

**Crown Prosecution Service**  
Delivering justice



# **Hate Crime Report**

**2018–19**

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## Foreword by the Director of Public Prosecutions



Hate crimes can have particularly devastating consequences because individuals are being targeted for an intrinsic part of who they are, whether that is their race, religion, disability, sexual orientation or transgender identity.

These crimes can also reverberate through communities which share that personal characteristic, spreading fear and undermining people's sense of safety and security.

In hate crime cases we can ask the court for an increased sentence to reflect the additional level of seriousness. This is known as a sentence uplift. In 2018-19, the number of convictions where the court announced a sentence uplift reached the highest level yet at 73.6%. This sends a clear message that targeting someone because of who they are will not be tolerated and they should expect to receive a higher sentence.

This report demonstrates the improvements we have made in relation to prosecution performance as well as the steps we have taken to engage with communities and stakeholders. For example, the CPS gave evidence to the Women and Equalities Select Committee inquiry into antisemitism and shared our knowledge, commitment and expertise in tackling this kind of offending. The work of CPS Areas continues to be greatly assisted by the support of Local Scrutiny and Involvement Panels, made up of individuals and organisations who share a range of experience and expertise in relation to hate crime and who bring a critical eye to the quality of our casework. Our new Inclusion and Community Engagement Strategy has strengthened our engagement with local communities starting with a detailed mapping exercise of local communities and more specific 'Community Conversations' which are taking place around the country. The Hate Crime External Consultative Group met for the first time in December 2018 and has rapidly repaid our confidence in the level and range of assistance which the members have been able to provide to our work in seeking improved outcomes for victims and more effective case handling.

However, the growing gap between the number of hate crimes reported to the police and the number of cases being sent by the police to the CPS for prosecution is a concern for all of us. We are therefore working closely with our police colleagues, both nationally and locally, to understand the reasons for this fall in the number of cases sent by the police.

This is the first annual Hate Crime report since I became Director of Public Prosecutions in November 2018. One of my aims is to increase transparency and accountability for CPS prosecution performance. Therefore, in future, hate crime data will be published quarterly with an accompanying narrative on progress, providing more regular opportunities for discussions with stakeholders that are informed by the most up-to-date evidence, while helping us all to be agile in responding to shifting trends, new challenges and fresh evidence.

**Max Hill QC**  
**Director of Public Prosecutions**

## Hate Crime Lead – Chief Crown Prosecutor Chris Long



The CPS takes hate crime extremely seriously, and we are determined to bring perpetrators to justice. In 2018-19, we have worked with our partners in the police to try to understand why the number of cases referred to CPS has declined and to encourage the referral of appropriate cases to the CPS for charging and prosecution. This is an extremely important piece of work as the CPS can only prosecute cases referred to us.

We have continued to work collaboratively with the Hate Crime Coordinators' (HCCs) Network consisting of HCCs and Inclusion and Community Engagement Managers. Following a series of meetings with each CPS Area, feedback suggested that more face-to-face meetings of the Network would be valued. Over the course of the year, we have therefore moved from two to three annual events at which we continue to share good practice, and to seek solutions to common challenges.

Following routine conversations with third party reporting organisations, we took the decision to offer workshops to national agencies providing advice and support to clients who have been victims of hate crime. The workshops were taken up by the Community Security Trust, TellMAMA, Galop, Stop Hate UK, agencies providing advice to Gypsy, Roma and Traveller communities and with organisations working with the Sikh community. The sessions focused on the law in relation to hate crime and CPS practice, explaining and illustrating key aspects of the law and CPS guidance. The aim was to ensure a greater awareness of the law and how it is applied in order to enhance the service that these organisations provide to the clients who seek their assistance.

I am pleased to chair the CPS External Consultative Group (ECG) meetings on hate crime. The ECG has provided insight and expertise on a wide range of topics agreed for discussion including The Law Commission review of Hate Crime legislation, the Hate Crime Assurance Scheme, the Hate Crime Strategy and Action Plan, the use of Restorative Justice in Hate Crime, improving awareness of hate crime and increasing its reporting, intersectionality in hate crime offending and the use of Community Impact Statements to support wider understanding of the impact of hate crime on communities.

It is through this external engagement and scrutiny that we can ensure our policies, practices and approach are able to deliver justice for victims of hate crime. I am confident that this constructive relationship with community groups will continue to help us improve in the coming year.

No one in our society should be targeted because of who they are. I am proud of the progress CPS has made in the prosecution of hate crime and look forward to continuing to work with our partners and stakeholders to further improve how hate crime is tackled and build the confidence of our communities.

**Chris Long**  
**Chief Crown Prosecutor**

# Hate crime report

## Introduction

Hate Crime can have a devastating impact on victims, their families, and wider communities. These crimes have no place in our society. The Crown Prosecution Service (CPS) takes prosecuting hate crime seriously and continues to bring perpetrators to justice wherever possible.

The CPS Hate Crime report for 2018-19 is an analysis of how the CPS has performed 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.”*

The purpose of this report is for the CPS to be transparent about the data we hold and to enable our stakeholders to hold us to account. Each section of the report provides key data, commentary and case studies, as well as an outline of CPS activity over the past year and the steps we plan to take in the coming year to continuously improve. The data section of the report provides further detailed information by each hate crime strand, stirring up hatred and crimes against older people. The glossary provides a fuller definition of each of the hate crime strands and CPS terminology.

The report is based on data from the CPS Case Management System, CPS Witness Management System and its associated Management Information System. This data does not constitute official statistics as defined in the Statistics and Registration Service Act 2007.<sup>1</sup> and should be read in line with our explanation of the data.

**Please note: More detailed terminology, outline of the police/CPS process and explanation of the data, any changes in calculations or terms used are outlined in the [data section of this report](#). The [underlying data for this report](#) can be found on the CPS website, in the Publications section.<sup>2</sup> If you have any queries or comments please email: [HateCrime.Policy@cps.gov.uk](mailto:HateCrime.Policy@cps.gov.uk).**

**This will be the last Hate Crime Report of this type. In 2019-20 CPS will move to reporting data on a quarterly basis, thereby providing the most up-to-date management data more speedily. A brief annual report will also be provided at the end of the financial year.**

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<sup>1</sup> The official statistics relating to crime and policing are maintained by the Home Office and Office for National Statistics 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.

<sup>2</sup> Data is reported throughout this report; any additional underlying data is provided on the CPS website.

## Strategic context

In October 2018, a refreshed cross-government strategy – [Action Against Hate: the UK Government’s Plan to Tackle Hate Crime](#) – was launched, outlining updated actions the Government is taking. The CPS has an important role in a range of Criminal Justice System (CJS) initiatives, overseen by the Hate Crime Strategy Board (a cross-agency board responsible for overseeing progress).

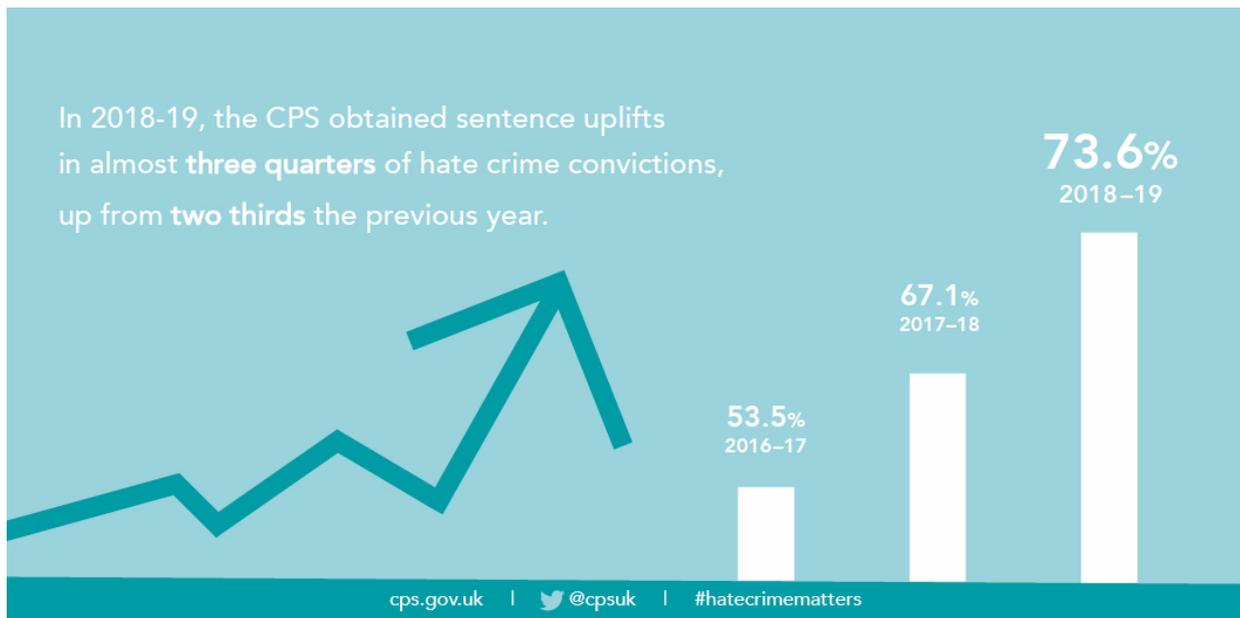
The CPS is working with the police to understand the reasons for the reduction in flagged hate crime cases submitted by the police to the CPS, as well as enhancing the investigation and reporting of hate crime. Local forces are working with CPS Areas to improve understanding of this fall in receipts.

In support of its commitment to working in partnership with others, the CPS has also undertaken the following:

- Contributed to a sub-group of the Hate Crime Strategy Board focusing on victims, including recognition and reporting of hate crime, victim support and identifying any gaps in provisions;
- Worked in partnership with the MoJ to ensure that the recording of sentence uplifts is systematically undertaken by courts in all cases where the defendant is found or pleads guilty to a hate crime and continued to work with other partners to improve data gathering including the Home Office to ensure that such data is transferred to the Police National Computer (PNC);
- Continued to work with the police to ensure appropriate capture of equalities data relating to victims, witnesses and defendants;
- Supported a Ministry of Housing, Communities and Local Government (MCLG) initiative to engage more effectively with the Sikh community;
- Contributed to the cross-government [LGBT Action Plan: Improving the Lives of Lesbian, Gay, Bisexual and Transgender People](#);
- Responded to the [Online Harms White Paper](#) consultation published by the Department for Digital, Culture, Media and Sport and the Home Office.

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 NPCC and CPS joint flagging definition and the legal framework is “hostility”, which is 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 law imposes a duty on the courts to treat an offence more seriously when it is motivated by hostility or where there is a demonstration of hostility towards the victim’s race, religion, sexual orientation, transgender identity or disability. This increased punishment is called a ‘sentence uplift’.



We will continue working across government, with specialist third sector organisations and victims themselves, through our hate crime Local Scrutiny and Involvement Panels, our hate crime National Scrutiny Panels and our national hate crime External Consultation Group, to help to improve policy and practice.

In April 2020, the CPS will publish its new strategy, 'CPS 2025'. This strategy will set out our vision and aims over the next five years. The CPS' equality and diversity objectives will be integrated into this overarching strategic framework, and through our annual business planning and reporting cycle, the CPS will report on the progress made against each of our strategic aims.

## Operating context

The [CPS Annual Report 2018-19](#) shows that the overall number of cases sent to the CPS by the police for a charging decision decreased by 8.2%, from 283,162 in 2017-18 to 260,050 in 2018-19. For hate crime offences, the number of cases sent to the CPS by the police fell by 16.7% from 12,901 in 2017-18 to 10,749 in 2018-19; this year saw the largest annual fall in hate crime police receipts at 16.7%. The number of these police receipts has continued to fall since 2014-15. During this time there has been a fall of 31.4%.

The CPS is a demand-led organisation; we can only consider cases that are sent to us by the police or other investigators. The decrease in volumes of hate crime offences needs to be contextualised within the overall decrease in volumes across the CPS, especially the decrease in the number of suspects the police have referred to us for a charging decision.

Locally, CPS Areas have prioritised contact with local police forces to explore the reasons for the fall in police receipts in recent years. The focus has been on undertaking joint file sampling exercises to assess whether cases should have been submitted to the CPS for a charging decision. Work will stay focused on this issue next year.

The CPS must continue to be resourced to deal with the impact of changes in both the crime landscape and the criminal justice system. Our work is central to the delivery of the Government's security and justice strategies, so changes within the Criminal Justice System will impact on the CPS.

### The Code for Crown Prosecutors

A new edition of [The Code for Crown Prosecutors](#) (the Code) was published in October 2018. The Code sets out how every criminal case must pass a two stage test before a person is charged:

- firstly, does the evidence provide a realistic prospect of securing a conviction; and
- secondly, is it in the public interest to prosecute?

The Code stands at the heart of any case we deal with, so it is essential it evolves to reflect changes in law and society. This edition provided further clarity around disclosure requirements prior to charge for the first time; the Code sets out that prosecutors have to consider whether there is any material held by the police or that may be available which could affect the decision to charge a suspect with a crime. It also clarifies the Threshold Test, which allows a suspect who presents a substantial bail risk, such as a serious risk of harm to the public, to be charged in the expectation that further evidence will be produced by the police. We have simplified the test, to ensure it is only applied when necessary and that cases are not charged prematurely.

At 4.14c, the Code continues to state that:

*“It is more likely that prosecution is required if the offence was motivated by any form of prejudice against the victim’s actual or presumed ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or if the suspect targeted or exploited the victim, or demonstrated hostility towards the victim, based on any of those characteristics”.*

### Key CPS data and analysis

- The number of cases sent to the CPS by the police fell by 16.7% from 12,901 in 2017-18 to 10,749 in 2018-19.
- The number of pre-charge decisions decreased from 13,518 in 2017-18 to 11,826 in 2018-19.
- The number of prosecutions completed decreased from 14,151 in 2017-18 to 12,828 in 2018-19; a decrease of 1,323 (9.3%).
- The conviction rate remained steady at 84.3%
- The proportion of cases involving a guilty plea increased slightly from 75.4% in 2017-18 to 76.1% in 2018-19.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 73.6% in 2018-19, an increase of 6.5 percentage points from the previous year.

## Actions we have taken to improve prosecution performance

The CPS completed its mandatory face-to-face training programme for all prosecutors over the years 2015-2018, covering disability hate crime, racially and religiously aggravated hate crime and homophobic, biphobic and transphobic hate crime. The training packages were developed with support from stakeholders and cover barriers to reporting and the victim's perspective.

The CPS introduced a Hate Crime Assurance scheme in 2015 for CPS Areas to provide assurance on Hate Crime performance. Evidence of the assurance scheme driving improvements in frontline performance can be seen in the proportion of successful cases with an announced and recorded sentence uplift, which has improved from 12.1% in 2014-15 to 73.6% in 2018-19. This has been a particular focus of the monthly checks and the Criminal Justice Joint Inspectorate thematic review on disability hate crime (2018) recognised the quality of the CPS' assurance work as a strength. In 2018, the scheme was reviewed to develop a reporting system focusing on the management of key organisational risks in respect of hate crime, which are the need to:

- Build effective partnerships with the police to ensure the appropriate referral and charging of hate crime cases;
- Continue to engage with local communities and report on successful hate crime cases;
- Ensure that there is a clear case strategy from an early stage and that case progression and presentation are robust and effective;
- Ensure that steps are taken at an early stage to secure victim support.

In 2018-19, the central hate crime policy team undertook a series of visits to CPS Areas to identify challenges to effective prosecution of hate crime and seek feedback on central support. The programme of visits concluded in August 2019 and identified numerous examples of best practice relating to the implementation of the hate crime assurance regime and the community engagement strategy. This has resulted in a number of recommended actions which will be taken forward with Chief Crown Prosecutors from CPS Areas.

## Future priorities

- A new training package has been commissioned to consolidate and update existing face-to-face training material on all strands of hate crime to ensure that we have an appropriate package for new starters and refreshers and to ensure that momentum is maintained;
- The CPS is contributing to the College of Policing's work to refresh the Hate Crime Operational Guidance. It is anticipated that the new guidance will be available before the end of 2019;
- The CPS remains committed to working with partners to improve the range and accuracy of data collected relating to victims, witnesses and defendants. We are working with others to harness the benefits of future digital working, seeking practical and effective means of supporting the investigative response to hate crime in order to sustain robust case building and victim support;
- The Law Commission has announced a wide-ranging review into hate crime legislation. The review is due to report in 2021 but a consultation is expected to begin in the spring of 2020. The CPS is committed to engaging and inputting into this important review by sharing our

experience of the challenges in prosecuting hate crime and assisting in identifying ways in which the law might be improved.

## Race and religion

### Context

The separate reporting of racially and religiously aggravated hate crime began in 2010–11. Previously, the data had been combined. Cases can 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. Wherever there is evidence of hostility based on race or religion, we will seek to place that evidence before the court.

### Key CPS data and analysis

[Link here to the full data for racially and religiously aggravated hate crime in the data section pages.](#)

#### Racially and religiously aggravated hate crime data combined:

- The number of police receipts decreased significantly from 10,741 in 2017-18 to 8,890 in 2018-19 – a decrease of 17.2%.
- The number of pre-charge decisions also decreased from 11,200 in 2017-18 to 9,654.
- The number of completed prosecutions decreased from 11,881 to 10,536 in 2018-19 – a decrease of 1,345 (11.3%).
- The conviction rate remained steady from 85.4% 2017-18 and 84.7% in 2018-19.
- Guilty pleas remained steady at 76.4%.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 76.3% in 2018-19, an increase from 69.9% the previous year – an increase of 6.4 percentage points.

