16, 51 (52.0%) were women and 27 (27.6%) were men (with a disclosure rate of 79.6%).
- The proportion of successfully completed transphobic hate crime prosecutions with an announced and recorded sentence uplift was 21.4% in 2014/15, a figure which increased to 35.3% in 2015/16.
- At this stage it should be noted that the transphobic crime case cohort is still too small to draw definitive trend conclusions.
- In 2014/15, the police referred 1,400 homophobic cases to the CPS for a charging decision. This figure fell to 1,241 in 2015/16. There were 1,240 completed prosecutions under the homophobic crime flag on the CPS digital case management system in 2014/15 and 1,384 the following year.
- The conviction rates for each year were 81.4% (or 1,009 successful outcomes) and 83.2% (or 1,151 successful outcomes) respectively. Guilty pleas featured in successful outcomes in 87.6% of prosecutions in 2014/15 and 78.2% in 2015/16.
- The proportion of successfully completed homophobic hate crime prosecutions with an announced and recorded sentence uplift was 13.3% in 2014/15, a figure which increased to 38.0% in 2015/16.
- The proportion of homophobic cases recorded as unsuccessful due to victim issues in 2014/15 was 32.9% and 28.7% in 2015/16.
- In relation to defendants in homophobic cases, in 2014/15, 1,040 (84.0%) were men and 198 (15.9%) were women: a disclosure rate of 100.0%. In 2015/16, 1,161 (83.9%) were men and 223 (16.1%), both years reflecting a disclosure rate of 100.0%.¹⁰
- In relation to victims in cases of homophobic hate crime, in 2014/15, 653 (61.4%) were men and 410 (38.6%) were women (with a disclosure rate of 85.0%). In 2015/16, 687 (61.4%) were men and 431 (38.5%) were women (with a disclosure rate of 83.0%).
- The proportion of successfully completed homophobic hate crime prosecutions with an announced and recorded sentence uplift was 13.3% in 2014/15, a figure which increased to 38.0% in 2015/16.

⁹ The term “disclosure rate” refers to the proportion of individuals whose relevant characteristic is known to the CPS.

¹⁰ The term “disclosure rate” refers to the proportion of individuals whose relevant characteristic is known to the CPS.

Table 8 highlights performance in relation to some key indicators in homophobic and transphobic crime over the reporting period.

Table 8: Key Indicators in homophobic and transphobic crime 2014/15 and 2015/16

Indicator	2014/15	2015/16
Police referrals for charging	1,456	1,339
Completed prosecutions	1,277	1,469
Conviction rate	81.2%	83.0%
Guilty pleas	71.3%	73.9%
No conviction; victim issues	31.7%	28.4%
Acquittal after trial	33.3%	34.0%
Sentence uplift	13.5%	37.8%

- In 2014/15, the police referred 1,456 homophobic and transphobic cases to the CPS for decision. This was an increase of 11.4% on the previous year's figure of 1,307. In 2015/16, the number decreased by 8.0% to 1,339. This fall will be explored further with police colleagues and appropriate action identified.
- In 2014/15, the conviction rate for homophobic and transphobic crime was 81.2%. This success rate compares with the combined average for all CPS convictions which stood at 83.5% in 2014/15. In 2015/16, the rate increased to 83.0%.
- In 2014/15, the proportion of successful cases arising from guilty pleas was 71.3% (911) and in 2015/16, the proportion of guilty pleas increased to 73.9%.
- There was an improvement in the number of cases failing due to victim issues. The proportion fell to 31.7% of unsuccessful cases (76) in 2015/16 from 33.8% (74) the year before.
- In 2015/16, the proportion of unsuccessful cases due to acquittal after trial increased slightly from 33.3% (80) in 2014/15 to 34.0% (85).
- The proportion of successfully completed homophobic and transphobic prosecutions with an announced and recorded sentence uplift was 13.5% in 2014/15, an increase from 3.8% the previous year, and there was a significant increase to 37.8% in 2015/16. This result provides an indication of the effect of additional guidance, support and CPS Area commitment to achieving success in this area. Further steps will be taken to support continuing improvement in 2016/17.

Table 9: Completed prosecutions by outcome for homophobic and transphobic offences

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%										
Convictions	1,034	80.7%	951	78.7%	885	80.7%	913	80.7%	1,037	81.2%	1,219	83.0%
Unsuccessful	247	19.3%	257	21.3%	211	19.3%	219	19.3%	240	18.8%	250	17.0%
Total	1,281		1,208		1,096		1,132		1,277		1,469	

- As illustrated in Table 9 above, the completed prosecutions in homophobic and transphobic cases continued to increase over the two year period. The figure of 1,277 prosecutions in 2014/15 was a 12.8% increase on the previous year. The 1,469 prosecutions represent a 15.0% increase on the previous year. Since 2010/11, completed prosecutions have increased by 14.7%. Over the same period the trend in conviction rates has increased by 2.3 percentage points.
- The CPS Areas experiencing the greatest increase in the number of completed prosecutions of homophobic and transphobic crime between 2014/15 and 2015/16 were: Thames and Chiltern (59.3%), North East (55.3%) and West Midlands (55.0%).

Case study

In a CPS Mersey-Cheshire case the complainant and others were subjected to homophobic abuse and assault.

The defendant was charged with assault by beating and was subsequently convicted. The sentence would have been a Category 3 offence but the homophobic element increased it to a Category 2 offence i.e. from a fine to a Community Order. The Community Order imposed was for 3 months with a curfew between

Working together

CPS North West held an event in London to promote the third in a series of educational resources aimed at challenging bullying and hate crime in schools. This free resource entitled “Lesbian, Gay, Bisexual and Transgender Hate Crime” was developed by the CPS in partnership with Stonewall, Gendered Intelligence, the Ministry of Justice and other partner organisations. It focuses on the impact of homophobic, biphobic and transphobic bullying and hate crime on victims as well as the potential consequences for victims and witnesses. The resource provides schools with materials and strategies to help them prevent such bullying and hate crime and to respond to it where it occurs. Following the launch, the material was highlighted in the Lord Mayor of London’s action plan to tackle hate crime.

Disability hate crime

Introduction

In 2015/16, the disability hate crime data shows improved performance in respect of the number of police referrals, the number of completed prosecutions and the number of convictions providing encouraging evidence of the impact of recent efforts on the part of the CPS and police. The CPS does however acknowledge the need to improve its performance in respect of the conviction rate and sentence uplift.

Community confidence is vital to ongoing efforts to increase reporting of hate crime and minimise its impact. This is especially important in respect of disability hate crime where reporting is historically low. The CPS benefits from a strong relationship with communities affected by disability hate crime as a result of a combination of structured engagement and transparent performance and hopes that, together with an improved conviction rate, community confidence will continue to grow. In turn, it is hoped that this will provide an environment in which increased numbers of those affected by hate crime will feel able to report.

CPS activity specific to this strand

- The Disability Hate Crime Action Plan (2011/14) was central to the CPS response to the *Joint Inspection of the Handling of Disability Hate Crime* across the police, prosecution and probation services. The plan's concluding report (July 2014) underlined examples of positive Area practice in support of effective prosecution practice in particular the value of:
 - leadership;
 - the positive contribution made by live case review and data accuracy checks in support of quality decision-making and positive outcomes;
 - case file scrutiny in supporting lessons learned and regular police liaison; and
 - the focus on the victim's perspective.

Case study

In a CPS Mersey-Cheshire case, the defendant and victim had known each other for the previous twelve months. They worked in the same industry and had on occasion worked on the same jobs. The victim has a speech impediment and physical disabilities arising from an accident in childhood.

The defendant set up a number of Facebook group pages which attracted a large number of followers and interest from co-workers. On these pages, he posted a number of photo-shopped images of the victim which were abusive and upsetting to the victim. He also posted a number of abusive and insulting comments. On separate occasions, the defendant also made abusive phone calls to the victim.

The CPS prosecuted this case as a disability hate crime. The defendant was charged with harassment without violence and pleaded guilty to two counts of harassment. The custodial sentence announced by the court was extended from four weeks to six weeks as a result of the disability aggravation.

In a Victim Personal Statement to the court, the victim said that the abuse was destroying his life and affecting his relationship and reported that the abuse had stopped him going out.

- In May 2014, the Joint Inspection follow-up report into disability hate crime highlighted continued weaknesses in all criminal justice agencies' responses to tackle performance on disability hate crime. In response, a further Disability Hate Crime Action Plan (October 2014) committed the CPS to a number of key activities which have been carried out: the Hate Crime Assurance Scheme has been successfully introduced; mandated training has been delivered to CPS prosecutors; the Minimum Standards have been revised and updated and reference material has been provided to prosecutors. The work of a National Scrutiny Panel on disability continues to support the development of updated policy and legal guidance.
- Treasury Counsel's advice was sought on the ambit of section 146 Criminal Justice Act 2003 and the CPS legal guidance was amended accordingly.
- A disability hate crime training package for prosecutors, mandated as face-to-face training, was delivered across the CPS between September 2015 and January 2016. The training incorporated the victim's perspective and included key data and relevant research. A scenario-based exercise provided an opportunity to examine disability hostility before case studies focused on the evidential base for sentence uplift. Delegate learning from the course will be incorporated into an aide-memoire for prosecutors.
- A guide relating to specific consideration of cases involving people with autism as victims, witnesses or defendants was developed and made available to prosecutors. Developed in CPS North West with the input of a leading campaigner and academic on the subject, the guide highlights essential considerations for the prosecutor and signposts external links to valuable resources.

CPS engagement with partners specific to this strand

- A National Scrutiny Panel on disability hostility was first convened in December 2014 and met on three further occasions the most recent of which was in March 2016. Building on the work of CPS Area Local Scrutiny and Involvement Panels in engaging with local community expertise, the National Scrutiny Panel discussed the concept of disability hostility as experienced by the victims of crime and contributed to the CPS decision to seek Counsel's opinion on the ambit of s.146 as detailed above. The National Scrutiny Panel has more recently explored the nature of offending and the gender profile of offenders providing confirmation that disability hostility has unique features and has contributed generously to the development of a public policy statement on crimes against disabled people.
- The CPS presented a session relating to reporting of disability hate crime to the Department for Work and Pension "Fulfilling Potential Forum". Forum members have been invited to contribute to the consultation on the public policy statement on crimes against disabled people.
- The CPS was represented by the Hate Crime Champion at a Ministerial Roundtable on disability hate crime in October 2015. The meeting provided a positive focus for discussion of existing challenges and identification of potential solutions.

Next steps

The CPS will:

- consult publicly in relation to a new public policy statement on crimes against disabled people with a view to publication in the December 2016. Once finalised, the policy statement will provide an essential framework for the consideration of all crimes against disabled people and will be used to further refresh the legal guidance on disability hate crime;
- develop, with the assistance of the NPCC, HMCTS and Citizens Advice, a statement on the support available to disabled victims and witnesses from initial reporting of an incident to the completion of any criminal proceedings;
- identify and execute further work necessary to address the relatively low conviction rate for disability hate crime which stood at 75.5% in 2014/15 and 75.1% in 2015/16 compared to the overall hate crime conviction rate of 82.9% and 83.2% respectively; and
- identify further steps to sustain the continuing improvement of the recording of announced sentence uplift in 2016/17.

Data

Table 10 highlights key indicators in relation to disability hate crime over the reporting period.

Table 10: Key indicators in disability hate crime 2014/15 and 2015/16

Indicator	2014/15	2015/16
Police referrals for charging	849	930
Completed prosecutions	666	941
Conviction rate	75.5%	75.1%
Guilty pleas	66.1%	63.4%
No conviction, victim issues	27.6%	25.2%
Acquittal after trial	35.6%	31.2%
Sentence uplift	5.4%	11.9%

- The volume of cases referred to the CPS by the police for a charging decision increased from 849 in 2014/15 to 930 in 2015/16, an increase of 9.5%.
- Although the number of convictions increased over the reporting period from 503 in 2014/15 to 707 last year, an increase of 40.6%, the conviction rate remained broadly consistent over the period at 75.1%. Work will be done, via the Hate Crime Assurance Scheme and an assessment of unsuccessful cases, to identify reasons for this and to identify measures for improving performance.

- The proportion of successful outcomes arising from guilty pleas was 66.1% in 2014/15 and fell slightly to 63.4% in 2015/16.
- The proportion of cases failing due to victim issues increased in 2014/15 to 27.6% (45) from 17.3% (18) the previous year. In 2015/16, the proportion of unsuccessful cases affected by victim issues improved to 25.2%.
- In 2014/15, the proportion of unsuccessful cases due to acquittal after trial improved to 35.6% (58). In 2015/16, this improvement continued to 31.2% (73) of all unsuccessful cases.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 5.4% in 2014/15, an increase from 0.6% the previous year. In 2015/16, that figure had increased again to 11.9%. Whilst this result is encouraging, the figure remains considerably lower than that for other hate crime strands and steps to sustain continuing improvement will be identified via the Hate Crime Assurance Scheme. Work will also be undertaken with the courts to ensure consistent application of sentence uplifts.

Table 11 below shows how, since 2010/11, the total number of completed prosecutions has been on an upward trend. Over the two reporting years, much has been done by the CPS and police, locally and nationally, to enhance awareness of disability hate crime in order to increase reporting as well as improving the identification of cases by proactive investigation based on common understandings and approaches. The CPS, the NPCC and the College of Policing will continue to work to this agenda, starting with new guidance for those affected by hate crime and their advisers as to what constitutes a hate crime and what to do about it.

Table 11: Completed prosecutions by outcome

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%										
Convictions	579	79.8%	480	77.3%	494	77.2%	470	81.9%	503	75.5%	707	75.1%
Unsuccessful	147	20.2%	141	22.7%	146	22.8%	104	18.1%	163	24.5%	234	24.9%
Total	726		621		640		574		666		941	

- As illustrated in Table 11 above, the number of completed prosecutions increased in 2014/15 by 16.0%. This improvement was repeated in 2015/16 when the number of completed prosecutions increased by 41.3%. This relates in part to the increase in referrals from the police and also evidences the impact of the measures taken, by the CPS, to improve performance such as the provision of updated legal guidance, strand specific mandated training and the benefits brought by the Hate Crime Assurance Scheme.
- All 13 CPS Areas saw an increase in the number of completed disability hate crime prosecutions in 2015/16. Compared with 2014/15, the CPS Areas with the largest increases in disability hate crime

prosecutions in 2015/16 were Yorkshire & Humberside (108.5%), Thames and Chiltern (94.1%) and Wessex (93.1%).

