

Crown Prosecution Service
Delivering justice



Hate Crime Annual Report

2016–17

Hate Crime Annual Report Contents

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Foreword by the Director of Public Prosecutions



This report summarises 10 years' of data on hate crime and the annual trends in 16–17. We are committed to publishing the analysis and assessment of our performance each year, to assist in improving the effectiveness of our hate crime prosecutions.

In the ten years since 2007-08, the hate crime conviction rate has increased by 3.6 percentage points to 83.4% in 2016–17. Furthermore, the proportion of cases with a guilty plea rose by 6.8% to 73.4%. This increase is very pleasing, as guilty pleas offer victims justice without having to come to court to give evidence.

Over the past year, we have seen that terrorist incidents have been followed by increases in reports of hate crimes. Reported incidents have fallen after this reporting period, 2016–17, and so any associated surge in reports of hate crime will not be reflected in our data for referrals and prosecutions. In 2016–17, the conviction rate has remained broadly static in comparison with previous years at 83.4%. We have, however, seen an increase in the conviction rate for

disability hate crime by 4.2 percentage points to 79.3%. The volume of disability hate crime prosecutions completed increased from 941 in 2015–16 to 1,009 in 2016–17 – an increase of 7.2%. We are particularly pleased to see this increase in prosecutions and convictions for disability hate crime, as we recognise how difficult it can be for victims to come forward. We have published a [support guide for disabled victims and witnesses of crime](#), developed in collaboration with specialist organisations, to help victims report to the police and provide advice on the support available.

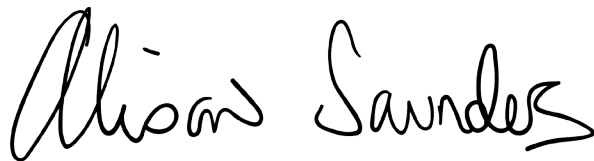
As part of our hate crime assurance scheme, we have also worked hard to increase announced and recorded sentence uplifts. In 2016–17, there were 6,306 or 52.2% announced and recorded sentence uplifts, a rise from 4,347 or 33.8% in 2015–16. Sentence uplift is important. It demonstrates that the hate crime has been recognised and the perpetrator has received a more severe sentence, reflecting that they had targeted someone because of their disability, race, religion, sexual orientation or transgender identity. The significant increase in the proportion of sentence uplifts not only reflects the hard work of the CPS to present these cases at court, but also our work in collaboration with the police, our partners in the wider criminal justice system and our valued community partners. The CPS 2020 business plan recognises the importance of sentence uplift and we have set a level of ambition of achieving sentence uplifts in 55% of successful hate crime prosecutions by 2020.

In 2016–17, the overall volume of hate crime prosecutions has fallen from 15,442 in the previous year to 14,480. The overall number of police referrals increased by 0.7% last year, though this follows a 9.6% drop in police referrals from 2014–15 to 2015–16. We are working with our police colleagues, locally and nationally, to understand the reasons for the overall fall in referrals in the past two years.

During 2016–17, we have continued to work with our National and Local Scrutiny Panels and we are grateful for the feedback which has contributed to our revised Public Policy Statements and Legal Guidance which were published as part of our #HateCrimeMatters campaign in August 2017. In total, 21.5 million people saw the campaign. In October 2016, we also published the revised guidelines on [prosecuting cases involving communications sent via social media](#) which now includes a section on hate crime to equip our prosecutors to deal with these cases. In the past year, we have also convened a panel on hate crime experienced by Gypsy, Roma and Traveller communities, and an action plan has been developed to address the issues these communities experience.

I would like to thank our stakeholders and our partners in the Community Accountability Forum for contributing their vast knowledge and experience to our work in 2016–17. In addition, I am grateful to our dedicated Area Hate Crime Coordinators and to the prosecutors who deal with these cases.

