



Hate crime report

2007 – 2008

Published December 2008

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1 Executive summary

This is the first Crown Prosecution Service (CPS) Annual Hate Crime Report, and brings together information on CPS performance in prosecuting racist and religious hate crime, transphobic and homophobic crime, disability incidents and domestic violence. Until this year, CPS included domestic violence within its hate crime measure, but now groups these offences within the separate violence against women measure. A full analysis of CPS performance in relation to domestic violence is included in the 2007-08 Violence Against Women Report.

Hate crime – overall key findings

- In the three years ending March 2008, over 200,000 defendants were prosecuted for hate crimes.
- During this period, the conviction rate rose from 62% in 2005-6 to 71% in 2007-08.
- Guilty pleas increased from 59% to 63%.
- The target to reduce unsuccessful outcomes to 28% by the fourth quarter of the year was exceeded at 27.6%.
- The proportion of cases failing due to issues such as victim retraction, and cases where the victims fails to attend a court hearing remained stable at 55% of all unsuccessful outcomes. However while victim issues are particularly relevant to domestic violence cases, other reasons for failure such as acquittals after trial are more common for other hate crime strands.
- The vast majority of hate crime defendants across the strands were men.
- While the data on victim demographics is less reliable and still under development, there are significant differences in gender across the strands. In domestic violence cases, victims are overwhelmingly women (86%), whereas women were victims in 38-48% of cases in other hate crime strands.
- Offences against the person were the most commonly prosecuted offences in domestic violence (around 72%). Offences in racist and religious and homophobic cases were split between offences against the person and public order offences. Disability incident cases also involved more offences against the person as well as thefts and handling offences.
- In 78% of hate crime defendants were identified as belonging to the White British Category, and 81% were categorized as White.

Racist and religious crime – key findings

- In the three years ending March 2008, over 33,000 defendants were prosecuted for crimes involving racial or religious aggravation.
- Convictions rose from 74% in 2005-6 to 80% in 2007-08.
- Guilty pleas increased from 64% to just under 67%.
- In the final quarter of 2007-08, the CPS target to reduce unsuccessful prosecutions to 20% was exceeded at 19.7%.
- In 2007-08, the most common reasons for unsuccessful outcomes included acquittals and essential legal element missing. However there was an increase in cases failing due to victim retraction, non attendance at court, and those cases where the evidence of victims did not support the case.
- In 2007-08, the majority of defendants were men at 85%.
- In 2007-08, offences against the person and public order offences were the most common (84%).
- In 2007-08 76% of racially and religiously aggravated crime defendants were identified as belonging to the White British category.

Homophobic and transphobic crime – key findings

- In the three years ending in March 2008, over 2,400 defendants were prosecuted for homophobic or transphobic crimes.
- In this period, convictions rose from 71% to 78% in 2007-08.
- Guilty pleas increased from 58% to 67%.
- The 2007-08 target was to reduce unsuccessful outcomes to 20%. Outcomes were outside the target at 22.6% by the fourth quarter.
- Acquittals and essential legal element missing accounted for the majority of unsuccessful outcomes
- While the number of unsuccessful outcomes due to victim difficulties increased from 06-07 to 07-08, they fell slightly in proportional terms, from 5% to less than 4%.
- The majority of defendants were men (87%).
- Offences against the person were the most common offences.
- In 2007-08 76% of defendants were identified as belonging to the White British category.

Disability hate crime – key findings

- 2007-08 is the first year that performance information on disability incidents has been captured.
- In the year ending March 2008, 183 defendants were prosecuted for disability incidents.
- In 2007-08, 77% of cases resulted in a conviction.
- In 2007-08, the guilty plea rate was 72%.
- Acquittals accounted for more unsuccessful outcomes than victim issues, similar to racist and religious incidents and homophobic and transphobic crimes. 82% of defendants prosecuted were men.
- Offences against the person were the most common offences. Burglary, theft and handling were also common.
- In 2007-08, 83% of defendants were identified as belonging to the White British category.

Domestic violence – key findings

- In the three years ending in March 2008, over 170,000 defendants were prosecuted for domestic violence;
- 94% of defendants were men in 2007-08 (only 1% less than in 2006-07);
- 86% of victims were women in 2007-08 (only 1% more than in 2006-07);
- the number of DV cases charged¹ increased from 62% in 2006-07 to 65% in 2007-08;
- unsuccessful prosecutions fell from 40% in 2005-06 to 31% in 2007-08;
- guilty pleas increased from 58% in 2006-07 to 62% in 2007-08;
- unsuccessful outcomes due to victim issues accounted for 17% of all domestic violence outcomes in 2006-07 falling to less than 16% in 2007-08.

¹ Data on charging is only available from 2006-07

2 Introduction

Hate crimes recording on CPS for 2007-08 included racist and religious hate crimes, homophobic and transphobic crimes, disability incidents and domestic violence. Safety and security, and the right to live free from the fear of crime, are fundamental human rights and go to the core of people's priorities. Feeling and being unsafe have a significant impact on people's health and sense of wellbeing and can leave them isolated and unable to participate socially and economically in their communities. We want victims of hate crime, their families, communities and the general public, to be confident that the CPS understands the serious nature of crimes against them.

Part of this reassurance comes from being transparent about our performance in prosecuting hate crime. Until this year, the Crown Prosecution Service has reported its performance on domestic violence, racist and religious hate crime and homophobic and transphobic hate crime in a number of ways. Data on racist offences was published in the Racist Incidents Monitoring Scheme report for seven years and, more recently, included data on religious offences.² Domestic violence performance has been published in the form of yearly 'snap shots' of a month's domestic violence data, and in 2007 CPS released information about performance on prosecuting homophobic and transphobic hate crime in the form of a press release.

This report brings together information on CPS performance in prosecuting all hate crime strands. Where possible, 2007-08 performance in prosecuting racist and religious hate crime and homophobic and transphobic crime is compared with performance during 2006-07. Disability hate crime is included for the first time, based on performance information for the year 2007-08 alone.

The Violence Against Women Strategy, published in April 2008, provides the framework to effectively coordinate CPS policy and performance on domestic violence and other violence against women offences, and moves the measurement of performance in prosecuting domestic violence into the new Violence Against Women indicator. In order to begin our annual reporting in line with this strategy, and to avoid the duplication of information in reports, a full analysis of information on domestic violence can be found in the CPS Violence Against Women report, published alongside the present report.

Hate Crime – the wider government context

The government recognises that serious violence can be a major cause and consequence of inequality; hate crime in particular has a disproportionate impact on women³ and minority groups.⁴ Our focus on improving hate crime performance, monitoring and reporting ensures that the CPS is playing its part in achieving Public Service Agreement 23 – Make communities safer.

The CPS also works with government partners to achieve PSA 24 – to deliver a more effective, transparent and responsive Criminal Justice System for victims and the public. This work aims to drive up overall public confidence in the fairness and effectiveness of the CJS by putting in place improvements in the way that the CJS deals with crime through more efficient and effective services, and improved services to victims and witnesses and Black and Minority Ethnic (BME) groups.