### Racially aggravated hate crime data:

- The number of police receipts decreased significantly from 10,079 in 2017-18 to 8,401 in 2018-19 – a decrease of 16.6%.
- The number of pre-charge decisions decreased from 10,472 in 2017-18 to 9,088 – a decrease of 13.2%.
- The number of completed prosecutions decreased from 11,061 in 2017-18 to 9,931 in 2018-19 – a decrease of 10.2%.
- The conviction rate remained steady from 85.4% 2017-18 and 84.7% in 2018-19.
- Guilty pleas remained steady at 76.5%.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 76.3% in 2018-19, an increase from 69.9% the previous year – an increase of 6.4 percentage points.

### Religiously aggravated hate crime data:

- The number of police receipts decreased significantly from 662 in 2017-18 to 489 in 2018-19 – a decrease of 26.1%.
- The number of pre-charge decisions decreased 728 in 2017-18 to 566 in 2018-19 – a decrease of 22.3%.
- The number of completed prosecutions also increased significantly from 820 in 2017-18 to 605 in 2018-19 – a decrease of 26.2%.
- The conviction rate remained steady at 83.8% compared to 84.3% in 2017-18
- Guilty pleas increased from 72.8% in 2017-18 to 74.9%.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 76.1% in 2018-19, an increase from 69.2% the previous year – an increase of 6.9 percentage points.

### Activities undertaken this year

- The CPS gave evidence to the All Party Parliamentary Group (APPG) on British Muslims underlining how the law works to protect those who face religiously aggravated hate crime.
- The CPS participated in a Ministry of Housing, Communities and Local Government initiative to engage more effectively with the Sikh community.
- The CPS gave evidence to the [Women and Equalities Committee](#) on their inquiry into anti-Semitism outlining CPS training for prosecutors, the Hate Crime Assurance scheme and the role of Hate Crime Coordinators.

## Future priorities

- We will ensure that the CPS legal guidance on Racially and Religiously Aggravated Hate Crime remains up-to-date;
- We will reconvene the National Scrutiny Panel on hate crime targeted at Gypsy, Roma and Traveller communities;
- We will establish two new National Scrutiny Panels; one on hate crime targeting asylum seekers, refugees and migrants, the other focussing on hate crime targeting Black African and Caribbean communities.

### Racially aggravated hate crime

CPS London North successfully prosecuted a man who bit into a police officer's cheek while resisting arrest. The offender left the officer with three bleeding bite marks after the attack. During the attack he shouted racial slurs at the officer and was also caught on the officer's body worn camera saying: "You will have those bite marks for life, that's what you get".

He admitted racially aggravated assault and acting in breach of a restraining order. He was told by the sentencing judge that he would have been sentenced to 36 months' imprisonment but that his sentence would be uplifted to 48 months imprisonment to take into account the racially aggravated offence. He was also sentenced to 16 months imprisonment for the breach of a restraining order adding up to a total of 64 months imprisonment.

### Religiously aggravated hate crime

CPS West Yorkshire prosecuted an offender who had posted a number of menacing messages on social media sites, one of which was both religiously and racially abusive. He was charged and pleaded guilty to three offences of sending by means of a public communications network messages that were grossly offensive, indecent, obscene or menacing.

The defendant was sentenced to nine weeks imprisonment uplifted to 14 weeks custody to reflect the element of racial and religious aggravation, suspended for 18 months. He also received a 35-day rehabilitative activity requirement and was ordered to pay £85 towards prosecution costs and £115 victim surcharge.

## Homophobic, biphobic and transphobic hate crime

### Context

The legal framework for hate crime does not require the police or CPS to establish the sexual orientation or transgender identity of the individual victim. The prosecution only has to prove that the offence was accompanied by a demonstration of hostility based upon the victim's perceived sexual orientation or transgender identity or that the offence was motivated by such hostility.

### Key CPS data and analysis

[Link here to the full data for homophobic, biphobic and transphobic hate crime in the report section.](#)

#### Homophobic and transphobic hate crime data combined:

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

- The number of police receipts decreased from 1,535 in 2017-18 to 1,492 in 2018-19 – a decrease of 2.8%.
- The number of pre-charge decisions increased from 1,564 in 2017-18 to 1,656 in 2018-19 – an increase of 92 receipts (5.9%).
- The number of prosecutions completed increased from 1,518 in 2017-18 to 1,713 in 2018-19 – an increase of 195 prosecutions (12.8%).
- The conviction rate increased from 84.5% in 2017-18 to 86.1% in 2018-19.
- Guilty pleas increased from 74.5% in 2017-18 to 78.3% in 2018-19.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 69.9% in 2018-19, an increase from 63.8% the previous year – an increase of 6.1 percentage points.

#### Homophobic hate crime data:

- The number of police receipts decreased from 1,451 in 2017-18 to 1,423 in 2018-19 – a decrease of 1.9%.
- The number of pre-charge decisions increased from 1,472 in 2017-18 to 1,573 in 2018-19 – an increase of 101 receipts (6.9%)
- The number of prosecutions completed increased from 1,436 in 2017-18 to 1,624 – an increase of 188 prosecutions (13.1%)
- The conviction rate increased slightly from 84.9 2017-18 to 86.8% in 2018-19.
- Guilty pleas increased from 74.9% in 2017-18 to 79.2% in 2018-19.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 70.9% in 2018-19, an increase from 64.1% the previous year – an increase of 6.8 percentage points.

### Transphobic hate crime data:

- The number of police receipts decreased from 84 in 2017-18 to 69 in 2018-19 – a decrease of 17.9%.
- The number of pre-charge decisions decreased from 92 in 2017-18 to 83 in 2018-19 – a decrease of 9 receipts (9.8%)
- The number of prosecutions completed increased 82 to 2017-18 to 89 in 2018-19 – an increase of 7 prosecutions (8.5%)
- The conviction rate decreased from 76.8% in 2017-18 to 74.2% in 2018-19.
- Guilty pleas fell from 67.1% in 2017-18 to 62.9% in 2018-19.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 48.4% in 2018-19, a decrease from 58.1% the previous year – a decrease of 9.6 percentage points.

### Activities undertaken this year

- The CPS worked with stakeholders to refresh our [Trans Equality Statement](#) (TES) which replaces the CPS Transgender Equality Management Guidance. The TES provides an overview of CPS commitments to Trans equality to help sustain the confidence of communities;
- The CPS contributed to a progress update on the Government Equalities Office LGBT Action Plan;
- The CPS attended Galop's hate crime expert roundtable. The event was attended by Government departments, the police, MOPAC, academics and community organisations and highlighted positive practice as well as mapped current challenges and opportunities.

### Future priorities

- We will ensure that our legal guidance on Homophobic, Biphobic and Transphobic Hate Crime remains up-to-date;
- The CPS will publish revised LGBT Hate Crime Schools Packs. The CPS has worked with LGBT young people, schools, as well as community stakeholders such as Galop, Stonewall, Gendered Intelligence and Metro Charity. The CPS has been assisted by Department for Education as well as the Government Equalities Office. The finalised pack will be will be launched later this year or in the first quarter of 2020.

### Homophobic hate crime

CPS South West prosecuted a homophobic hate crime which took place during Hate Crime Awareness Week. The victim was attacked on a bus and subjected to homophobic abuse. The offender pleaded guilty at the first hearing and the case was adjourned for sentence. The CPS asked the police to obtain a victim personal statement (VPS).

At the sentencing hearing, the prosecutor discussed the case with the victim and his family explaining the charge and sentencing guidelines. The prosecutor also made an application which enabled the victim to read his VPS during the hearing.

Initially the uplift wasn't announced but, once the prosecutor reminded the court of the need to do so, this was rectified. The offender was sentenced to 16 weeks' custody which was uplifted to 18 weeks' for the homophobic element. Compensation was awarded and a restraining order put in place for 12 months. The prosecutor wrote to the victim and his family to explain the sentence.

### Transphobic hate crime

CPS East Midlands successfully prosecuted a transphobic hate crime. The offender carried out a series of thefts from high street shops but was also threatening and verbally abused the victim with transphobic language. The offender was charged with a public order offence for the transphobic hate crime as well as a number of theft offences.

The offender pleaded guilty and was sentenced to four weeks' imprisonment. The sentence was increased from a community order because of the hate crime element.

## Disability hate crime

### Context

HMCPSI carried out a joint thematic inspection with HMICFRS on disability hate crime at the start of 2018. The inspection reported significant improvements in awareness and identification of hate crime since the last joint thematic inspection in 2015, specifically praising the work of the Hate Crime Coordinators.

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.

Whether the current legislative framework adequately addresses the experience of disabled people will be a matter considered by the ongoing review of the hate crime legislative framework being undertaken by the Law Commission.

### Key CPS data and analysis

[Link here to the full data for disability hate crime in the report section pages.](#)

- The number of receipts from the police decreased significantly from 625 in 2017-18 to 367 – a decrease of 41.3%.
- The number of pre-charge decisions decreased from 754 in 2017-18 to 516 in 2018-19 – a decrease of 31.6%.
- The number of prosecutions completed significantly decreased from 752 in 2017-18 to 579 in 2018-19 – a decrease of 173 prosecutions (23.0%).
- The conviction rate decreased from 75.0% 2018-19 to 72.4% - a decrease of 2.6 percentage points.
- Guilty pleas decreased from 65.7% in 2017-18 to 63.0% in 2018-19.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 27.5% in 2018-19, an increase from 24.8% the previous year – an increase of 2.7 percentage points.

### Activities undertaken this year

- The Casework Management System has been amended to include screens for reminding prosecutors to record the steps taken to ensure that the support needs of victims and witnesses have been appropriately recorded;
- The CPS made amendments to the refreshed prosecution guidance on the use of Special Measures. The guidance now includes appropriate reference to reasonable adjustments and the Social Model of Disability;
- The CPS continued to support the Learning Disability and Autism Hate Crime Forum hosted by the Foundation for People with Learning Disabilities. The forum is a source of knowledge, advice and support for hate crime policy makers;
- The Hate Crime Chief Crown Prosecutor Champion, Chris Long, spoke at the launch event for the Foundation for People with Learning Disabilities report 'A Life Without Fear?' The report highlights work being undertaken to tackle disability hate crime and how much more needs to be done across the criminal justice system.

### Future priorities

- We will ensure that our legal guidance on Disability Hate Crime remains up-to-date;
- A training proposal was accepted during the year which will underscore the CPS commitment to the Social Model of Disability. The Prosecution College course will be mandated and will assist prosecutors to identify and remove barriers to accessing justice for disabled people. The course is due to be developed and piloted before the end of 2019 and operational by early 2020;

- The Hate Crime Assurance scheme will continue to support effective prosecution of disability hate crime and will provide a framework for ensuring all disabled victims are appropriately supported and cases being brought are sufficiently;
- Consider further, in partnership with ECG and community stakeholders, how we might better deliver on the following commitments from our public statement on disability hate crime and other crimes against disabled people:

“We are concerned to avoid incorrect judgments being made about disabled people’s reliability or credibility as a witness giving evidence in court. Such judgments may lead to an incorrect charging decision or could undermine the potential success of a prosecution.

Thus we will:

- Not make assumptions about a disabled victim’s reliability or credibility, and challenge others who do so;
- Ensure that disabled people are aware of the support that is available to them to give their best evidence;
- Be more likely to prosecute cases where disability is a factor, including disability hate crimes where there is sufficient evidence to do so;
- Be mindful that language is important and only use the term ‘vulnerable’ in relation to disabled people when it is appropriate in the context of the law and facts of the case;
- Recognise that the stereotype-based belief that a disabled person is ‘vulnerable’ forms the backdrop of disability hate crime and crimes against disabled people and can even be a motivating factor in crimes committed against them.”

### Disability hate crime

CPS South West successfully obtained a sentence uplift in a disability hate crime case. The offender and victim were in a relationship, the victim was 16 at the time. The offender was charged with three assaults on the victim. During the first instance he bit her arm and on the second he verbally abused her with disablist language, slapped her to the face with both hands and jabbed her on the forehead with his palm causing her to hit a metal pole behind her. On the third occasion the victim was on FaceTime with her father who is deaf and they were using sign language. The offender became angry when he couldn’t understand what they were saying so he punched the victim in the back and pushed his elbow into her neck. He also used disablist language towards her and her father.

The offender pleaded guilty to all three assaults and was given 12 week’s custody for the non-aggravated assault and 14 weeks for both aggravated assaults which included the sentence uplift. The sentence was suspended for 12 months. He was also ordered to complete 150 hours of unpaid work and to pay compensation of £200.

## Stirring up hatred

### Context

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. 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 of “stirring up hatred” are referred to the Special Crime and Counter Terrorism Division (SCCTD) by CPS Areas, in accordance with the CPS Guidance on [Racist and Religious Hate Crime](#) and on [Homophobic, Biphobic and Transphobic Hate Crime](#). Prosecution of these offences requires the consent of the Attorney General.

### Key CPS data and analysis

[Link here to the full data for stirring up hatred in the report section.](#)

There were thirteen prosecutions in 2018–19, eleven of which resulted in convictions. This is the highest number of cases prosecuted since we started reporting on “stirring up hatred”.

### Activities undertaken this year

Whilst the overall number of cases of stirring up hatred prosecuted remains low, this year has seen another significant spike in comparison with previous years. Despite this the conviction rate remains high with only one suspect acquitted and one case discontinued following the suspect’s death. The CPS Counter Terrorism Division continues to work closely with specialist police teams to effectively tackle organised extremism and to ensure that good practice and lessons learnt are shared effectively.

### Future priorities

Two recent trends are the growing threat from Right Wing extremism reported by counter terrorism

police and spikes in incidents of hate crime, possibly linked to Brexit. These are expected to significantly influence referrals to the CPS over the next 12 months and numbers of cases referred to the Counter Terrorism Division are consequently anticipated to remain high. The division is investing in joint training with specialist police teams to ensure that all lawyers on the division maintain, and have, appropriate understanding of emerging groups and ideologies.

### Stirring up hatred

In the aftermath of last year's terrorist attacks in London and Manchester there was significant public concern about a rise in associated hate crime against Muslim and other minority communities. This was reflected in an increase in the number of cases referred to the Counter Terrorism Division in relation to offences of inciting racial or religious hatred. A year on, and many of those cases have now successfully concluded with significant custodial sentences.

In response to the London Bridge and Borough Market attacks, Ian Evans posted messages on a Facebook community page known as 'The Shrewsbury Group'. In that message he urged people to 'fight back', to 'hunt and kill Muslims' and invited people to attend a protest march at the local mosque on 5 June 2017. Following a guilty plea to two offences of inciting religious hatred he was sentenced to nine months imprisonment.

Peter John Tovey posted a number of threatening messages on Facebook targeting Muslims and foreigners. On 4 and 5 June 2017 he posted messages which **said**, amongst other things, 'We need a revolution, we need to take to the streets and fight back'. He entered guilty pleas to an offence of inciting racial hatred and two offences of inciting religious hatred and was sentenced on 27 March 2018 to a total of 15 months' imprisonment.

In response to the bombing in Manchester on 22 March 2017, Keegan Jakovlevs posted messages on Facebook inviting his readers to kill every Muslim they see. Following a guilty plea to an offence of inciting religious hatred he was sentenced to 12 months' imprisonment. Two weeks later on the night of the tribute concert Andrew Emery published a number of posts on his public Facebook account targeting the Muslim community. On 4 June 2017, he invited serial killers and murderers to target the Muslim community and invited his readers to burn down mosques. He pleaded guilty to three offences of inciting religious hatred and was sentenced to two years' imprisonment. The judge commented that freedom of speech is not an absolute right, and does not extend to words intending to spread religious hatred.

## Crimes against older people

### Context

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. The CPS applies a CAOP flag to cases on the CPS digital case management system. Changes have recently been made to the CPS flagging definition of CAOP and the detail is covered in the section below. However, during 2018-19, the following flagging criteria applied:

- 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 older 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.

### Key CPS data and analysis

[Link here to the full data for crimes against older people in the report section.](#)

- The number of pre-charge decisions decreased from 3,389 in 2017-18 to 3,043, a decrease of 346 (10.2%).
- The number of completed prosecutions fell from 3,295 in 2017-18 to 2,958 – a decrease of 337 or 10.2%.
- The conviction rate decreased from 83.6% in 2017-18 to 81.5% in 2018-19.

## Activities undertaken this year

- The CPS worked with stakeholders and held a public consultation to revise our policy guidance on Crimes Against Older People. The revised [policy guidance](#) was published alongside revised [legal guidance for prosecutors](#).
- The main change to the CPS policy and legal guidance is a revised flagging definition for Crimes Against Older People for our case management system. The new flagging definition is:

*“Where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim’s vulnerability through age or presumed vulnerability through age.”*

- HMICFRS and HMCPSI published a joint report into the work of the police and the CPS in relation to Crimes Against Older People. The inspectorate highlighted some key issues regarding our flagging and monitoring of Crimes Against Older People which we had previously identified and updated as part of the refresh of our policy and legal guidance. They also pointed out the need for increased awareness and consideration of the needs of older victims and witnesses. The report also noted that we had correctly charged every case that was inspected.

