

Crown Prosecution Service
Delivering justice



Hate Crime Annual Report

2017–18

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Foreword by the Director of Public Prosecutions



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

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

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

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

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

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

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

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

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

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

Alison Saunders CB
Director of Public Prosecutions
October 2018

Hate Crime Report

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

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

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

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

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

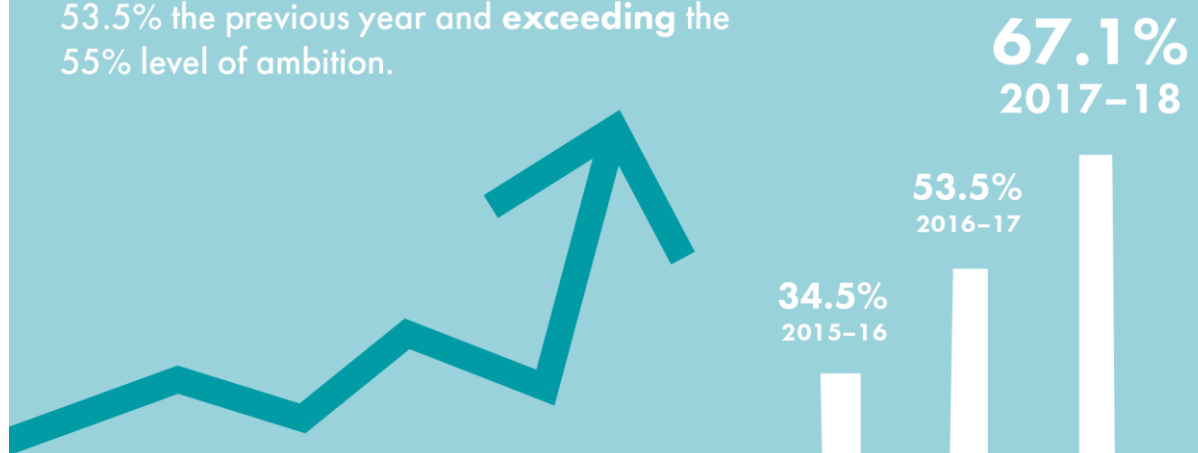
In March 2018, the [Inclusion and Community Engagement strategy](#) was published, setting out how we engage communities in our work, ensure diverse representation and how we will take forward this work within hate crime. We are committed to engaging communities locally through hate crime Local Scrutiny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

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

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

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

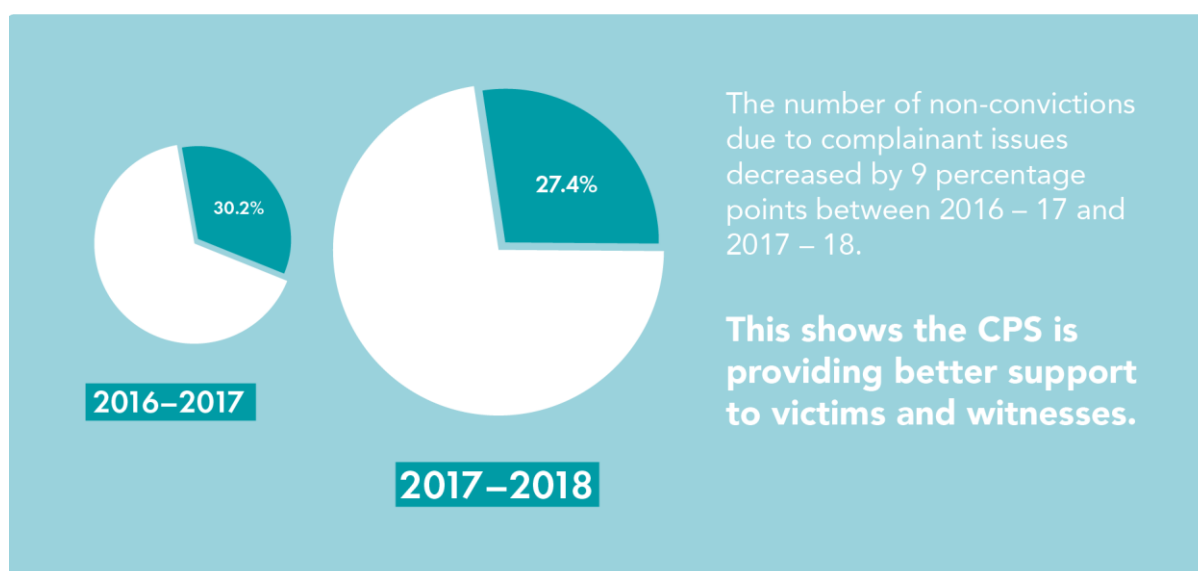
In 2017-18, the CPS obtained sentence uplifts in **two thirds** of hate crime convictions, up from 53.5% the previous year and **exceeding** the 55% level of ambition.