It is clear that hate crime prosecutions have come a long way over the past 10 years. As ever, there is more to be done in the coming year. We are a key contributor to the Government Action Plan on hate crime – [‘Action Against Hate, the UK Government’s plan for Tackling Hate Crime’](#) – published in July 2016. We will continue to build on our achievements, working with our partners and implementing changes to deliver a better service to individuals and communities affected by hate crime.

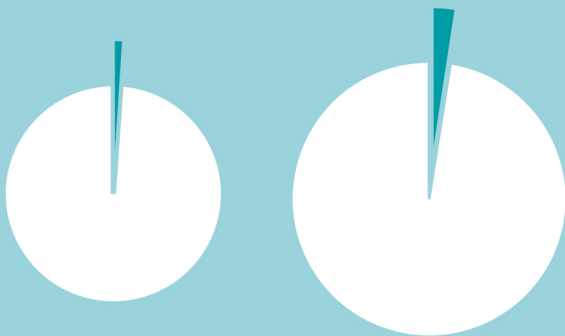
A handwritten signature in black ink that reads "Alison Saunders". The signature is written in a cursive, flowing style.

Alison Saunders CB

Director of Public Prosecutions

October 2017

10 YEARS AT A GLANCE



2007-08

2016-17

■ Hate Crime ■ Other

In 2007-08, hate crimes accounted for 1.3% of the CPS' total caseload. In 2016-17, this proportion almost doubled to 2.5%.

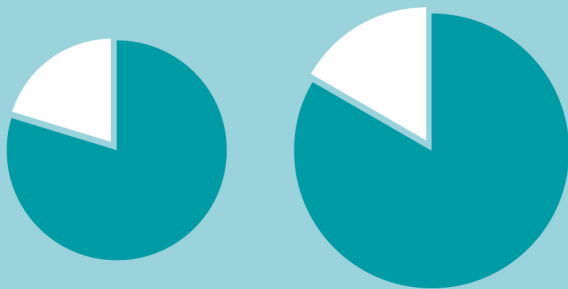
■ Recorded uplift ■ No uplift

In 2007-08, the number of successful prosecutions with a recorded and announced sentence uplift was 2.9%. In 2016-17, this rose to 52.2%. A rise of 49.3 percentage points.



2007-08

2016-17



2007-08

2016-17

■ Conviction ■ Unsuccessful

In 2007-08, the conviction rate for hate crime cases was 79.8%. In 2016-17 this rose to 83.4%, an increase of 3.6 percentage points.

■ Guilty pleas ■ Not guilty pleas

In 2016-17, guilty pleas rose to 73.4% of cases, a 6.8 percentage point increase from 66.6% in 2007-08.



2007-08

2016-17



2007-08

2016-17

■ Disability hate crime prosecutions ■ Other hate crime prosecutions

In 2007-08, the CPS completed 183 disability hate crime prosecutions with 141 successful convictions. In 2016-17 this rose to 1,009 completed prosecutions with 800 successful convictions.

Hate Crime Report

This Hate Crime Report is the ninth 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:

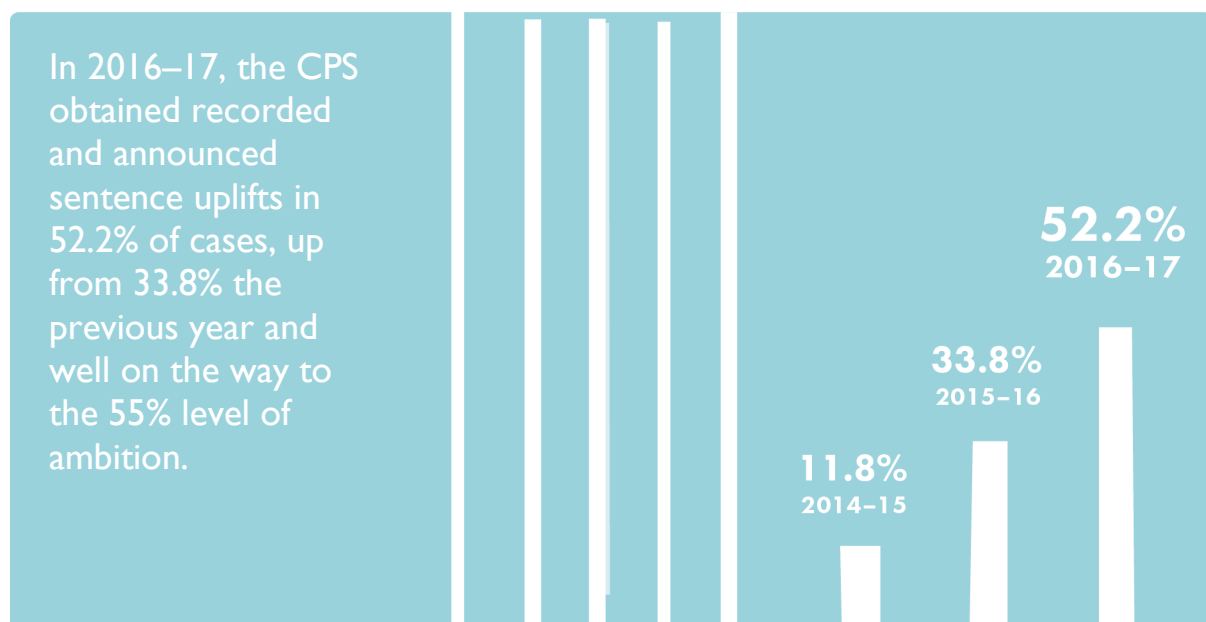
“any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person’s race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated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

Hate crime continued to be a key priority within the CPS National and Area business plans in 2016–17.

The CPS continues to play an important role in delivering the cross-Government hate crime action plan, [Action Against Hate: the UK Government’s Plan to Tackle Hate Crime](#), published in July 2016 and is part of the joint hate crime strategy board with police and other government partners.

As part of delivering against this action plan, during 2016–17 the CPS worked with strand-specific National Scrutiny Panels (NSP) to revise the CPS public statements on each strand of hate crime. At the same time the CPS also published a support statement for disabled victims and witnesses of crime to build confidence in the criminal justice system and remove barriers to reporting and supporting prosecutions.

The CPS published its 2020 vision in 2016. As part of this plan, the CPS has committed to improving public confidence by increasing performance on sentence uplift for hate crime cases to 55%.



The CPS has made significant progress in 2016–17 but recognises there is more to do. This report, along with the accompanying data report, highlights the next steps the CPS will be taking to combat hate crime whilst recognising the complexity and individual issues within each strand.

Race and Religion

The fall in police referrals of racially and religiously aggravated hate crime identified in 2015–16 has had an impact on the volumes of prosecutions and convictions in 2016–17. We have worked closely with the National Police lead to identify the reasons for the fall and address ways to ensure referrals are made appropriately. Details are outlined in the [racially and religiously aggravated hate crime data section](#).

In 2016–17, the CPS provided prosecutors with mandatory training on racially and religiously aggravated hate crimes 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 [Tell MAMA](#) and the [CST](#) on two case studies included in the training. They provided significant insight into the current issues that their communities encounter, and ensured the case studies reflected the realities of current offending patterns and contexts.

The training was excellent. The video presentations from articulate young people who live with racial and religious abuse were moving and a true reminder why getting this right matters.

Steve Hoolohan, CPS Prosecutor

The defendant began posting articles on two websites in 2014 as part of an anti-Semitic online hate campaign against an MP. He claimed that the posts were appropriate within the bounds of free speech.

The defendant was convicted of racially aggravated harassment. On 8 December 2016, he was sentenced to two years imprisonment to run consecutively to the sentence he was already serving for stirring up racial hatred, committed whilst on bail. This meant his total time in prison for the two offences is five years and four months. The defendant was also given a five year Criminal Behaviour Order (CBO) to prevent him from committing similar offences in the future. The order imposes a number of conditions which restrict his access to the internet and prevent him from contacting the MP or any named victim.