## Future priorities

- The CPS accepted all the recommendations made in the HMICFRS and HMCPSI report and will work to ensure better support for victims and witnesses as well as working with the policing lead to ensure a more joined up approach to Crimes Against Older People.

### Crimes against older people

The offender adopted a variety of aliases and pretended to be a qualified medical doctor, a nurse, an occupational therapist, a physiotherapist, an osteopath and a chiropractor. She deliberately targeted elderly people and persuaded them to engage her bogus services for payment. The offender also pretended to be a masseuse and falsely acted as a ‘home help’. She gave her elderly victims her own prescription medication without any regard for, or knowledge of, their medical histories.

Following conviction for seven counts of fraud by false representation and three counts of supplying a prescription only medicinal product, the CPS successfully sought a Criminal Behaviour Order which included conditions prohibiting the offender from advertising, providing or performing care services for reward or otherwise. The Judge additionally imposed a restraining order for the protection of the specific victims targeted by the offender.

# 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

## Explaining CPS data

The Crown Prosecution Service (CPS) collects data for case management purposes in order to assist in the effective management of its prosecution functions. The CPS continually reviews 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.<sup>3</sup>

The data in this report sets out hate crime case outcomes, based on the best available data from the CPS Management Information System. Explanatory notes are provided throughout the report to assist with the interpretation of the data.

Further information and a deeper analysis of the prevalence of hate crime is available in the [Crime Survey for England and Wales](#) and from the Home Office and Ministry of Justice where available.

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 is held within three separate databases within the MIS<sup>4</sup>, based on defendants, offences and complainants or witnesses. Data cannot be correlated between the separate databases<sup>5</sup>.

Hate crime cases are identified by flags manually applied to defendants in the CMS<sup>6</sup> and reported through the MIS. This data is recorded on a 'suspect' (pre-charge) or 'defendant' (post-charge) basis and therefore provides data on pre-charge decisions and charged suspects as well as defendant outcomes. In addition, it provides the facility to record equality profiles of defendants.<sup>7</sup> We analyse the outcomes of prosecutions using the defendant database and therefore this report reflects that throughout.

The WMS is a bespoke case management system designed by and for specialist Witness Care Unit (WCU) staff to effectively manage their cases. The WMS records and witness data and, where recorded, the system includes data reporting equality profiles of complainants (and witnesses). The WMS can only provide data on the *volumes* of complainants associated with prosecution proceedings,

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<sup>3</sup> The official statistics relating to crime and policing are maintained by the Home Office and Office for National Statistics 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.

<sup>4</sup> 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.

<sup>5</sup> This report mainly 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 sex of the defendant with the sex of the victim.

<sup>6</sup> The CPS maintains a central record of prosecution outcomes with reference to a number of case monitoring flags, including DA, rape, forced marriage, so-called 'honour-based' abuse, child abuse and human trafficking. These flags are applied to cases identified as involving these types of offences by Area staff. The data that is produced is primarily used for monitoring performance and is accurate only to the extent that the flag has been correctly applied.

<sup>7</sup> Equality profiles of defendants include data on their sex, age and ethnicity.

by sex (where available), rather than the *outcome* of those prosecutions. It does not include any data which reports the volumes of alleged complainants associated with pre-charge proceedings and therefore cannot include data on pre-charge decisions and CPS charging.

Equality profiles of defendants, by sex, ethnicity and age are assessed and reported on in this section of the report. Data on the equality profiles of complainants/victims are reported where available and we continue to look for ways in which to improve the complainant related data held in the CJS.

Sentence uplift data relates to the proportion of all convicted cases flagged as hate crimes where a sentence uplift has been both announced in court and recorded on the CPS file.

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.

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 this approach.

It cannot be expected that a sentencing uplift will follow in each conviction that has been flagged as a hate crime. Hate crime cases are flagged on a perception basis. However, in order to prosecute cases as hate crimes, and obtain an announced and recorded sentence uplift, there needs to be evidence of hostility. This means that there may be some cases that have been properly flagged but it is considered that there is insufficient evidence to prove the aggravating feature required for the uplift and, although the prosecution overall was successful, it was not possible to ask for the uplift.

There may also be some cases where an application for an uplift is presented to the court by the prosecution after conviction for an offence but the court makes a judicial decision that the provisions do not apply.

It is CPS policy not to remove the flag from a case file unless it has been added by administrative error.

As a result, whilst we maintain our commitment to improving uplift figures, we do not anticipate this figure will ever reach 100%.

In line with government policy, we publish the underlying data used in our reports. The [underlying data for this report](#) can be found on the CPS website, in the Publications section.<sup>8</sup>

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<sup>8</sup> Data is reported throughout this report; any additional underlying data is provided on the CPS website.

This will be the last CPS Hate Crime Report of this type. In 2019-20 we will move to reporting data on a quarterly basis, thereby providing the most up-to-date management data more speedily. A brief annual report will also be provided at the end of the financial year.

### Terminology explained

The [Glossary](#) provides more detailed definitions of the terms used below. The table provides a brief summary to explain the pre-charge data terms.

Term used	Explanation
Pre-charge receipts	The total of suspects referred by the police to the CPS for a charging decision.
Pre-charge decisions	<p>Of all the suspects referred by the police, pre-charge decisions are those where CPS has completed making a decision on whether to charge, take no further action, recommend an out of-court-disposal, administratively finalise or 'other'<sup>9</sup>.</p> <p><b>Pre-charge legal decisions</b> include: charge, take no further action or recommend and out of court decision.</p> <p><b>Pre-charge non-legal decisions</b> include: administratively finalised and 'other'.</p>
Administratively finalised	<p>Administratively finalised decisions are not legal decisions and may not be the end of the case. CPS may ask the police to provide further information where there is insufficient evidence to make a charging decision, or the police are requesting early investigative advice. If the police do not respond within three months, following reminders, the case is closed on CMS. This is known as an 'administrative finalisation'.</p> <p>If the police provide additional evidence, the case is reopened in CMS and, if possible, a charging decision is made.</p> <p>Cases where the CPS have advised the police to charge but the suspect has not been charged, due to the suspect not answering police bail or being located, will also be administratively finalised. If the suspect is subsequently located and charged the case is reopened in CMS.</p>
NFA	NFA decisions are where CPS has decided that no further action should be taken; the case cannot proceed to charge as it does not

<sup>9</sup> 'Other' is when the result of the charging decision is not known or has not been given for that suspect.

	meet the Code for Crown Prosecutor test, for either evidential or public interest reasons.
Charged	Charging decisions are where CPS is satisfied that the legal test for prosecution, set out in the Code for Crown Prosecutors is met: there is enough evidence to provide a 'realistic prospect of conviction' against each defendant and the prosecution is in the public interest.

### Police receipts and pre-charge decisions

Prior to 2018-19, the data on 'pre-charge decisions' completed by the CPS was reported as 'police referrals' in the Hate Crime report. This 2018-19 report uses different terminology to clarify the data. It provides two sets of data - (i) 'pre-charge receipt' of cases – the number of suspects referred to the CPS by the police for a charging decision and (ii) 'pre-charge decisions completed by the CPS' (previously called 'police referrals') which is a CPS decision on whether to charge, take no further action, recommend an out of court decision, administratively finalise or 'other.'<sup>[1]</sup>

The number of **pre-charge receipts referred by the police** relies on (a) the police identifying and flagging the cases, by suspect, prior to being referred to CPS and (b) CPS administrators identifying and flagging those cases on the CPS Casework Management System, when they are first registered.

The volume of **pre-charge decisions completed by the CPS** will be a total of those referred by the police (flagged by the police and CPS at registration) together with any flagged by CPS prosecutors and administrators at a later date, but before the final pre-charge decision is completed.

The total pre-charge decisions data will be based on the date the charging advice was completed and provided to the police. Therefore, 2018-19 data may include pre-charge decisions on cases referred by the police to the CPS in 2018-19, 2017-18 or earlier. This explains why the volumes of pre-charge decisions are larger than the volume of pre-charge receipts, within the same time period

## Hate crime governance

In 2018-19, Chris Long, Chief Crown Prosecutors, acted as CPS Hate Crime Champion, linking Headquarters and all CPS Areas, as well as meeting with the External Consultation Group (see below). Chris has now also been appointed as the Champion for Crimes Against Older People.

National CPS hate crime policy leads, 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.

<sup>[1]</sup> 'Other' is when the result of the charging decision is not known or has not been given for that suspect.

In 2018-19, CPS Area Hate Crime Coordinators (HCC's) 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. In 2018-19, CPS Cymru-Wales also held an LSIP focusing on Crimes Against Older People.

The HCC's were responsible for implementing the national hate crime assurance regime and worked with their Area Chief Crown Prosecutors in providing reports on performance to the Directors of Legal Services of Public Prosecutions (DLS). HCC Network Conferences were held in June 2018 and December 2018 to discuss common challenges and share best practice.

In 2018–19, the CPS held the first meeting of the national Hate Crime External Consultation Group (ECG) which involves key hate crime expert individuals and groups who advise the CPS on policy and practice. Locally, stakeholders provide feedback and offer advice on CPS casework and performance through CPS LSIPs.

## Hate Crime Assurance Scheme

In 2018-19, CPS Areas continued to monitor their performance using the updated Hate Crime Assurance Scheme and nationally agreed Organisational Risks, assessing a range of measures across each hate crime strand and stakeholders. This involved detailed analysis of pre-charge receipts; pre-charge decisions including charging, NFA and administrative finalisation; prosecution outcomes; attrition linked with complainant issues as well as evidence, announcement and recording of sentence uplift. Local trends in comparison to the national average were also considered. Following assessment of a broad range of measures, CPS Areas prepared commentaries on their overall assessment and identified actions to address issues identified, as needed.

The Hate Crime Assurance Scheme is just one part of a wider regime of quality assurance exercises undertaken across the organisation. For example, a similar scheme is set up to assess a range of measures related to VAWG. In addition, work is underway to improve the recording of the equalities profile of complainants in order to provide better data around the prevalence of these crimes by complainant profile.

## Inclusion and Community Engagement strategy

In May 2018, the [Inclusion and Community Engagement strategy](#) was published. We are committed to engaging communities locally through hate crime Local Scrutiny and Involvement Panels and nationally through the hate crime External Consultation Group. CPS Areas have also embarked on a series of 'Community Conversations'<sup>10</sup> with a number of hate crime stakeholders to improve their understanding

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<sup>10</sup> Led by senior leaders in each Area, 'Community Conversations' provide a mechanism for the CPS to engage with 'seldom heard' communities. They enable members of communities to share their concerns. They also allow the CPS to explain their role in the criminal justice system including: how decisions to prosecute cases are made, the Victims' Right to Review and the special measures that are available to vulnerable and intimidated victims and witnesses.

of the issues and concerns of those impacted by hate crime from 'seldom heard'<sup>11</sup> communities.

All CPS Areas have conducted a preliminary stakeholder mapping exercise. The exercise includes the identification of additional hate crime stakeholders with a view to identifying additional opportunities for partnership working with statutory and non-statutory organisations.

## Social media

In 2018-19, the CPS worked with Department for Digital, Culture, Media and Sport (DCMS), the Home Office and other government departments in the lead up to the publication of the Online Harms White Paper. The White Paper consultation was launched in April 2019 and sets out the Government's plans for a package of measures, both legislative and non-legislative, to keep UK users safe online.

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<sup>11</sup> 'Seldom heard' is a term used to describe groups who may experience barriers to accessing services or are under-represented in decision making

## Hate crime data

[Link back to the main section on hate crime.](#)

Data provided below relates to all hate crime flagged defendants, and complainants. The underlying data for this section of the report can be found in the hate crime section of the data on the [CPS website](#).

In 2018-19, there was a fall of 12.5% in pre-charge decisions compared to the previous year, from 13,518 to 11,826. There was an increase in the proportion of cases charged from 78.9% the previous year to 80.0%, resulting in 9,459 suspects being charged.

**Table 1: Percentage of pre-charge decision outcomes completed by the CPS 2014-15 to 2018-19**

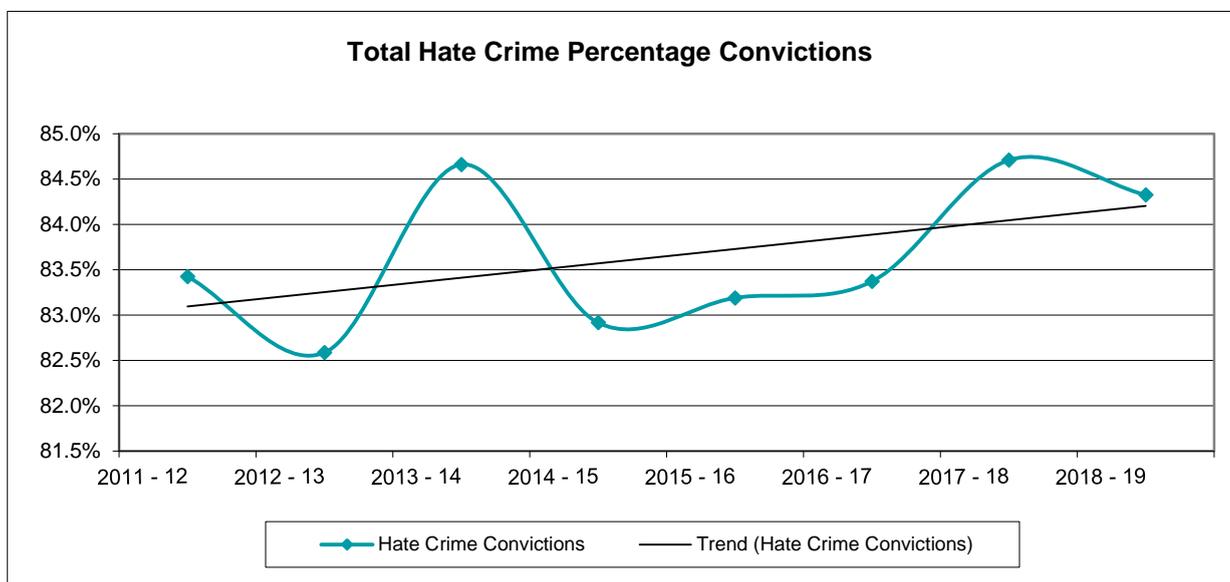
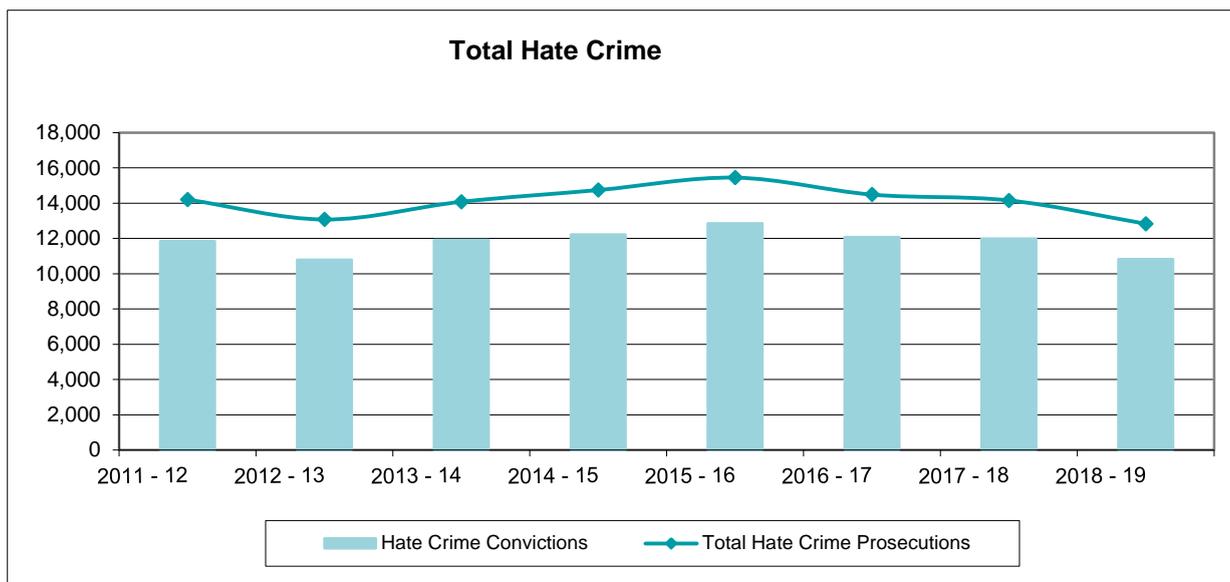
This table reports a slight increase in the proportion of cases which were Administratively Finalised since 2016-17. In relation to Legal Decisions, the proportion of cases which were charged has increased slightly since 2015-16.

	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
Legal (substantive) Decisions	93.8%	92.4%	95.3%	90.2%	91.0%
Charged (% of Legal Decisions)	84.2%	84.5%	86.2%	87.5%	87.9%
<i>No Prosecution (% of Legal Decisions)</i>	14.4%	14.4%	12.8%	11.5%	11.3%
Out of Court Disposal (% of Legal Decisions)	1.4%	1.1%	0.5%	1.1%	0.9%
Administratively Finalised	6.1%	7.5%	4.6%	9.8%	8.9%
Other	0.1%	0.1%	0.1%	0.0%	0.1%

The volume of cases flagged as hate crime which were completed in 2018-19 fell from 14,151 in 2017-18 to 12,828. This represents a fall of 1,323 or 9.3%.