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

Race and Religion

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



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

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

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

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

Racially and religiously aggravated hate crime data combined:

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

Racially aggravated hate crime data:

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

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

Religiously aggravated hate crime data:

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

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

Homophobic, Biphobic and Transphobic Hate Crime

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

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

Tom Morrison, Policy Officer, Stonewall

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

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

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

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

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

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

Homophobic and transphobic hate crime data combined:

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

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

Homophobic hate crime data:

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

Transphobic hate crime data:

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

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

Disability Hate Crime

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

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

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

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

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

Hate Crime and the Legal Process.

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



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

Disability hate crime data:

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

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

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

Stirring up Hatred

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

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

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

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

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

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

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

Stirring up hatred offences data:

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

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

Crimes against Older People

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

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

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

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

Crimes against older people data:

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

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

Hate Crime data report

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

Hate Crime Data Report

Introduction

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

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

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

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

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

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

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

Reading the report

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

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

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

a high level of public interest in accessing this information.

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

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

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

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

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

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

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

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

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

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

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

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

Hate Crime governance

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

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

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

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

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

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

Hate Crime Assurance Scheme

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

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

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

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

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

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

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

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

Inclusion and Community Engagement strategy

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

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

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

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

Social Media

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

when the number of offences was 386.

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

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

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

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

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

Misogyny and Hate Crime

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

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

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

Summary of CPS Activity

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

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

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

CPS engagement with partners

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

Next Steps

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

Hate Crime Data

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

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

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

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

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

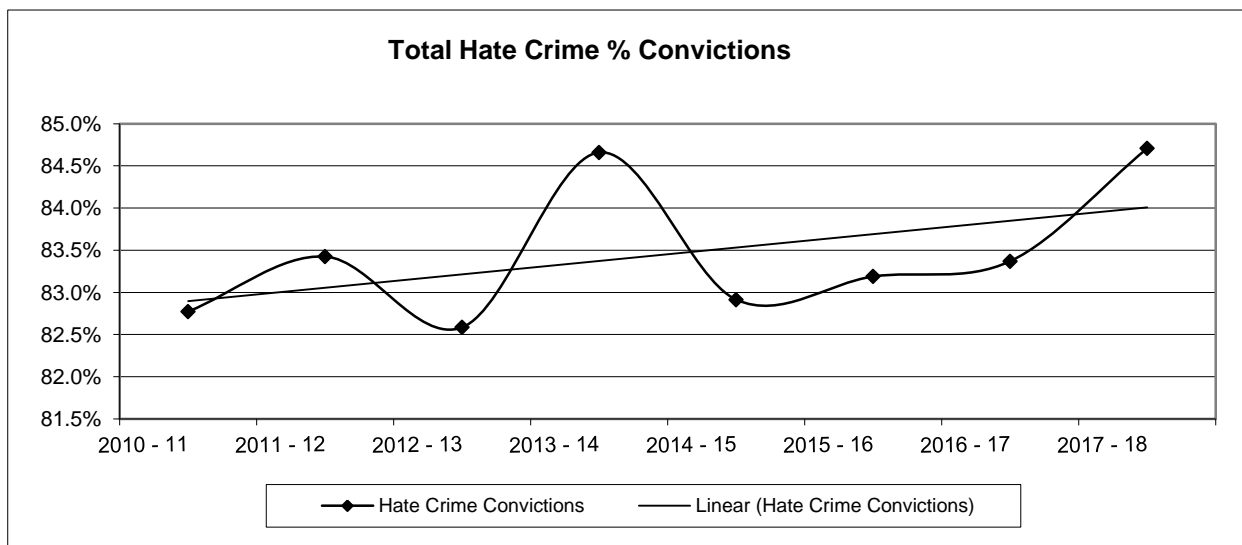
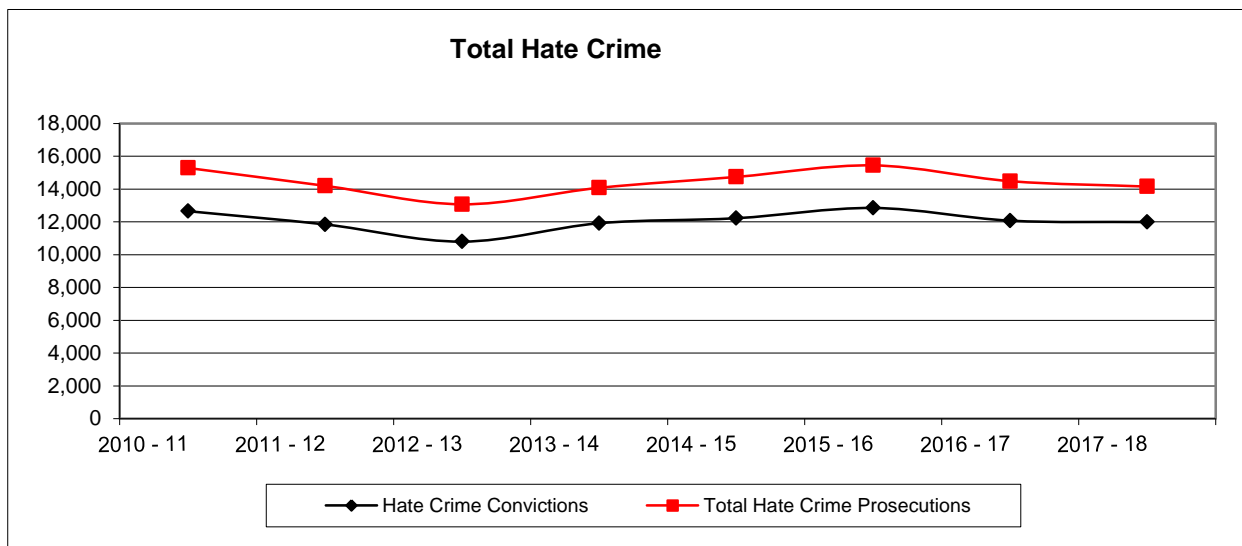
The majority of cases flagged as hate crime are racially and religiously aggravated (84.0%), followed by homophobic/biphobic/transphobic crimes (10.7%) and those involving hostility on the grounds of disability (5.3%). The proportion of racial and religious crimes and homophobic, biphobic and transphobic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