When sentencing, the Judge, Mr Justice Spencer, remarked that, “The message needs to go out loud and clear that racial hate crime, where the intention is to harass the victim, will be dealt with very severely, and deterrence must be an important element of the sentence”.

In this CPS London case, a man was jailed after being convicted of religiously aggravated harassment over a series of Islamophobic emails. The defendant sent a series of emails to the victim who was involved in a project which measures anti-Muslim incidents in the UK.

The defendant was found guilty of harassing the victim and imprisoned for 12 weeks. A restraining order to stop the defendant contacting the victim and other employees of the project, was also imposed, to prevent further harassment.

His sentence would have been eight weeks, but was increased by another four weeks after the CPS argued the offences were motivated partly or wholly by the victim's religious affiliation and a sentence uplift was applied by the court.

CPS reviewing lawyer said the content of the defendant's emails showed clear hostility based on the fact the victim is a Muslim. He went on to say, "He claimed his emails were satirical and part of his freedom of expression but under the law no-one should have to suffer harassment or hostility based on their religious affiliations".

Racially and religiously aggravated hate crime data combined:

- The volume of racially and religiously aggravated hate crime referrals from the police fell from 10,728 in 2015–16 to 10,706 in 2016–17. This is the third year that the combined racially and religiously aggravated hate crime referrals have fallen.
- The volume of prosecutions completed decreased from 13,032 in 2015–16 to 12,004 in 2016–17 – a decrease of 1,028 prosecutions (7.9%).
- The conviction rate remained steady at 83.8% in 2016–17.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 55.8% in 2016–17, an increase from 34.8% the previous year – an increase of 21 percentage points.

Racially aggravated hate crime data:

- The volume of racially aggravated hate crime referrals from police increased slightly from 10,155 in 2015–16 to 10,198 in 2016–17 – an increase of 0.4%.
- The volume of completed prosecutions decreased from 12,295 in 2015–16 to 11,411 in 2016–17 – a decrease of 7.2%.
- The conviction rate and guilty pleas remained steady at 84% and 74.2% respectively.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 55.8% in 2016–17, an increase from 35% the previous year – an increase of 20.8 percentage points.

Religiously aggravated hate crime data:

- The volume of religiously aggravated hate crime referrals from police decreased from 573 in 2015–16 to 508 in 2016–17 – a decrease of 11.3%.
- The volume of completed prosecutions decreased significantly from 737 in 2015–16 to 593 in 2016–17 – a decrease of 19.5%.

- The conviction rate and guilty pleas remained steady at 80.6% and 70.3% respectively.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 54.8% in 2016–17, an increase from 31.9% the previous year – an increase of almost 23 percentage points.

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

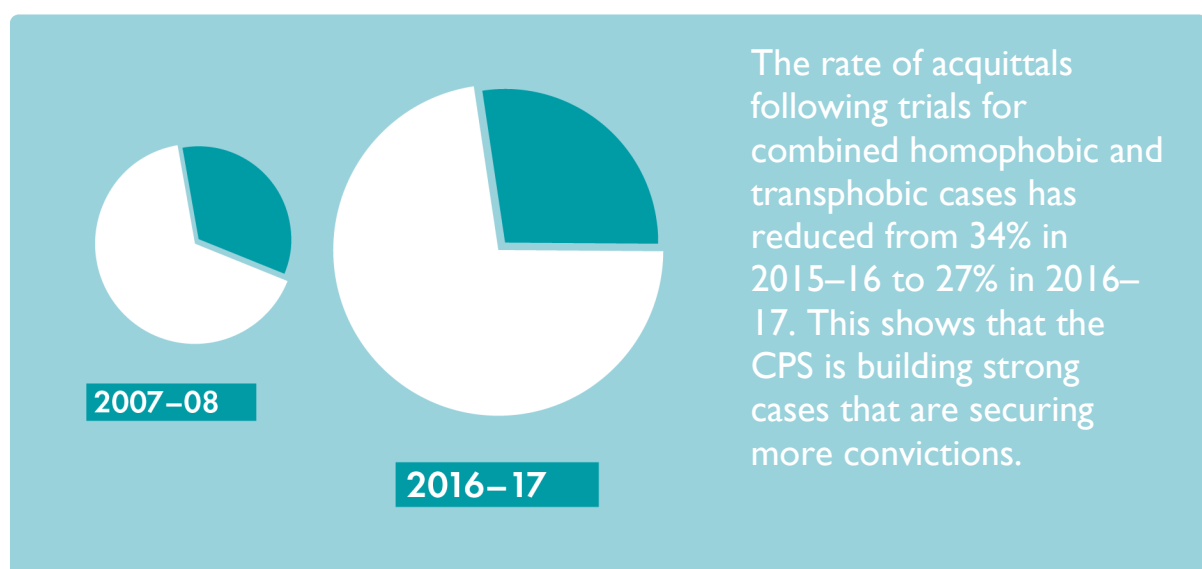
Homophobic, Biphobic and Transphobic Hate Crime