**Table 2: Completed hate crime prosecutions by outcome**

	2013-14		2014-15		2015-16		2016-17		2017-18		2018-19	
	Vol	%										
Convictions	11,915	84.7%	12,220	82.9%	12,846	83.2%	12,072	83.4%	11,987	84.7%	10,817	84.3%
Non-convictions	2,159	15.3%	2,518	17.1%	2,596	16.8%	2,408	16.6%	2,164	15.3%	2,011	15.7%
<b>Total</b>	<b>14,074</b>		<b>14,738</b>		<b>15,442</b>		<b>14,480</b>		<b>14,151</b>		<b>12,828</b>	



- The volume of convictions fell by 9.8% from 11,987 in 2017–18 to 10,817 in 2018-19, and the conviction rate remained steady at 84.3%. This compares with the average CPS conviction rate of 83.7% in 2018-19.
- The conviction rate has risen from 81.9% in 2009–10 to 84.3% in 2018–19.
- 76.1% of all prosecution outcomes were due to guilty pleas. This indicates that the quality of our casework and the strength of evidence which we present to the courts remains high. This compares with the rate of guilty pleas across all offences of 76.7%.
- Out of all prosecutions flagged as hate crime which were contested at trial (excluding mixed pleas.<sup>12</sup>), 67.6% were convicted, this compares with a rate of 66.5% in 2017-18 and with the national rate for all offences of 61.7%.
- 2,011 prosecutions did not result in a conviction – 8.8% due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence), a slight increase from 8.0% in 2017–18.

<sup>12</sup> Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

- Out of all non-convictions, 26.7% were due to complainant issues<sup>13</sup>, a fall from 27.9% in 2017–18. This reflects the actions taken locally to put in place requisite support measures for victims.
- In 2018–19, the proportion of non-convictions due to acquittal after trial represented 22.3% (449) of all non-convictions, a fall from 26.7% (578) in 2017–18.
- 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 2018–19, the proportion of convictions including an announced and recorded sentence uplift increased to 73.6% from 67.1% in 2017–2018. In line with the fall in convictions noted above, the volume of sentence uplifts fell to 7,620 from 7,784 in 2017–18.
- 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 2018-19 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	
	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19
Homicide	0.6%	0.0%	0.3%	0.1%	0.1%	0.0%
Offences against Person	48.1%	53.5%	56.2%	60.0%	86.8%	88.5%
Sexual offences	3.2%	3.4%	0.6%	0.4%	0.1%	0.2%
Burglary	7.2%	3.9%	0.3%	0.2%	0.3%	0.2%
Robbery	9.7%	6.9%	1.2%	0.6%	0.5%	0.3%
Theft and handling	8.0%	8.8%	1.7%	1.7%	1.1%	0.9%
Fraud and forgery	9.3%	5.4%	0.2%	0.4%	0.1%	0.1%
Criminal damage	1.4%	3.0%	4.6%	3.4%	2.2%	2.2%
Drugs offences	0.7%	1.3%	1.5%	2.2%	0.4%	0.5%
Public order offences	11.1%	11.8%	32.8%	29.7%	7.9%	6.5%

## 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.

<sup>13</sup> Non-convictions where a victim retracts, unexpectedly fails to attend court or their evidence does not support the case

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.

Discussions have taken place with the NPCC lead on hate crime to identify explanations for this fall. The data from 2018-19 suggests that improvements have been made. 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 2018-19, of the 12,828 defendants prosecuted, 10,441 defendants were male, 2,348 were female and in 39 cases the gender was not recorded. Where the gender of the defendant was recorded, 81.6% were male and 18.4% female, an increase in female defendants from 17.7% in the previous year.
- For victim data, the Witness Management System recorded 12,051 victims. Of all victims, 6,433 (53.4%) were male, 4,025 (33.4%) were female and in 1,593 (13.2%) cases the gender was not recorded. The recording of victim gender increased from 71.9% in 2017–18 to 86.8%.

### Ethnicity

- In 2018–19, 57.9% of defendants in hate crime flagged cases were categorised as White (a fall from 64.5% in 2016–17), with 52.6% being identified as belonging to the White British category. 6.4% of defendants were identified as Black, a fall from 7.1% the previous year, and 4.5% were identified as Asian, a slight fall from 4.9% the previous year.<sup>14</sup>
- 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 (72.2%) and 18–24 (16.7%). 24.2% of defendants (3,097) were aged 24 and under, with 833 (6.5%) of defendants being 14–17 years old and 127 (1.0%) aged 10–13.
- From those victims where age was recorded<sup>15</sup>, the majority were aged 25–59 (76.7%) and 18–24 (13.9%). 17.5% of victims (1,955) were 24 years old and under, with 310 (2.8%) of victims being 14–17 years old, 88 (0.8%) aged 10–13 and 6 under 10 (0.1%).

<sup>14</sup> 17.7% of defendants did not state an ethnicity on arrest (a rise since 2017–18 of 6.3ppt) and 10.4% of defendants' ethnicity was not provided to the CPS by the police (a rise since 2017–8 of 1.5ppt).

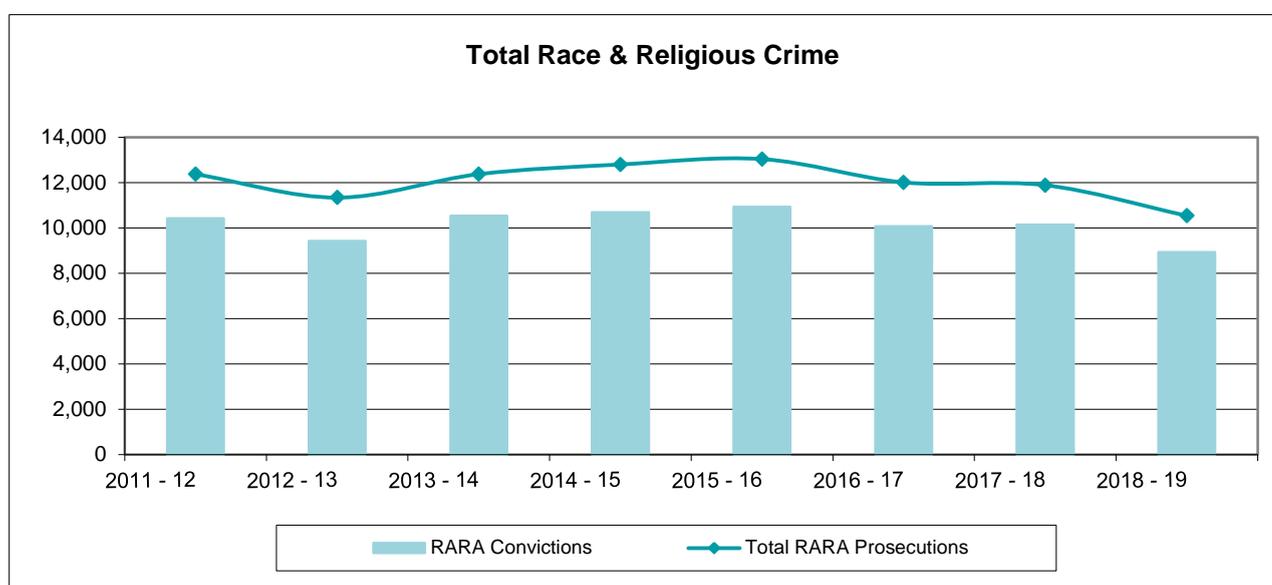
<sup>15</sup> 92.9% of victim ages were recorded in 2018-19 – the same as 2017-18.

## Race and religion

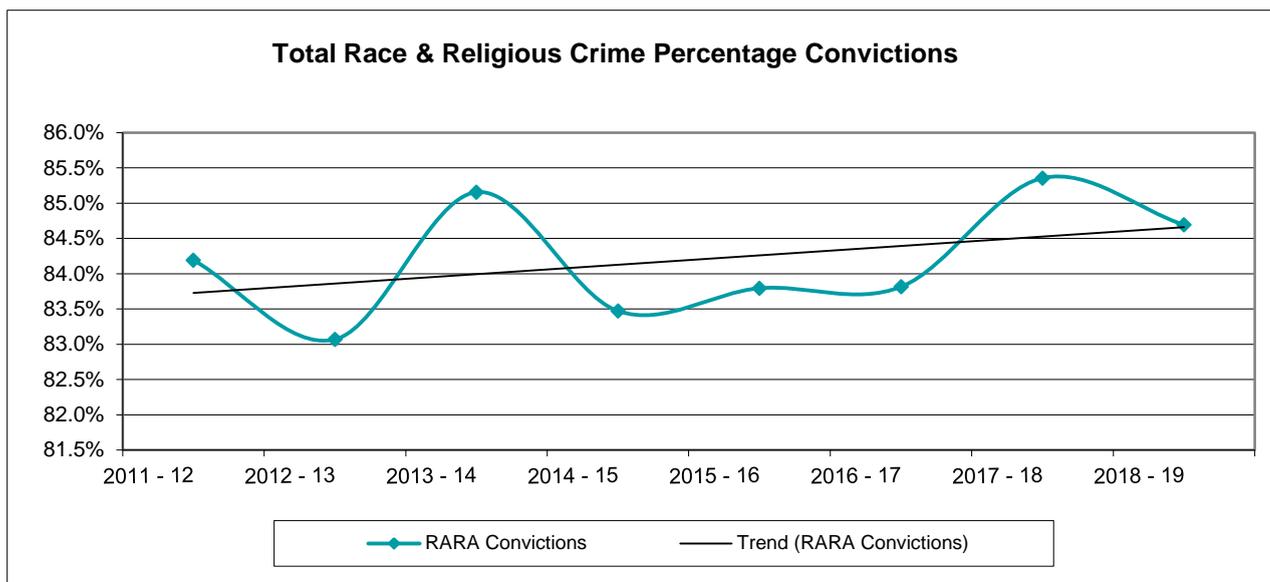
- The volume of racially and religiously aggravated hate crime pre-charge decisions fell from 11,200 in 2017–18 to 9,654, a fall of 1,546 referrals (13.8%). Of these, 80.5% were charged (up from 79.6% in the previous year) resulting in 7,767 suspects charged (a fall of 12.9% from 2017–18).
- The volume of prosecutions<sup>16</sup> completed fell from 11,881 in 2017-18 to 10,536 in 2018-19 a fall of 1,345 defendants (11.3%).
- There are variations between racially aggravated and religiously aggravated crimes which are outlined in the sections below.

**Table 4: Completed prosecutions by outcome for racially and religiously aggravated offences**

	2013–14		2014–15		2015–16		2016–17		2017–18		2018-19	
	Vol	%										
Convictions	10,532	85.2%	10,680	83.5%	10,920	83.8%	10,061	83.8%	10,141	85.4%	8,923	84.7%
Non-convictions	1,836	14.8%	2,115	16.5%	2,112	16.2%	1,943	16.2%	1,740	14.6%	1,613	15.3%
<b>Total</b>	<b>12,368</b>		<b>12,795</b>		<b>13,032</b>		<b>12,004</b>		<b>11,881</b>		<b>10,536</b>	



<sup>16</sup> Note the numbers of defendants charged covers those cases, by suspect, *forwarded* to CPS during 2018–19 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2018–19.



- The volume of convictions fell from 10,141 in 2017-18 to 8,923 in 2018-19, a fall of 1,218 convictions (12.0%). The conviction rate fell slightly from 85.4% in 2017-18 to 84.7%. This compares with the combined average for all CPS convictions which stood at 83.7% in 2018-19.
- The conviction rate has risen from 82.4% 2009-10 to 84.7% in 2018-19.
- In 2018-19, guilty pleas remained steady at 76.4%. There were also 69.8% convictions out of all prosecutions flagged as racially and religiously aggravated contested at trial (excluding mixed pleas), compared to 68.3% in the previous year<sup>17</sup>.
- In 2018-19, the proportion of non-convictions due to complainant issues was 26.6% (429), an improvement on 27.4% (477) in 2017-18.
- In 2018-19, the proportion of non-convictions due to acquittal after trial was 20.6% (332), an improvement on 25.7% (447) in 2017-18.
- 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 2018-19, the proportion of successfully concluded prosecutions including an announced and recorded sentence uplift increased to 76.3% from 69.9% in 2017-2018. In line with the fall in convictions noted above, the volume of sentence uplifts fell to 6,529 from 6,864 in 2017-18.

## Equalities issues

### Gender

- In 2018-19 of the 10,536 defendants prosecuted, 8,573 defendants were male, 1,934 were female and in 29 (0.3%) cases, the gender was not recorded. Where the gender of the defendant was recorded, 81.6% were male and 18.4% female, a slight increase in female defendants from 17.7% in the previous year.
- For victim data, the Witness Management System recorded 9,973 victims. Of all victims, 5,395 (54.1%) were male, 3,222 (32.3%) were female and the gender was not recorded for 1,356 (13.6%) victims. The recording of victim gender improved from 70.4% in 2017-18 to 86.4% and the data is therefore robust enough to calculate proportions by gender, accurately.

<sup>17</sup> Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues

## Ethnicity

- In 2018–19, 57.2% of defendants in cases flagged as racially and religiously aggravated were categorised as White (a fall from 64.4% in 2017–18), with 51.8% being identified as belonging to the White British category; 6.6% of defendants were identified as Black, down from 7.2% in 2017-18; and 4.8% were identified as Asian, a slight fall from 5.1% the previous year<sup>18</sup>.
- Victim ethnicity is still not recorded in 45.6% of cases 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 (72.6%) and 18–24 (16.7%). 23.8% of defendants (2,504) were aged 24 and under, with 643 (6.1%) of defendants being 14–17 years old and 106 (1.0%) aged 10–13.
- From those victims where age was recorded, the majority were aged 25-59 (78.4%) and 18-24 (13.3%). 16.6% of victims (1,540) were 24 years old and under, with 235 (2.5%) of victims being 14–17 years old, 71 (0.8%) aged 10–13 and 4 under 10 (0.0%).

## Racially aggravated crimes

- In 2018–19, there was a fall of 13.2% in pre-charge decisions compared to the previous year, from 10,472 to 9,088. There was a slight increase in the proportion of cases charged from 79.7% to 80.9%, resulting in 7,348 suspects charged.

**Table 5: Percentage of pre-charge decision outcomes completed by the CPS 2014-15 to 2018-19**

This table reports a slight increase in the proportion of cases which were Administratively Finalised since 2017-18. In relation to Legal Decisions, the proportion of cases which were charged has decreased slightly since 2017-18.