Table 12: Principal offence category for each hate crime strand

Principal Offence Category	Disability		Homophobic and Transphobic		Racially and Religiously Aggravated	
	2014/15	2015/16	2014/15	2015/16	2014/15	2015/16
Homicide	0.8%	0.6%	0.0%	0.0%	0.0%	0.1%
Offences against person	44.2%	48.0%	54.0%	59.2%	53.7%	76.4%
Sexual offences	4.9%	3.6%	1.3%	1.3%	0.3%	0.3%
Burglary	7.7%	8.7%	0.4%	0.3%	0.5%	0.3%
Robbery	9.6%	6.7%	1.9%	1.1%	0.7%	0.6%
Theft & handling	11.3%	12.1%	2.1%	1.7%	3.3%	1.7%
Fraud & forgery	6.1%	6.4%	0.1%	0.1%	0.1%	0.1%
Criminal damage	3.1%	2.9%	4.4%	3.9%	4.3%	3.3%
Drugs offences	0.9%	0.4%	1.7%	1.2%	1.1%	0.6%
Public order offences	8.5%	9.3%	30.3%	29.8%	31.4%	15.1%

- At the end of a prosecution, cases are allocated a principal offence category (see Table 12 above) to indicate the type and seriousness of the charges brought. Offences against the person remained the most common representing 44.2% of all disability hate crime prosecutions in 2014/15 and 48.0% in 2015/16. Overall, there was a more significant range of offence categories represented within disability hate crime prosecutions than for any other strand of hate crime - perhaps reflecting the exploitative nature of some disability hate crime. This aspect of disability hostility was explored with the assistance of the National Scrutiny Panel on disability hostility and forms an essential element of the crimes against disabled people public policy statement that is currently in development.
- In 2015/16, most defendants in disability hate crime cases were men (75.3%), but there were a significantly higher proportion of women (24.5%) compared to other strands of hate crime (17.1% in racially and religiously aggravated hate crime and 16.5% in homophobic and transphobic hate crime). Most defendants were White British (72.1%) and those aged 25-59 accounted for 64.5% and a further 19.6% were 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 4.9% and 23.5% respectively in 2007/08 to 1.3% and 9.6% in 2015/16.

Case study

In a CPS North West case, the defendant was the carer of the complainant. The complainant required 24 hour care in relation to cooking and washing and made extensive use of her iPad as an aid to communication.

The iPad was reported missing and, when asked about it by her line manager, the defendant denied all knowledge of its whereabouts. However, using its in-built technology, the complainant was able to trace the iPad to the defendant's home address. The defendant's explanation was not credible, first denying all knowledge and then contradicting herself and finally claiming that she had simply swept it up amongst a number of other items. She claimed to have only realised three days after the visit but then took a further week to do anything about it. When returned, it was discovered that many personal photographs had been removed by the defendant.

The defendant was convicted of theft and sentenced to 12 weeks imprisonment uplifted in view of the disability aggravation to 16 weeks suspended for 12 months. In addition, she was ordered to pay costs of £350 and compensation of £150.

Working together

CPS North East has been working with Durham Police; Safer Durham Community Safety Partnership; Safer Darlington Community Safety Partnership; and local voluntary organisation Community Hands, to raise awareness of disability hate crime and to increase the confidence to report it. One focus of this partnership work has been the production of a presentation which can be provided to disability groups. A central consideration in preparing the presentation was to ensure that community groups could make use of it at their own meetings and events rather than attending specific police and CPS sessions. In this way, the initiative aims to reach more individuals and their carers across all strands of disability. A “Train the Trainer” session will be held and extensive notes for trainers will be provided. The material has been piloted with people with learning disabilities and it is hoped that the sessions will commence from September 2016.

Stirring up hatred

Introduction

Hate crime focuses on hostility or prejudice against specific sections of society. Hostility carries the ordinary, everyday meaning of the word and its dictionary definition captures ill-will, unfriendliness, spite, ill-feeling, contempt, prejudice, resentment, dislike and hatred. However, the public order offences of “stirring up hatred” focus on hatred itself and the intention or likely effect of the offence in question.

The number of cases brought is much lower than for other offences covered in this report. This is due to higher evidential thresholds and the need to consider an individual’s right to freedom of expression. It is essential in a free, democratic and tolerant society that people are able to exchange views, even when offence may be caused. However, the CPS must also balance the rights of an individual to freedom of speech and expression against the duty of the state to act proportionately in the interests of public safety, to prevent disorder and crime, and to protect the rights of others.

Potential cases are referred to the Special Crime and Counter Terrorism Division by CPS Areas in line with the CPS Legal Guidance on Prosecuting Cases of Racist or Religious Crime and on Stirring up Hatred on the Grounds of Sexual Orientation. Prosecution of these offences requires the consent of the Attorney General.

Public concern relating to these cases has risen in recent times following the spike in hostility experienced and reported following incidents of domestic or international terrorism such as occurred in Paris and Copenhagen. Both third party reporting agencies, Tell MAMA and the Community Security Trust have noted increased levels of hate crime incidents immediately following such events.

CPS activity and engagement with partners

Feedback from Local Scrutiny and Involvement Panels, as well as the National Scrutiny Panel on religiously aggravated crime, highlighted the need for clarity of guidance relating to stirring up hatred cases. The CPS guidance was therefore updated in September 2015.

Next Steps

The CPS will:

- draw up a communications strategy, incorporating all strands covered by this report, ensuring appropriate focus on stirring up hatred;
- consolidate recording methods in support of transparency and community confidence; and
- hold a National Scrutiny Panel discussion around hate crime and extremism to provide reassurance and increase community confidence.

Case study

In a CPS East Midlands case, the defendant started a thread on his Facebook profile about the risks to Sikh girls should they go out with men from the Muslim community. Approximately 40 people participated in the Facebook conversation over a period of about six hours. Some of the people who joined the thread expressed a willingness to use violence against Muslims and others expressed concerns that the content would cause division. Over the course of these exchanges, the defendant and two other men's postings were of such a nature as to incite religious hatred and were threatening in content.

The conversation appears to have led to the creation of a dummy Facebook profile created for a 15 or 16-year-old Sikh girl. The intention was that when Muslim men interacted with the profile they would be challenged about their behaviour. However, what in fact happened, was that two Sikh men interacted with the Facebook profile. One of these men was followed, threatened, and humiliated at work.

It became clear from extensive communications data found by the police that a plan had been hatched to attack this man with weapons. The second victim set up a meeting with the Facebook user, whom he thought was a girl, but was targeted and attacked by two of the original defendants and a further man who used nunchucks and an imitation firearm. An arsenal of over 100 hand held weapons, nunchucks, knives, stun guns, knuckle dusters and batons were later found at the fourth defendant's address.

The first three defendants pleaded guilty to publishing material intended to stir up religious hatred, contrary to section 29C of the Public Order Act 1986 and were sentenced to 15 months' imprisonment, 18 months' imprisonment and 15 months' imprisonment respectively.

All defendants were charged and pleaded guilty to a range of charges relating to the assaults and weapons and were sentenced to terms of imprisonment.

Data

- There was one prosecution in 2014/15 for publishing or distributing written material intended to stir up religious hatred. The defendants pleaded guilty and received between 15 and 18 months detention.
- There was one prosecution in 2015/16 for publishing written material intending to stir up racial hatred. The defendant was found guilty and sentenced to a term of imprisonment of 3 years and 4 months.

Crimes against older people

Introduction

There is no statutory definition of a crime against an older person (CAOP) and no specific legislation. Sections 145 and 146 of the Criminal Justice Act 2003, which provide for a sentencing uplift in cases of racist and religious crime, homophobic and transphobic crime and disability hate crime, do not apply to crimes against an older person unless the crime also falls into one of these other categories. Sentencing guidelines do however invite courts to increase the sentence for offences against older people on the basis that their perceived vulnerability is an aggravating factor increasing the seriousness of the crime.

The CPS engages the sentencing guidelines in all applicable cases and applies a CAOP flag on the CPS digital case management system to crimes in the following circumstances to allow for identification of cases:

- where there is a relationship and an expectation of trust e.g. assault/theft by a carer or family member;
- where the offence is specifically targeted at the old person because they are perceived as being vulnerable or an 'easy target' e.g. a distraction burglary or a mugging;
- where the offence is not initially related to the older person's age but later becomes so e.g. a burglary where the burglar does not know the age of the householder but later exploits the situation on discovering that the householder is an older person;
- where offences appear to be in part, or wholly motivated by hostility based on age, or perceived age e.g. an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age; or
- where an offender deliberately targets an older person because of his/her hostility towards older people.

The CPS recognises the range of criminal behaviours to which older people can be exposed. The CPS has been engaged in discussions that will help inform the work of a National Scrutiny Panel intended to revise the policy and legal guidance before the end of March 2017.

CPS activity specific to this strand

There were a number of developments over the year relating to both policy and the law which have impacted on the lives of older people. Of central interest was the introduction of the Care Act 2014, which

Case study

In a CPS East of England case, a gang of rogue traders who defrauded older people in Essex out of almost £1million were sentenced to a total of nearly 30 years in jail.

The men targeted elderly and vulnerable people charging them large sums of money for building and gardening work which was unnecessary, not completed or substandard, or a combination of all three.

Many of the victims did not realise the activity was fraudulent and in fact thought that the gang were being kind to them.

came into effect on 1 April 2015. The Act replaced the statutory guidance on safeguarding adults from abuse and neglect, *No Secrets*, with new guidance Care and Support Statutory guidance issued by the Department of Health. Against this background, a number of discussions have taken place to consider the CAOP policy and legal guidance and its overlap with practice within the wider criminal justice sector and beyond into social care.

Next steps

The CPS will:

- convene a National Scrutiny Panel to assist in re-drafting the public policy statement on CAOP. There will be a public consultation in relation to the policy statement and, once settled, the accompanying legal guidance will be updated. This work is scheduled to be completed by the end of March 2017;
- consult relevant partners as to how it can improve its knowledge of, and response to, criminality against, or concerning older people; and
- consider relevant measures to provide appropriate and consistent support to the victims of crimes against older people.

Data

Table 13 highlights key indicators in relation to crimes against older people over 2014/15 and 2015/16.

Table 13: Key indicators in crimes against older people in 2014/15 and 2015/16

Indicator	2014/15	2015/16
Police referrals for charging	4,305	3,568
Completed prosecutions	3,693	3,759
Conviction rate	80.8%	80.1%
Guilty pleas	73.7%	72.5%
No conviction: victim issues	24.2%	21.8%
Acquittal after trial	23.0%	25.0%

- In 2014/15, the number of cases referred to the CPS by the police and flagged on its digital case management system by the CPS as a CAOP increased by 29.8% from 3,317 in 2013/14 to 4,305. In 2015/16, the number of cases referred by the police and flagged by the CPS as a CAOP fell by 17.1% to 3,568 from the previous year.
- The number of completed prosecutions increased to 3,759 from 3,693 in 2014/15, an increase of 1.8%.

- The number of convictions increased over the reporting period from 2,983 in 2014/15 to 3,012 in 2015/16 whilst the conviction rate remained broadly consistent over the two years. More work will be done to identify measures for improving performance.
- In 2014/15, the number of guilty pleas was 2,720. This increased slightly in 2015/16 to 2,725. The proportion of successful outcomes arising from guilty pleas has fallen slightly over the two year period from 73.7% to 72.5%.
- The proportion of cases failing due to victim issues has increased since 2014/15 when it was 24.2% (172) to 21.8% (163) in 2015/16.
- In 2014/15, the proportion of unsuccessful cases due to acquittal after trial was 23.0% (163). In 2015/16, this figure increased to 25.0% (187) of all unsuccessful cases.

Table 14: Completed prosecutions by outcome for crimes against older people

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%										
Convictions	2,259	80.0%	2,332	81.3%	2,340	81.1%	2,369	81.1%	2,983	80.8%	3,012	80.1%
Unsuccessful	563	20.0%	535	18.7%	546	18.9%	553	18.9%	710	19.2%	747	19.9%
Total	2,822		2,867		2,886		2,922		3,693		3,759	

- The number of completed prosecutions increased from 3,693 in 2014/15 to 3,759 last year, an increase of 1.8%. Since 2010/11, completed prosecutions increased by 33.2%, whilst the conviction rate remained stable.
- 77.8% of defendants in completed prosecutions were men in 2015/16. Since 2010/11, the total number of male defendants has risen from 2,154 to 2,924.
- Recording of victim gender has increased very slightly from 80.9% of all victims in 2014/15 to 81.0% in 2015/16. As a result of improvements in both the identification of crimes against older people and the accuracy of recording, the CPS has enhanced its understanding of these crimes. The CPS now knows that the proportion of women victims is 47.0% with men identified as the victim in 34.0% of cases. In 2014/15, these figures had been 45.6% and 35.3% respectively. The challenge remains to identify not only the gender of all victims but other personal characteristics as defined under the Equality Act 2010 in order to improve the CPS understanding of this crime and its services to its victims.

At the end of a prosecution, cases are allocated a principal offence category to indicate the type and seriousness of the charges brought. Table 15 below shows the offence categories for COAP.

Table 15: Principal offence categories for crimes against older people

Principal Offence Category	2012/13	2013/14	2014/15	2015/16
Homicide	1.2%	1.1%	1.0%	1.0%
Offences against person	23.4%	27.4%	28.4%	31.3%
Sexual offences	1.2%	1.9%	1.6%	1.3%
Burglary	24.5%	21.7%	20.9%	20.4%
Robbery	7.5%	7.7%	6.5%	7.3%
Theft & handling	18.5%	17.1%	17.8%	16.8%
Fraud & forgery	14.5%	12.3%	13.0%	15.1%
Criminal damage	3.1%	3.8%	4.2%	3.1%
Drugs offences	0.8%	1.1%	0.7%	0.7%
Public order offences	2.3%	1.8%	2.3%	1.5%

- The proportion of cases categorised as Offences against the Person increased over 2015/16 but of note is the persistent focus on acquisitive crime with an emphasis on financial gain.

- The CPS Areas recording the highest increase in CAOP prosecutions between 2014/15 and 2015/16 were: Thames and Chiltern (22.8%), South West (19.2%) and East of England (14.1%).

Case study

In a CPS North West case, three care workers were sentenced to a total of seven years and six months for abusing 11 elderly residents at a nursing home.

All three pleaded guilty to ill-treatment of a person without capacity. One was additionally found guilty of sexual assault after a trial.

The Crown's case was that the defendants physically, verbally and emotionally abused vulnerable men and women for their own amusement.

Cases involving the abuse of vulnerable people, who are often unable to give evidence against the perpetrators themselves, are extremely difficult to prove and it is due to the willingness of the witnesses in coming forward in this case which brought an end to the abuse and enabled the CPS to bring the defendants to justice.