² The Racist Incidents Monitoring Scheme (RIMS report)

³ Domestic violence crimes constitute the majority of hate crimes and are mainly perpetrated by men against women.

⁴ Iganski (2008)

We know that hate crime cases suffer higher levels of attrition due to victim and witness difficulties. This is why all of our public policy statements clearly set out how we go about supporting victims and witnesses in hate crime cases. We have also worked to strengthen our community engagement processes and activities. We have set up hate crime scrutiny panels which look at how the CPS dealt with recent cases of hate crimes. We will use the panels to inform how we improve prosecution outcomes and our handling of cases generally.

The Hate Crime Scrutiny Panels include the CPS, community stakeholders, and an independent facilitator. The community stakeholders are drawn from community groups which have direct experience of hate crime. The panels are an important testament to our commitment to be transparent in our decision making. They consider what went well and not so well, and, if there are any lessons to be learned for the future.

We have also established Community involvement panels. They are on a more regional basis and have a more general focus on CPS business, performance and strategy. We very much see the Community Involvement Panels having an important role in monitoring and improving CPS performance.

Race for Justice

CPS contributes to the delivery of Race for Justice (RFJ), the Attorney General's Hate Crime Strategy which has the support of the Home Secretary and the Secretary of State for Justice. A number of work streams are in place, including the development of occupational standards for practitioners working in the field of hate crime, introducing an online reporting facility of hate crime, work with the equal treatment committee at the Judicial Studies Board and work with other government departments to raise awareness of and improve the recording of hate incidents in schools and the local community. A delivery board made up of officials from across the CJS and an advisory group made up of representatives from victim support organisations oversee the implementation of the recommendations.

Hate crime – the CPS context

The CPS views the effective prosecution of hate crimes as a high priority which directly contributes to its corporate aims: strengthening the prosecution process; championing justice and the rights of victims; and inspiring confidence in the communities we serve. The successful prosecution of hate crime is also central to achieving the goals of our Single Equality Scheme.

Performance management framework

From 2008-09 domestic violence will move out from Hate Crimes to be managed under the Violence against Women (VAW) Strategy, with a specific VAW Indicator. The VAW Indicator has an overall target of reducing unsuccessful prosecutions to 29% by April 2009; with a separate target of 28% for domestic violence and sexual offences and of 41% for rape. In 2009-2010 the domestic violence target will reduce to 26% unsuccessful outcomes.

The Hate Crime Indicator has a single target for unsuccessful outcomes of 18% applied to all current hate crime strands (racist, religious, homophobic and disability hate crimes). In 2009-10 this target will be reduced to 17% unsuccessful outcomes. In 2010-11 it will be further reduced to 16%.

Prosecutions data for each of the 42 Areas of the service can be found at Annex 1, page 45 of this report.

A glossary of terms used in this report can be found at page 49.

3 Hate crime: key findings

Since April 2005 the Crown Prosecution Service has reported on its performance in relation to the prosecution of hate crimes as part of the CPS Area performance review process. Hate crimes comprise racially and religiously motivated crimes, homophobic and transphobic crimes, and crimes motivated by a person's disability. Additionally, up until March 2008 offences of domestic violence were also treated as hate crimes, although with effect from April 2008 they are now reported separately as part of the Violence Against Women (VAW) strategy, with a new VAW Indicator. Performance data on hate crimes is recorded within the Compass Case Management System, and extracted from the related Compass Management Information System.

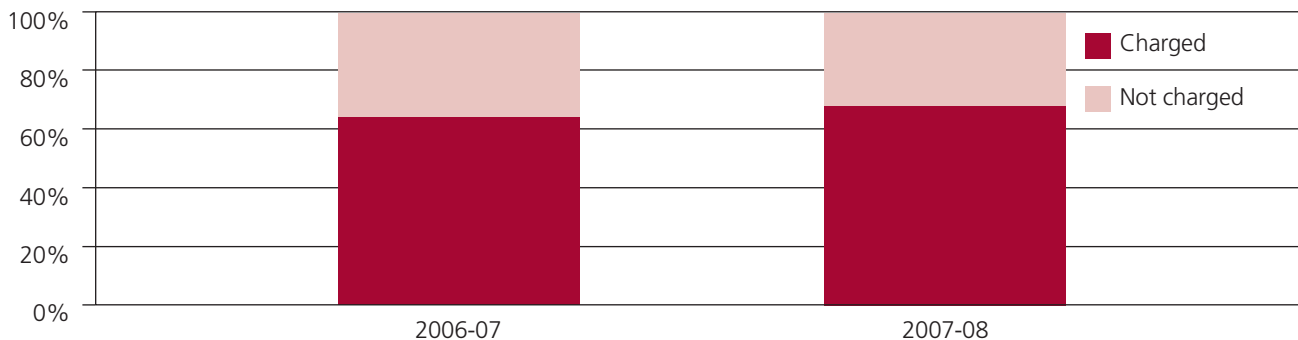
Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals,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

Charging

Statutory charging of defendants by CPS was fully rolled out in April 2006. In the two years following that date 158,000 cases identified as involving hate crimes were referred to the CPS for a charging decision. The table and chart below (1) show that over 100,000 of these, or 65%, were charged during the two year period.

The proportion of cases charged rose from 62.6% of hate cases referred to the CPS in 2006-07 to 66.5% in 2007-08. The proportion of cases charged within each hate strand is reported in the relevant section of this report. Charging rates varied across the strands. In 2007-08, 72.8% of racially and religiously aggravated crimes were charged compared with 64.6% of homophobic crimes and 69% of disability incidents.

Table 1: Pre-charge decisions*



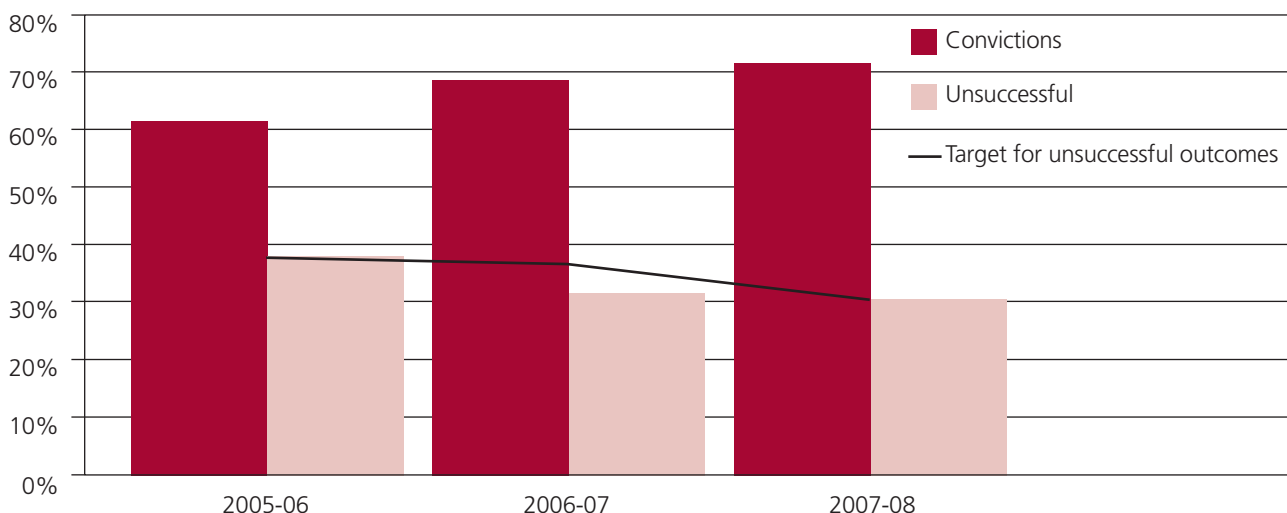
All defendants	2006-07		2007-08	
	Volume	%	Volume	%
Charged	45,347	62.6%	57,175	66.5%
Request for further evidence	1,084	1.5%	660	0.8%
No prosecution	21,059	29.1%	22,861	26.6%
All other decisions	4,971	6.9%	5,336	6.2%
Total	72,461		86,032	