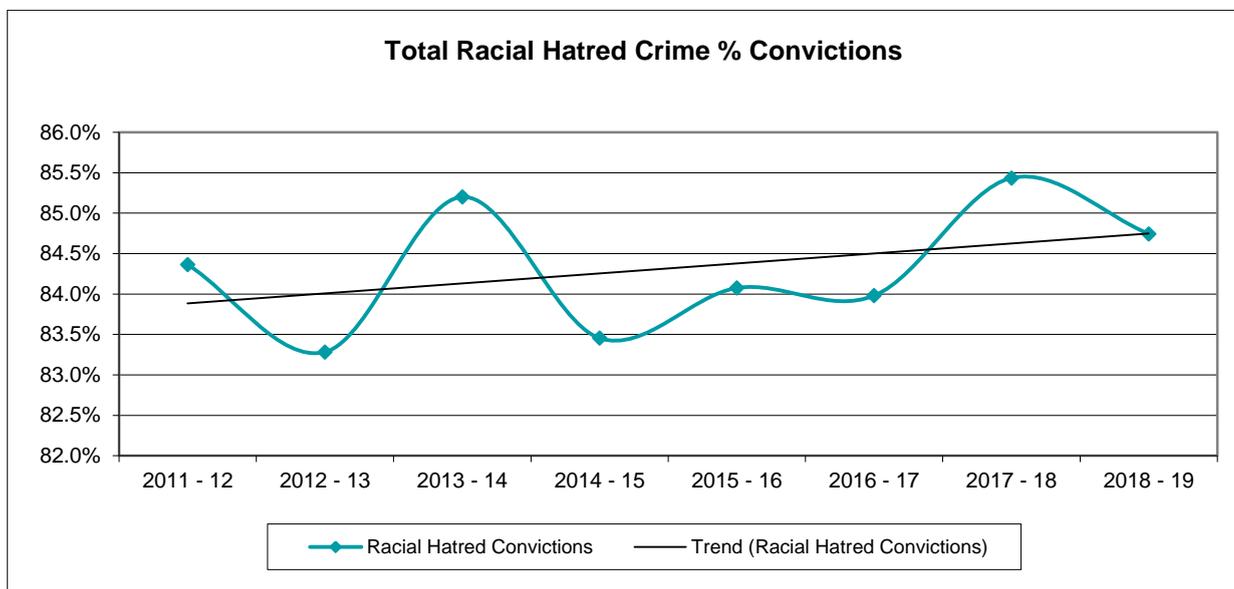
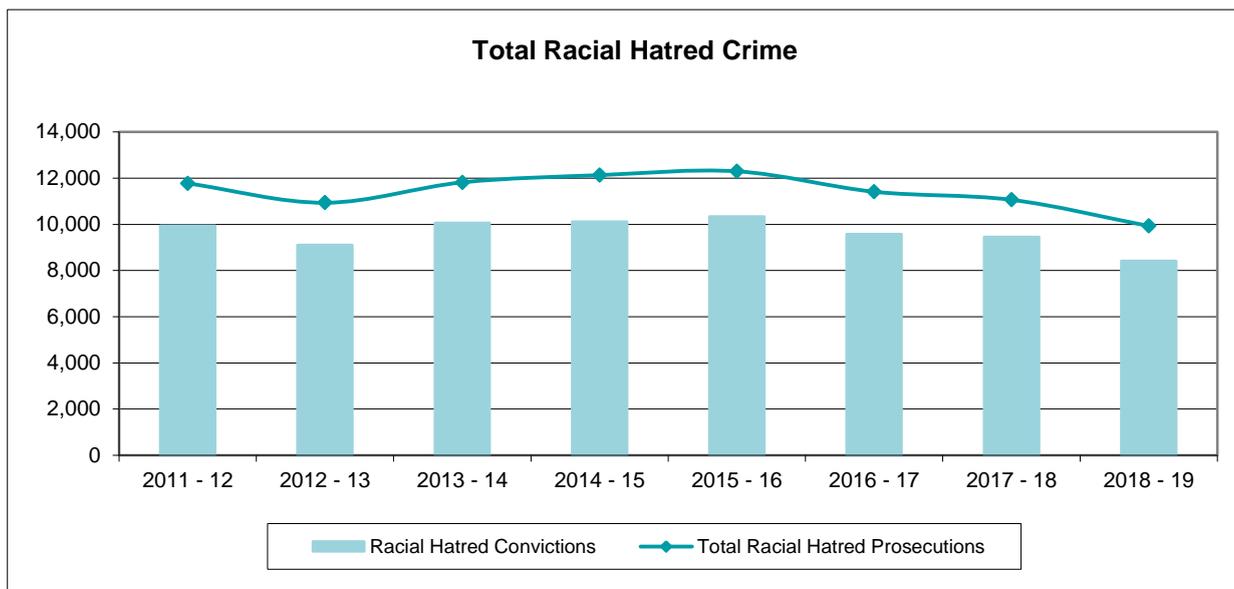
	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
Legal (substantive) Decisions	93.6%	92.4%	95.5%	90.0%	91.2%
Charged (% of Legal Decisions)	85.1%	85.5%	87.0%	88.5%	88.6%
<i>No Prosecution (% of Legal Decisions)</i>	<i>13.4%</i>	<i>13.4%</i>	<i>12.0%</i>	<i>10.4%</i>	<i>10.6%</i>
Out of Court Disposal (% of Legal Decisions)	1.5%	1.1%	1.0%	1.1%	0.8%
Administratively Finalised	6.4%	7.6%	4.5%	10.0%	8.7%
Other	0.1%	0.0%	0.0%	0.0%	0.1%

- The volume of prosecutions completed fell from 11,061 in 2017-18 to 9,931. This represents a fall of 1,130 or 10.2%.

<sup>18</sup> 17.6% of defendants did not state an ethnicity on arrest (a rise since 2017–18 of 6.3ppt) and 10.6% of defendants' ethnicity was not provided to the CPS by the police (a rise since 2017–18 of 1.8 ppt).

**Table 6: Completed prosecutions by outcome for racially aggravated offences**

	2013–14		2014–15		2015–16		2016–17		2017–18		2018-19	
	Vol	%	Vol	%								
Convictions	10,069	85.2%	10,123	83.5%	10,337	84.1%	9,583	84.0%	9,450	85.4%	8,416	84.7%
Non-convictions	1,749	14.8%	2,007	16.5%	1,958	15.9%	1,828	16.0%	1,611	14.6%	1,515	15.3%
<b>Total</b>	<b>11,818</b>		<b>12,130</b>		<b>12,295</b>		<b>11,411</b>		<b>11,061</b>		<b>9,931</b>	



- The volume of convictions fell by 10.9% from 9,450 in 2017-18 to 8,416 in 2018-19, with the conviction rate falling to 84.7% from 85.4% in 2017-18.
- The conviction rate has risen significantly from 82.4% in 2009–10 to 84.7% in 2018-19.
- In 2018-19, 76.5% of all prosecution outcomes convictions were due to guilty pleas and out of all racially aggravated prosecutions contested at trial (excluding mixed pleas) 69.6% were convicted compared to 68.3% in 2017-18.
- 1,515 prosecutions did not result in a conviction, 8.5% due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence), an increase from 7.5% in 2017–18.
- Of all non-convictions, 26.7 % were due to complainant issues, a fall from 27.6% in 2017–18.
- In 2018–19, the proportion of non-convictions due to acquittal after trial represented 20.8% (315) of all non-convictions, a significant fall from 25.3% (408) in 2017–18.
- In 2018–19, there were announced and recorded sentence uplifts in 76.3% of cases, a rise from 69.9% in 2017–18.

## Religiously aggravated crimes

- In 2018–19, there was a fall in pre-charge decisions compared to the previous year, from 728 to 566, an fall of 22.3%. There was a fall in the proportion of cases charged from 78.4% in 2017-18, to 74.0% in 2018-19, resulting in 419 suspects charged (a fall of 152 suspects from 2017–18).

**Table 7: Percentage of pre-charge decision outcomes completed by the CPS 2014-15 to 2018-19**

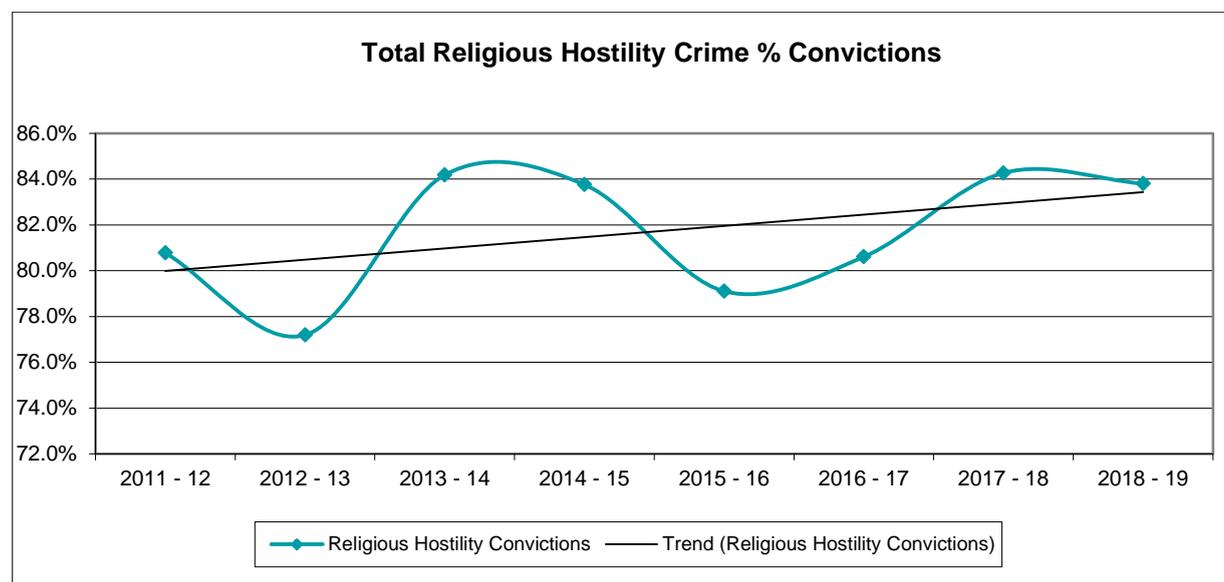
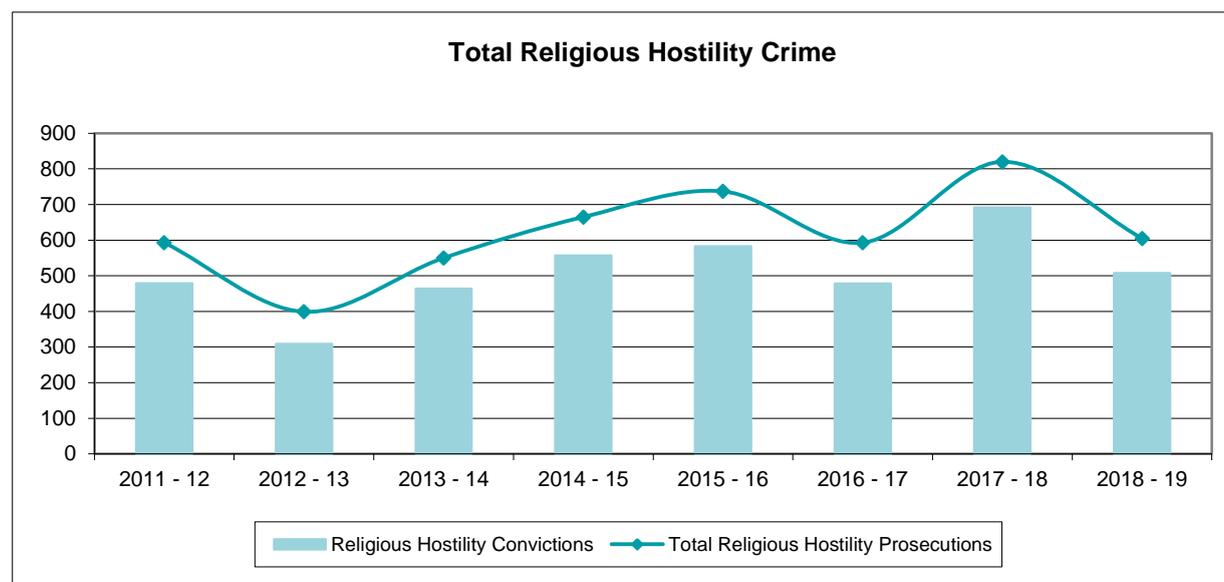
This table reports a slight increase in the proportion of cases which were Administratively Finalised since 2016-17. In relation to Legal Decisions, the proportion of cases which were charged has decreased since 2016-17.

	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
Legal (substantive) Decisions	93.7%	93.4%	95.1%	92.3%	89.9%
Charged (% of Legal Decisions)	81.2%	83.7%	87.4%	85.0%	82.3%
<i>No Prosecution (% of Legal Decisions)</i>	<i>17.8%</i>	<i>15.0%</i>	<i>12.4%</i>	<i>14.3%</i>	<i>16.1%</i>
Out of Court Disposal (% of Legal Decisions)	1.0%	1.3%	0.2%	0.7%	1.6%
Administratively Finalised	6.1%	6.5%	4.9%	7.6%	10.1%
Other	0.2%	0.2%	0.0%	0.1%	0.0%

- The volume of completed prosecutions flagged as religiously aggravated fell from 820 in 2017-18 to 605 in 2018-19. This represents a fall of 215 or 26.2%.

**Table 8: Completed prosecutions by outcome for religiously aggravated offences**

	2013–14		2014–15		2015–16		2016–17		2017–18		2018-19	
	Vol	%										
Convictions	463	84.2%	557	83.8%	583	79.1%	478	80.6%	691	84.3%	507	83.8%
Non-convictions	87	15.8%	108	16.2%	154	20.9%	115	19.4%	129	15.7%	98	16.2%
<b>Total</b>	<b>550</b>		<b>665</b>		<b>737</b>		<b>593</b>		<b>820</b>		<b>605</b>	



- The volume of convictions fell 26.6% from 691 in 2017–18 to 507 in 2018–19, with a lower conviction rate of 83.8% down from 84.3% in 2017–18.
- The conviction rate has risen slightly from 83.2% 2009–10 to 83.8% in 2018–19.

- In 2018-19, 74.9% of defendants pleaded guilty and out of all prosecutions contested at trial (excluding mixed pleas), 72.2% were convicted compared with 68.1% the previous year.
- The proportion of cases failing due to complainant issues accounted for 24.8% (32) of all non-convictions in 2017–18. In 2018–19, the figure had fallen to 24.5% (24). Caution is needed with such small numbers.
- In 2018–19, the proportion of non-convictions due to acquittal after trial represented 17.3% (17) of all non-convictions, a fall from 30.2% (39) in 2017–18.
- In 2018–19, the proportion of religiously aggravated cases resulting in a conviction with an announced and recorded sentence uplift was 76.1%, a rise from 69.2%, in 2017-18.

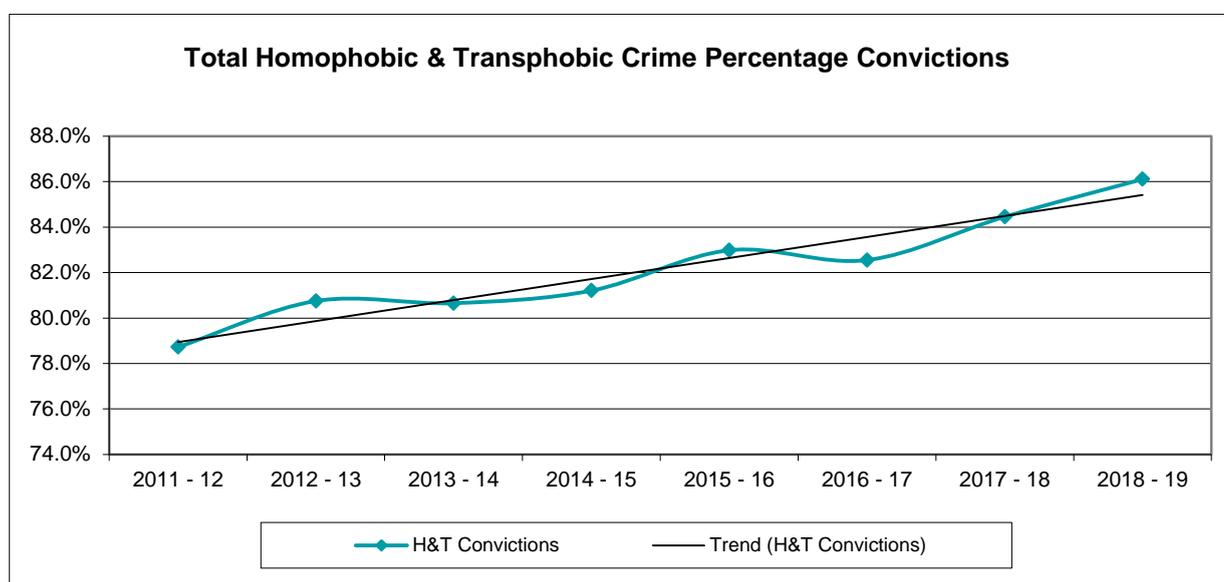
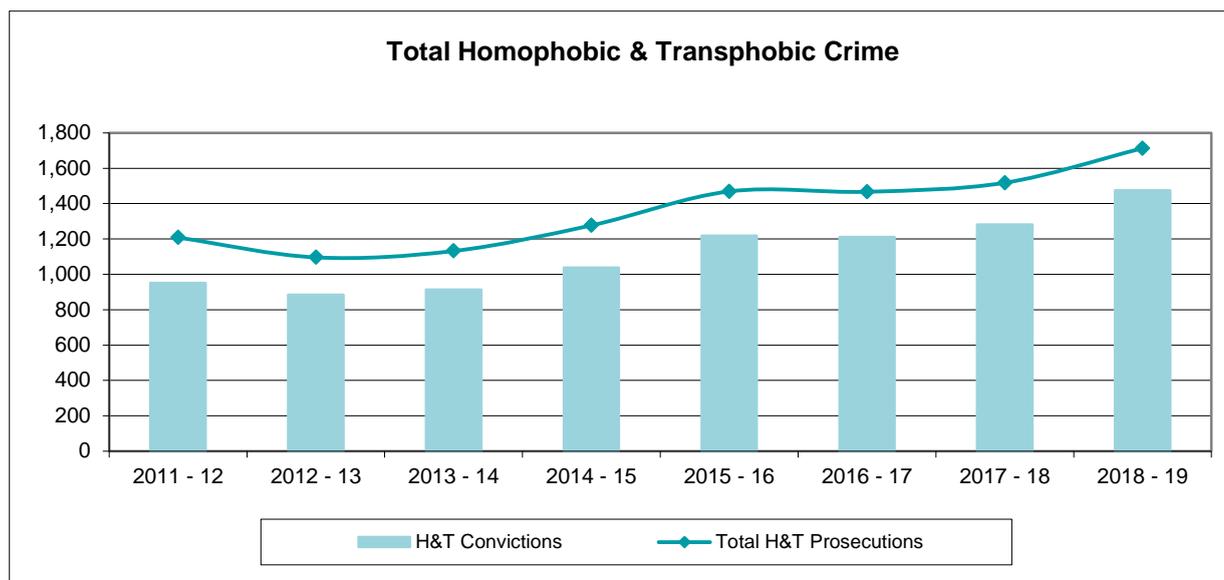
## Homophobic, biphobic and transphobic hate crime

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 pre-charge decisions increased to 1,656 compared with 1,564 in 2017–18, an increase of 92 referrals (5.9%). Of these 79.4% were charged (up from 77.9% in the previous year) resulting in 1,315 suspects charged (a rise of 7.9% from 2017–18).
- Once separated out, the data for each strand shows these increases occurred for homophobic crime only. However, caution must be exercised when dealing with the low numbers involved in transphobic crime.
- The volume of prosecutions completed increased by 12.8% from 1,518 to 1,713 in 2018-19.