Annex A: prosecutions by CPS Area (2014/15)

All Hate Crime	CPS Prosecutions 2014 - 15				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 AREAS	12,220	82.9%	2,518	17.1%	14,738
Cymru Wales	650	81.7%	146	18.3%	796
Dyfed Powys	36	72.0%	14	28.0%	50
Gwent	81	83.5%	16	16.5%	97
North Wales	156	89.7%	18	10.3%	174
South Wales	377	79.4%	98	20.6%	475
East of England	628	86.7%	96	13.3%	724
Cambridgeshire	91	83.5%	18	16.5%	109
Essex	240	86.3%	38	13.7%	278
Norfolk	176	88.4%	23	11.6%	199
Suffolk	121	87.7%	17	12.3%	138
East Midlands	925	83.6%	182	16.4%	1,107
Derbyshire	177	81.9%	39	18.1%	216
Leicestershire	293	87.5%	42	12.5%	335
Lincolnshire	63	81.8%	14	18.2%	77
Northamptonshire	142	78.9%	38	21.1%	180
Nottinghamshire	250	83.6%	49	16.4%	299
London	2,676	79.4%	693	20.6%	3,369
Merseyside & Cheshire	711	84.0%	135	16.0%	846
Cheshire	218	86.9%	33	13.1%	251
Merseyside	493	82.9%	102	17.1%	595
North East	536	78.8%	144	21.2%	680
Cleveland	122	75.3%	40	24.7%	162
Durham	88	86.3%	14	13.7%	102
Northumbria	326	78.4%	90	21.6%	416
North West	1320	87.3%	192	12.7%	1,512
Cumbria	91	91.9%	8	8.1%	99
Greater Manchester	830	89.1%	102	10.9%	932
Lancashire	399	83.0%	82	17.0%	481
South East	697	83.1%	142	16.9%	839
Kent	234	81.8%	52	18.2%	286
Surrey	163	76.9%	49	23.1%	212
Sussex	300	88.0%	41	12.0%	341
South West	599	83.0%	123	17.0%	722
Avon & Somerset	344	84.7%	62	15.3%	406
Devon and Cornwall	173	79.7%	44	20.3%	217
Gloucestershire	82	82.8%	17	17.2%	99
Thames and Chiltern	777	82.1%	169	17.9%	946
Bedfordshire	83	73.5%	30	26.5%	113
Hertfordshire	239	86.3%	38	13.7%	277
Thames Valley	455	81.8%	101	18.2%	556
Wessex	516	83.8%	100	16.2%	616
Dorset	81	88.0%	11	12.0%	92
Hampshire & IOW	360	81.6%	81	18.4%	441
Wiltshire	75	90.4%	8	9.6%	83
West Midlands	1180	84.1%	223	15.9%	1,403
Staffordshire	166	83.8%	32	16.2%	198

Warwickshire	69	86.3%	11	13.8%	80
West Mercia	143	88.8%	18	11.2%	161
West Midlands	802	83.2%	162	16.8%	964
Yorkshire & Humberside	1005	85.3%	173	14.7%	1,178
Humberside	149	90.3%	16	9.7%	165
North Yorkshire	80	88.9%	10	11.1%	90
South Yorkshire	213	86.6%	33	13.4%	246
West Yorkshire	563	83.2%	114	16.8%	677

Racially and religiously aggravated crime	CPS Prosecutions 2014 - 15				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 AREAS	10,680	83.5%	2,115	16.5%	12,795
Cymru Wales	529	84.6%	96	15.4%	625
Dyfed Powys	29	78.4%	8	21.6%	37
Gwent	70	88.6%	9	11.4%	79
North Wales	116	92.1%	10	7.9%	126
South Wales	314	82.0%	69	18.0%	383
Eastern	526	86.5%	82	13.5%	608
Cambridgeshire	73	82.0%	16	18.0%	89
Essex	204	85.7%	34	14.3%	238
Norfolk	155	90.1%	17	9.9%	172
Suffolk	94	86.2%	15	13.8%	109
East Midlands	800	84.3%	149	15.7%	949
Derbyshire	153	81.8%	34	18.2%	187
Leicestershire	263	89.8%	30	10.2%	293
Lincolnshire	49	79.0%	13	21.0%	62
Northamptonshire	123	80.9%	29	19.1%	152
Nottinghamshire	212	83.1%	43	16.9%	255
London	2473	80.1%	616	19.9%	3,089
Merseyside & Cheshire	562	83.6%	110	16.4%	672
Cheshire	177	87.6%	25	12.4%	202
Merseyside	385	81.9%	85	18.1%	470
North East	466	79.5%	120	20.5%	586
Cleveland	109	77.3%	32	22.7%	141
Durham	69	85.2%	12	14.8%	81
Northumbria	288	79.1%	76	20.9%	364
North West	1136	89.1%	139	10.9%	1,275
Cumbria	69	94.5%	4	5.5%	73
Greater Manchester	723	90.0%	80	10.0%	803
Lancashire	344	86.2%	55	13.8%	399
South East	587	82.6%	124	17.4%	711
Kent	200	81.0%	47	19.0%	247
Surrey	151	77.8%	43	22.2%	194
Sussex	236	87.4%	34	12.6%	270
South West	506	83.4%	101	16.6%	607
Avon & Somerset	295	85.5%	50	14.5%	345
Devon and Cornwall	149	79.7%	38	20.3%	187
Gloucestershire	62	82.7%	13	17.3%	75
Thames and Chiltern	714	83.2%	144	16.8%	858
Bedfordshire	81	75.7%	26	24.3%	107
Hertfordshire	219	87.3%	32	12.7%	251
Thames Valley	414	82.8%	86	17.2%	500

Wessex	454	85.5%	77	14.5%	531
Dorset	71	89.9%	8	10.1%	79
Hampshire & IOW	312	83.2%	63	16.8%	375
Wiltshire	71	92.2%	6	7.8%	77
West Midlands	1043	83.6%	204	16.4%	1,247
Staffordshire	145	83.8%	28	16.2%	173
Warwickshire	60	85.7%	10	14.3%	70
West Mercia	118	88.7%	15	11.3%	133
West Midlands	720	82.7%	151	17.3%	871
Yorkshire & Humberside	884	85.2%	153	14.8%	1,037
Humberside	122	88.4%	16	11.6%	138
North Yorkshire	70	92.1%	6	7.9%	76
South Yorkshire	192	87.7%	27	12.3%	219
West Yorkshire	500	82.8%	104	17.2%	604

Homophobic and transphobic crime	CPS Prosecutions 2014 - 15				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	1,037	81.2%	240	18.8%	1,277
Cymru Wales	81	74.3%	28	25.7%	109
Dyfed Powys	4	57.1%	3	42.9%	7
Gwent	6	50.0%	6	50.0%	12
North Wales	22	84.6%	4	15.4%	26
South Wales	49	76.6%	15	23.4%	64
Eastern	61	85.9%	10	14.1%	71
Cambridgeshire	7	100.0%	0	0.0%	7
Essex	23	88.5%	3	11.5%	26
Norfolk	14	73.7%	5	26.3%	19
Suffolk	17	89.5%	2	10.5%	19
East Midlands	94	87.9%	13	12.1%	107
Derbyshire	17	100.0%	0	0.0%	17
Leicestershire	22	81.5%	5	18.5%	27
Lincolnshire	10	90.9%	1	9.1%	11
Northamptonshire	14	82.4%	3	17.6%	17
Nottinghamshire	31	88.6%	4	11.4%	35
London	148	77.5%	43	22.5%	191
Merseyside & Cheshire	110	85.3%	19	14.7%	129
Cheshire	27	81.8%	6	18.2%	33
Merseyside	83	86.5%	13	13.5%	96
North East	33	70.2%	14	29.8%	47
Cleveland	7	58.3%	5	41.7%	12
Durham	8	88.9%	1	11.1%	9
Northumbria	18	69.2%	8	30.8%	26
North West	109	79.0%	29	21.0%	138
Cumbria	13	92.9%	1	7.1%	14
Greater Manchester	64	87.7%	9	12.3%	73
Lancashire	32	62.7%	19	37.3%	51
South East	87	88.8%	11	11.2%	98
Kent	20	100.0%	0	0.0%	20
Surrey	10	66.7%	5	33.3%	15
Sussex	57	90.5%	6	9.5%	63
South West	59	81.9%	13	18.1%	72
Avon & Somerset	32	78.0%	9	22.0%	41

Devon and Cornwall	15	88.2%	2	11.8%	17
Gloucestershire	12	85.7%	2	14.3%	14
Thames and Chiltern	40	74.1%	14	25.9%	54
Bedfordshire	2	50.0%	2	50.0%	4
Hertfordshire	11	73.3%	4	26.7%	15
Thames Valley	27	77.1%	8	22.9%	35
Wessex	41	73.2%	15	26.8%	56
Dorset	4	80.0%	1	20.0%	5
Hampshire & IOW	35	74.5%	12	25.5%	47
Wiltshire	2	50.0%	2	50.0%	4
West Midlands	96	86.5%	15	13.5%	111
Staffordshire	11	78.6%	3	21.4%	14
Warwickshire	3	75.0%	1	25.0%	4
West Mercia	19	86.4%	3	13.6%	22
West Midlands	63	88.7%	8	11.3%	71
Yorkshire & Humberside	78	83.0%	16	17.0%	94
Humberside	18	100.0%	0	0.0%	18
North Yorkshire	6	66.7%	3	33.3%	9
South Yorkshire	13	72.2%	5	27.8%	18
West Yorkshire	41	83.7%	8	16.3%	49

Disability Hostility Crime	CPS Prosecutions 2014 - 15				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	503	75.5%	163	24.5%	666
Cymru Wales	40	64.5%	22	35.5%	62
Dyfed Powys	3	50.0%	3	50.0%	6
Gwent	5	83.3%	1	16.7%	6
North Wales	18	81.8%	4	18.2%	22
South Wales	14	50.0%	14	50.0%	28
Eastern	41	91.1%	4	8.9%	45
Cambridgeshire	11	84.6%	2	15.4%	13
Essex	13	92.9%	1	7.1%	14
Norfolk	7	87.5%	1	12.5%	8
Suffolk	10	100.0%	0	0.0%	10
East Midlands	31	60.8%	20	39.2%	51
Derbyshire	7	58.3%	5	41.7%	12
Leicestershire	8	53.3%	7	46.7%	15
Lincolnshire	4	100.0%	0	0.0%	4
Northamptonshire	5	45.5%	6	54.5%	11
Nottinghamshire	7	77.8%	2	22.2%	9
London	55	61.8%	34	38.2%	89
Merseyside & Cheshire	39	86.7%	6	13.3%	45
Cheshire	14	87.5%	2	12.5%	16
Merseyside	25	86.2%	4	13.8%	29
North East	37	78.7%	10	21.3%	47
Cleveland	6	66.7%	3	33.3%	9
Durham	11	91.7%	1	8.3%	12
Northumbria	20	76.9%	6	23.1%	26
North West	75	75.8%	24	24.2%	99
Cumbria	9	75.0%	3	25.0%	12
Greater Manchester	43	76.8%	13	23.2%	56
Lancashire	23	74.2%	8	25.8%	31

South East	23	76.7%	7	23.3%	30
Kent	14	73.7%	5	26.3%	19
Surrey	2	66.7%	1	33.3%	3
Sussex	7	87.5%	1	12.5%	8
South West	34	79.1%	9	20.9%	43
Avon & Somerset	17	85.0%	3	15.0%	20
Devon and Cornwall	9	69.2%	4	30.8%	13
Gloucestershire	8	80.0%	2	20.0%	10
Thames and Chiltern	23	67.6%	11	32.4%	34
Bedfordshire	0	0.0%	2	100.0%	2
Hertfordshire	9	81.8%	2	18.2%	11
Thames Valley	14	66.7%	7	33.3%	21
Wessex	21	72.4%	8	27.6%	29
Dorset	6	75.0%	2	25.0%	8
Hampshire & IOW	13	68.4%	6	31.6%	19
Wiltshire	2	100.0%	0	0.0%	2
West Midlands	41	91.1%	4	8.9%	45
Staffordshire	10	90.9%	1	9.1%	11
Warwickshire	6	100.0%	0	0.0%	6
West Mercia	6	100.0%	0	0.0%	6
West Midlands	19	86.4%	3	13.6%	22
Yorkshire & Humberside	43	91.5%	4	8.5%	47
Humberside	9	100.0%	0	0.0%	9
North Yorkshire	4	80.0%	1	20.0%	5
South Yorkshire	8	88.9%	1	11.1%	9
West Yorkshire	22	91.7%	2	8.3%	24

Crimes against older people	CPS Prosecutions 2014 - 15				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	2,983	80.8%	710	19.2%	3,693
Cymru Wales	250	86.8%	38	13.2%	288
Dyfed Powys	21	70.0%	9	30.0%	30
Gwent	29	90.6%	3	9.4%	32
North Wales	70	89.7%	8	10.3%	78
South Wales	130	87.8%	18	12.2%	148
Eastern	153	79.7%	39	20.3%	192
Cambridgeshire	33	82.5%	7	17.5%	40
Essex	56	76.7%	17	23.3%	73
Norfolk	24	77.4%	7	22.6%	31
Suffolk	40	83.3%	8	16.7%	48
East Midlands	209	83.6%	41	16.4%	250
Derbyshire	53	81.5%	12	18.5%	65
Leicestershire	57	83.8%	11	16.2%	68
Lincolnshire	19	90.5%	2	9.5%	21
Northamptonshire	25	71.4%	10	28.6%	35
Nottinghamshire	55	90.2%	6	9.8%	61
London	363	73.9%	128	26.1%	491
Merseyside & Cheshire	180	83.3%	36	16.7%	216
Cheshire	65	83.3%	13	16.7%	78
Merseyside	115	83.3%	23	16.7%	138
North East	168	76.0%	53	24.0%	221
Cleveland	45	77.6%	13	22.4%	58

Durham	40	74.1%	14	25.9%	54
Northumbria	83	76.1%	26	23.9%	109
North West	337	84.9%	60	15.1%	397
Cumbria	18	90.0%	2	10.0%	20
Greater Manchester	183	86.3%	29	13.7%	212
Lancashire	136	82.4%	29	17.6%	165
South East	213	78.0%	60	22.0%	273
Kent	105	78.9%	28	21.1%	133
Surrey	52	68.4%	24	31.6%	76
Sussex	56	87.5%	8	12.5%	64
South West	138	75.8%	44	24.2%	182
Avon & Somerset	59	77.6%	17	22.4%	76
Devon and Cornwall	61	76.3%	19	23.8%	80
Gloucestershire	18	69.2%	8	30.8%	26
Thames and Chiltern	199	88.8%	25	11.2%	224
Bedfordshire	33	86.8%	5	13.2%	38
Hertfordshire	66	90.4%	7	9.6%	73
Thames Valley	100	88.5%	13	11.5%	113
Wessex	151	78.6%	41	21.4%	192
Dorset	44	84.6%	8	15.4%	52
Hampshire & IOW	86	74.8%	29	25.2%	115
Wiltshire	21	84.0%	4	16.0%	25
West Midlands	299	76.9%	90	23.1%	389
Staffordshire	48	68.6%	22	31.4%	70
Warwickshire	25	89.3%	3	10.7%	28
West Mercia	48	81.4%	11	18.6%	59
West Midlands	178	76.7%	54	23.3%	232
Yorkshire & Humberside	323	85.4%	55	14.6%	378
Humberside	60	84.5%	11	15.5%	71
North Yorkshire	26	89.7%	3	10.3%	29
South Yorkshire	89	86.4%	14	13.6%	103
West Yorkshire	148	84.6%	27	15.4%	175