*Statutory Charging was fully rolled out on 3 April 2006

Convictions

In the three years ending March 2008, over 200,000 defendants were prosecuted for hate crimes. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 62% in 2005-06 to 71% in 2007-08.

Table 2: Completed prosecutions by outcome



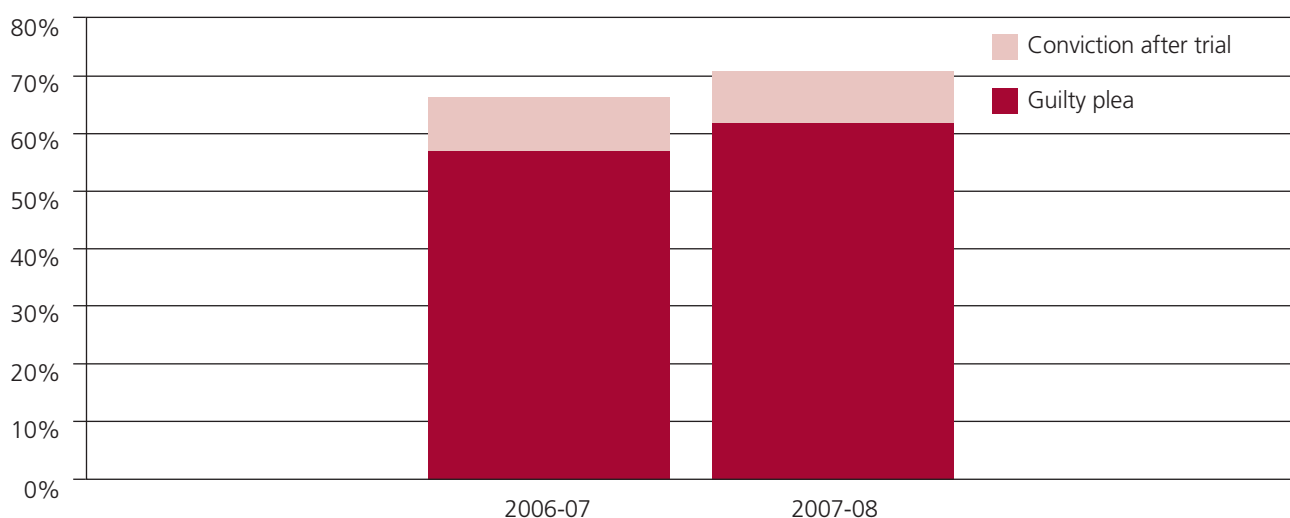
	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Convictions	36,722	62.0%	47,004	67.2%	55,294	70.9%
Unsuccessful	22,528	38.0%	22,892	32.8%	22,711	29.1%
Total	59,250		69,896		78,005	

The table and charts below show a detailed breakdown of prosecution outcomes for hate crimes in 2006-07 and 2007-08. Guilty pleas increased from 59% to 63%, contributing to an improved conviction rate of 71% overall in 2007-08. Prosecutions dropped by CPS, discontinuances and cases in which no evidence was offered, fell from 26% to less than 23%.

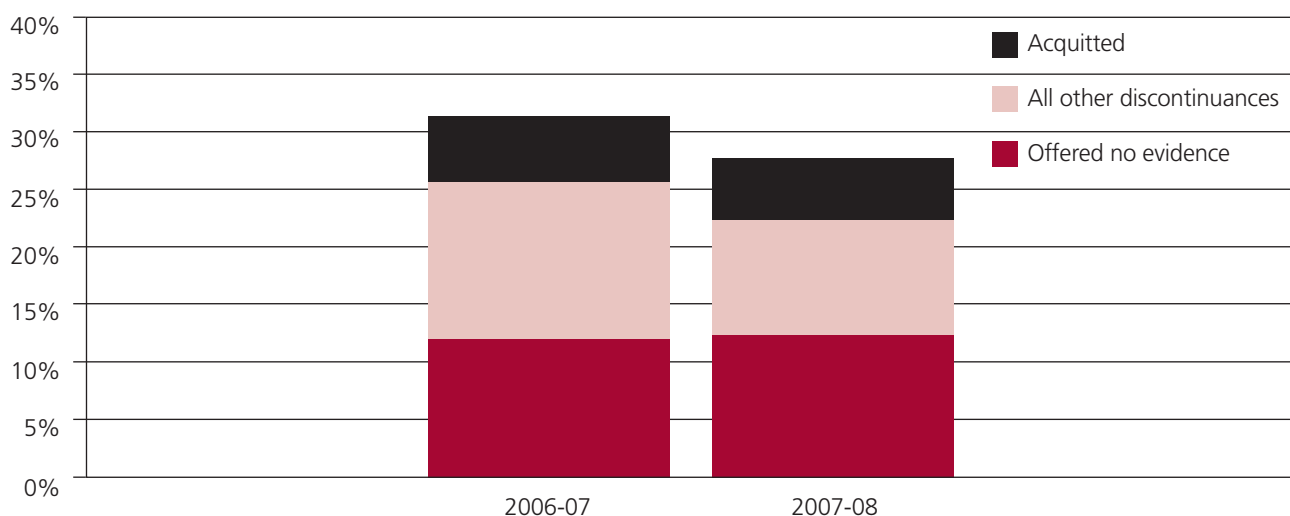
In 2007-08 the target was to reduce unsuccessful outcomes for hate crime to 28% by the fourth quarter of the year. This target was exceeded at 27.6% in the fourth quarter. Within the overall hate crime target each strand had a separate sub-target. For domestic violence the target was 30%, which was also exceeded in the final quarter. For all other hate crime strands the target was 20%. Performance for racially and religiously aggravated crimes exceeded this target in the final quarter at 19.7%, as did performance for disability incidents, at 16.9%. Performance for homophobic crime did not meet the target, reaching 22.6% in the final quarter.