**Table 9: Completed prosecutions by outcome for homophobic and transphobic offences**

	2013–14		2014–15		2015–16		2016–17		2017–18		2018-19	
	Vol	%										
Convictions	913	80.7%	1,037	81.2%	1,219	83.0%	1,211	82.5%	1,282	84.5%	1,475	86.1%
Non-convictions	219	19.3%	240	18.8%	250	17.0%	256	17.5%	236	15.5%	238	13.9%
<b>Total</b>	<b>1,132</b>		<b>1,277</b>		<b>1,469</b>		<b>1,467</b>		<b>1,518</b>		<b>1,713</b>	



- The number of convictions rose from 1,282 in 2017–18 to 1,475 in 2018-19 – a rise of 193 convictions (15.1%). The conviction rate rose from 84.5% in 2017–18 to 86.1% in 2018-19.
- In 2018–19, guilty pleas increased significantly to 78.3%. Also, 64.4% of all homophobic, biphobic and transphobic hate crime flagged prosecutions contested at trial (excluding mixed pleas<sup>19</sup>) resulted in convictions, compared with 63.4% in 2017-18.
- In 2018–19, the proportion of non-convictions due to complainant issues was 23.5% (56) which is a significant improvement on the figure for 2017–18 which was 32.2% (76).
- In 2017–18, the proportion of non-convictions due to acquittal after trial improved as did the number of cases affected from 30.1% (71) in 2017-18 to 26.9% (64) in 2018-19.
- 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 2018–19, the proportion of successfully concluded prosecutions including an announced and recorded sentence uplift

<sup>19</sup> Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

increased to 69.9% from 63.8% in 2017-2018. In line with the rise in convictions noted above, the volume of sentence uplifts rose to 984 from 787 in 2017–18.

## Equalities issues

### Gender

- In 2018-19, of the 1,713 defendants prosecuted, 1,444 defendants were male, 259 were female and in 10 cases, the gender was not recorded. Where the gender of the defendant was recorded, 84.8% were male and 15.2% female, an increase in female defendants from 13.5% in the previous year.
- For victim data, the Witness Management System recorded 1,526 victims. Of all victims, 779 (51.0%) were male, 567 (37.2%) were female and in 180 (11.8%) cases, the gender was not recorded. The recording of victim gender improved from 77.5% in 2017-18 to 88.2% in 2018-19 and is therefore robust enough to calculate proportions by gender accurately.

### Ethnicity

- In 2018–19, 59.6% of defendants in cases flagged as homophobic, biphobic and transphobic were categorised as White (a fall from 63.0% in 2017–18), with 55.2% being identified as belonging to the White British category. 5.6% of defendants were identified as Black, compared to 7.6% the previous year and 3.6% were identified as Asian, a fall from 4.2% the previous year.
- Just under half of victim ethnicity (43.9%) 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 (71.5%) and 18-24 (17.7%). 25.9% of defendants (444) were aged 24 and under, with 131 (7.7%) of defendants being 14–17 years old, 10 (0.6%) aged 10–13 and 0 under 10.
- From those victims where age was recorded, the majority were aged 25-59 (72.6%) and 18-24 (18.4%). 23.2% of victims (328) were 24 years old and under, with 54 (3.8%) of victims being 14–17 years old, 14 (1.0%) aged 10–13 and 0 under 10.

## Transphobic crimes

- In 2018–19, there was a fall in pre-charge decisions compared to the previous year, from 92 to 83. There was a slight fall in the volume of cases charged from 64 (69.6%) in 2017–18 to 60 (72.3%) in 2018–19.

### Table 10: Percentage of pre-charge decision outcomes completed by the CPS 2014-15 to 2018-19

This table reports a slight decrease in the proportion of cases which were Administratively Finalised since 2017-18. In relation to Legal Decisions, the proportion of cases which were charged has decreased slightly since 2016-17.

	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
Legal (substantive) Decisions	98.2%	85.7%	94.3%	89.1%	92.8%
Charged (% of Legal Decisions)	58.2%	63.1%	80.5%	78.0%	77.9%
<i>No Prosecution (% of Legal Decisions)</i>	<i>38.2%</i>	<i>34.5%</i>	<i>18.3%</i>	<i>19.5%</i>	<i>19.5%</i>
Out of Court Disposal (% of Legal Decisions)	3.6%	2.4%	1.2%	2.4%	2.6%
Administratively Finalised	1.8%	14.3%	5.7%	10.9%	7.2%
Other	0.0%	0.0%	0.0%	0.0%	0.0%

- The volume of completed prosecutions flagged as transphobic hate crime increased from 82 in 2017–18 to 89 in 2018–19. This represents an increase of 8.5%.
- The conviction rates for transphobic cases decreased to 74.2% (or 66 convictions) in 2018-19 from 76.8% (or 63 convictions) in 2017-18.
- In 2018-19, 62.9% of completed prosecutions resulted in guilty pleas and out of all prosecutions contested at trial (excluding mixed pleas), 45.0% were convicted compared with 47.1% the previous year.
- The proportion of cases resulting in a conviction with an announced and recorded sentence uplift was 48.4% in 2018-19, compared to 58.1% in 2017–18.
- There were three cases of non-convictions due to complainant issues in 2018–19 and four cases in 2017–18.
- There were 10 prosecutions resulting in acquittal after trial in 2018-19 and eight such prosecutions in 2017-18.

### Equalities issues

- In relation to defendants in transphobic cases, in 2018–19, 69 (77.5%) were men and 19 (21.3%) were women; with gender recorded in all but one case. In 2017-18, 64 defendants (78.0%) were men and 18 (22.0%) were women; with gender recorded in all cases.
- For victim data, from the Witness Management System, 94 victims were recorded. Of all victims, 44 (46.8%) were female, 36 (38.3%) were male and the gender was not recorded for 14 (14.9%) victims. In 2017-18, 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 in 2018-19 at 85.1% is robust enough to include gender proportions for this year.

### Homophobic crimes

- In 2018–19, there was an increase of 6.9% in finalised pre-charge decisions compared to the previous year, from 1,472 to 1,573. Of these 1,255 defendants were charged, a rise from 1,155 in the previous year.

**Table 11: Percentage of pre-charge decision outcomes completed by the CPS 2014-15 to 2018-19**

This table reports a slight increase in the proportion of cases which were Administratively Finalised since 2016-17. In relation to Legal Decisions, the proportion of cases which were charged has increased since 2016-17.

	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
Legal (substantive) Decisions	94.6%	92.1%	93.6%	92.1%	90.4%
Charged (% of Legal Decisions)	80.5%	81.0%	83.8%	85.2%	88.3%
<i>No Prosecution (% of Legal Decisions)</i>	<i>18.1%</i>	<i>17.8%</i>	<i>14.7%</i>	<i>13.3%</i>	<i>11.1%</i>
Out of Court Disposal (% of Legal Decisions)	1.4%	1.2%	1.5%	1.5%	0.6%
Administratively Finalised	5.3%	7.7%	6.2%	7.9%	9.6%
Other	0.1%	0.2%	0.2%	0.0%	0.0%

- The volume of completed prosecutions flagged as homophobic hate crime increased from 1,436 in 2017-18 to 1,624 in 2018-19. This represents an increase of 188 or 13.1%.
- The conviction rate increased in 2018-19 to 86.8% (1,409 convictions) from 84.9% (1,219 convictions) in 2017-18.
- Guilty pleas comprised 79.2% of prosecution outcomes in 2018-19, and 74.9% in 2017–18 and out of all prosecutions contested at trial (excluding mixed pleas), 66.7% were convicted compared with 64.7% the previous year.
- The proportion of homophobic cases recorded as non-convictions due to complainant issues decreased significantly to 24.7% (53) in 2018-19 from 33.2% (72) in 2017-18.
- In 2018–19, prosecutions resulting in acquittal after trial amounted to 25.1% of all non-convictions. In 2017–18 this figure was 29.0%.
- In 2018–19, the proportion of homophobic hate crime cases resulting in a conviction with an announced and recorded sentence uplift was 70.9%, a rise from 64.1% in 2017–18.

## Equalities issues

- Of the 1,624 defendants prosecuted, 1,375 were male, 240 were female and in nine cases the gender was not recorded. In 2017-18, 1,436 defendants prosecuted, 1,247 were male, 187 were female and in two cases the gender was not recorded.
- For victim data, the Witness Management System recorded 1,432 victims. Of all victims, 743 (51.9%) were male, 523 (36.5%) were female and in 166 (11.6%) cases, the gender was not recorded. In 2017-18, 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 improved from 77.5% in 2017–18 to 88.4% and is therefore robust enough to calculate proportions by gender accurately.

## Disability hate crime

- In 2018–19, there was a fall of 31.6% in pre-charge decisions compared to the previous year, from 754 to 516. However, there was an increase in the proportion of cases charged, from 70.4% the previous year to 73.1%.

**Table 12: Percentage of pre-charge decision outcomes completed by the CPS 2014-15 to 2018-19**

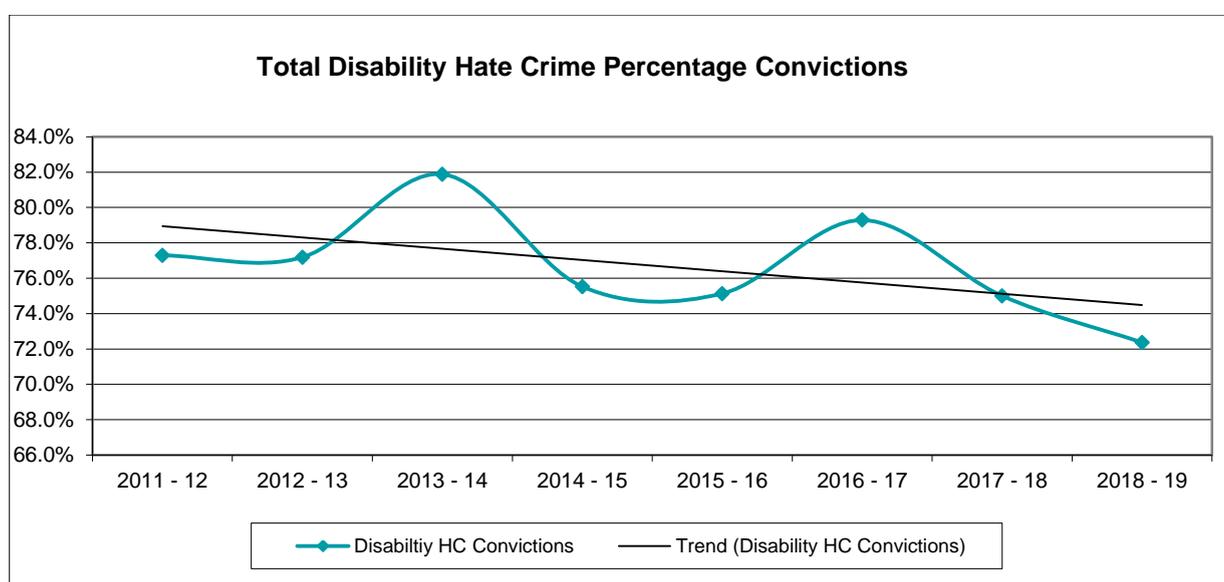
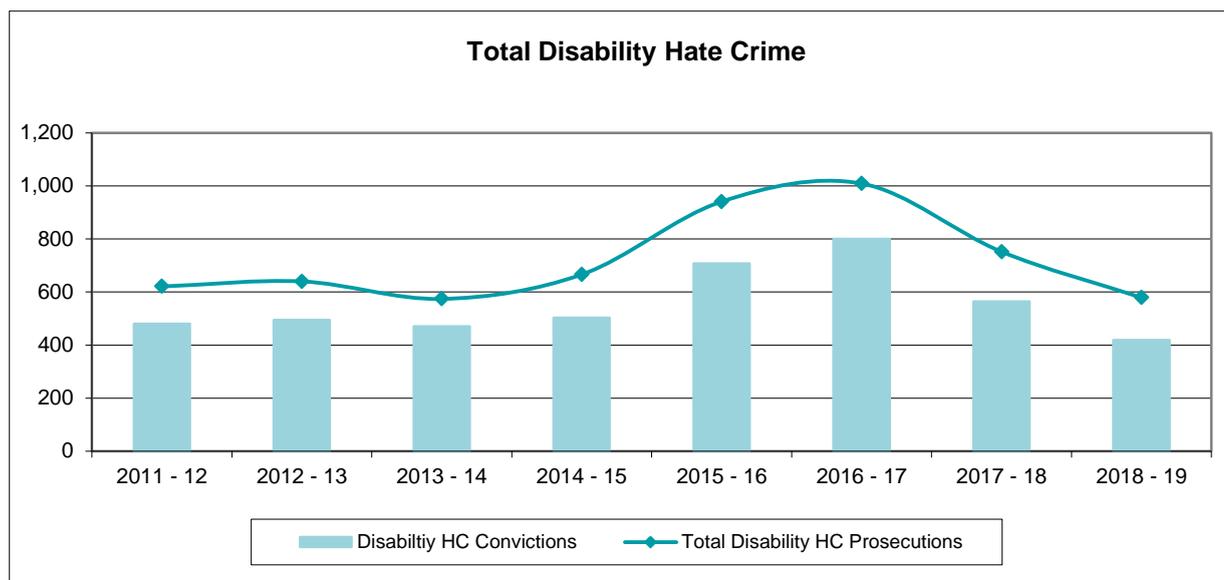
This table reports a slight decrease in the proportion of cases which were Administratively Finalised since 2017-18. In relation to Legal Decisions, the proportion of cases which were charged has increased slightly since 2017-18.

	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
Legal (substantive) Decisions	95.4%	93.2%	95.9%	87.1%	89.9%
Charged (% of Legal Decisions)	81.1%	81.8%	81.3%	80.8%	81.3%
<i>No Prosecution (% of Legal Decisions)</i>	<i>18.0%</i>	<i>17.5%</i>	<i>18.5%</i>	<i>18.6%</i>	<i>17.2%</i>
Out of Court Disposal (% of Legal Decisions)	0.9%	0.7%	0.2%	0.6%	1.5%
Administratively Finalised	4.5%	6.8%	4.1%	12.9%	9.7%
Other	0.1%	0.0%	0.0%	0.0%	0.4%

- The volume of completed prosecutions flagged as disability hate crime fell from 752 in 2017-18 to 579 in 2018-19. This represents a fall of 173 or 23.0%.

**Table 13: Completed prosecutions by outcome**

	2013–14		2014–15		2015–16		2016–17		2017–18		2018-19	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	470	81.9%	503	75.5%	707	75.1%	800	79.3%	564	75.0%	419	72.4%
Non-convictions	104	18.1%	163	24.5%	234	24.9%	209	20.7%	188	25.0%	160	27.6%
<b>Total</b>	<b>574</b>		<b>666</b>		<b>941</b>		<b>1,009</b>		<b>752</b>		<b>579</b>	



- The volumes of convictions decreased by 25.7% from 564 in 2017-18 to 419 in 2018-19, with a fall in the conviction rate from 75.0% to 72.4%.
- In 2018-19, 63.0% of prosecution outcomes were guilty pleas. Out of all disability hate crimes contested at trial (excluding mixed pleas) 48.1% were convicted compared to 51.1% in 2017-18.
- 160 prosecutions did not result in a conviction, 15.9% (92) due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence) an increase from 14.4% (108) in 2017-18. Out of all non-convictions, 31.9% (51) were due to complainant issues<sup>20</sup>; an increase from 26.6% (50) in 2017-18.
- In 2018-19, the proportion of non-convictions due to acquittal after trial represented 33.1% (53) of all non-convictions, an increase from 31.9% (60) in 2017-18.
- 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 2018-19, the proportion of successfully concluded prosecutions including an announced and recorded sentence uplift

<sup>20</sup> Complainant issues include complainant retractions, complainant non-attendance and where the 'evidence of the complainant does not support the case'.

increased to 27.5% from 24.8% in 2017-2018. In line with the fall in convictions noted above, the volume of sentence uplifts fell to 107 from 133 in 2017–18. Whilst the result is encouraging, the proportion of recorded uplifts remains lower than that for other hate crime strands and steps to sustain continuing improvement will be identified via the Hate Crime Assurance Scheme.

- In 2018–19, the rate of convictions in disability hate crime cases derived from guilty pleas was 63.0% (365). This is a fall from 65.7% (494) in 2017–18. Again a large volume of cases concluded in this way, but the CPS will work closely with CPS Areas to explore reasons for this fall and potential measures to address 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 53.5% of all disability hate crime prosecutions allocated a principal offence in 2018–19 and 48.1% in 2017–18. 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 2018-19, of the 579 defendants prosecuted, 424 male, 155 were female and there were no cases in which the gender was not recorded. 73.2% were male and 26.8% female, an increase in female defendants from 25.5% 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 2018-19 was 81.6%:18.4% and in homophobic, biphobic and transphobic cases the ratio is 84.8%:15.2%.
- For victim data, the Witness Management System recorded 552 victims. Of all victims, 259 (46.9%) were male, 236 (42.8%) were female and the gender was not recorded for 57 (10.3%) victims. The recording of victim gender increased from 82.5% in 2017-18 to 89.7% in the reporting year and therefore continued to be robust enough to calculate proportions by gender accurately.