Annex B: prosecutions by CPS Area (2015/16)

All Hate Crime	CPS Prosecutions 2015 - 16				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	12,846	83.2%	2,596	16.8%	15,442
Cymru Wales	705	85.8%	117	14.2%	822
Dyfed Powys	40	78.4%	11	21.6%	51
Gwent	107	90.7%	11	9.3%	118
North Wales	166	93.8%	11	6.2%	177
South Wales	392	82.4%	84	17.6%	476
Eastern	585	85.0%	103	15.0%	688
Cambridgeshire	100	89.3%	12	10.7%	112
Essex	221	81.3%	51	18.8%	272
Norfolk	153	85.0%	27	15.0%	180
Suffolk	111	89.5%	13	10.5%	124
East Midlands	917	84.8%	164	15.2%	1,081
Derbyshire	187	87.0%	28	13.0%	215
Leicestershire	243	86.5%	38	13.5%	281
Lincolnshire	67	81.7%	15	18.3%	82
Northamptonshire	131	85.6%	22	14.4%	153
Nottinghamshire	289	82.6%	61	17.4%	350
London	2,720	77.5%	789	22.5%	3,509
Merseyside & Cheshire	675	83.9%	130	16.1%	805
Cheshire	222	90.2%	24	9.8%	246
Merseyside	453	81.0%	106	19.0%	559
North East	567	79.1%	150	20.9%	717
Cleveland	114	80.9%	27	19.1%	141
Durham	84	78.5%	23	21.5%	107
Northumbria	369	78.7%	100	21.3%	469
North West	1223	87.0%	183	13.0%	1,406
Cumbria	83	93.3%	6	6.7%	89
Greater Manchester	818	85.7%	136	14.3%	954
Lancashire	322	88.7%	41	11.3%	363
South East	765	86.1%	123	13.9%	888
Kent	293	85.9%	48	14.1%	341
Surrey	181	86.6%	28	13.4%	209
Sussex	291	86.1%	47	13.9%	338
South West	581	83.6%	114	16.4%	695
Avon & Somerset	315	82.5%	67	17.5%	382
Devon and Cornwall	186	86.1%	30	13.9%	216
Gloucestershire	80	82.5%	17	17.5%	97
Thames and Chiltern	822	82.1%	179	17.9%	1,001
Bedfordshire	119	89.5%	14	10.5%	133
Hertfordshire	221	82.2%	48	17.8%	269

Thames Valley	482	80.5%	117	19.5%	599
Wessex	582	86.6%	90	13.4%	672
Dorset	89	79.5%	23	20.5%	112
Hampshire & IOW	373	87.1%	55	12.9%	428
Wiltshire	120	90.9%	12	9.1%	132
West Midlands	1594	85.0%	282	15.0%	1,876
Staffordshire	189	84.0%	36	16.0%	225
Warwickshire	66	80.5%	16	19.5%	82
West Mercia	160	84.7%	29	15.3%	189
West Midlands	1,179	85.4%	201	14.6%	1,380
Yorkshire & Humberside	1110	86.6%	172	13.4%	1,282
Humberside	102	88.7%	13	11.3%	115
North Yorkshire	95	88.0%	13	12.0%	108
South Yorkshire	193	80.1%	48	19.9%	241
West Yorkshire	720	88.0%	98	12.0%	818

Racial & Religious Crime Prosecutions	CPS Prosecutions 2015 - 16				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	10,920	83.8%	2,112	16.2%	13,032
Cymru Wales	571	88.0%	78	12.0%	649
Dyfed Powys	30	83.3%	6	16.7%	36
Gwent	91	93.8%	6	6.2%	97
North Wales	134	96.4%	5	3.6%	139
South Wales	316	83.8%	61	16.2%	377
Eastern	493	85.7%	82	14.3%	575
Cambridgeshire	87	87.9%	12	12.1%	99
Essex	186	81.9%	41	18.1%	227
Norfolk	131	85.6%	22	14.4%	153
Suffolk	89	92.7%	7	7.3%	96
East Midlands	769	85.3%	132	14.7%	901
Derbyshire	155	86.6%	24	13.4%	179
Leicestershire	217	86.8%	33	13.2%	250
Lincolnshire	57	85.1%	10	14.9%	67
Northamptonshire	101	84.9%	18	15.1%	119
Nottinghamshire	239	83.6%	47	16.4%	286
London	2473	77.7%	709	22.3%	3,182
Merseyside & Cheshire	527	84.6%	96	15.4%	623
Cheshire	168	92.3%	14	7.7%	182
Merseyside	359	81.4%	82	18.6%	441
North East	454	79.9%	114	20.1%	568
Cleveland	98	81.0%	23	19.0%	121
Durham	65	81.3%	15	18.8%	80
Northumbria	291	79.3%	76	20.7%	367
North West	1016	87.7%	143	12.3%	1,159
Cumbria	60	93.8%	4	6.3%	64

Greater Manchester	694	86.4%	109	13.6%	803
Lancashire	262	89.7%	30	10.3%	292
South East	647	87.2%	95	12.8%	742
Kent	245	86.6%	38	13.4%	283
Surrey	164	87.2%	24	12.8%	188
Sussex	238	87.8%	33	12.2%	271
South West	492	86.0%	80	14.0%	572
Avon & Somerset	272	84.5%	50	15.5%	322
Devon and Cornwall	155	91.2%	15	8.8%	170
Gloucestershire	65	81.3%	15	18.8%	80
Thames and Chiltern	711	83.7%	138	16.3%	849
Bedfordshire	101	89.4%	12	10.6%	113
Hertfordshire	197	83.1%	40	16.9%	237
Thames Valley	413	82.8%	86	17.2%	499
Wessex	463	86.9%	70	13.1%	533
Dorset	75	78.9%	20	21.1%	95
Hampshire & IOW	298	88.2%	40	11.8%	338
Wiltshire	90	90.0%	10	10.0%	100
West Midlands	1379	85.1%	242	14.9%	1,621
Staffordshire	174	84.5%	32	15.5%	206
Warwickshire	54	78.3%	15	21.7%	69
West Mercia	131	85.6%	22	14.4%	153
West Midlands	1020	85.5%	173	14.5%	1,193
Yorkshire & Humberside	925	87.4%	133	12.6%	1,058
Humberside	82	90.1%	9	9.9%	91
North Yorkshire	70	89.7%	8	10.3%	78
South Yorkshire	153	79.7%	39	20.3%	192
West Yorkshire	620	89.0%	77	11.0%	697

Homophobic and Transphobic Crime	CPS Prosecutions 2015 - 16				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	1,219	83.0%	250	17.0%	1,469
Cymru Wales	88	83.0%	18	17.0%	106
Dyfed Powys	5	100.0%	0	0.0%	5
Gwent	10	71.4%	4	28.6%	14
North Wales	26	89.7%	3	10.3%	29
South Wales	47	81.0%	11	19.0%	58
Eastern	46	82.1%	10	17.9%	56
Cambridgeshire	0	0	0	0	0
Essex	19	86.4%	3	13.6%	22
Norfolk	14	82.4%	3	17.6%	17
Suffolk	13	76.5%	4	23.5%	17
East Midlands	89	83.2%	18	16.8%	107
Derbyshire	17	81.0%	4	19.0%	21

Leicestershire	20	95.2%	1	4.8%	21
Lincolnshire	7	63.6%	4	36.4%	11
Northamptonshire	25	96.2%	1	3.8%	26
Nottinghamshire	20	71.4%	8	28.6%	28
London	187	82.7%	39	17.3%	226
Merseyside & Cheshire	99	81.8%	22	18.2%	121
Cheshire	31	88.6%	4	11.4%	35
Merseyside	68	79.1%	18	20.9%	86
North East	59	80.8%	14	19.2%	73
Cleveland	3	75.0%	1	25.0%	4
Durham	12	85.7%	2	14.3%	14
Northumbria	44	80.0%	11	20.0%	55
North West	119	85.6%	20	14.4%	139
Cumbria	18	94.7%	1	5.3%	19
Greater Manchester	69	86.3%	11	13.8%	80
Lancashire	32	80.0%	8	20.0%	40
South East	80	81.6%	18	18.4%	98
Kent	26	81.3%	6	18.8%	32
Surrey	11	84.6%	2	15.4%	13
Sussex	43	81.1%	10	18.9%	53
South West	55	72.4%	21	27.6%	76
Avon & Somerset	28	73.7%	10	26.3%	38
Devon and Cornwall	19	65.5%	10	34.5%	29
Gloucestershire	8	88.9%	1	11.1%	9
Thames and Chiltern	67	77.9%	19	22.1%	86
Bedfordshire	11	100.0%	0	0.0%	11
Hertfordshire	19	82.6%	4	17.4%	23
Thames Valley	37	71.2%	15	28.8%	52
Wessex	74	89.2%	9	10.8%	83
Dorset	9	81.8%	2	18.2%	11
Hampshire & IOW	46	86.8%	7	13.2%	53
Wiltshire	19	100.0%	0	0.0%	19
West Midlands	145	84.3%	27	15.7%	172
Staffordshire	7	87.5%	1	12.5%	8
Warwickshire	11	100.0%	0	0.0%	11
West Mercia	19	79.2%	5	20.8%	24
West Midlands	108	83.7%	21	16.3%	129
Yorkshire & Humberside	111	88.1%	15	11.9%	126
Humberside	8	80.0%	2	20.0%	10
North Yorkshire	17	85.0%	3	15.0%	20
South Yorkshire	19	79.2%	5	20.8%	24
West Yorkshire	67	93.1%	5	6.9%	72

Disability Hostility Crime	CPS Prosecutions 2015 - 16				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	707	75.1%	234	24.9%	941
Cymru Wales	46	68.7%	21	31.3%	67
Dyfed Powys	5	50.0%	5	50.0%	10
Gwent	6	85.7%	1	14.3%	7
North Wales	6	66.7%	3	33.3%	9
South Wales	29	70.7%	12	29.3%	41
Eastern	46	80.7%	11	19.3%	57
Cambridgeshire	13	100.0%	0	0.0%	13
Essex	16	69.6%	7	30.4%	23
Norfolk	8	80.0%	2	20.0%	10
Suffolk	9	81.8%	2	18.2%	11
East Midlands	59	80.8%	14	19.2%	73
Derbyshire	15	100.0%	0	0.0%	15
Leicestershire	6	60.0%	4	40.0%	10
Lincolnshire	3	75.0%	1	25.0%	4
Northamptonshire	5	62.5%	3	37.5%	8
Nottinghamshire	30	83.3%	6	16.7%	36
London	60	59.4%	41	40.6%	101
Merseyside & Cheshire	49	80.3%	12	19.7%	61
Cheshire	23	79.3%	6	20.7%	29
Merseyside	26	81.3%	6	18.8%	32
North East	54	71.1%	22	28.9%	76
Cleveland	13	81.3%	3	18.8%	16
Durham	7	53.8%	6	46.2%	13
Northumbria	34	72.3%	13	27.7%	47
North West	88	81.5%	20	18.5%	108
Cumbria	5	83.3%	1	16.7%	6
Greater Manchester	55	77.5%	16	22.5%	71
Lancashire	28	90.3%	3	9.7%	31
South East	38	79.2%	10	20.8%	48
Kent	22	84.6%	4	15.4%	26
Surrey	6	75.0%	2	25.0%	8
Sussex	10	71.4%	4	28.6%	14
South West	34	72.3%	13	27.7%	47
Avon & Somerset	15	68.2%	7	31.8%	22
Devon and Cornwall	12	70.6%	5	29.4%	17
Gloucestershire	7	87.5%	1	12.5%	8
Thames and Chiltern	44	66.7%	22	33.3%	66
Bedfordshire	7	77.8%	2	22.2%	9
Hertfordshire	5	55.6%	4	44.4%	9
Thames Valley	32	66.7%	16	33.3%	48
Wessex	45	80.4%	11	19.6%	56
Dorset	5	83.3%	1	16.7%	6
Hampshire & IOW	29	78.4%	8	21.6%	37
Wiltshire	11	84.6%	2	15.4%	13
West Midlands	70	84.3%	13	15.7%	83

Staffordshire	8	72.7%	3	27.3%	11
Warwickshire	1	50.0%	1	50.0%	2
West Mercia	10	83.3%	2	16.7%	12
West Midlands	51	87.9%	7	12.1%	58
Yorkshire & Humberside	74	75.5%	24	24.5%	98
Humberside	12	85.7%	2	14.3%	14
North Yorkshire	8	80.0%	2	20.0%	10
South Yorkshire	21	84.0%	4	16.0%	25
West Yorkshire	33	67.3%	16	32.7%	49

Crimes against Older People	CPS Prosecutions 2015 - 16				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
42 AREAS	3,012	80.1%	747	19.9%	3,759
Cymru Wales	223	82.9%	46	17.1%	269
Dyfed Powys	26	76.5%	8	23.5%	34
Gwent	35	85.4%	6	14.6%	41
North Wales	51	83.6%	10	16.4%	61
South Wales	111	83.5%	22	16.5%	133
Eastern	174	79.5%	45	20.5%	219
Cambridgeshire	30	81.1%	7	18.9%	37
Essex	73	76.8%	22	23.2%	95
Norfolk	35	81.4%	8	18.6%	43
Suffolk	36	81.8%	8	18.2%	44
East Midlands	207	80.2%	51	19.8%	258
Derbyshire	44	84.6%	8	15.4%	52
Leicestershire	37	82.2%	8	17.8%	45
Lincolnshire	30	85.7%	5	14.3%	35
Northamptonshire	22	68.8%	10	31.3%	32
Nottinghamshire	74	78.7%	20	21.3%	94
London	334	73.1%	123	26.9%	457
Merseyside & Cheshire	144	81.8%	32	18.2%	176
Cheshire	75	86.2%	12	13.8%	87
Merseyside	69	77.5%	20	22.5%	89
North East	184	84.8%	33	15.2%	217
Cleveland	54	85.7%	9	14.3%	63
Durham	41	83.7%	8	16.3%	49
Northumbria	89	84.8%	16	15.2%	105
North West	331	85.1%	58	14.9%	389
Cumbria	14	82.4%	3	17.6%	17
Greater Manchester	203	86.0%	33	14.0%	236
Lancashire	114	83.8%	22	16.2%	136
South East	211	78.4%	58	21.6%	269
Kent	106	79.1%	28	20.9%	134
Surrey	42	72.4%	16	27.6%	58
Sussex	63	81.8%	14	18.2%	77
South West	177	81.6%	40	18.4%	217
Avon & Somerset	59	83.1%	12	16.9%	71
Devon and Cornwall	87	81.3%	20	18.7%	107
Gloucestershire	31	79.5%	8	20.5%	39
Thames and Chiltern	222	80.7%	53	19.3%	275
Bedfordshire	29	93.5%	2	6.5%	31
Hertfordshire	75	81.5%	17	18.5%	92

Thames Valley	118	77.6%	34	22.4%	152
Wessex	164	79.2%	43	20.8%	207
Dorset	34	85.0%	6	15.0%	40
Hampshire & IOW	101	79.5%	26	20.5%	127
Wiltshire	29	72.5%	11	27.5%	40
West Midlands	305	77.0%	91	23.0%	396
Staffordshire	36	72.0%	14	28.0%	50
Warwickshire	17	81.0%	4	19.0%	21
West Mercia	56	77.8%	16	22.2%	72
West Midlands	196	77.5%	57	22.5%	253
Yorkshire & Humberside	336	82.0%	74	18.0%	410
Humberside	43	89.6%	5	10.4%	48
North Yorkshire	27	71.1%	11	28.9%	38
South Yorkshire	91	89.2%	11	10.8%	102
West Yorkshire	175	78.8%	47	21.2%	222

Annex C: Glossary

Hate crimes

Racial or religious incidents: any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or religion, or perceived race or religion.