The national scrutiny panel convened to provide advice and support on the revised public statement on hate crimes targeting sexual orientation and transgender identity stressed the importance of recognising biphobic hate crime and the unique experience of bisexual people. The public statement now includes reference to biphobic hate crime throughout. While the CPS does not collect separate data on biphobic hate crime, these crimes will be reflected in the combined data on homophobic and transphobic hate crimes.

The police and the CPS agreed to treat unauthorised breaches under section 22 of the Gender Recognition Act 2004 as potential hate crimes. The Gender Recognition Act 2004 (GRA 2004) provides for the legal recognition of the trans person in their acquired gender and the opportunity to acquire a new birth certificate for their new gender. The GRA 2004 also protects those who have received or who are in the process of receiving a Gender Recognition Certificate from having this information revealed without their consent. Under s.22 of the GRA 2004, it is an offence for a person who has acquired “protected information” in an “official capacity” to disclose the information to any other person.

“Protected information” includes information regarding the application process for a Gender Recognition Certificate itself, whether it has been applied for, started or concluded OR, if a Gender Recognition Certificate has been granted, the gender status of the individual before his or her acquired gender.

As such, under the Director’s Guidance, all cases where the police decide there are sufficient grounds for a prosecution must be referred to the CPS for a charging decision.



CPS South East successfully challenged an unduly lenient sentence for a homophobic hate crime in which two victims were attacked in Brighton.

While at a local nightclub, the two defendants were verbally abusive and confrontational towards the victims referring to their sexuality in a derogatory way. When they left the night club the victims were followed by the defendants, who physically attacked them whilst continuing to use homophobic language. One of the victims sustained serious injuries including fractures to both eye sockets and cheekbones, a broken nose and a displaced tooth. The police attended the scene and the defendants were abusive and aggressive to the arresting officers.

The defendants were charged with causing Grievous Bodily Harm contrary to s.18 Offences Against the Person Act 1861 and Actual Bodily Harm. Both defendants pleaded guilty at the pre-trial preparation hearing and the Judge imposed a sentence of five years and four months imprisonment.

The CPS prosecutor was of the view that this was a potentially unduly lenient sentence and referred the matter to the Attorney General. At the hearing of the application, the Solicitor General argued that the sentences inadequately reflected the seriousness of the offending and in particular the homophobic aspects of the case.

The Court agreed and the sentence was increased to seven years imprisonment for each defendant.

In a CPS Cymru/Wales case, the victim, a transgender woman who walks with the aid of crutches, was out walking with her adult daughter who has a learning disability. The defendant, suddenly and without warning, pushed the victim and almost forced her into the path of an oncoming car. He then shouted verbal abuse relating to the victim's transgender identity. He then tried to punch the victim and struck her daughter twice to her chest with his elbow.