Table 3: Prosecution outcomes

Convictions



Unsuccessful outcomes

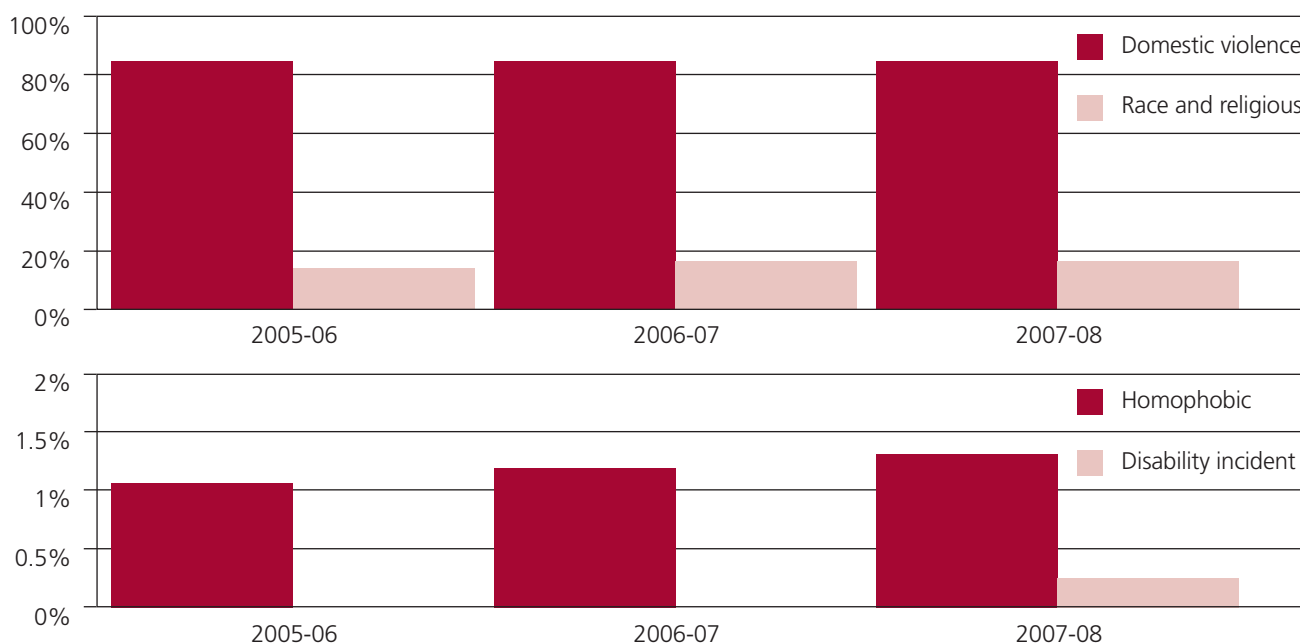


	2006-07		2007-08	
	Volume	%	Volume	%
Administrative finalisation	849	1.2%	966	1.2%
Discharged committal	220	0.3%	200	0.3%
Prosecutions dropped <i>inc discontinued, no evidence offered & withdrawn</i>	17,859	25.6%	17,583	22.5%
<i>of which – no evidence offered</i>	8,681	12.4%	9,530	12.2%
Dismissed after full trial	2,821	4.0%	2,902	3.7%
No case to answer	364	0.5%	326	0.4%
Judge directed acquittal	127	0.2%	125	0.2%
Jury acquittal	652	0.9%	609	0.8%
Unsuccessful outcomes	22,892	32.8%	22,711	29.1%
Guilty plea	41,044	58.7%	48,767	62.5%
Conviction after trial	5,785	8.3%	6,384	8.2%
Proved in absence	175	0.3%	143	0.2%
Convictions	47,004	67.2%	55,294	70.9%
Total prosecutions	69,896		78,005	

Prosecution by hate crime type

The table and charts below (4) show prosecutions by hate crime type from 2005-06 to 2007-08. Domestic violence comprised the largest proportion of the total at 84% in 2005-6 and 82% in 2007-08. The collection of data for disability incidents commenced in April 2007.

Table 4: Completed prosecutions by hate crime type



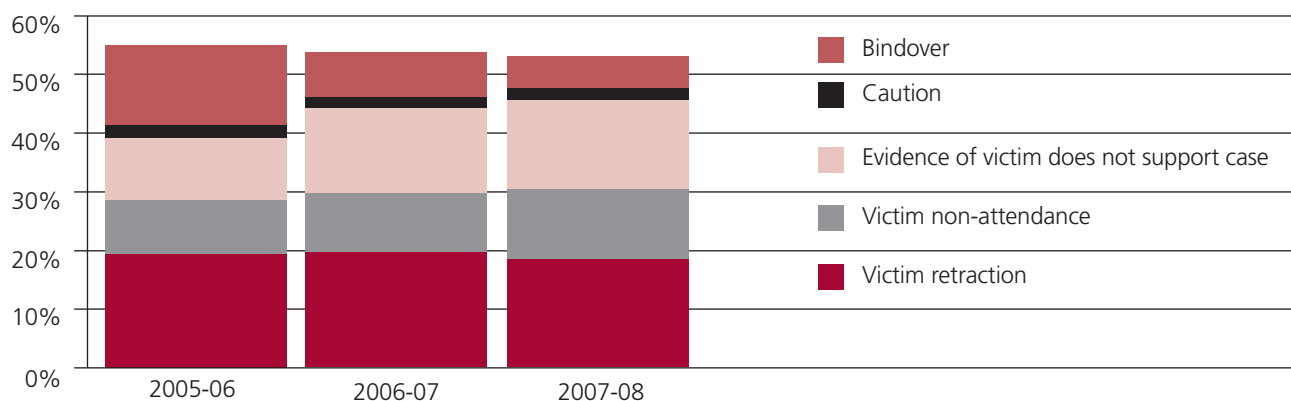
	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Domestic violence	49,782	84.0%	57,361	82.1%	63,819	81.8%
Race & religious	8,868	15.0%	11,713	16.8%	13,008	16.7%
Homophobic	600	1.0%	822	1.2%	995	1.3%
Disability incident	0	0.0%	0	0.0%	183	0.2%
Total	59,250		69,896		78,005	

Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category remained similar from 2005-6 to 2007-08. In 2007-08, 4.3% were unsuccessful for administrative reasons; 35.2% for evidential reasons; 7.7% for public interest; 32.9% were unable to proceed, and 20% fell into other reasons.

Table 5 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim fails to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key reasons, victim retraction remained the largest single category, changing little over the period under review at 19% to 20%, while there was a gradual rise in the proportion failing owing to non attendance of the victim and in the proportion in which the evidence of victims did not support the prosecution case. The proportion failing because of key reasons remained stable, at 55% of all unsuccessful outcomes.