Homophobic or transphobic incidents: any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's sexual orientation or transgender identity or perceived sexual orientation or transgender identity.

Disability incidents: any incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's disability or perceived disability.

Monitoring flags: case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case. Flags are applied in cases of hate crime and to crimes against older people.

Crimes against older people: offences in the categories below, where the victim is aged 60 or older:

- where there is a relationship and an expectation of trust, for example, theft or assault by a carer or family member
- which are specifically targeted at the older person because they are perceived as being vulnerable or an easy target, for example, a distraction burglary or a mugging
- which are not initially related to the older person's age but later becomes so, for example, a burglary where the burglar does not know the age of the householder, but later exploits the situation on discovering that the householder is an older person
- which appear to be in part or wholly motivated by hostility based on age, or perceived age. For example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age.

Case outcomes

Pre-charge decisions: in all but minor cases, and those where a guilty plea is anticipated, Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be.

Charged:	cases where the CPS decision is to bring proceedings against the suspect.
No prosecution:	those cases where the CPS decision is not to prosecute for evidential or public interest reasons.
Out of court disposal:	where a caution, conditional caution, reprimand or final warning has been given or where the offence has been taken into consideration in relation to other charges.
Administrative Finalisation:	the suspect has failed to answer bail and a warrant is outstanding or the case has been finalised administratively for various reasons.
Other:	the outcome of the charging decision has not been recorded or is undefined.

Prosecutions

All defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.

Unsuccessful outcomes:	all completed prosecutions where the defendant is not convicted, comprising the following:
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the court after hearing the defence case.
Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
All other unsuccessful outcomes:	comprising administrative finalisations, discharged committals and no case to answer.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely.

No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the court without hearing the defence case.
Convictions:	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences - mostly motoring matters - which are heard by the court in the absence of the defendant.
Sentence uplift:	Sections 145 and 146 of the Criminal Justice Act 2003 provide for a sentencing uplift in cases of racist and religious crime, homophobic and transphobic crime and disability hate crime.

Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
Public interest:	where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.
Unable to proceed:	where the evidence and the public interest support a prosecution, but circumstances make it impossible for the case to proceed.
Other reasons:	where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead: or where proceedings are adjourned indefinitely.

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non-attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence	the evidence of the victim of an offence does

does not support case:	not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted. (The reason title was amended in April 2013 to: 'The evidence of the victim does not come up to proof, but there is no retraction').
Conflict of evidence:	contradictions in prosecution evidence leads to an unsuccessful prosecution. (From April 2013 the guidance was amended to clarify that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof).
Essential legal element missing:	the prosecution cannot continue because an essential legal element is missing from the prosecution case. (The 'reason title' was amended in April 2013 to 'Incorrect charging decision – legal element missing'; the updated guidance made it clear that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof).
Other indictment or sentence:	the case does not proceed because the same defendant is the subject of either other indictments, or sentences in respect of other proceedings.
Acquittals after trial:	the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case. (Cases dismissed no case to answer or judge directed acquittals are not included)
Principal offence category:	charged offences are allocated one of twelve offence categories to indicate the type and seriousness of the charges brought against the defendant at the time of finalisation.



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Welcome to True Vision



Welcome to the official *True Vision* website.

Have you or someone you know been a victim of a hate crime or hate incident?

Hate crimes and incidents come in many different forms. It can be because of hatred on the grounds of your race, religion, sexual orientation, transgender identity or disability.

Hate crime in any form is wrong. That is why it is important that if hate crime happens to you or someone you know, that you report it.

True Vision is here to give you information about hate crime or incidents and advice on how to report it.

On this website, you can:

- find out what hate crimes or hate incidents are
- find out about the ways you can report them
- report using the online form
- find information about people that can help and support you if you have been a victim

Reporting makes a difference – to you, your friends, and your community. By reporting hate crime when it happens, you can help stop it happening to someone else. You will also help the police to better understand the level of hate crime in your local area, and improve the way they respond to it.

You can find us on social media:

Follow @true_vision_hc



Latest Press Releases



Letter from ACC Hamilton regarding the New Zealand attack

16th March 2019 Members of the Anti-Muslim Hate Crime Working Group You may be aware that I am the National Policing Lead for hate crime and the National Police Chiefs'...

[read more »](#)



2017 Hate Crime Data Now Available!

WARSAW, 16 November 2018 As the OSCE Office for Democratic Institutions and Human Rights (ODIHR) released its hate crime data for 2017 today, on the International Day for Toler...

[read more »](#)



Government launches new national hate crime awareness campaign

The campaign has been developed in consultation with the Crown Prosecution Service (CPS), the Independent Advisory Group on Hate Crime and other organisations, to help the public u...

[read more »](#)





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Reporting a Hate Crime



The online reporting facility has been developed so that you can report hate crimes online, if you do not want to report directly to the police. The police take hate crime very seriously and will record and investigate this offence even if you do not want to give your details. However, you must note that the investigation and ability to prosecute the offender(s) is severely limited if the police cannot contact you.

You may also specify how you want to be contacted and if contacting you would cause you any difficulties. The police will not pass on your details without your consent and would ask you to consider giving your details confidentially.

To report a hate crime - please select the county/area where the crime happened from the drop down list below and you will be taken to the correct reporting form. You can use the postcode search at www.police.uk to check the name of your local area.

[Click here to report hate crime to your local police](#)

[Click here to report online hate material](#)

When not to use this form

Your online report will be forwarded immediately to the relevant police force for investigation but it may not receive attention for several hours. For this reason you should never report online an incident where:

- The offender is still present
- You or anyone else is seriously hurt or in danger
- You think the offender may return
- In the above circumstances, we would urge you to call 999 and the police will respond immediately.

[Terrorism and Extremist Material](#)

[Scotland](#)

[What Happens When I Report a Crime?](#)

This document has been prepared by our partners who are charities that support victims. It has lots of information to let victims know about the support available and what happens after a crime is reported.

[Downloads](#)

[Hate Crime - A guide for those affected](#) (PDF 3134 Kb)

You may need to download [Adobe Reader](#) to view files in PDF format.
You may need to download [Microsoft viewer software](#) to view Word, Excel or Powerpoint files.

The police don't tolerate hate crime



Why should you?

Report it online: www.report-it.org.uk
Report it to your local police: Call 101
In an emergency, always dial 999





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Terrorism and Extremist Material



"The internet is used by some people to promote terrorism and extremism. You can challenge and report terrorist and extremist content you find online, which you feel is offensive, or illegal. For more information about what makes online content illegal and how to report it, please visit www.direct.gov.uk/reportingonlineterrorism





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&
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Internet Hate Crime

TRANSLATE



Offensive Material and the Law

The internet has changed the way we communicate. It has many positive values but has also allowed hateful content to spread to a broader audience, without editorial control and often behind a veil of anonymity.

While you may come across a lot of material on the internet that offends you, a small proportion of it is actually illegal. Hate material online is recorded by police as a 'hate crime' when a crime defined in law is committed with hate motivation. When online material is hate motivated but does not meet the threshold for a criminal offence it is recorded as a 'hate incident'. All recording is vital to monitor community cohesion. UK laws are written to make sure that people can speak and write, even offensive material, without being prosecuted for their views. Parliament has tried to define laws in a way that balances our freedom of expression with the right to be free from hate crime.

Agencies like the police have duties to promote good relationships between different parts of our communities, but they do not have powers to control offensive thoughts or words unless they are shared illegally. We understand that hate material can damage community cohesion and create fear, so the police want to work alongside communities and the internet industry to reduce the harm caused by hate on the Internet.

You can find advice about staying safe on the internet at [Get Safe Online here](#) or report online hate material to the police [here](#).

Illegal Hate Content

Inciting hatred

In England and Wales it can be an offence to stir up hatred on the grounds of:

- Race
- Religion
- Sexual Orientation.

(There is no similar offence relating to disability or transgender)

Other offences

The content of a website can also be illegal when it threatens or harasses a person or a group of people. If this is posted because of hostility based on race, religion, sexual orientation, disability or transgender then we consider it to be a hate crime.

Illegal material could be in words, pictures, videos, and even music and could include;

- messages calling for racial or religious violence
- web pages with pictures, videos or descriptions that glorify violence against anyone due to their race, religion, disability, sexual orientation or because they are transgender.
- chat forums where people ask other people to commit hate crimes

What will be prosecuted?

The Director of Public Prosecutions, who has the responsibility for deciding who should be prosecuted has produced guidance to prosecutors to ensure consistency.

[You can find the guidance here](#)

Terrorist material



If material promotes terrorism you should report it via the dedicated portal via the Directgov website [here](#).

Other Online Abuse

You can get advice about any harmful material that is not hate crime at [Report Harmful Content Online](#)

Websites from outside the United Kingdom

The Supreme Court has indicated that an offence is committed where the person posts or controls the material in this country. Therefore, much material that can be viewed in the UK is outside the jurisdiction of our courts. The USA, for instance does not have offences of inciting racial hatred but if someone inside the UK posts on a foreign site then that could still be illegal here. (The person posting is always responsible for their content and web hosts could be if they, for instance, encourage or knowingly allow it to remain)

What you can do about online hate material

Most hateful or violent website content is not illegal but you can still take the steps below to have it removed if it upsets, scares or offends you.

Option One - Report online hate material to the police

If you perceive some online material to be motivated by hate and you think it originates in the UK, you should report it to the police.

[Click here](#) to report hate material to the police in the United Kingdom

Option Two - Report it to the website administrator

Most websites have rules known as 'acceptable use policies' that set out what cannot be put on their website. Most do not allow comments, videos and photos that offend or hurt people.

Platforms such as Facebook, YouTube or BBC News have simple ways for you to complain about a page or video.

If what you've seen is on a site with a good complaints system, you should report it to the website's owners. Look out for their 'contact us' page, which should be clearly linked.

Others will have a 'report this page' button that you can click.

Option Three - Report it to the hosting company

If the website itself is hateful or supports violence then let the website's hosting company know.

Hosting companies provide a place where the website sits, and often have rules about what they are willing to host. Let the hosting company know they are hosting a website that breaks their rules, and ask them to stop.

You can find out which company hosts a website by entering their web address on the ['Who is hosting this?'](#) website.

You can also contact your own internet supplier to get more information.

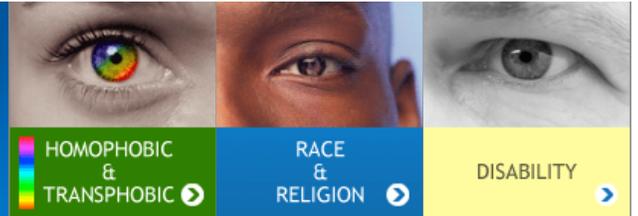
[Twitter has advice for victims here](#)

[Facebook has advice for victims here](#)

[YouTube has advice for victims here](#)



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Other Ways to Report

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All hate crimes and incidents should be reported. By reporting incidents, you will enable the police, local councils, housing associations etc to build up patterns of behaviour locally, and highlight areas of concern within your community.

But more importantly, you can get the support you may need and help ensure that offenders are brought to justice and cannot do the same to other people.

Why should I report hate crime?

Hate crimes and incidents hurt; they can be confusing and frightening.

By reporting them when they happen to you, you may be able to prevent these incidents from happening to someone else. You will also help the police understand the extent of hate crime in your local area so they can better respond to it.

Reporting makes a difference - to you, your friends, and your life.

How can I report?

There are several ways you can report a hate crime, whether you have been a victim, a witness, or you are reporting on behalf of someone else:

1. In an emergency

- call **999** or **112**.
- If you cannot make voice calls, you can now contact the 999 emergency services by SMS text from your mobile phone. However, you will only be able to use this service if you have registered with **emergencySMS** first. See the [emergencySMS website](#) for details. (opens in new window)

2. Contact the police

- Who you can speak to in confidence. You do not have to give your personal details, but please be aware the investigation and ability to prosecute the offender(s) is severely limited if the police cannot contact you. Contact your local police force, either by telephone or by visiting your local police station. Details on how to contact your local police force can be found at www.police.uk (opens in new window).

3. Report online

- You can report online using the facility on this website. Go to the ['Reporting online' page](#) (open in new window).

4. Self reporting form

- You can download the self reporting form and send this to your local police force. The forms, including an Easy Read version, can be found on the [Self Reporting Form Page](#)

5. Third party reporting centres

- Local agencies such as the Citizens Advice Bureau, Community Voluntary Services etc can also report the incident on your behalf and provide you with advice and support. The ['Organisations that can help' page](#) has a list of organisations that may be able to help you.
- [Stop Hate UK](#) provide confidential and independent Hate Crime reporting services in various areas in the UK including a 24 hour helpline.

6. Reporting Terrorist and Extremist Material

- "The internet is used by some people to promote terrorism and extremism. You can challenge and report terrorist and extremist content you find online, which you feel is offensive, or illegal. For more information about what makes online content illegal and how to report it, please visit www.direct.gov.uk/reportingonlineterrorism



7. Crimestoppers

- If you do not want to talk to the police or fill in the reporting forms, you can still report a hate crime by calling **Crimestoppers** on **0800 555111** or via their website at www.crimestoppers-uk.org (open in new window). You do not have to give your name and what you say is confidential. It is free to call.
- You can give us as little or as much personal information as you wish. But please note:
- **With your details...** the incident can be investigated fully and you can get the service you deserve and the support you need.
- **Without your details...** the report will be used for monitoring purposes to get a true vision of what is happening.