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

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

Table 2: Completed hate crime prosecutions by outcome

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



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

Table 3: Principal offence category for each hate crime strand

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

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

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

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

Equalities Issues

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

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

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

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

Gender

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

Ethnicity

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

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

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

Age

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

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

Race and Religion

Introduction

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

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

Summary of CPS activity

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

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

Data

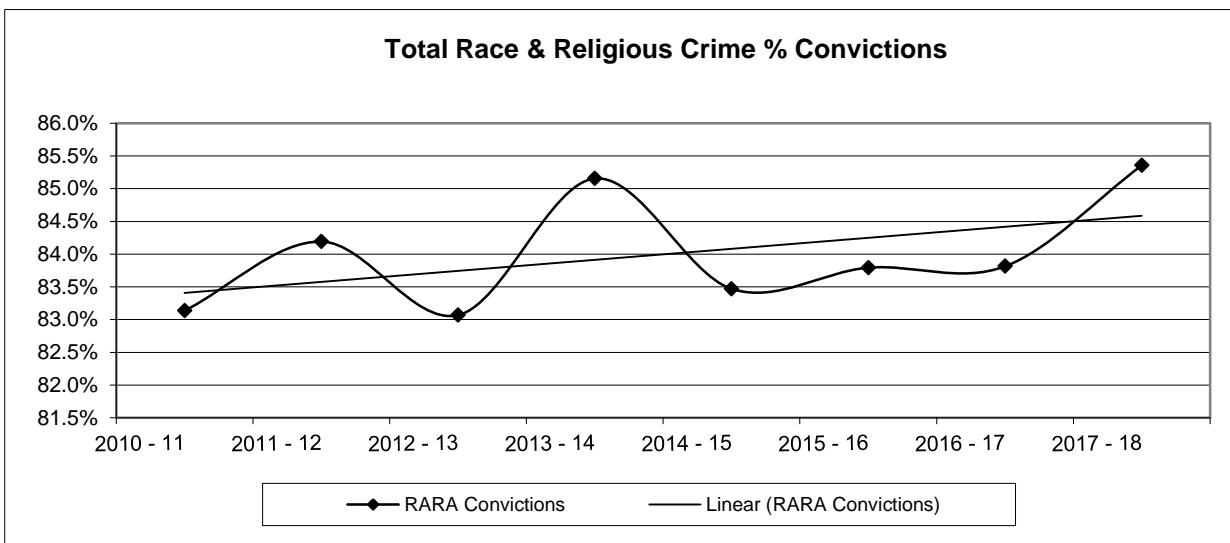
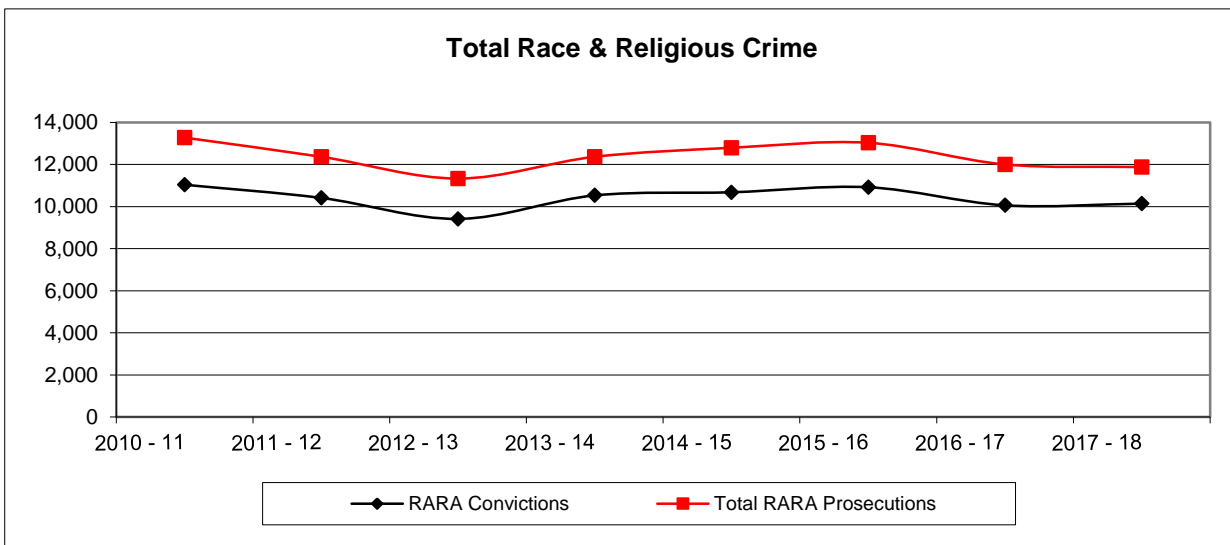
- The volume of racially and religiously aggravated hate crime finalised case referrals from the police increased slightly from 10,706 in 2016–17 to 11,200 2017–18 – an increase of 494 referrals (4.6%). Of these, 79.6% were charged (down from 83.0% in the previous year) resulting in 8,913 suspects charged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