### Ethnicity

- In 2018–19, 64.4% of defendants in disability hate crime flagged cases were categorised as White (a fall from 69.0% in 2017-18), with 60.4% being identified as belonging to the White British category. 4.0% of defendants were identified as Black down from 4.9% the previous year and 2.4% were identified as Asian, down from 3.2% 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 (67.2%) and 18-24 (13.6%). 25.7% of defendants (149) were aged 24 and under, with 59 (10.2%) of defendants being 14–17 years old and 11 (1.9%) aged 10–13.
- From those victims where age was recorded, the majority were aged 25-59 (58.9%) and 18-24 (11.6%). 16.5% of victims (87) were 24 years old and under, with 21 (4.0%) of victims being 14–17 years old, 3 (0.6%) aged 10–13 and 2 (0.4%) under 10.
- 

## Stirring up hatred

There were thirteen prosecutions in 2018–19, eleven of which resulted in convictions.

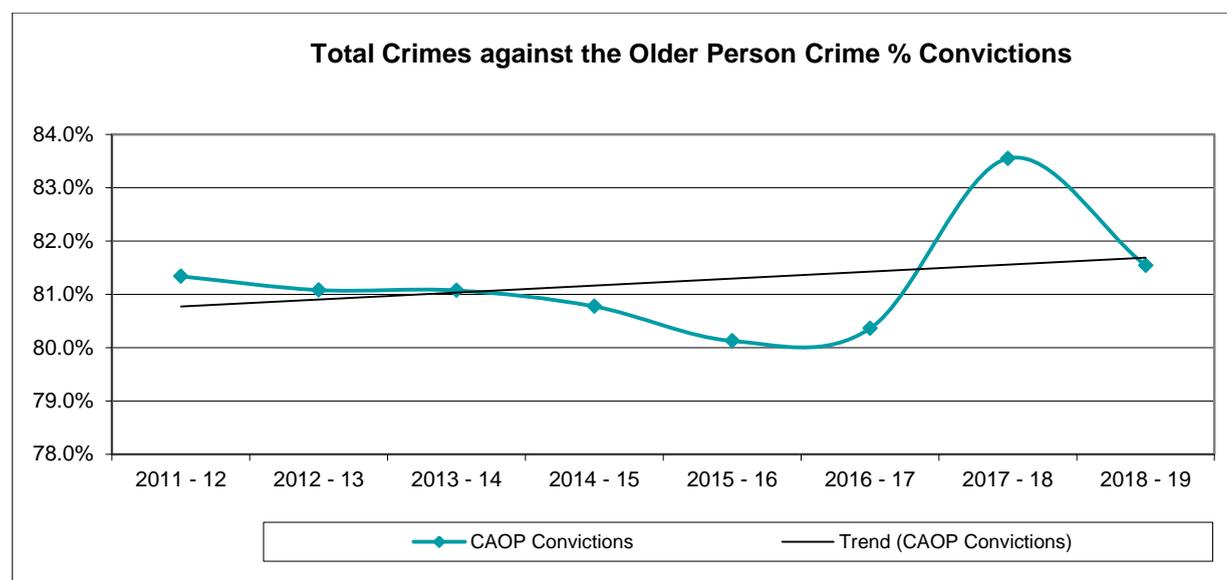
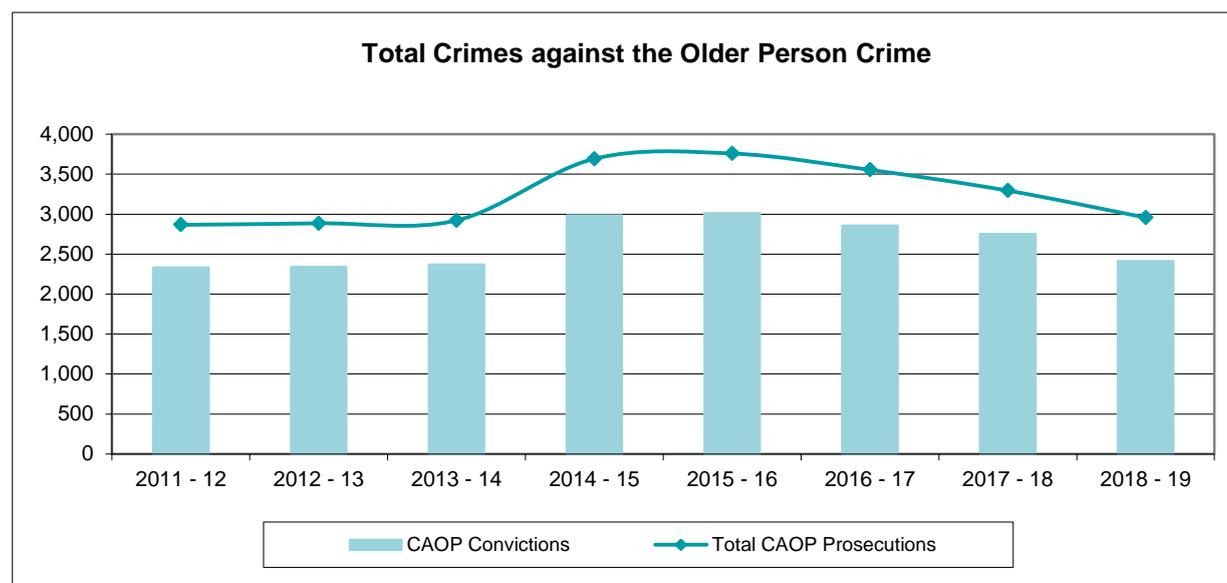
- The defendant was charged with 2 counts of stirring up racial hatred in relation to speeches he gave expressing anti- Semitic rhetoric. He was sentenced to 3 years imprisonment.
- The defendant was charged with stirring up hatred on the grounds of religion which targeted Muslims and was sentenced to 6 months imprisonment.
- The defendant was a self-professed right wing extremist who targeted Jews and people of diverse ethnicities. He was sentenced to 12 months imprisonment suspended for 2 years.
- The defendant was charged with two counts of stirring up religious hatred targeting Muslim communities and was sentenced to 12 months imprisonment suspended for 18 months.
- The defendant was charged with stirring up hatred on the grounds of both race and religious grounds targeting Muslims and those of Pakistani heritage. He was sentenced to 20 months imprisonment.
- The defendant was charged with stirring up religious hatred targeting Muslims and was sentenced to 2 years imprisonment.
- The defendant was charged with stirring up religious hatred targeting Muslims and was sentenced to 16 months imprisonment
- The defendants in this case were far right extremists and were charged with stirring up racial hatred against diverse ethnicities. One was acquitted by the jury; one died before the trial began; and the other four defendants were sentenced to: 21 months imprisonment; 12 months imprisonment suspended for 2 years; 12 months imprisonment consecutive to an existing 8 year sentence; and 16 months imprisonment.

## Crimes against older people

- In 2018–19, there was a decrease of 10.2% in pre-charge decisions compared to the previous year, from 3,389 to 3,043. There was a fall in the proportion of cases charged from 77.2% in the previous year to 75.4% resulting in 2,294 suspects being charged.
- The volume of CAOP prosecutions completed fell from 3,295 in 2017-18 to 2,958. This represents a fall of 337 or 10.2%.

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

	2013–14		2014–15		2015–16		2016–17		2017–18		2018-19	
	Vol	%										
Convictions	2,369	81.1%	2,983	80.8%	3,012	80.1%	2,856	80.4%	2,753	83.6%	2,412	81.5%
Non-convictions	553	18.9%	710	19.2%	747	19.9%	698	19.6%	542	16.4%	546	18.5%
<b>Total</b>	<b>2,922</b>		<b>3,693</b>		<b>3,759</b>		<b>3,554</b>		<b>3,295</b>		<b>2,958</b>	



- The volumes of convictions fell by 12.4% from 2,753 in 2017-18 to 2,412 while the conviction rate fell from 83.6% to 81.5%. 74.4% of prosecution outcomes were due to guilty pleas, a fall from 75.3% the previous year.

- 546 prosecutions were non-convictions, an increase of 4 or 0.7% on the previous year. 11.3% due to prosecutions dropped (including decisions to discontinue, withdraw or offer no evidence), an increase from 9.3% in 2017–18.
- There was 58.2% convictions out of all crimes against older people flagged prosecutions contested at trial (excluding mixed pleas<sup>21</sup>) compared with 61.3% in 2017-18.
- Out of all non-convictions, 22.2% were due to complainant issues<sup>22</sup> a slight improvement from 23.8% in 2017–18.
- In 2018–19, the proportion of non-convictions due to acquittal after trial represented 24.0% (131) of all non-convictions, a fall from 26.2% (142) in 2017–18.

## Equalities issues

- Of defendants where gender was recorded in completed prosecutions, 2,216 (75.0%) were male, 740 (25.0%) were female and in two cases gender was not recorded. In 2017-18, the data shows that 2,479 (75.4%) were male, 810 (24.6%) were females and in six cases gender was not recorded.
- For victim data, the Witness Management System recorded 3,885 victims. Of all victims, 1,304 (33.6%) were male, 1,967 (50.6%) were female and the gender was not recorded for 614 (15.8%) victims. The recording of victim gender increased from 80.2% in 2017-18 to 84.2% 2018-19 and therefore was 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. The table below shows the offence categories for CAOP.

**Table 15: Principal offence categories for crimes against older people**

Principal Offence Category	2015–16	2016–17	2017-18	2018-19
Homicide	1.0%	0.9%	0.8%	1.2%
Offences against person	31.3%	33.8%	35.7%	35.5%
Sexual offences	1.3%	1.5%	1.6%	1.0%
Burglary	20.4%	18.0%	16.8%	14.8%
Robbery	7.3%	6.6%	8.1%	8.0%
Theft and handling	16.8%	13.7%	11.8%	12.2%
Fraud and forgery	15.1%	20.2%	18.3%	19.0%
Criminal damage	3.1%	2.4%	3.4%	3.9%
Drugs offences	0.7%	0.8%	0.7%	0.9%
Public order offences	1.5%	1.3%	1.3%	2.2%

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

<sup>21</sup> Exclusive of mixed pleas' are defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

<sup>22</sup> Complainant issues include victim retractions, victim non-attendance and where the 'evidence of the victim does not support the case'.

# Annex I

CPS Area Data

## Glossary

The glossary provides definitions of terms used within the report and acronyms

## Annex 1: Prosecutions by CPS Police force area

### CPS total hate crime prosecutions

	2018 - 19				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
<b>CPS FORCE TOTAL</b>	<b>10,815</b>	<b>84.3%</b>	<b>2,011</b>	<b>15.7%</b>	<b>12,826</b>
Avon & Somerset	255	80.7%	61	19.3%	<b>316</b>
Bedfordshire	111	82.2%	24	17.8%	<b>135</b>
British Transport Police	640	85.1%	112	14.9%	<b>752</b>
Cambridgeshire	133	84.7%	24	15.3%	<b>157</b>
Cheshire	285	88.8%	36	11.2%	<b>321</b>
Cleveland	122	80.8%	29	19.2%	<b>151</b>
Cumbria	56	80.0%	14	20.0%	<b>70</b>
Derbyshire	183	88.4%	24	11.6%	<b>207</b>
Devon & Cornwall	152	92.1%	13	7.9%	<b>165</b>
Dorset	131	84.0%	25	16.0%	<b>156</b>
Durham	82	92.1%	7	7.9%	<b>89</b>
Dyfed-Powys	44	84.6%	8	15.4%	<b>52</b>
Essex	188	85.1%	33	14.9%	<b>221</b>
Gloucestershire	51	82.3%	11	17.7%	<b>62</b>
Greater Manchester	546	87.6%	77	12.4%	<b>623</b>
Gwent	85	84.2%	16	15.8%	<b>101</b>
Hampshire	375	86.6%	58	13.4%	<b>433</b>
Hertfordshire	139	83.7%	27	16.3%	<b>166</b>
Humberside	92	79.3%	24	20.7%	<b>116</b>
Kent	303	83.9%	58	16.1%	<b>361</b>
Lancashire	238	90.2%	26	9.8%	<b>264</b>

Leicestershire	270	87.1%	40	12.9%	<b>310</b>
Lincolnshire	76	87.4%	11	12.6%	<b>87</b>
London Police	1,998	79.3%	523	20.7%	<b>2,521</b>
Merseyside	386	90.4%	41	9.6%	<b>427</b>
Norfolk	122	85.3%	21	14.7%	<b>143</b>
Northamptonshire	128	84.8%	23	15.2%	<b>151</b>
Northumbria	255	80.4%	62	19.6%	<b>317</b>
North Wales	124	89.9%	14	10.1%	<b>138</b>
North Yorkshire	88	88.9%	11	11.1%	<b>99</b>
Nottinghamshire	222	87.1%	33	12.9%	<b>255</b>
South Wales	270	80.8%	64	19.2%	<b>334</b>
South Yorkshire	197	84.9%	35	15.1%	<b>232</b>
Staffordshire	152	83.1%	31	16.9%	<b>183</b>
Suffolk	95	85.6%	16	14.4%	<b>111</b>
Surrey	140	85.4%	24	14.6%	<b>164</b>
Sussex	208	91.6%	19	8.4%	<b>227</b>
Thames Valley	302	85.1%	53	14.9%	<b>355</b>
Warwickshire	59	79.7%	15	20.3%	<b>74</b>
West Mercia	153	86.4%	24	13.6%	<b>177</b>
West Midlands	648	83.6%	127	16.4%	<b>775</b>
West Yorkshire	584	84.5%	107	15.5%	<b>691</b>
Wiltshire	127	92.7%	10	7.3%	<b>137</b>

## CPS total racist &amp; religious hate crime prosecutions

	2018 - 19				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
<b>CPS FORCE TOTAL</b>	<b>8,921</b>	<b>84.7%</b>	<b>1,613</b>	<b>15.3%</b>	<b>10,534</b>
Avon & Somerset	217	80.7%	52	19.3%	<b>269</b>
Bedfordshire	91	82.0%	20	18.0%	<b>111</b>
British Transport Police	547	84.9%	97	15.1%	<b>644</b>
Cambridgeshire	117	86.7%	18	13.3%	<b>135</b>
Cheshire	196	89.1%	24	10.9%	<b>220</b>
Cleveland	102	82.3%	22	17.7%	<b>124</b>
Cumbria	49	90.7%	5	9.3%	<b>54</b>
Derbyshire	146	88.0%	20	12.0%	<b>166</b>
Devon & Cornwall	125	91.2%	12	8.8%	<b>137</b>
Dorset	101	83.5%	20	16.5%	<b>121</b>
Durham	62	93.9%	4	6.1%	<b>66</b>
Dyfed-Powys	27	90.0%	3	10.0%	<b>30</b>
Essex	144	87.3%	21	12.7%	<b>165</b>
Gloucestershire	43	84.3%	8	15.7%	<b>51</b>
Greater Manchester	460	90.6%	48	9.4%	<b>508</b>
Gwent	67	84.8%	12	15.2%	<b>79</b>
Hampshire	278	87.7%	39	12.3%	<b>317</b>
Hertfordshire	109	82.0%	24	18.0%	<b>133</b>
Humberside	80	80.8%	19	19.2%	<b>99</b>
Kent	227	84.7%	41	15.3%	<b>268</b>
Lancashire	205	90.7%	21	9.3%	<b>226</b>
Leicestershire	222	87.1%	33	12.9%	<b>255</b>
Lincolnshire	62	87.3%	9	12.7%	<b>71</b>

London Police	1,767	79.5%	455	20.5%	<b>2,222</b>
Merseyside	282	90.4%	30	9.6%	<b>312</b>
Norfolk	93	89.4%	11	10.6%	<b>104</b>
Northamptonshire	106	83.5%	21	16.5%	<b>127</b>
Northumbria	205	81.7%	46	18.3%	<b>251</b>
North Wales	76	87.4%	11	12.6%	<b>87</b>
North Yorkshire	78	91.8%	7	8.2%	<b>85</b>
Nottinghamshire	192	86.5%	30	13.5%	<b>222</b>
South Wales	199	80.2%	49	19.8%	<b>248</b>
South Yorkshire	165	85.5%	28	14.5%	<b>193</b>
Staffordshire	128	82.1%	28	17.9%	<b>156</b>
Suffolk	66	85.7%	11	14.3%	<b>77</b>
Surrey	125	87.4%	18	12.6%	<b>143</b>
Sussex	156	92.9%	12	7.1%	<b>168</b>
Thames Valley	255	85.0%	45	15.0%	<b>300</b>
Warwickshire	45	78.9%	12	21.1%	<b>57</b>
West Mercia	115	84.6%	21	15.4%	<b>136</b>
West Midlands	573	84.5%	105	15.5%	<b>678</b>
West Yorkshire	512	84.8%	92	15.2%	<b>604</b>
Wiltshire	106	92.2%	9	7.8%	<b>115</b>