[I'm ready to report - take me to the reporting page](#)

What can I report?

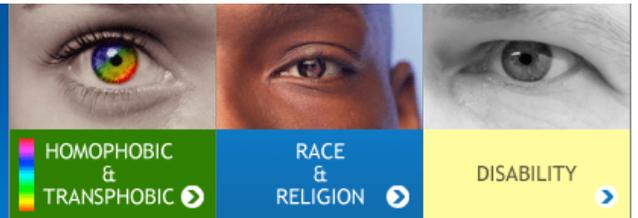
You can report any incident you believe was motivated by hostility based on your:

- disability
- race
- religion/belief
- sexual orientation
- transgender identity

These incidents may involve physical attacks, verbal abuse, domestic abuse, harassment, damage to your property, bullying or graffiti.



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What is Hate Crime?

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Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

This can be committed against a person or property.

A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime.

More information on the different forms of hate crime can be found by clicking on the Navigation Menu on the left-hand side of your screen. You can also see our definition of hate crime on the [Hate Crime Data page](#) of this website (opens in new window).

Hate Incidents

Hate Incidents can feel like crimes to those who suffer them and often escalate to crimes or tension in a community. For this reason the police are concerned about incidents and you can use this site to report non-crime hate incidents. The police can only prosecute when the law is broken but can work with partners to try and prevent any escalation in seriousness.

Why should I report hate crime?

Hate crimes and incidents hurt; they can be confusing and frightening.

By reporting them when they happen to you, you may be able to prevent these incidents from happening to someone else. You will also help the police understand the extent of hate crime in your local area so they can better respond to it.

Reporting makes a difference - to you, your friends, and your life.

How can I report a hate crime?

There are several ways you can report a hate crime, whether you have been a victim, a witness, or you are reporting on behalf of someone else:

1. In an emergency

- call **999** or **112**.
- If you cannot make voice calls, you can now contact the 999 emergency services by SMS text from your mobile phone. However, you will only be able to use this service if you have registered with **emergencySMS** first. See the [emergencySMS](#) website for details. (opens in new window)

2. Contact the police

- Who you can speak to in confidence. You do not have to give your personal details, but please be aware the investigation and ability to prosecute the offender(s) is severely limited if the police cannot contact you. Contact your local police force, either by telephone or by visiting your local police station. Details on how to contact your local police force can be found at [www.police.uk](#) (opens in new window).

3. Report online

- You can report online using the facility on this website. Go to the '[Reporting online](#)' page. (opens in new window)



4. Self-reporting form

- You can download the self reporting form and send this to your local police force. The forms, including an Easy Read version, can be found on the ['Report a hate crime' page](#). (opens in new window)

5. Third party reporting centres

- Local agencies such as the Citizens Advice Bureau, Community Voluntary Services etc can also report the incident on your behalf and provide you with advice and support. The ['Organisations that can help' page](#) has a list of those organisations that may be able to help you. (opens in new window).
- [Stop Hate UK](#) provide confidential and independent Hate Crime reporting services in various areas in the UK including a 24 hour helpline.

6. Crimestoppers

- If you do not want to talk to the police or fill in the reporting forms, you can still report a hate crime by calling **Crimestoppers** on **0800 555 111** or via their website at www.crimestoppers-uk.org. Tell them what you know 100% anonymously. Always. Speak up. Stop crime. Stay safe.

[I'm ready to report - take me to the reporting page](#)

What crimes can I report?

All hate crimes and incidents should be reported, whether you have been a victim, a witness or you are reporting on behalf of someone else.

These incidents may include verbal abuse, physical assault, domestic abuse, harassment and damage to property.

If a person is bullied as a result of their disability, race, religion, sexual orientation or transgender identity, this is also dealt with either as a hate crime or non-crime hate incident. Bullying could include name-calling, being spat at or kicked, or having your things taken or damaged.

Further information on what you can report and how you can report it is included in the ['Report a hate crime'](#) page of this website.

Reporting Terrorist and Extremist Material

"The internet is used by some people to promote terrorism and extremism. You can challenge and report terrorist and extremist content you find online, which you feel is offensive, or illegal. For more information about what makes online content illegal and how to report it, please visit www.direct.gov.uk/reportingonlineterrorism



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Racist or Religious Hate Crime



What is racist or religious hate crime?

Hate crimes and incidents are any crime or incident which is targeted at a victim because of the offender's hostility or prejudice against an identifiable group of people.

So any incident or crime which is perceived to be motivated because of a person's **race, ethnicity or religion** - either their actual ethnicity/religion or ethnicity/religion as perceived by the offender - will be recorded as such. Hate crimes can be committed against a person or property.

A racist or religious hate crime is:

"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's race or perceived race"

or

"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's religion or perceived religion"

You can also see our definition of hate crime on the [Hate Crime Data page](#) of this website.

How can I report an incident?

Details on how to report an incident and what you can report is available on the ['Report a hate crime' page](#). You can use a [self reporting form](#) or complete the online form on the ['Reporting online' page](#). You may also be able to report incidents through the organisations listed on this website on the ['Organisations that can help' page](#).

By reporting it, you may be able to prevent these incidents from happening to someone else.

Reporting makes a difference...to you, your friends, your community and your life.

How will the Police and CPS treat Racist and Religious Hate Crime?

The Police and other criminal justice agencies consider all hate crime to be very serious, including racist and religious hate crime. When a case is prosecuted, the courts can impose a stronger sentence under powers from the Criminal Justice Act 2003. This reflects the priority placed on these crimes. The Police have performance targets and measures in place to ensure the service they offer is of the highest standard.

The [Crown Prosecution Service \(CPS\)](#) is the organisation that takes cases through the court system. They have produced guidance on Racist and Religious Hate Crime that is available on the ['Prosecuting hate crimes' page](#) of this website (opens in new window).





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Homophobic and Transphobic Hate Crime

TRANSLATE



What is homophobic and transphobic hate crime?

Hate crimes and incidents are any crime or incident which is targeted at a victim because of the offender's hostility or prejudice against an identifiable group of people.

So any incident or crime, which is perceived to be motivated because of a person's **sexual orientation or transgender identity** - either their actual sexual orientation or gender identity or as perceived by the offender - will be recorded as such. Hate crimes can be committed against a person or property.

A homophobic hate crime is:

"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's sexual orientation or perceived sexual orientation."

A transphobic hate crime is:

"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender."

You can also see our definition of hate crime on the [Hate Crime Data page](#) of this website.

How can I report an incident?

Details on how to report an incident and what you can report is available on the ['Report a hate crime' page](#). You can use a [self reporting form](#) or complete the online form on the ['Reporting online' page](#). You may also be able to report incidents through the organisations listed on this website on the ['Organisations that can help' page](#).

By reporting it, you may be able to prevent these incidents from happening to someone else.

Reporting makes a difference...to you, your friends, your community and your life.

How will the Police and CPS treat Homophobic and Transphobic Hate Crime?

The Police and other criminal justice agencies consider all hate crime to be very serious, including homophobic and transphobic hate crime. When a case is prosecuted, the courts can impose a stronger sentence under powers from the Criminal Justice Act. This reflects the priority placed on these crimes. The Police have performance targets and measures in place to ensure the service they offer is of the highest standard.

The [Crown Prosecution Service](#) (CPS) is the organisation that takes cases through the court system. They have produced guidance on Homophobic and Transphobic Hate Crime that is available on the ['Prosecuting hate crimes' page](#) of this website (opens in new window).





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Disability Hate Crime

[Click here for the Easy Read book about Disability Hate Crime.](#)

What is disability hate crime?

Hate crimes and incidents are any crime or incident which is targeted at a victim because of the offender's hostility or prejudice against an identifiable group of people.

So any incident or crime, which is perceived by the victim or any other person to be motivated because of a person's **disability** or perceived disability will be recorded as such. This can be committed against a person or property.

A disability hate crime is:

"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's disability or perceived disability."

You can also see our definition of hate crime on the [Hate Crime Data](#) page of this website.

The Equality Act 2010 (EA) generally defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

The EA includes special rules that ensure that people with HIV, cancer and multiple sclerosis are deemed to be disabled people effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

The definition of disability hate crime would include anyone who was targeted as a result of his or her disability or impairment, as defined by the EA, including those diagnosed with HIV.

How can I report an incident?

Details on how to report an incident and what you can report is available on the ['Report a hate crime'](#) page. You can use a [self reporting form](#) or complete the online form on the ['Reporting online'](#) page.

You may also be able to report incidents through the organisations listed on this website on the ['Organisations that can help'](#) page.

By reporting it, you may be able to prevent these incidents from happening to someone else.

Reporting makes a difference...to you, your friends, your community and your life.

How will the Police and CPS treat Disability Hate Crime?

The Police and other criminal justice agencies consider all hate crime to be very serious, including disability hate crime. When a case is prosecuted, the courts can impose a stronger sentence under powers from the Criminal Justice Act. This reflects the priority placed on these crimes. The Police have performance targets and measures in place to ensure the service they offer is of the highest standard.

The [Crown Prosecution Service](#) (CPS) is the organisation that takes cases through the court system. They have produced guidance on Disability Hate Crime that is available on the [CPS website](#) (opens in new window).

You may also want to look at the leaflets on the ['Prosecuting hate crimes'](#) page of this website.

[True Vision Documents are available here](#)

Information about bullying

The students of Ms Clark's class at the Monument Charter School in the United States have been researching material to help reduce bullying. They want to share a resource with you that they found helpful. It is based in the USA, but has links to many helpful sites.



[Thanks to the whole class for helping us and you can find the page by clicking here](#)

(ACPO can not be responsible for the content of external websites)

Sorry to hear that bullying is a problem for you too, but it's good that we can help each other, even across the Atlantic.

Stay safe and best wishes from the Police in the United Kingdom

[True Vision - Bully for You](#) from [True Vision](#) on [Vimeo](#).



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Bullying and Harassment

TRANSLATE



What is bullying?

Are you or someone you know...

- being called names?
- being pushed, hassled or threatened?
- being beaten up, spat at or kicked?
- having your things taken or damaged?
- being made fun of or called names by anyone?

If the answer is **Yes**, that is bullying. This includes any name-calling or threats received via text message, emails or social networking sites like Facebook or MySpace.

Bullying often is a criminal offence. **Report it.**

What is harassment?

Harassment is any unwelcome comments (written or spoken) or conduct which:

- violates an individual's dignity; and/or
- creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can take many forms including violence, threats, abuse, and damage to property. It can involve verbal abuse and name calling, offensive graffiti or post and can be received via text message, emails or social networking sites like Facebook or MySpace.

It may cause physical injury, mental stress, anxiety, or insecurity. It can also occur for a variety of reasons, including race, religious belief, sexual orientation, gender identity or disability.

Harassment is a criminal offence. If you are being harassed, **report it.**

What can I do about it?

- Discussing your problems will make a difference and help you to think through how to sort them out.
- Let someone know what is happening. This may include friends, parents, a carer, a teacher, an organisation or the police.
- Fill out a self-reporting form, using the form contained on this [website](#).
- Report what is happening online, using the facility on the '[Reporting online](#)' page.

Tell someone if you are being bullied or harassed, or know someone who is, and if it is because of disability, gender identity, race, religion or sexual orientation.

Don't be afraid to tell someone and don't suffer in silence: if you cannot get anyone to listen to you, contact a support organisation who can offer you advice and support. A list is included on the '[Organisations that can help](#)' page.

Not everyone will experience bullying or harassment at home, at work, in education or in their social time. If it does happen, it is important you tell someone. If you do not think you can tell anyone you know, you can tell someone by using a [self-reporting form](#) or by reporting [online](#). Every report is taken seriously and could help to stop you, and others, suffering from bullying and harassment.

Please tell someone if you are being bullied or harassed.

How will the Police treat a bullying or harassment incident?

Don't be afraid to report bullying or harassment to the police. You will be taken seriously. The police deal with this regularly and can offer you help and support.

If the bullying or harassment is targeted at you because of your disability, gender identity, race, religion or sexual orientation, this type of incident is a 'hate incident' or 'hate crime'.



What you tell the police will be dealt with sensitively and professionally.

If you do not want to report it to the police, contact a support agency. Details can be found on this website on the ['Organisations that can help' page](#).



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Domestic Abuse



What is domestic abuse?

"Domestic abuse is any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults (aged 18 or over) who are or who have been intimate partners or family members regardless of gender or sexuality". (Association of Chief Police Officers, 2005)

Domestic abuse is not normally considered to be a hate crime, but it could be if it is motivated by a hostility as outlined in this site. Even if it is not a hate crime, domestic abuse is wrong and the police want to support victims.

If you are experiencing psychological, physical, sexual, financial or emotional abuse; or are being threatened or intimidated by a current or a former intimate partner or family member; you have experienced domestic abuse. It can happen anywhere, for example, at home, a pub or club, industry or at work.

There are pressures within every family. Even if people are from your family, they should not be allowed to hurt you in any way.

You may be feeling frightened, isolated, ashamed or confused but **you are not alone** and above all, **you do not have to suffer in silence**; help is available.

Domestic abuse and disability

If you are disabled, whether you live with a learning disability, mental health issues, physical disability, sensory impairment, a long-term health condition or multiple impairments, you have the right to be protected from domestic abuse in the same way as anyone else.

Care Homes, Carers and Personal Assistants (PAs)

Everyone has the right to live without abuse, even if they need assistance when carrying out day-to-day activities. If people help you around the house or with personal care; if you live within a residential home, or if you attend day care provision (whether the service provided is free or paid for), **it is not OK for them to hurt you.**

If someone does assist you and they become abusive or threatening, you can feel very frightened and lonely. It is important to **tell someone** who you trust about what has happened to you, for example: a doctor, a family member, a police officer or a social worker.

How can the police help?

If you are suffering a domestic abuse incident, you can contact us by ringing your local police station or by dialling **999** or **112** in an emergency. All police services treat domestic abuse incidents as priority crimes. You will be listened to and your complaint will be taken seriously. If it is not an emergency you can find the contact details for your local police at www.police.uk (opens in new window).

The first priority is to ensure your safety. You will be dealt with sympathetically, professionally and will be spoken to separately from the person responsible for the abuse. To protect you, firm and positive action will be taken against your abuser and they will be held accountable for what they have done.





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News

TRUE VISION Letter from ACC Hamilton regarding the New Zealand attack
 16th March 2019 Members of the Anti-Muslim Hate Crime Working Group You may be aware that I am the National Policing Lead for hate crime and the National Police Chiefs'...