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

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

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

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



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

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

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

Equalities issues

Gender

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

Ethnicity

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

Age

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

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

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

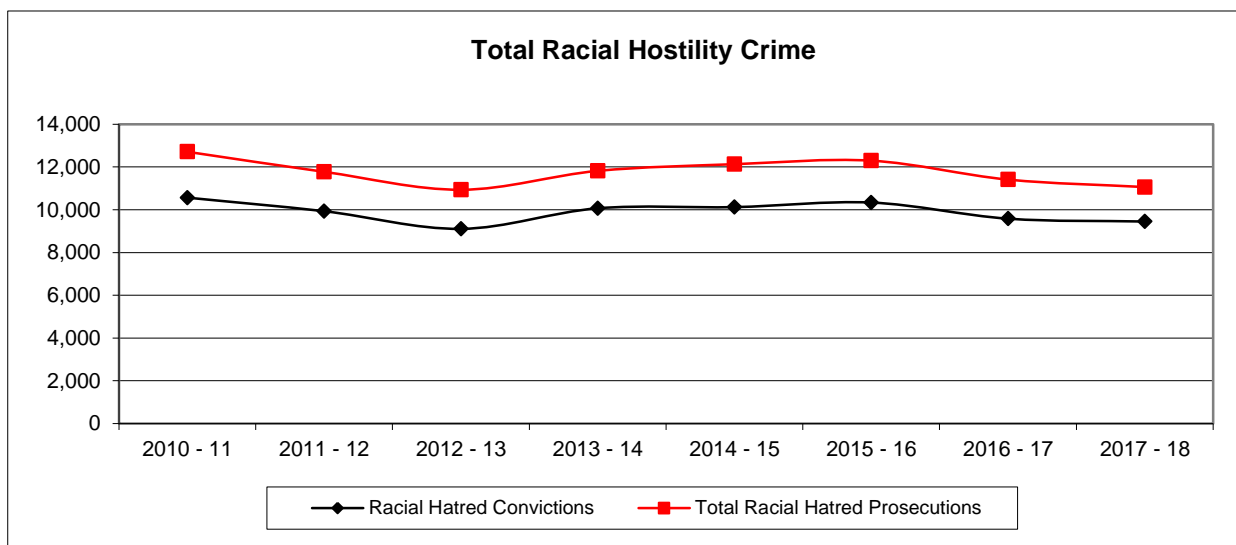
- From those victims where age was recorded, the majority were aged 25-59 (78.4%) and 18-24 (13.3%). 16.7% of victims (1,732) were 24 years old and under, with 262 (2.5%) of victims being 14–17 years old, 92 (0.9%) aged 10–13 and 3 under 10 (0.0%).