Table 5: Key reasons for unsuccessful prosecutions



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Victim retraction	4,331	19.2%	4,616	20.2%	4,387	19.3%
Victim non-attendance	1,734	7.7%	2,132	9.3%	2,670	11.8%
Evidence of victim does not support case	2,723	12.1%	3,319	14.5%	3,597	15.8%
Caution	346	1.5%	355	1.6%	291	1.3%
Bindover	3,190	14.2%	2,111	9.2%	1,475	6.5%
Total key reasons	12,324	54.7%	12,533	54.7%	12,420	54.7%
All other reasons	9,262	41.1%	9,510	41.5%	9,325	41.1%
Administrative finalisations	942	4.2%	849	3.7%	966	4.3%
Total	22,528		22,892		22,711	

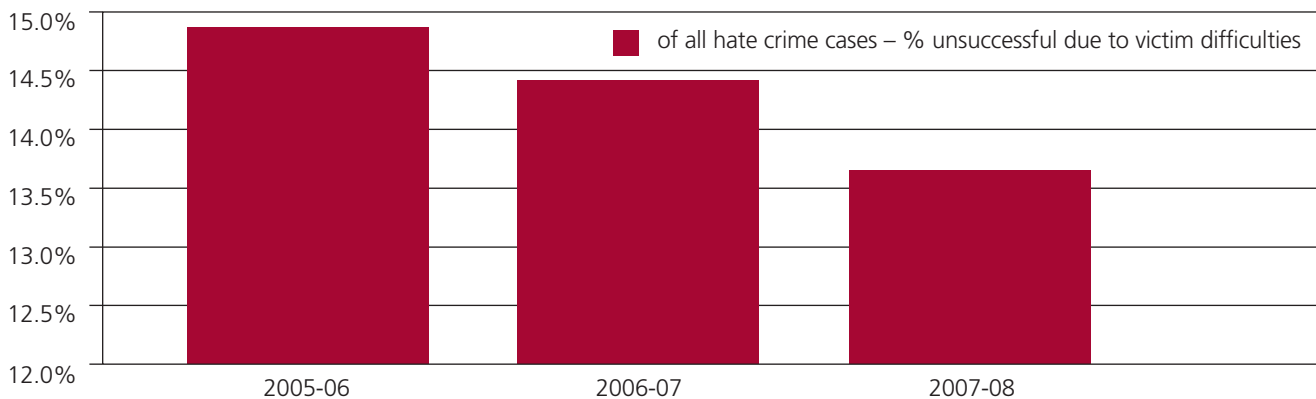
The analysis of reasons for each individual strand of hate crime is reported in the relevant section of this report. There are clear differences in key victim issues across the strands. The high volume of victim issues in relation to domestic violence affects the picture for hate crime outcomes overall. However, victim issues are a less predominant element of unsuccessful outcomes for other hate crime strands, where acquittals and essential legal element missing were responsible for more unsuccessful outcomes.

Table and chart 6 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 8,788 in 2005-6 to 10,654 in 2007-08, they fell slightly in proportion to total hate crime outcomes, from 15% to less than 14%. Total unsuccessful outcomes fell from 38% in 2005-6 to 29% in 2007-08.

Again, victim issues were sufficiently numerous for cases of domestic violence to weight the picture for hate crime overall. Victim issues accounted for 16.9% of domestic violence outcomes in 2005-6, falling to 15.7% in 2007-08.

Table 6: Comparison of key victim issues

Victim issues in relation to all outcomes



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	8,788	14.8%	10,067	14.4%	10,654	13.7%
Total unsuccessful	22,528	38.0%	22,892	32.8%	22,711	29.1%
Total convictions	36,722	62.0%	47,004	67.2%	55,294	70.9%
Total prosecutions	59,250		69,896		78,005	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a Principal Offence Category to indicate the type and the seriousness of the charges brought.

Offences against the person were the most numerous category, representing 67% of hate crime prosecutions in 2007-08. Criminal damage and public order accounted for a further 11% and 12% respectively. A similar pattern was recorded for men, with 68% being categorised as offences against the person, 12% as criminal damage, and 12% as public order. There was a slightly different pattern for women, offences against the person being lower at 63% and criminal damage lower at 9%, while public order was higher at 19%. Men comprised 93% of defendants whose principal offence was identified as offences against the person. In domestic violence cases, offences against the person were the most numerous for both men and women, at 73% and 72% respectively. A similar pattern was noted in cases of disability incidents, with men and women recording 53% and 56% respectively for offences against the person; although there was also a proportion of burglary offences (9%) and theft and handling offences (8%). Offences in racial and religiously aggravated and homophobic cases were split between offences against the person (42% and 50%) and public order (42% and 34%) respectively for all defendants.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

Sentence uplifts

This information has been collected since April 2007, but again remains under development. Sentence uplifts apply to racial or religiously motivated crime, homophobic crime, and disability incidents only. Work is planned for 2009-2010 to improve data collection and quality.

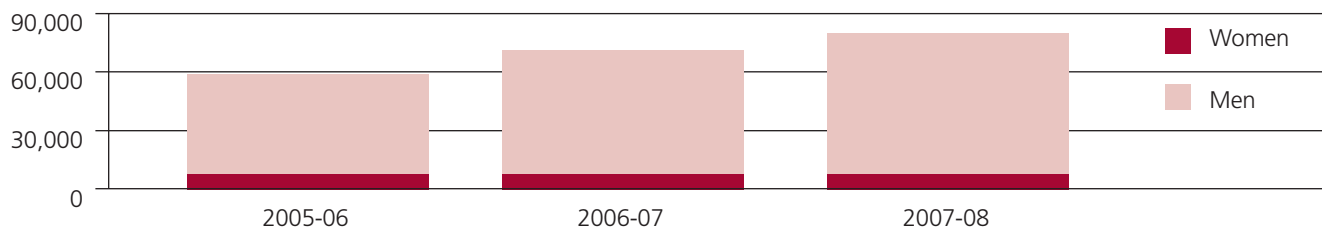
Equalities

(i) Defendants

Gender

Table 7 provides a breakdown of the gender of defendants. The proportion of men prosecuted has remained virtually the same at 93% in 2005-6 and 92% in 2007-08. In the latter period, 94% of defendants in domestic violence prosecutions were men, along with 85% in racially and religiously aggravated crimes, 87% in homophobic crimes and 82% in disability crimes.

Table 7: Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Women	3,903	6.6%	4,843	6.9%	5,907	7.6%
Men	55,341	93.4%	65,041	93.1%	72,084	92.4%
Unknown	6	0.0%	12	0.0%	14	0.0%
Total	59,250		69,896		78,005	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 78% of hate crime defendants were identified as belonging to the White British category, and 81% were categorised as White. 5% of defendants were identified as Asian, and a further 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest.