[read more »](#)

TRUE VISION 2017 Hate Crime Data Now Available!
 WARSAW, 16 November 2018 ♦♦♦ As the OSCE Office for Democratic Institutions and Human Rights (ODIHR) released its hate crime data for 2017 today, on the International Day for Toler...

[read more »](#)

TRUE VISION Government launches new national hate crime awareness campaign
 The campaign has been developed in consultation with the Crown Prosecution Service (CPS), the Independent Advisory Group on Hate Crime and other organisations, to help the public u...

[read more »](#)

TRUE VISION Hate crime plan refreshed to protect victims and promote shared values
 Published 16 October 2018 by the UK Government New measures put in place to tackle hate crimes include a review of legislation, extra funding to support communities and improvi...

[read more »](#)

 **Sporting stars back hate crime stance**
 Reported by South Yorkshire Police www.southyorks.police.uk Sporting stars Jonny Nelson and Bruce Dyer formed a league of their own as they teamed up with young people to show...

[read more »](#)

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Strategy and Guidance

This page contains the official strategies and policies that guide police and partners about effective ways to respond to hate crime

We now have printed copies of this strategy and operational guidance which is free to police and partner agencies to academics and to charities that support victims of hate crime.

If you require a copy please [contact us here](#) and leave your postal details.

Downloads

- ▶ [Police Hate Crime Strategy 2014](#) (PDF 1089 Kb)
- ▶ [Police Hate Crime Guidance 2014](#) (PDF 1437 Kb)
- ▶ [Equality and Human Rights Law in an Election Period](#) (PDF 281 Kb)
- ▶ [Government hate crime action plan Refresh 2018](#) (PDF 480 Kb)

You may need to download [Adobe Reader](#) to view files in PDF format.
You may need to download [Microsoft viewer software](#) to view Word, Excel or Powerpoint files.



Tackling Hate Crime

Part One:
**National Policing
Hate Crime Strategy**

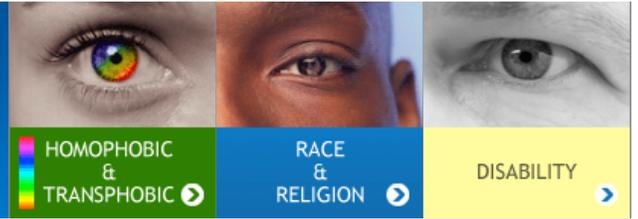
Part Two:
Hate Crime Operational Guidance

2014





STOP HATE CRIME...



HOMOPHOBIC
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TRANSPHOBIC

RACE
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DISABILITY

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Hate Crime During an Election or Referendum Period

The top 5 things to know about freedom of expression during an election campaign or referendum

- Freedom of expression is a fundamental right, protected under the Human Rights Act and under common law.
- Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech and debate during election campaigns or referendums.
- This can extend to the expression of views that may shock, disturb or offend the deeply-held beliefs of others.
- Any restrictions must always be set out in law and be proportionate.
- It is nonetheless a criminal offence to stir up hatred on racial or religious grounds or on the ground of sexual orientation in England and Wales. Offensive or insulting language may also constitute harassment.

How does the law apply?

In England and Wales, speech or behaviour which stirs up racial or religious hatred or hatred on the grounds of sexual orientation is a criminal offence under the Public Order Act.

Incitement to racial hatred occurs when a person uses words or behaviour or displays written material which is threatening, insulting or abusive with the intention of stirring up racial hatred or it is likely that racial hatred will be stirred up. This can include such things as making a racist speech, distributing racist leaflets or displaying a racist poster. The offences for religion and sexual orientation are similar although the behaviour must be threatening only and must be intended to stir up hatred. You can see full details in the [Police Operational Guidance](#).

In Scotland, only the parts of the Public Order Act prohibiting racial hatred are in force. Scotland has its own legislation for racial harassment and other forms of hate crime in respect of religion, sexual orientation, transgender and disability.

Where can I find guidance?

The [EHRC has published guidance](#) on how equality and human rights law affects election campaigning;

The [Electoral Commission provides guidance](#) for candidates or agents on their website.

Who should I contact if I want to report hate speech during an election or referendum?

1. Challenge the individual who has made the statement and/or report it to the relevant political party.
2. Report criminal behaviour to the police:
 - [Click here to report to the Police in England and Wales:](#)
 - [Click here to report to the Police in Scotland](#)





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Prosecuting Hate Crimes

TRANSLATE
bing

The Crown Prosecution Service (CPS) is the principal public prosecution service for criminal cases in England and Wales.

In undertaking this role, the CPS:

- advises the police during the early stages of investigations;
- determines the appropriate charges in all but the most routine cases;
- keeps all cases under continuous review and decides which cases should be prosecuted;
- prepares cases for prosecution in court and prosecutes the cases with in-house advocates, or instructs agents and counsel to present cases;
- provides information and assistance to victims and prosecution witnesses;
- engages with communities to help improve our work; and
- addresses offending using out-of-court alternatives or 'disposals' where appropriate.

For more information visit the CPS website at www.cps.gov.uk.

Internet Offences

The Director of Public Prosecutions has issued guidance on when Internet based offences should be prosecuted. [The guidance can be found here](#)

International Prosecutors Training

The Council of Europe's HELP Programme has created a pan-Europe online course for hate crime designed for prosecutors and judges in its 47 member states.

The course is available for any user in the [HELP platform](#)

Users have access by [creating an account in the platform](#)

Downloads

- [CPS Hate Crime Report 2018](#) (PDF 1563 Kb)
- [CPS Hate Crime Report 2016](#) (PDF 1720 Kb)
- [CPS Disability Hate Crime Leaflet](#) (PDF 358 Kb)
- [CPS Disability Hate Crime Leaflet \(Easy Read\)](#) (PDF 3221 Kb)
- [CPS Hate Crime Report 2009-10](#) (PDF 460 Kb)
- [CPS Policy - Prosecuting Homophobic and Transphobic Hate Crime](#) (PDF 69 Kb)
- [CPS Policy - Prosecuting Racial or Religious Hate Crime](#) (PDF 75 Kb)
- [CPS Disability Hate Crime Policy](#) (PDF 116 Kb)

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You may need to download [Microsoft viewer software](#) to view Word, Excel or Powerpoint files.

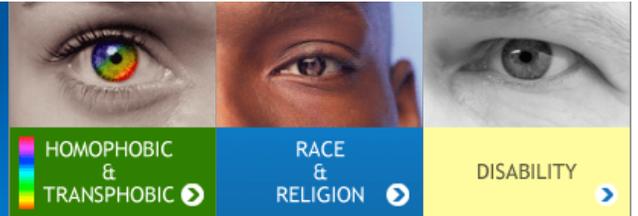


CPS





STOP HATE CRIME...



HOMOPHOBIC
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Personal Safety Tips

TRANSLATE



General safety tips

Here are some tips to follow if you are out and about.

- Stay alert – awareness is your best defence.
- Leave venues with friends wherever possible.
- Try to stay in well-lit areas.
- Be confident – even if you don't feel it.
- Travel as if you know where you are going.
- Take the most direct route and try to stay within areas where other people are around.
- Trust your instincts – if you think something is wrong then act on it.
- Have your keys available when you reach your home or car.
- Keep money for taxis – the expense is worth it.
- Carry a personal alarm and use it when necessary.

If you are a victim:

- Get help immediately.
- In an emergency dial **999** or **112**.
- Make as much noise as you can to alert people.
- As soon as you can, go somewhere you know is safe.
- If you have been attacked, don't shower or change your clothes as it may destroy evidence.
- If you have the confidence, tell the police why you think you were attacked.
- If you have had your keys taken, ensure you change the locks.
- Don't drink alcohol – you need to give a clear account of what happened.
- Use the reporting systems to report the incident if you do not have the confidence to tell the police.
- If you want to stay anonymous, call **Crimestoppers** on **0800 555111**.
Use a **third party reporting centre**, the [self-reporting form](#) or the [online reporting facility](#) on this website.

If you are a witness:

- **Call 999 or 112**
- Let the police know what you've seen. Don't assume others will come forward. Many crucial witnesses walk away thinking someone else will report it.
- Stay alert and safe.
- Don't physically intervene – you could get hurt yourself.
- If it is safe to do so, take a photograph or video on your mobile phone. Remember, however, that the police are likely to need your phone as evidence.
- Record details of times, number plates, descriptions and so on. If you don't have a pen with you, leave a voicemail message on your mobile phone or write a draft text message. As soon as you can find a pen and paper, write down the information in as much detail as possible.
- If you want to stay anonymous, call **Crimestoppers** on **0800 555111**.
- Or use the [self-reporting form](#) or [online reporting facility](#) on this website.

Internet safety tips:

Here are some useful tips for keeping safe on the Internet:

- The Internet provides endless opportunities to meet people from all over the world. You must however remember to use common sense. It is easy to get swept-up into a fantasy world, but reality requires us to use caution.
- Do not give out personal details, photographs, or any other information that could be used to identify you, your family, or where you live.
- Do not take other people at face value - they may not be what they seem.



- Never arrange to meet someone you've only ever previously met on the Internet, without telling a friend and giving them as much detail as possible about the person that you're meeting and where.
- Do not open an attachment or download a file unless you know and trust the person who has sent it.
- Never respond directly to anything you find disturbing when using the Internet or email. Log off, and **report it**.



STOP HATE CRIME...



HOMOPHOBIC
&
TRANSPHOBIC

RACE
&
RELIGION

DISABILITY

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Organisations That Can Help

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We understand that it is sometimes difficult to go to the police about hate crime. If you are a victim of hate crime or know someone who is, there are various support agencies in place to support and offer guidance.

Useful Links

[General](#)
[Race or Religion](#)
[Gypsy and Traveller](#)
[Asylum and Refugee](#)
[Sexual Orientation](#)
[Transgender](#)
[Disability](#)
[Domestic Abuse](#)
[Bullying and Cyber-Bullying](#)
[Alternative Sub-cultures](#)

General

ChildLine

ChildLine is the UK's free 24 hour counselling service for children and young people, available by phone on 0800 1111 and online at www.childline.org.uk.

ChildLine deals with any issues which cause distress or concern to children and young people including child abuse, bullying, self harm, substance misuse, parental separation and pregnancy. The website also provides help, support and advice on a large range of topics which are a concern to children and young people.

ChildLine Advice packs

[Sexual Orientation](#)

[Domestic Violence](#)

[Bullying](#)

Citizens Advice Bureau

Citizens Advice Bureaus provide free, confidential and independent advice from over 3,000 locations including in bureaus, GP surgeries, hospitals, colleges, prisons and courts. Advice is available face-to-face and by telephone. Most bureaus offer home visits and some also provide email advice.

Visit the website at www.citizensadvice.org.uk for details of your local Citizens Advice Bureau.

Crimestoppers

If you have information about people who commit hate crimes and do not want to talk to the police, you can contact Crimestoppers anonymously. You do not have to give your name, you will never have to give a statement to police, or go to court.

Website: www.crimestoppers-uk.org

Telephone: 0800 555 111 (free to call)

Equality Advisory Support Service

The EASS has a Helpline to give information and guidance on discrimination and human rights issues. The service is free and fully accessible by phone, email, fax, post, video link for those who wish use BSL and has access to advocacy services for those with mental ill health and people with a learning disability. Chat facilities will also be launched soon.

<http://www.equalityadvisoryservice.com>



Equality Commission Northern Ireland

The Commission's duties and functions include working towards the elimination of discrimination and overseeing the implementation and effectiveness of the statutory duty on public authorities to promote equality and good relations. The Commission is also responsible for promoting awareness of and enforcing anti-discrimination law on the grounds of age, disability, race, sex (including marital and civil partner status, gender reassignment, pregnancy and maternity), sexual orientation, religious belief and political opinion.

Website: www.equalityni.org

Equality House
7 - 9 Shaftesbury Square
Belfast
BT2 7DP

028 90 890 890 – Helpline
028 90 500 589 – Textphone
028 90 248 687 – Fax
Email: information@equalityni.org

Stop Hate UK

Stop Hate UK is a charity that provides independent and confidential support to people affected by Hate Crime. They provide confidential Hate Crime [reporting services](#) in various areas of the UK, including a 24 hour helpline. **Please check their [list of areas](#) carefully before calling.**

Website: www.stophateuk.org

Stop Hate UK
PO Box 484
Leeds
LS7 9BZ

0800 138 1625 - 24 hour helpline
0113 341 0396 - Fax
07717 989 025 - Text
Email: talk@stophateuk.org

SupportLine

SupportLine provides a confidential telephone helpline offering emotional support to any individual on any issue. The Helpline is primarily a preventative service and aims to support people before they reach the point of crisis. It is particularly aimed at those who are socially isolated, vulnerable, at risk groups and victims of any form of abuse.

Website: www.supportline.org.uk
Telephone: 01708 765200
Email: info@supportline.org.uk

Victim Support

Victim Support is the national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected. They are not a government agency or part of the police and you don't have to report a crime to the police to get their help. You can call any time after the crime has happened, whether it was yesterday, last week or several years ago.

Website: www.victimsupport.org.uk

Hallam House
56 – 60 Hallam Street
London
W1W 6JL

0808 16 89 111 - Victim Supportline
Email: supportline@victimsupport.org.uk

Victim Support Northern Ireland

Victim Support Northern Ireland is the charity which helps people affected by crime. They offer a free and confidential service, whether or not a crime has been reported. They are an independent organisation - not part of the police, courts or any other criminal justice agency.

Website: www.victimsupportni.co.uk

Central Office
Annsgate House, 3rd Floor
70/74 Ann Street
Belfast
BT1 4EH

Telephone: 028 9024 4039
Email: info@victimsupportni.org.uk

Your local authority

Local authorities, as a key partner of local Community Safety Partnerships, often include hate crime in their plans for working with local partners such as the police to reduce crime and anti-social behaviour.

Contact details for your local authority can be found on the [Directgov website](#).