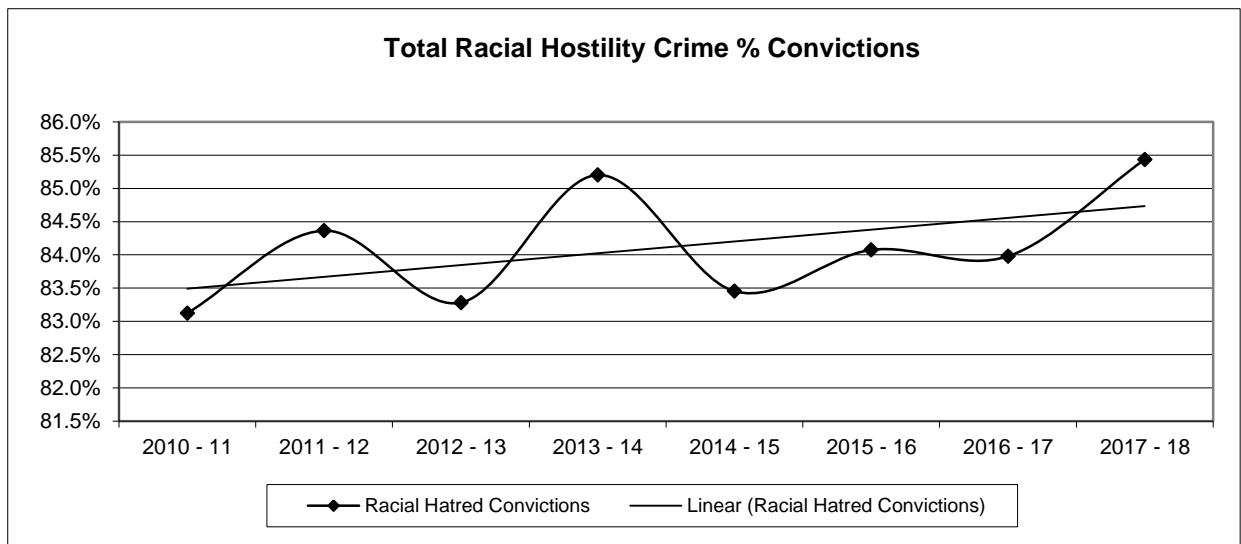
Racially aggravated crimes

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

Table 6: Completed prosecutions by outcome for racially aggravated offences

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





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

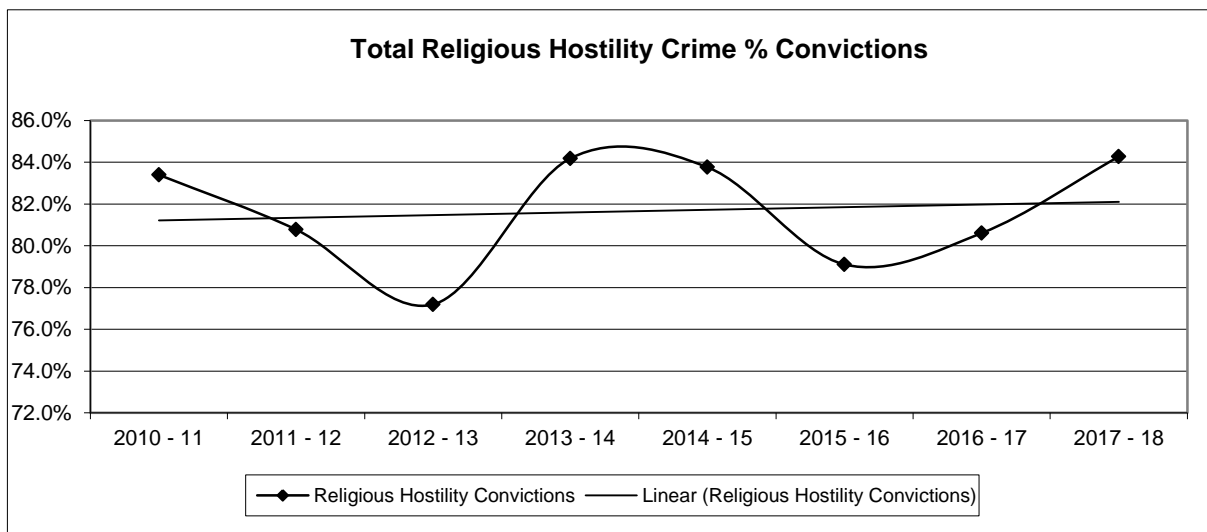
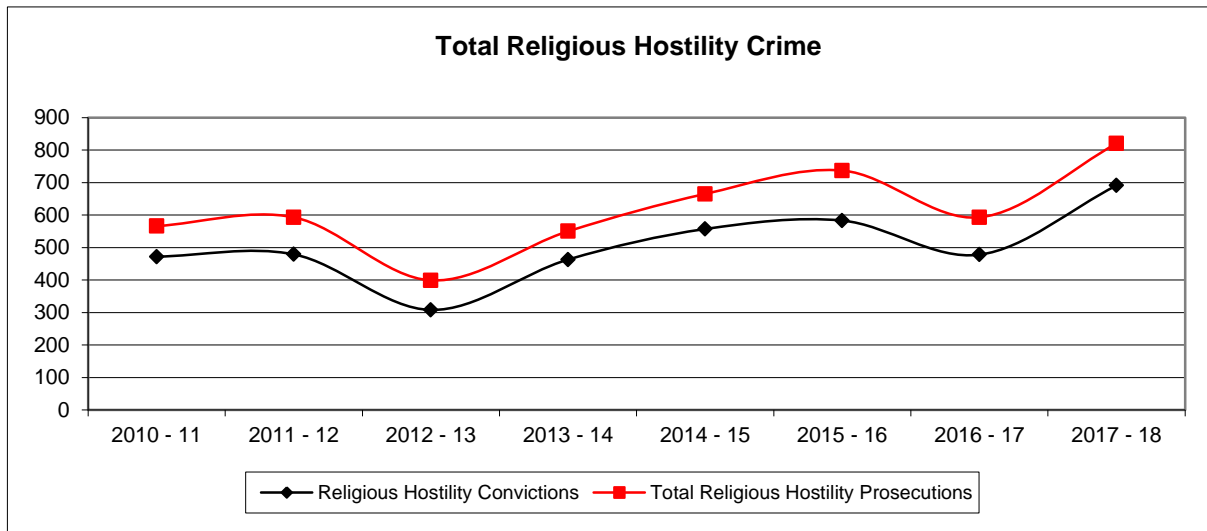
Religiously aggravated crimes