The defendant was arrested and throughout his time in custody continued to make transphobically abusive remarks about the victim. On CPS advice, he was charged with two offences of common assault. He pleaded not guilty.

The CPS arranged for a registered intermediary to be appointed to assist the victim's daughter in giving her evidence at the trial. Local Transgender Support Organisations were also consulted regarding support for the victims.

The defendant was found guilty after trial and sentenced to 90 days and 30 days imprisonment concurrently for the assaults, both suspended for 12 months. The District Judge announced that, as the offence was a transphobic hate crime, he had uplifted the sentence from a community order to a suspended sentence of imprisonment. A Restraining Order was issued which prohibited the defendant from contacting the victims for four years. The defendant was also ordered to pay £620 costs and a total of £400 compensation.

Homophobic and transphobic hate crime data combined:

- The volume of homophobic, biphobic and transphobic hate crime referrals from the police increased from 1,339 in 2015–16 to 1,392 in 2016–17 – an increase of 53 referrals (4%).
- The volume of prosecutions completed remained broadly steady with a decrease from 1,469 in 2015–16 to 1,467 in 2016–17 – a decrease of 2 prosecutions (0.1%).
- The conviction rate remained steady at 82.5% in 2016–17.

- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 47.8% in 2016–17, an increase from 37.8% the previous year – an increase of 10 percentage points.

Homophobic hate crime data:

- The volume of homophobic hate crime referrals from the police increased from 1,241 in 2015–16 to 1,305 in 2016–17 – an increase of 64 referrals (5.2%)
- The volume of prosecutions completed decreased slightly from 1,384 in 2015–16 to 1,375 in 2016–17– a decrease of 9 prosecutions (0.7%)
- The conviction rate remained steady at 83.2%.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 47.6% in 2016–17, an increase from 38% the previous year –an increase of 9.6 percentage points.

Transphobic hate crime data:

- The volume of transphobic hate crime referrals from the police decreased from 98 in 2015–16 to 87 in 2016–17 – a decrease of 11 referrals (11.2%)
- The volume of prosecutions completed increased from 85 in 2015–16 to 92 in 2016–17– an increase of 7 prosecutions (8.2%)
- The proportion of unsuccessful cases due to victim issues decreased from 23.5% in 2015/16 to 20% in 2016–17.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 52.2% in 2016–17, an increase from 35.3% the previous year – an increase of almost 17 percentage points.

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

Disability Hate Crime

We have worked closely with stakeholders throughout the year to develop a [public statement on Disability Hate Crime and other Crimes Against Disabled People](#) as well as a [support guide for disabled victims and witnesses of crime](#). The Work with the National Scrutiny Panel has been instrumental in the CPS adopting the social model of disability and understanding how the model impacts its work. In 2017–18, the CPS will focus on embedding the social model and providing training for prosecutors.

The social model says disability is caused by the way society is organised as opposed to a person's impairment or difference. The model looks at ways of removing barriers which restrict life choices for disabled people. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives.

1,009



The CPS prosecuted the highest number of disability hate crimes ever last year, resulting in increases to conviction rates, guilty pleas and sentence uplifts.

In a CPS Wessex case, the defendant targeted the victim because of an impairment that affected his personal appearance. The defendant was in a bar and started to shout abuse regarding a television programme about a child with Down's syndrome. The victim, who was working in the bar, asked the defendant to 'keep it down'. The defendant was verbally abusive to other customers so the victim asked him to leave. The defendant used a number of derogatory comments to abuse the victim referring to his physical appearance and perceived mental impairment. Months later the victim came across the defendant in a supermarket and he made further, similar comments.

The defendant was charged with two public order offences of causing harassment, alarm or distress.

The victim made a [Victim Personal Statement](#) in which he told the court he had never before been so hatefully abused because of his disability which he found extremely hurtful. The defendant pleaded guilty and was sentenced to six weeks imprisonment which was suspended for 12 months with 36 days rehabilitative activity requirement and a curfew for four weeks. In announcing the sentence uplift, the court stated this would have been a four week community order had it not been a disability hate crime. The defendant was also given a two year restraining order prohibiting the defendant from making any contact with the victim and also banning him from the victim's place of work. The court further ordered the defendant to pay the victim £300 compensation for the distress caused.