Race or Religion

[The Community Security Trust \(National Organisation for Jewish victims\)](#)
[TELL MAMA \(National Organisation for Muslim Victims\)](#)
[Forum Against Islamophobia and Racism \(FAIR\)](#)
[The Monitoring Group](#)
[MuslimLine](#)
[National Assembly Against Racism](#)
[Southall Black Sisters](#)

Gypsy and Traveller

[Friends, Families and Travellers \(FFT\)](#)
[The Traveller Movement](#)
[Unity Project All Wales Helpline: 01646 686139](#)
[Travelling Ahead \(Wales\)](#)

Asylum and Refugee

[Joint Council for the Welfare of Immigrants](#)
[Refugee Action](#)
[Refugee Council](#)
[Welsh Refugee Council](#)

Sexual Orientation

The Stop LGBT Hate Crime Helpline is a 24/7 Telephone Helpline covering England, Wales and Scotland. The can be contacted by telephone on 0808 801 0661

[Albert Kennedy Trust](#)
[Families and Friends of Lesbian and Gays \(FFLAG\)](#)
[Galop](#)
[IMAAAN](#)
[Lesbian and Gay Foundation](#)
[PACE](#)
[REGARD](#)
[Safra Project](#)
[Schools Out!](#)
[Stonewall](#)

Transgender

[Galop](#)
[The Gender Trust](#)
[GIRES](#)
[IMAAAN](#)
[Mermaids](#)
[Press for Change](#)
[REGARD](#)

Disability

[Age UK](#)
[Ann Craft Trust](#)
[DIAL](#)
[Leonard Cheshire Disability](#)
[Mencap](#)
[Mind](#)
[MS Society](#)
[National AIDS Trust](#)
[RADAR](#)
[REGARD](#)
[Respond](#)
[Royal National Institute for the Blind](#)
[Royal National Institute for the Deaf](#)
[Scope](#)
[UK Disabled People's Council](#)

Alternative Sub-Cultures

The Sophie Lancaster Foundation can offer support and advice to individuals suffering abuse because of their lifestyle or cultural interests. They can also support schools and clubs in building safer environments for all.

<http://www.sophielancasterfoundation.com/>

<https://www.facebook.com/thesophielancasterfoundation>

https://twitter.com/sophie_charity

Domestic Abuse

[Broken Rainbow](#)

[Counselling Directory](#)
[IMKAAN](#)
[Jewish Women's Aid](#)
[Women's Aid](#)

Bullying and Cyber-Bullying

[Ditch the Label](#)

Ditch The Label, is a charity providing advice and support to people being affected by the issue of bullying. Their work is mostly digital and over the phone, and they support thousand's of people every year all over the United Kingdom.

[Help section](#)

[Contact page](#)

[Online community](#)

Ditch the Label also have a phoneline - 01273 201129 (9:30am – 6pm)

[Anti Bullying Network](#)

[Bullying UK](#)

[ChildLine](#)

[Counselling Directory](#)

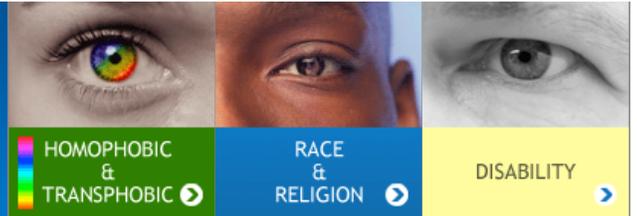
[GIRES](#)

[Kidscape](#)

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Northern Ireland

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Welcome to True Vision Northern Ireland

This page will give you information on how to report a hate crime to the Police Service of Northern Ireland (PSNI), what happens when you do and some of the support that is available if you have been a victim of hate crime.

The impact of hate crime can be long lasting and far reaching, going beyond the victim's own experience to change behaviour and increase fear in the victim and the wider family, community or group the victim represents.

The PSNI is committed to working with other criminal justice partners, statutory and voluntary organisations and the community, to effectively tackle hate crime and keep people safe.

HATE MOTIVATION

Hate crimes and incidents are taken to mean any crime (criminal offence) or incident (non crime) where the perpetrators hostility or prejudice against an identified group of people is a factor in determining who is victimised.

A hate crime or incident will be recorded where it is perceived that the perpetrator's hostility or prejudice against any person or property is on the grounds of the victim's:

- ethnicity
- sexual orientation
- gender identity
- religion
- political opinion or
- disability

Hate crimes and incidents have one of the highest repeat victimisation rates and can take many forms including:

- Physical Assault
- Criminal damage to property
- Verbal Abuse – name calling
- Intimidation
- Harassment

THE PERCEPTION TEST

Evidence is NOT the test when reporting a hate incident;

When an incident or crime has been reported to police by the victim or by any other person and they perceive it as being motivated by prejudice or hate, it will be recorded and investigated as a hate incident or crime.

The perception of the victim or any other person is the defining factor in determining whether an incident is a hate incident, or in recognising the hostility element of a hate crime.

However, it would not be appropriate to record a crime or incident as a hate crime or hate incident if it was based on the perception of a person or group who had no knowledge of the victim, crime or the area, and who may be responding to media or internet stories or who are reporting for a political or similar motive.

The other person could however be one of a number of people - including police officers or staff; witnesses; family members; civil society organisations who know details of the victim, the crime or hate crimes in the locality, such as a third-party reporting charity; a carer or other professional who supports the victim; someone who has knowledge of hate crime in the area. This could include many professionals and experts



such as the manager of an education centre used by people with learning disabilities who regularly receives reports of abuse from students; a person from within the group targeted with the hostility, for example a Traveller who witnessed racist damage in a local park.

HOW CAN I REPORT A HATE CRIME?

Reporting incidents will help the Police Service tackle hate crime. The information you provide is important and will enable the police to identify areas of concern, patterns of behaviour and may assist in identifying and prosecuting offenders. You can also report a hate crime that has happened to someone else, for example a friend or family member, or something that you have seen online or on social media.

You can report a hate crime (non-emergency) directly to the PSNI by calling:

- 101 option 2
- Minicom number: 028 9090 1246
- Or calling in to your nearest police station.

In an emergency, always call 999.

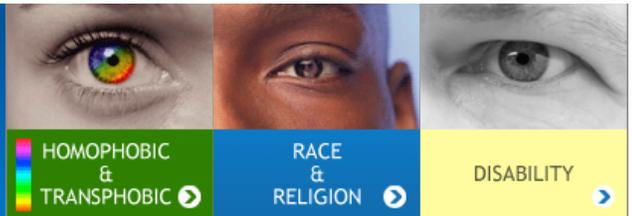
The PSNI also operates a [Non-Emergency Online Reporting Form](#) where you can report a hate crime. Reports submitted are not monitored 24-hours a day so this form should only ever be used for non-emergencies only.

You can also use the [True Vision Online Reporting Form](#) which will be sent immediately to the PSNI.

WHO ELSE CAN HELP?



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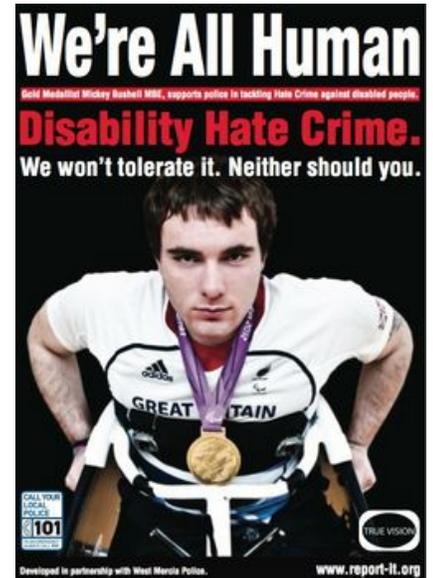
If you want to be able to promote the *True Vision* website or the online reporting form locally, the following *True Vision* posters may be useful in helping get information to people and helping to encourage reporting of hate crime.

Posters

Downloads

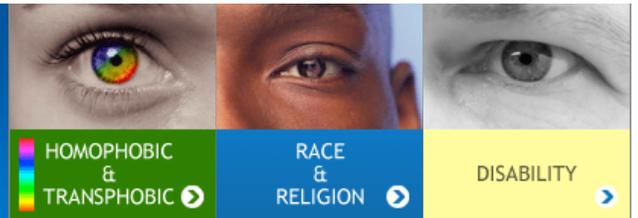
- [Homophobia in Sport poster](#) (PDF 2453 Kb)
- [were_all_human_a4_poster.pdf](#) (PDF 1537 Kb)
- [were_all_human_headliner.pdf](#) (PDF 2049 Kb)
- [were_all_human_streetliner_13_foot.pdf](#) (PDF 922 Kb)
- [Hate Crime Poster for MP's](#) (PDF 837 Kb)
- [True Vision - A4 posters \(English\)](#) (PDF 247 Kb)
- [True Vision - A4 posters \(Welsh\)](#) (PDF 271 Kb)
- [True Vision - Race Hate Crime - A4 poster](#) (PDF 7377 Kb)
- [True Vision Poster - Race Hate Crime 1](#) (PDF 156 Kb)
- [True Vision Poster - Race Hate Crime \(Polish 1\)](#) (PDF 244 Kb)
- [True Vision Poster - Race Hate Crime \(Polish 2\)](#) (PDF 209 Kb)
- [True Vision Poster - Race Hate Crime \(Polish 3\)](#) (PDF 776 Kb)
- [True Vision Poster - Race Hate Crime 2](#) (PDF 7377 Kb)
- [True Vision - Vehicle Poster 1](#) (PDF 21 Kb)
- [True Vision - Vehicle Poster 2](#) (PDF 28 Kb)
- [Disability Hate Crime Poster](#) (PDF 416 Kb)
- [Eayread Disability Hate Crime Poster](#) (PDF 382 Kb)
- [Disability Hate Crime Poster \(Public Transport\)](#) (PDF 10240 Kb)
- [Campus Racism Poster](#) (PDF 1565 Kb)
- [Gypsy, Roma and Traveller Poster](#) (PDF 927 Kb)

You may need to download [Adobe Reader](#) to view files in PDF format.
You may need to download [Microsoft viewer software](#) to view Word, Excel or Powerpoint files.





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 - [Government launches new national hate crime awareness campaign](#)
 - [Government plans renewed action to tackle hate crime](#)
 - [Hate crime plan refreshed to protect victims and promote shared values](#)
 - [Letter from ACC Hamilton regarding the New Zealand attack](#)
 - [Sporting stars back hate crime stance](#)
 - [Update on 'Punish a Muslim' letters](#)
 - [Statement regarding Anti-Muslim Hate Letters](#)
 - [Government Launches New Action Plan to Tackle Hate Crime](#)
 - [Home Office Release Hate Crime Data for 2015/16](#)
 - [Police Release Hate Crime Data for June- August 2016](#)
 - [FRA presents guidance from across the EU on combating hate crime](#)
 - [CST Antisemitic Incidents Report 2015 published today.](#)
 - [Facebook troll who subjected disabled man to 'tirade' of online abuse is jailed](#)
 - [Hate crimes reported to police up 18% in England and Wales](#)
 - [Man sentenced for shouting abuse at Disabled Girl](#)
 - [POLICE AND PARTNERS IN WALES JOIN FORCES FOR HATE CRIME AWARENESS WEEK](#)
 - [Antisemitism Expert Assesses UK Response.](#)
 - [New Guidance Issued on Human Rights in an Election Period](#)
 - [Police agree data sharing protocols with the Community Security Trust and TELL MAMA](#)
 - [Police hate crime challenges examined in new report](#)
 - [UK Co-hosts Good Practice Seminar to share Experiences across Europe](#)
 - [BBC - A neo-Nazi has been jailed for five years for attacking an Asian man.](#)
 - [College of Policing publishes new hate crime guidance](#)
 - [CPS Conviction rate for hate crime at all-time high](#)
 - [CPS Launch Hate Crime Schools Pack](#)
 - [Cyberhate Working Group Launches Best Practice Document](#)
 - [Government Launches Update to Hate Crime Action Plan](#)
 - [Hate Crime Independent Advisory Group Writes to Mayor of Paris](#)
 - [Home Office Launches Survey of Third Party Reporting Facilities](#)
 - [Lancashire Police reach out to LGB&T community on Facebook](#)
 - [Law Commission calls for review of hate crime](#)

- [MP's Call for Hate Crime Offenders to be Banned from Using Computers](#)
 - [National Policing Lead for Counter Terrorism Makes Statement About Security](#)
 - [ODIHR launches International Hate Crime Monitoring Website](#)
 - [Sophie Lancaster Foundation host Hate Crime Conference](#)
 - [UK Police Launch #WeStandTogether Campaign to Bring Communities Together](#)
 - [West Derby MP Stephen Twigg condemns "vile" gang attack on Liverpool black family](#)
 - [Minister for Disabled People releases Online Magazine to highlight Disability Hate Crime](#)
 - [National Hate Crime Data Released](#)
 - [New Research launched about victims with learning disabilities](#)
 - [UK Inter-faith Co-operation Praised at International Conference](#)
 - [Bully for You Video posted to raise awareness of Disability Hate Crime](#)
 - [Evaluation of Successful Hate Crime Scheme](#)
 - [Facebook announce new approach to Hate Material](#)
 - [Law Commission Launches Consultation about Hate Crime Legislation](#)
 - [Man imprisoned for role in racially aggravated attack on two Romford teenagers in 2002](#)
 - [New Guidance for Third-Party Reporting Centres](#)
 - [NGOs from 13 European Countries convene for trainer seminar on Hate Crime](#)
 - [OSCE Releases Hate Crime Report for 2011](#)
 - [Paralympic gold medalist helps the police combat disability hate crime](#)
 - [Police in the UK launch 'Hate Crime App' for mobile phones and tablets](#)
 - [Society of Editors' survey to review online moderation](#)
 - [The Law Commission announces review of hate crime legislation](#)
 - [Transgender Hate Crime included in 'Enhanced Sentencing' Provision](#)
 - [True Vision Launches new video for British Sign Language Users](#)
 - [True Vision receives grant from Government](#)
 - [True Vision Records a Significant Weekly Reduction in Anti-Muslim Hate Reports](#)
 - [True Vision Sees increase in Anti-Muslim Hate reports](#)
 - [Victims back new campaign to target hate crimes in Oxfordshire](#)
 - ['Communities United against Hate' DVD launched in Lancashire](#)
 - [ICCA, Facebook, Google reach historic agreement on hate speech on the Internet](#)
 - [ACPO Releases Hate Crime Data for 2011](#)
 - [Birmingham Man Jailed for 10 Years for Hate Crime](#)
 - [Crown Prosecution Service release Hate Crime Report](#)
 - [Football fan admits two offences after tweeting racist comments](#)
 - [Government responds to Equality and Human Rights Commission Report on Disability Related Harassment](#)
 - [Hairdresser Sentenced for Disability Hate Crime in Bristol](#)
 - [Hate Crime Project Wins European Award](#)
 - [Home Office Publish British Crime Survey findings for hate crime](#)
 - [Launch of Guidance to combat hostility towards Muslims](#)
 - [More than 87,000 racist incidents recorded in schools](#)
 - [Organization for Security and Co-operation in Europe Release Hate Crime Report for 2010](#)
 - [Press Release - National Poster Campaign launched by True Vision and Preston Hate Crime Partnership](#)
 - [Sentence upheld for Racist Abuse](#)
 - [Statement from Archbishop of Canterbury Launches Hate Crime Awareness Week](#)
 - [Student pleads guilty to sending racist tweets](#)
 - [Three men convicted in first prosecution for stirring up hatred on grounds of sexual orientation](#)
 - [Twitter declares war on racism](#)
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