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

Table 7: Completed prosecutions by outcome for religiously aggravated offences

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



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

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

Homophobic, Biphobic and Transphobic

Introduction

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

Summary of CPS activity

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

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

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

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

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

Data

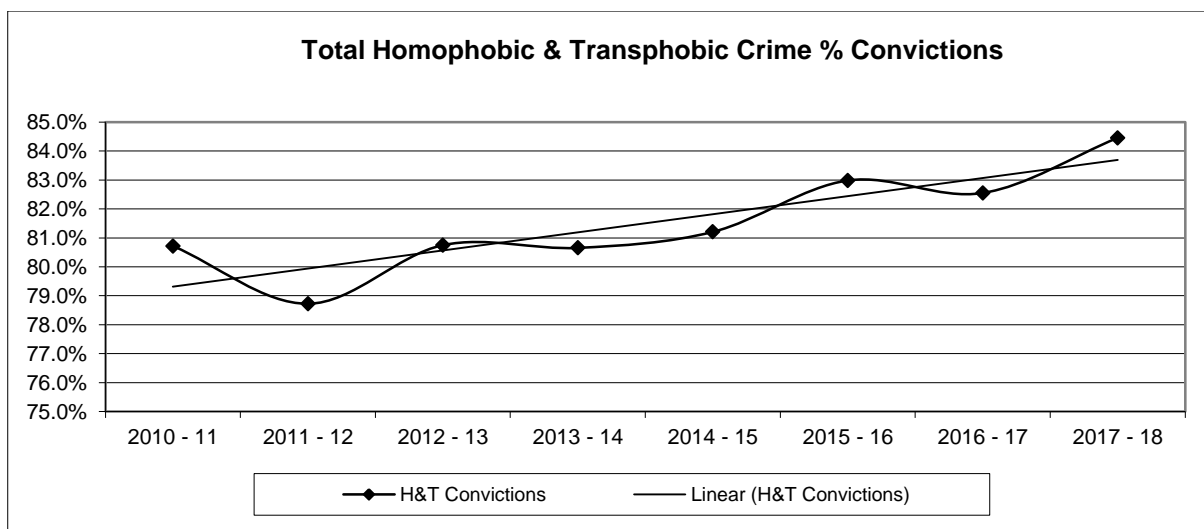
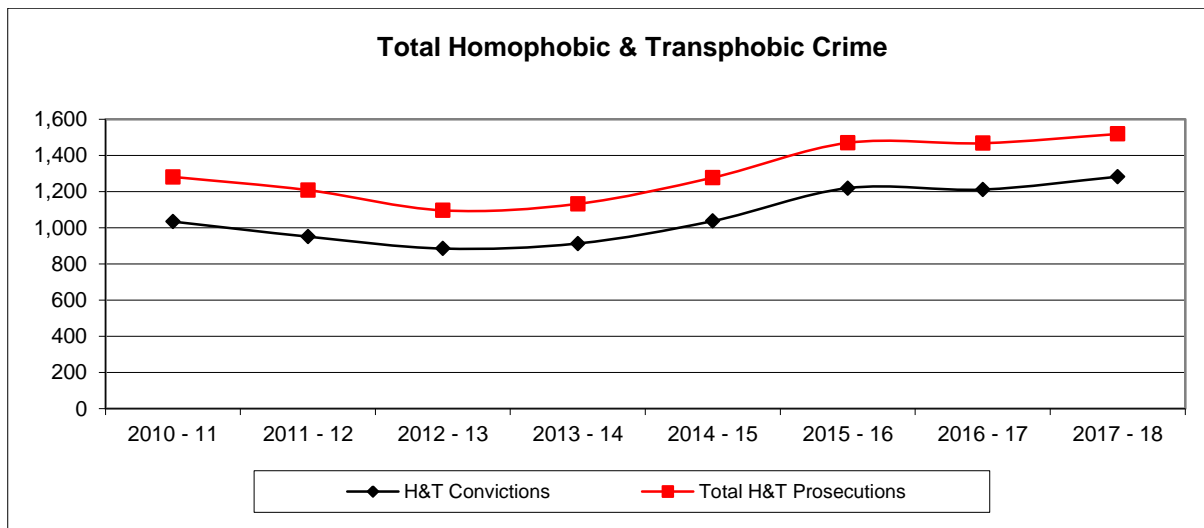
Please note CPS performance data on Sexual Orientation and Transgender Identity is not reported separately prior to 2012 when the law changed to incorporate transphobic hate crime.