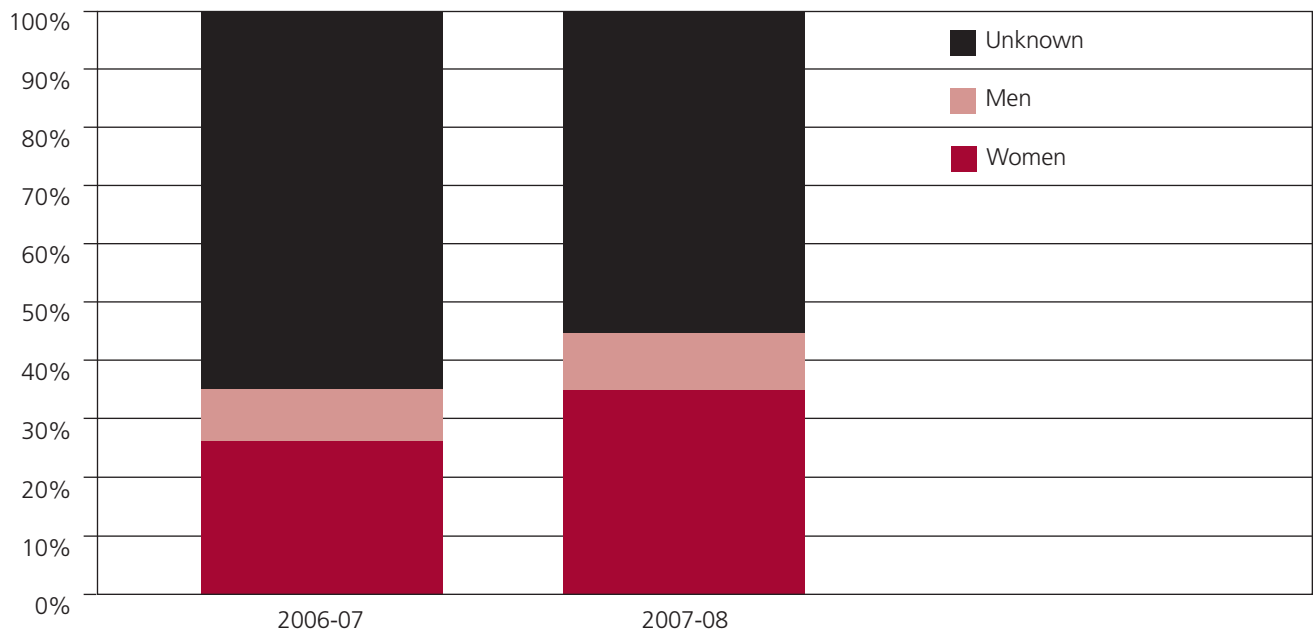
Other equality data

Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remains under development.

(ii) Victims

Gender

Table 8 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. The completeness and accuracy of this information remains under development. Of those victims whose gender has been identified the highest proportion were women, at 77% in 2006-07 and 78% in 2007-08. Where gender has been identified, 86% of domestic violence victims were women, while 38% were women in racial and religiously aggravated crimes, 35% were women in homophobic crimes, and 48% were women in disability incidents.

Table 8: Gender of victims*

	2006-07		2007-08	
	Volume	%	Volume	%
Women	7,901	26.6%	19,649	34.1%
Men	2,374	8.0%	5,580	9.7%
Unknown	19,378	65.3%	32,348	56.2%
Total	29,653		57,577	

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

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and figures have not been included in the present report. Work is planned for 2009-2010 to improve data collection and quality.

Hate crime services

This information has been collected since April 2007. Of those victims and witnesses referred to a support service or specialist agency, less than 1% were recorded as being referred to a specific 'hate crime specialist agency'. The completeness and accuracy of this information remains under development. However, just under 22% were referred to either a victim or witness support agency, while 78% were subject to an 'other referral'.

4 Racist and religious hate crime

Policy background and future work

The first editions of the CPS public policy statement on racially and religiously aggravated crime and the accompanying guidance for prosecutors were published in July 2003. Since this time there have been a number of developments in the law, and changes to CPS practices and procedures – particularly in the way in which we deal with victims and witnesses and engage with the community. The second editions, published in March 2008 reflect these developments. The essence of the Policy and Guidance, however, remain unchanged, and it is for this reason that the second editions were ‘refreshed’ rather than completely re-written.

In preparing the second editions, we consulted with people from Black and minority ethnic communities and faith communities and we took their comments into account. Their contributions helped us to have a better understanding of the things that are important to them and that we need to know about when we deal with racist and religious crime.

A CPS research report into antisemitic crime was launched at a public event on May 2008. The purpose of the report was to respond to the The All-Party Parliamentary Group against Antisemitism report published in September 2006 which made the following two recommendations to the CPS: that the CPS investigates the reasons for the low number of prosecutions and reports back to Parliament; that the CPS conducts a review of cases where prosecutions for incitement to racial hatred have been brought, in order to see what lessons can be learned.

The CPS’ investigation into reported antisemitic incidents and their respective prosecution outcomes led to the production of an action plan on antisemitic crime, which sets out the following steps to be taken by CPS:

- provide prosecutors with better guidance to help them identify and refer appropriate cases to the CPS’ Counter Terrorism Division;
- ensure a proactive approach when working with the police so that the strongest possible cases are built;
- improve the level of support for victims of antisemitic crime, and encourage victims to support a prosecution; and
- increase and improve community engagement.

The Antisemitic Crime Action Plan has now been circulated to Jewish Community Groups and to the Parliamentary Committee Against Antisemitism for their information and comments. The CPS looks forward to a continuing dialogue with Jewish community representatives and its criminal justice partners about how to tackle antisemitism, and increase public confidence that antisemitic offending will not be tolerated.

The CPS will be developing specialist racially and religiously aggravated crime training as part of the second phase of the Proactive Prosecution Programme (PPP). It is anticipated that work will begin on development of this training programme during quarter three of 2008.

Case Study: Religious incident

The victim was a 17 year old female who wears a Hijab (a head scarf concealing her hair and neck) and Jilbab (an outer garment covering her from head to toe). On occasions she also wears a Niqab (a face veil covering the lower part of her face up to the eyes). On seven occasions whilst walking to school the victim complained of verbal abuse committed by the driver of a specifically identified vehicle who on each occasion shouted religious and racist insults. The defendant upon arrest was identified by way of video identification procedure and by association to the car. He was indicted for an offence of religiously aggravated harassment. The defendant denied any abuse but accepted that he was the driver of the car.

Prior to trial the sensitive issue of the consequential impact on the evidence, should the victim wish to give evidence whilst her face remained covered, was discussed with the victim. The concern was that in the absence of any corroborative evidence, the jury's ability to assess the veracity of the witness in comparison to the defendant might have been curtailed due to their inability to observe her facial expressions. This was explained to the victim who was asked for her own preference and chose to give evidence without the use of her veil.

Special measures were applied for. The use of screens was granted to allow the victim the comfort of giving evidence without further embarrassment or distress. A dedicated Witness Care Officer was allocated to the case, who made regular contact with the victim at all stages up to the trial date and afterwards informed the victim of the sentence.

The defendant pleaded not guilty. After the trial, the jury returned a guilty verdict and the defendant received a 9 month custodial sentence.

Case Study: Racist incident

This was an incident on a bus where the white defendant was a passenger and got into an argument with the Afro/Caribbean bus driver. The defendant punched the screen around the driver and then punched the driver in the face several times preceded by shouting extremely racist insults.

The defendant pleaded guilty at the Magistrates' Court. In recognition of the seriousness of the racially aggravated element, the case was committed to the Crown Court for sentence. The defendant received a custodial sentence of 12 months for Racially Aggravated Actual Bodily Harm (ABH) and Criminal Damage.