## CPS total homophobic &amp; transphobic crime prosecutions

	2018 - 19				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
<b>CPS FORCE TOTAL</b>	<b>1,475</b>	<b>86.1%</b>	<b>238</b>	<b>13.9%</b>	<b>1,713</b>
Avon & Somerset	32	88.9%	4	11.1%	<b>36</b>
Bedfordshire	19	86.4%	3	13.6%	<b>22</b>
British Transport Police	91	87.5%	13	12.5%	<b>104</b>
Cambridgeshire	11	73.3%	4	26.7%	<b>15</b>
Cheshire	77	91.7%	7	8.3%	<b>84</b>
Cleveland	14	73.7%	5	26.3%	<b>19</b>
Cumbria	5	62.5%	3	37.5%	<b>8</b>
Derbyshire	34	91.9%	3	8.1%	<b>37</b>
Devon & Cornwall	22	95.7%	1	4.3%	<b>23</b>
Dorset	19	86.4%	3	13.6%	<b>22</b>
Durham	15	100.0%	0	0.0%	<b>15</b>
Dyfed-Powys	14	93.3%	1	6.7%	<b>15</b>
Essex	33	91.7%	3	8.3%	<b>36</b>
Gloucestershire	7	70.0%	3	30.0%	<b>10</b>
Greater Manchester	62	78.5%	17	21.5%	<b>79</b>
Gwent	14	93.3%	1	6.7%	<b>15</b>
Hampshire	68	88.3%	9	11.7%	<b>77</b>
Hertfordshire	24	88.9%	3	11.1%	<b>27</b>
Humberside	9	69.2%	4	30.8%	<b>13</b>
Kent	53	85.5%	9	14.5%	<b>62</b>
Lancashire	24	88.9%	3	11.1%	<b>27</b>
Leicestershire	37	88.1%	5	11.9%	<b>42</b>
Lincolnshire	11	100.0%	0	0.0%	<b>11</b>

London Police	193	79.4%	50	20.6%	<b>243</b>
Merseyside	94	91.3%	9	8.7%	<b>103</b>
Norfolk	18	94.7%	1	5.3%	<b>19</b>
Northamptonshire	16	100.0%	0	0.0%	<b>16</b>
Northumbria	27	84.4%	5	15.6%	<b>32</b>
North Wales	38	92.7%	3	7.3%	<b>41</b>
North Yorkshire	8	72.7%	3	27.3%	<b>11</b>
Nottinghamshire	22	91.7%	2	8.3%	<b>24</b>
South Wales	57	80.3%	14	19.7%	<b>71</b>
South Yorkshire	22	81.5%	5	18.5%	<b>27</b>
Staffordshire	17	89.5%	2	10.5%	<b>19</b>
Suffolk	18	90.0%	2	10.0%	<b>20</b>
Surrey	12	80.0%	3	20.0%	<b>15</b>
Sussex	42	91.3%	4	8.7%	<b>46</b>
Thames Valley	30	90.9%	3	9.1%	<b>33</b>
Warwickshire	10	83.3%	2	16.7%	<b>12</b>
West Mercia	29	90.6%	3	9.4%	<b>32</b>
West Midlands	61	83.6%	12	16.4%	<b>73</b>
West Yorkshire	50	83.3%	10	16.7%	<b>60</b>
Wiltshire	16	94.1%	1	5.9%	<b>17</b>

## CPS total disability hate crime prosecutions

	2018 - 19				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
<b>CPS FORCE TOTAL</b>	<b>419</b>	<b>72.4%</b>	<b>160</b>	<b>27.6%</b>	<b>579</b>
Avon & Somerset	6	54.5%	5	45.5%	<b>11</b>
Bedfordshire	1	50.0%	1	50.0%	<b>2</b>
British Transport Police	2	50.0%	2	50.0%	<b>4</b>
Cambridgeshire	5	71.4%	2	28.6%	<b>7</b>
Cheshire	12	70.6%	5	29.4%	<b>17</b>
Cleveland	6	75.0%	2	25.0%	<b>8</b>
Cumbria	2	25.0%	6	75.0%	<b>8</b>
Derbyshire	3	75.0%	1	25.0%	<b>4</b>
Devon & Cornwall	5	100.0%	0	0.0%	<b>5</b>
Dorset	11	84.6%	2	15.4%	<b>13</b>
Durham	5	62.5%	3	37.5%	<b>8</b>
Dyfed-Powys	3	42.9%	4	57.1%	<b>7</b>
Essex	11	55.0%	9	45.0%	<b>20</b>
Gloucestershire	1	100.0%	0	0.0%	<b>1</b>
Greater Manchester	24	66.7%	12	33.3%	<b>36</b>
Gwent	4	57.1%	3	42.9%	<b>7</b>
Hampshire	29	74.4%	10	25.6%	<b>39</b>
Hertfordshire	6	100.0%	0	0.0%	<b>6</b>
Humberside	3	75.0%	1	25.0%	<b>4</b>
Kent	23	74.2%	8	25.8%	<b>31</b>
Lancashire	9	81.8%	2	18.2%	<b>11</b>
Leicestershire	11	84.6%	2	15.4%	<b>13</b>
Lincolnshire	3	60.0%	2	40.0%	<b>5</b>

London Police	38	67.9%	18	32.1%	<b>56</b>
Merseyside	10	83.3%	2	16.7%	<b>12</b>
Norfolk	11	55.0%	9	45.0%	<b>20</b>
Northamptonshire	6	75.0%	2	25.0%	<b>8</b>
Northumbria	23	67.6%	11	32.4%	<b>34</b>
North Wales	10	100.0%	0	0.0%	<b>10</b>
North Yorkshire	2	66.7%	1	33.3%	<b>3</b>
Nottinghamshire	8	88.9%	1	11.1%	<b>9</b>
South Wales	14	93.3%	1	6.7%	<b>15</b>
South Yorkshire	10	83.3%	2	16.7%	<b>12</b>
Staffordshire	7	87.5%	1	12.5%	<b>8</b>
Suffolk	11	78.6%	3	21.4%	<b>14</b>
Surrey	3	50.0%	3	50.0%	<b>6</b>
Sussex	10	76.9%	3	23.1%	<b>13</b>
Thames Valley	17	77.3%	5	22.7%	<b>22</b>
Warwickshire	4	80.0%	1	20.0%	<b>5</b>
West Mercia	9	100.0%	0	0.0%	<b>9</b>
West Midlands	14	58.3%	10	41.7%	<b>24</b>
West Yorkshire	22	81.5%	5	18.5%	<b>27</b>
Wiltshire	5	100.0%	0	0.0%	<b>5</b>

## CPS total crime against older people prosecutions

	2018 - 19				
	Convictions		Unsuccessful		TOTAL
	Vol	%	Vol	%	
<b>CPS FORCE TOTAL</b>	<b>2,412</b>	<b>81.5%</b>	<b>546</b>	<b>18.5%</b>	<b>2,958</b>
Avon & Somerset	40	75.5%	13	24.5%	<b>53</b>
Bedfordshire	27	87.1%	4	12.9%	<b>31</b>
British Transport Police	3	100.0%	0	0.0%	<b>3</b>
Cambridgeshire	24	82.8%	5	17.2%	<b>29</b>
Cheshire	45	88.2%	6	11.8%	<b>51</b>
Cleveland	49	83.1%	10	16.9%	<b>59</b>
Cumbria	36	87.8%	5	12.2%	<b>41</b>
Derbyshire	50	87.7%	7	12.3%	<b>57</b>
Devon & Cornwall	50	86.2%	8	13.8%	<b>58</b>
Dorset	34	85.0%	6	15.0%	<b>40</b>
Durham	39	84.8%	7	15.2%	<b>46</b>
Dyfed-Powys	22	81.5%	5	18.5%	<b>27</b>
Essex	74	84.1%	14	15.9%	<b>88</b>
Gloucestershire	12	75.0%	4	25.0%	<b>16</b>
Greater Manchester	143	86.1%	23	13.9%	<b>166</b>
Gwent	31	86.1%	5	13.9%	<b>36</b>
Hampshire	43	82.7%	9	17.3%	<b>52</b>
Hertfordshire	41	67.2%	20	32.8%	<b>61</b>
Humberside	65	85.5%	11	14.5%	<b>76</b>
Kent	92	78.0%	26	22.0%	<b>118</b>
Lancashire	83	83.0%	17	17.0%	<b>100</b>
Leicestershire	47	88.7%	6	11.3%	<b>53</b>
Lincolnshire	30	85.7%	5	14.3%	<b>35</b>

London Police	257	73.6%	92	26.4%	<b>349</b>
Merseyside	68	88.3%	9	11.7%	<b>77</b>
Norfolk	31	73.8%	11	26.2%	<b>42</b>
Northamptonshire	18	75.0%	6	25.0%	<b>24</b>
Northumbria	84	77.8%	24	22.2%	<b>108</b>
North Wales	19	76.0%	6	24.0%	<b>25</b>
North Yorkshire	20	80.0%	5	20.0%	<b>25</b>
Nottinghamshire	51	79.7%	13	20.3%	<b>64</b>
South Wales	66	84.6%	12	15.4%	<b>78</b>
South Yorkshire	63	87.5%	9	12.5%	<b>72</b>
Staffordshire	45	84.9%	8	15.1%	<b>53</b>
Suffolk	26	96.3%	1	3.7%	<b>27</b>
Surrey	34	70.8%	14	29.2%	<b>48</b>
Sussex	82	76.6%	25	23.4%	<b>107</b>
Thames Valley	95	80.5%	23	19.5%	<b>118</b>
Warwickshire	16	88.9%	2	11.1%	<b>18</b>
West Mercia	56	78.9%	15	21.1%	<b>71</b>
West Midlands	156	84.3%	29	15.7%	<b>185</b>
West Yorkshire	125	85.0%	22	15.0%	<b>147</b>
Wiltshire	20	83.3%	4	16.7%	<b>24</b>

# 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"> <li>• where there is a relationship and an expectation of trust, for example, theft or assault by a carer or family member</li> <li>• 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</li> <li>• 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</li> <li>• 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.</li> </ul>

## Performance management terms

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. The data is accurate only to the extent that the flag has been correctly applied; there may be a small number of cases where the use of the flag has been omitted.
Principal offences:	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. The Principal Offence Category indicates the most serious offence with which the defendant is charged <b>at the time of finalisation</b> . Where the nature of the charges alters during the life of a case, the Principal Offence at the time of finalisation may be different than would have seemed appropriate at an earlier stage of proceedings. In all such cases the Principal Offence category to be recorded is that which applies <b>at finalisation</b> , regardless of whether this is more serious, or less serious, than would have applied earlier in the life of the case.
Where a defendant faces a mix of charges of which fall into different Principal Offence Categories, chose the most serious <b>according to the following order of priority</b> :	
Homicide:	'Homicide' comprises a range of offences including – murder and attempted murder, manslaughter, infanticide, child destruction, conspiring or soliciting to commit murder and causing death by dangerous driving.
Offences against the person:	'Offences against the person' comprises a range of offences including – grievous bodily harm, assault occasioning actual bodily harm, common assault, possession of a firearm with intent to cause fear of violence and child abduction.
Sexual offences:	'Sexual Offences' comprises a range of offences including – rape, buggery, sexual assault, bigamy, procuration and gross indecency with a child.
Criminal damage:	'Criminal damage' includes offences of arson, criminal or malicious damage and arson or criminal damage endangering life.

Public order offences: 'Public Order Offences' includes offences of rioting, violent disorder and causing an affray.

### Case outcomes

Pre-charge receipts: The total number of suspects referred by the police to the CPS for a charging decision.

Pre-charge decisions: The Director's Guidance on charging (5<sup>th</sup> Edition) provides that the police may charge any Summary only offence (one that can only be dealt with in the magistrates' court) irrespective of plea and any either way offence (can be tried in either the magistrates' court or Crown Court) where a guilty plea is anticipated and it is suitable for sentence in the magistrates' court subject to certain exceptions such as DA, hate crime and a case involving a death. CPS prosecutors must make the charging decisions in all indictable only cases (those cases which can only be tried in the Crown Court), either way offences not suitable for magistrates' court and where a not guilty plea is anticipated.

Of all the suspects referred by the police, pre-charge decisions are those where CPS has completed making a decision on whether to charge, take no further action, recommend an out of court decision, administratively finalise or 'other'<sup>23</sup>.

**Pre-charge legal decisions** include: charge, take not further action or recommend and out of court decision.

**Pre-charge non-legal decisions** include: administratively finalised and 'other'.

Charged: Charging decisions are where CPS is satisfied that the legal test for prosecution, set out in the Code for Crown Prosecutors is met: there is enough evidence to provide a 'realistic prospect of conviction' against each defendant and the prosecution is in the public interest.

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<sup>23</sup> 'Other' is when the result of the charging decision is not known or has not been given for that suspect.

No prosecution (No further action - NFA):	Those cases where the CPS' decision is not to prosecute. The case cannot proceed to charge as it does not meet the Code for Crown Prosecutor test, for either 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.
Pre-charge Administrative Finalisation:	Administratively finalised decisions are not legal decisions and may not be the end of the case. CPS may ask the police to provide further information where there is insufficient evidence to make a charging decision, or the police are requesting early investigative advice. If the police do not respond within three months, following reminders, the case is closed on CMS. This is known as an 'administrative finalisation'.  If the police provide additional evidence, the case is reopened in CMS and, if possible, a charging decision is made.  Cases where the CPS have advised the police to charge but the suspect has not been charged, due to the suspect not answering police bail or being located, will also be administratively finalised. If the suspect is subsequently located and charged the case is reopened in CMS.
Other:	The outcome of the charging decision has not been recorded or is undefined.
<b>Prosecutions:</b>	All defendants charged, summonsed or who attend via a postal requisition, 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.
Contests inclusive of mixed pleas Mixed Guilty/Not Guilty and Contest:	(a) The Defendant enters at least one guilty plea to a set of charges, and (b) a plea of not guilty to one or more charges, and (c) these pleas are not acceptable to the CPS, and (d) the matter proceeds to trial
Contests exclusive of mixed pleas Not Guilty and Contest:	(a) The Defendant enters only not guilty pleas, AND (b) a trial takes place

Non-convictions:	All completed prosecutions where the defendant is not convicted, comprising the following:
Post-charge 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. If a Bench Warrant is executed the case may be reopened.
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.
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.
Convictions:	Cases where the defendant is convicted following a prosecution, comprising of the following:
Conviction after trial:	Cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Guilty plea:	Where the defendant pleads guilty.

Proof in absence: these are lesser offences which are heard by the court in the absence of the defendant.

### Reasons for non-convictions

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).

Complainant Issues: During 2018-19, the CPS revised the list of reasons which apply to non-conviction outcomes. As a result it is no longer possible to separately report complainant retraction or withdrawal and non-attendance. It is however, still possible to report the total number of non-conviction outcomes due to complainant specific issues.

The reason should be used when the evidence of the complainant supports the prosecution case, but one or all of the following apply:

- the complainant fails to attend, or
- refuses to be called, or
- to give evidence as a witness, or
- withdraws a complaint, and
- includes complainants who have been intimidated but it is inappropriate to compel them to attend court.

and

If the evidence of the complainant fails to support the prosecution of the defendant including issues of credibility leading to a non-conviction outcome, but the complainant has not retracted.

Conflict of evidence: Conflict of prosecution evidence (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: Essential legal element missing (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).

Unreliable witness: Unreliable witness or witnesses (The 'reason title' was amended in April 2013 to: 'Key witness (non-victim) refuses to give evidence/retracts/not up to proof' to provide clarity).

### Legal terminology

Hearsay: Section 116 (1) Criminal Justice Act 2003. In criminal proceedings a statement not made in oral evidence in the proceedings is admissible as evidence of any matter stated if:

- (a) oral evidence given in the proceedings by the person who made the statement would be admissible as evidence of that matter,
- (b) the person who made the statement (the relevant person) is identified to the court's satisfaction, and
- (c) any of the five conditions mentioned in subsection (2) is satisfied.

Postal requisition: A postal requisition is a legal document notifying a suspect that a decision has been made to charge and prosecute an offence at court. It will set out the date on which the suspect has to attend court. In addition to the postal requisition the suspect may also receive evidence outlining the offence either in the form of statements or a statement of facts.

Res gestae: Any rule of law under which in criminal proceedings a statement is admissible as evidence of any matter stated if:

- (a) the statement was made by a person so emotionally overpowered by an event that the possibility of concoction or distortion can be disregarded,
- (b) the statement accompanied an act which can be properly evaluated as evidence only if considered in conjunction with the statement, or
- (c) the statement relates to a physical sensation or a mental state (such as intention or emotion).

## Glossary of acronyms

BAME	Black and minority ethnic
CJS	Criminal Justice System
CMS	Case Management System
CPS	Crown Prosecution Service
CPSD	Crown Prosecution Service Direct
CSA	Child Sexual Abuse
DPP	Director of Public Prosecutions
DA	Domestic Abuse
ECG	External Consultation Group
FM	Forced Marriage
FGM	Female Genital Mutilation
HBA	So-called 'honour-based' abuse
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
HMICFRS	Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services
HO	Home Office
IDVA	Independent Domestic Abuse Advisor
LSIP	Local Scrutiny and Involvement Panel
MIS	Management Information System
MoJ	Ministry of Justice
NCA	National Crime Agency
NPCC	National Police Chiefs' Council
NRM	National Referral Mechanism
PHA	Protection of Harassment Act
PPT (ppt)	Percentage point
RASSO	Rape and Serious Sexual Offences
SOA	Sexual Offences Act
SO	Sexual Offences
WCU	Witness Care Unit
WMS	Witness Management System
VAWG	Violence against Women and Girls