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

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

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

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



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

Equalities Issues

Gender

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

Ethnicity

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

Age

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

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

Transphobic crimes

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

Equalities issues

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

Homophobic crimes

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

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

Equalities issues

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

Disability Hate Crime

Introduction

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

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

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

Summary of CPS activity

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

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

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

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

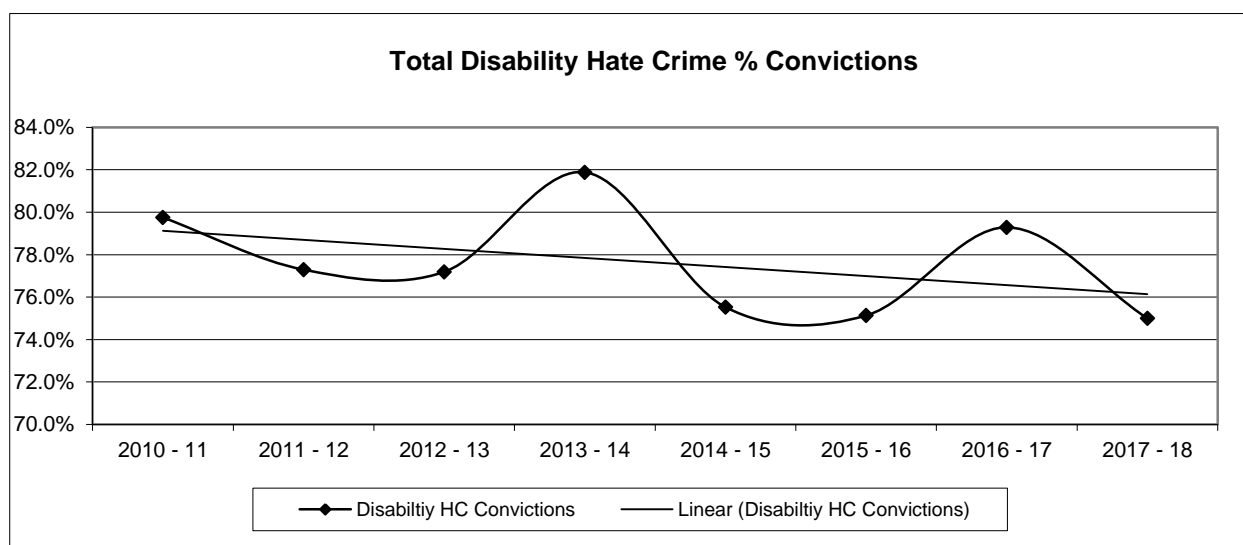
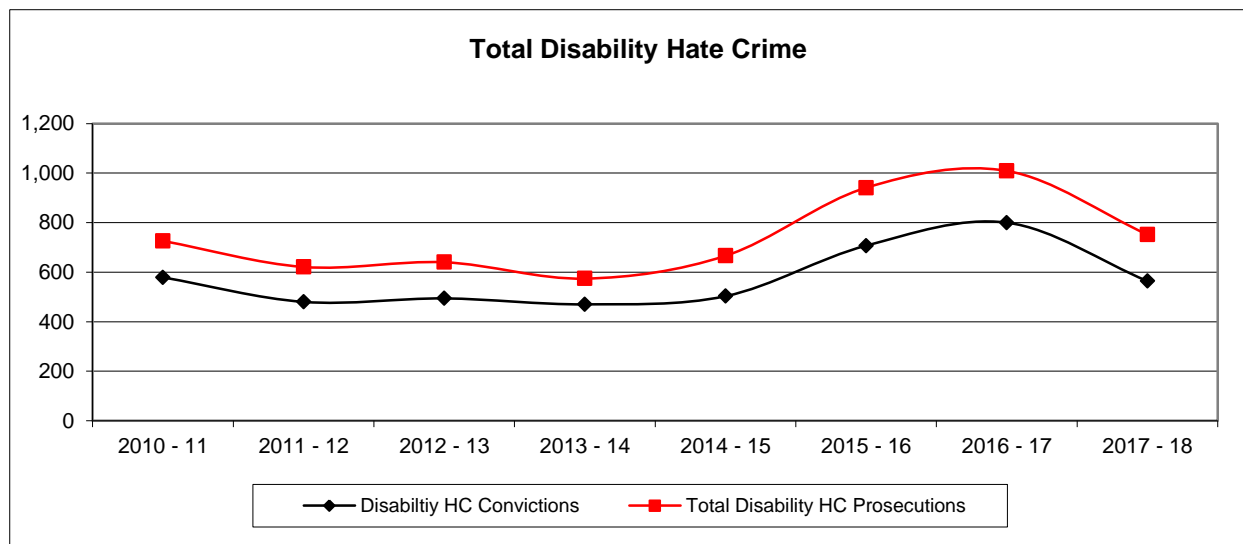
The CPS continued to support the work of the Foundation for People with Learning Disabilities (FPLD) in relation to the next phase of its research following Loneliness and Cruelty (2012). Current research has focused on mapping the experience of hate crime and the provision of support to people wishing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