5 Racist and religious hate crime: key findings

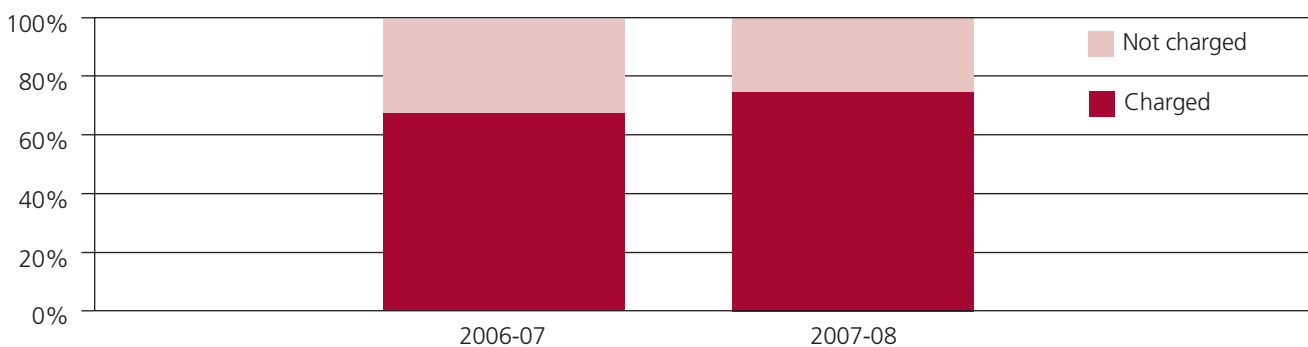
Since April 2005 the Crown Prosecution Service has reported on the prosecution of racially and religiously aggravated crimes as part of the CPS Area performance review process. Data on crimes with a racial or religious motivation were formerly recorded manually through the Racist Incident Monitoring Scheme (RIMS), but the more recent figures included in the present report were recorded within the Compass Case Management System, and extracted from the related Compass Management Information System. Compass has enabled more consistency of recording practices, and wider compliance with the requirement to identify and record these offences. The present figures are therefore considered more complete, and more reliable, than those formerly published in annual RIMS reports.

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

Charging

The CPS decision that a defendant should be charged rose from 67.3% of racially or religiously aggravated cases referred to the Service in 2006-07 to 72.8% in 2007-08.

Table 1: Pre-charge decisions



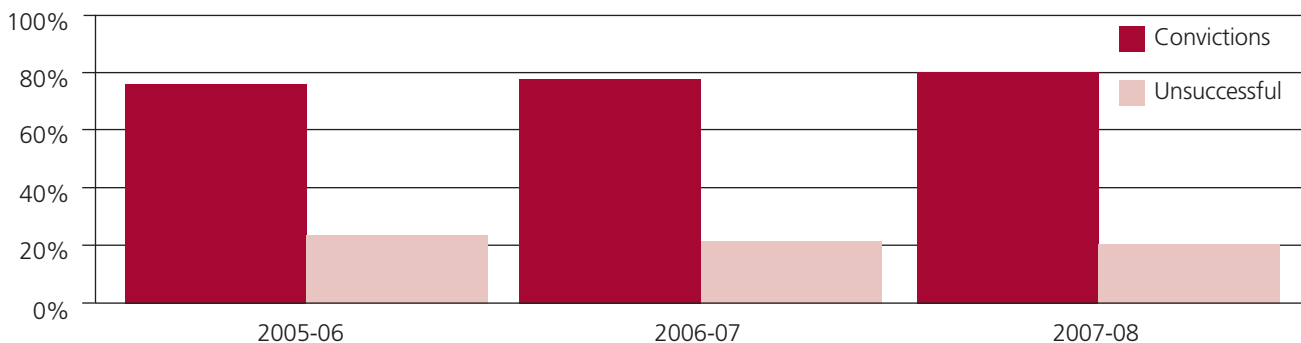
All defendants	2006-07		2007-08	
	Volume	%	Volume	%
Charged	7,886	67.3%	9,115	72.8%
Request for further evidence	274	2.3%	134	1.1%
No prosecution	2,704	23.1%	2,426	19.4%
All other decisions	856	7.3%	850	6.8%
Total	11,720		12,525	

Statutory Charging was fully rolled out on 3 April 2006

Convictions

In the three years ending March 2008, over 33,500 defendants were prosecuted for crimes involving racial or religious aggravation. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 74% in 2005-6 to 80% in 2007-08.

Table 2: Completed prosecutions by outcome



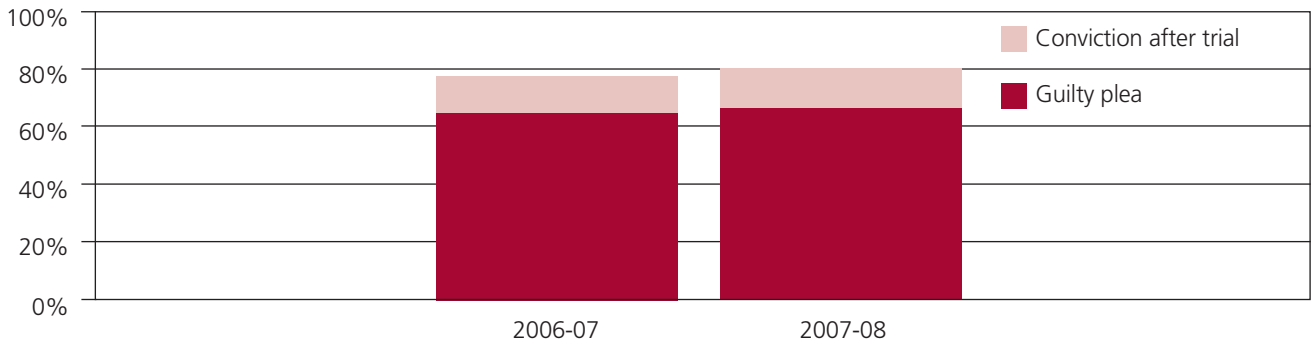
	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Convictions	6,577	74.2%	9,017	77.0%	10,398	79.9%
Unsuccessful	2,291	25.8%	2,696	23.0%	2,610	20.1%
Total	8,868		11,713		13,008	

The table and charts below show a detailed breakdown of prosecution outcomes for racial or religiously motivated crimes in 2006-07 and 2007-08. Guilty pleas increased from 64% to just under 67%, contributing to an improved conviction rate of 80% overall in 2007-08. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from almost 15% to less than 13%.