Disability hate crime performance has improved dramatically from 2015–16 in all key indicators.

- The volume of disability hate crime referrals from the police increased from 930 in 2015–16 to 988 in 2016–17 – an increase of 58 referrals (6.2%).
- The volume of prosecutions completed in 2016–17 increased from 941 to 1,009 – an increase of 68 (7.2%) from 2015/16 and the highest number to date.
- The conviction rate increased from 75.1% in 2015–16 to 79.3% in 2016–17) - an increase of 4.2 percentage points.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 14.6% in 2016–17, an increase from 11.9% the previous year – an increase of 2.7 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.

In 2016–17, SCCTD invited community partners to attend a National Scrutiny Panel on Stirring up Hatred offences. The aim of the panel was to provide an overview for discussion on the law as well as the issues and challenges of investigating and prosecuting offences of stirring up hatred. The key outcome for the Panel was increased awareness of how the law operates in this area.

A man was sentenced to five years' imprisonment in February 2017 after pleading guilty to a string of terrorism and hate crime offences at Kingston Crown Court.

The man used his social media account to stir up racial, religious and homophobic hatred, including one post which called on his followers to kill Muslims. He also pleaded guilty to one count of possession of terrorist material, after the White Resistance Manual was found on his computer.

Sue Hemming of the CPS said: "These crimes are indicative of a man who thought that his online anonymity meant that he could get away with stirring up hatred of all kinds.

"Those who seek to stir up hatred between communities, particularly where that hatred is combined with dangerous terrorist ideologies, should understand they will be prosecuted."

Stirring up hatred offences data:

- There were four prosecutions in 2015–16, all with successful outcomes.

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 2016–17, the CPS developed legal guidance on Offences of Wilful Neglect or Ill Treatment and a link has been inserted into the legal guidance on Crimes Against Older People.

The CPS also started work to refresh the public statement and legal guidance on Crimes Against Older people. This work will continue in 2017–18.

In this CPS Cymru/Wales case, the defendant targeted the victim because of his age and perceived vulnerability stealing his bank card and pin and taking out £300 in cash from his account.

The victim, an 86 year old man, had been helping a young man who attended his church. This man was a friend of the defendant and brought him round to the victim's house to borrow money. The defendant returned on a separate occasion alone and asked to borrow more money from the victim. The victim agreed and went upstairs to get ready to go to the bank. The defendant accompanied the victim on the pretence of helping, and saw where his bank card was kept.

The defendant returned on a further occasion, went upstairs in the victim's house unaccompanied and stole his bank card. He left and went straight to the bank withdrawing £300.

The victim was charged with burglary and fraud and pleaded not guilty. He was convicted after trial and sentenced to 26 weeks imprisonment for burglary and 18 weeks imprisonment for fraud. He was also given an indefinite restraining order preventing him from contacting the victim.

At the trial, the victim attended court in the company of the defendant's friend. The CPS prosecutor was concerned and asked him to leave the witness suite at which point he became angry. He remained at court and sat at the back during the victim's evidence.

The CPS prosecutor was concerned that the victim would be targeted again by the defendant and his friend and, after the trial, contacted the police to request that a care plan was put in place to protect the victim from further offending.

Crimes against older people data:

- The number of cases referred by the police as a CAOP decreased from 3,568 in 2015–16 to 3,467 in 2016–17, a decrease of 101.

- The volume of completed prosecutions fell from 3,759 in 2015–16 to 3,554 in 2016–17 – a decrease of 5.5%.
- The conviction rate remained steady at 80.4%.

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

The [Hate Crime data report](#), outlining the performance data for all Hate Crime prosecutions and good practice is provided.

[Annex 1 Area data](#)

[Glossaries of terms and acronyms](#)