



CPS

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

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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.

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 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:
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.

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

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