Data

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

Table 11: Completed prosecutions by outcome

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



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

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

Equalities Issues

Gender

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

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

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

Ethnicity

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

Age

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

Stirring up Hatred

Introduction

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

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

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

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

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

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

Data

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

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

Crimes against Older People

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

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

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

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

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

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

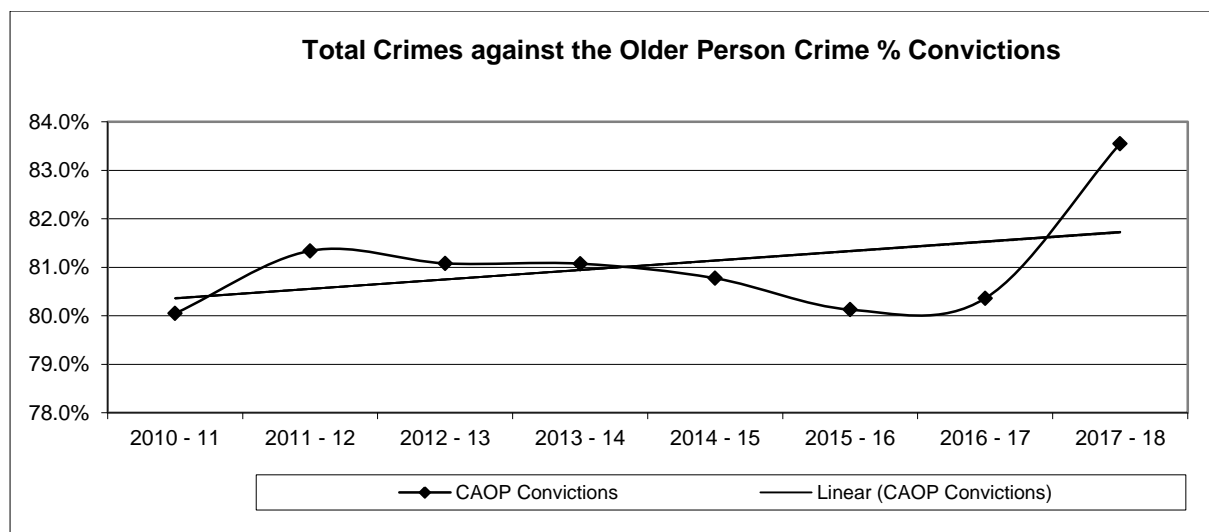
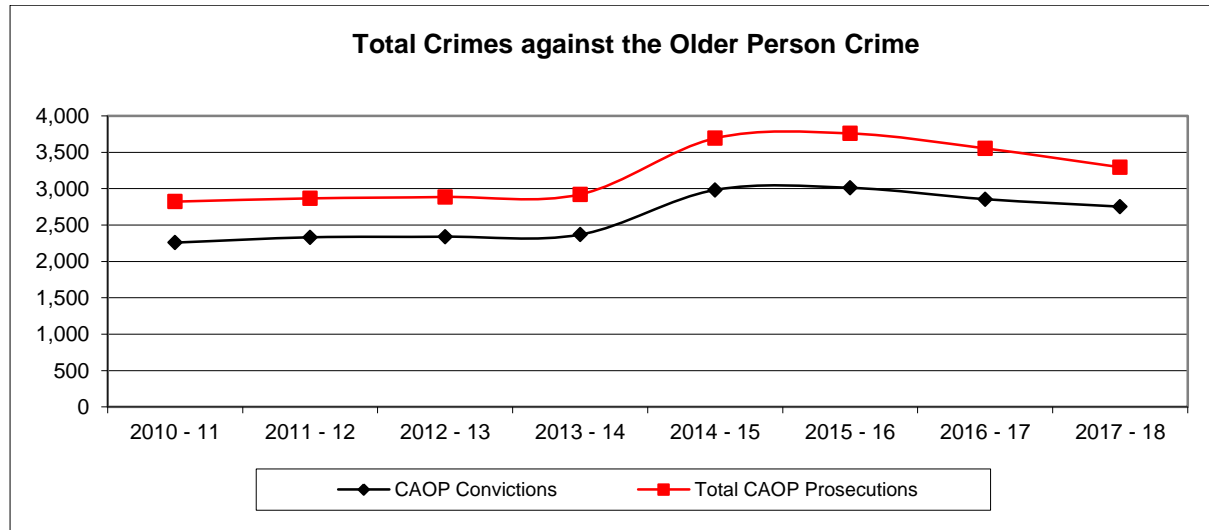
- where there is a relationship and an expectation of trust e.g. assault/theft by a carer or family member;
- where the offence is specifically targeted at the old person because they are perceived as being vulnerable or an 'easy target' e.g. a distraction burglary or a mugging;
- where the offence is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

Data

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

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

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



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

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

Equalities Issues

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

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

Table 15: Principal offence categories for crimes against older people

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

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

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

Annex I Prosecutions by Area and police force area

CPS Total Hate Crime Prosecutions

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

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

CPS Total Racial and Religious Crime Prosecutions

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

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

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

CPS Total Homophobic and Transphobic Crime Prosecutions

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

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

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

CPS Total Disability Hate Crime Prosecutions

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

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

CPS Total Crime against an older person Prosecutions

2017-18

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

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

Glossary of terms and acronyms

Hate Crime Strands

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

Case Outcomes

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

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

Reason categories for non-conviction outcomes

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

Reasons for non-conviction outcomes

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

attend court.

Complainant evidence does not support case:

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

Conflict of evidence:

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

Essential legal element missing:

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

Other indictment or sentence:

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

Acquittals after trial:

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

Principal offence category:

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