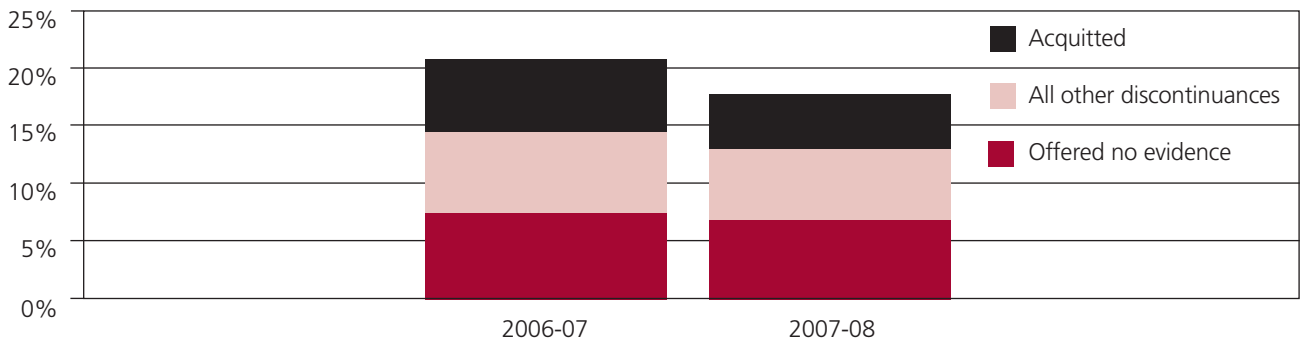
In 2007-08 the target was to reduce unsuccessful racial or religiously motivated crimes to 20%. The target was exceeded at 19.7% in the final quarter of the year.

Table 3: Prosecution outcomes

Convictions



Unsuccessful outcomes

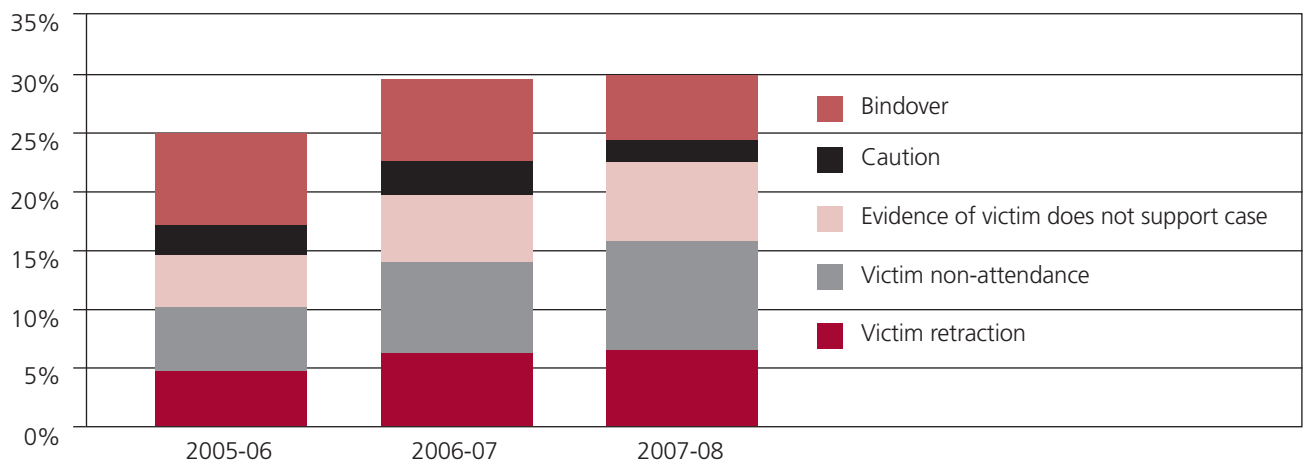


	2006-07		2007-08	
	Volume	%	Volume	%
Administrative finalisation	153	1.3%	182	1.4%
Discharged committal	79	0.7%	53	0.4%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,700	14.5%	1,631	12.5%
<i>of which – no evidence offered</i>	887	7.6%	942	7.2%
Dismissed after full trial	476	4.1%	478	3.7%
No case to answer	78	0.7%	66	0.5%
Judge directed acquittal	36	0.3%	40	0.3%
Jury acquittal	174	1.5%	160	1.2%
Unsuccessful outcomes	2,696	23.0%	2,610	20.1%
Guilty plea	7,546	64.4%	8,648	66.5%
Conviction after trial	1,415	12.1%	1,708	13.1%
Proved in absence	56	0.5%	42	0.3%
Convictions	9,017	77.0%	10,398	79.9%
Total prosecutions	11,713		13,008	

Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2005-6 to 2007-08. In 2007-08, 7% were unsuccessful for administrative reasons (similar to 2005-6); 33.8% for evidential reasons, reduced from 39%; 10.7% for public interest (increased from 7.9%); 21.1% were unable to proceed (up from 16.7%), and 27.4% fell into other reasons, almost 2 percentage points lower than in 2005-06. Table 4 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key victim reasons, victim retraction increased from 5% to 7% during the period under review. There was also a marked rise in the proportion failing owing to non attendance of the victim (from 6% to 9%) and in the proportion in which the evidence of victims did not support the prosecution case (from 4% to 7%). Bindovers reduced over the period from 8% to 6%. The proportion failing because of key reasons (comprising victim and witness issues and cases in which a caution or bindover was considered suitable) rose from 24% to 30% of all unsuccessful outcomes. Acquittals (21%) and essential legal element missing (11%) accounted for more unsuccessful outcomes, than victim issues, as for disability incidents and homophobic crimes.

Table 4: Key reasons for unsuccessful prosecutions

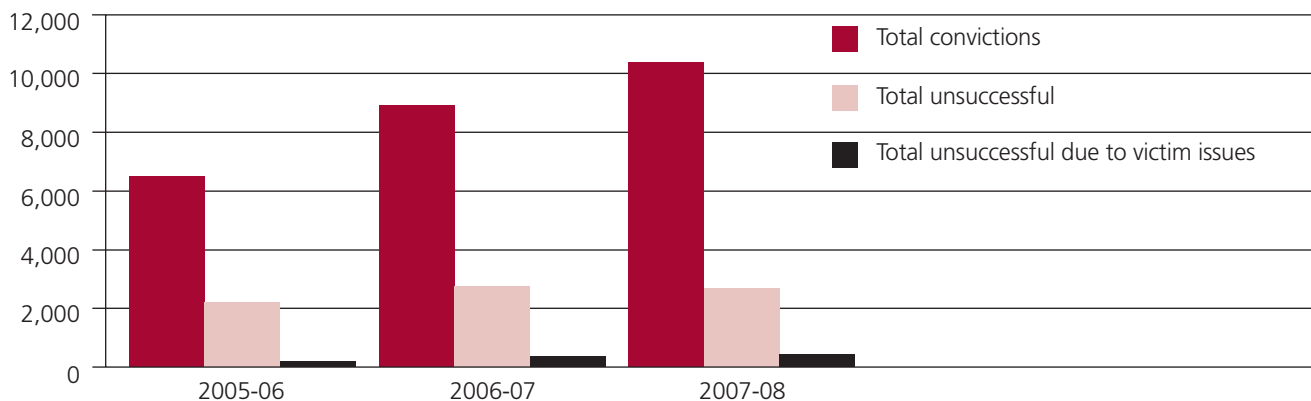


	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Victim retraction	107	4.7%	161	6.0%	170	6.5%
Victim non-attendance	131	5.7%	205	7.6%	240	9.2%
Evidence of victim does not support case	100	4.4%	164	6.1%	176	6.7%
Caution	45	2.0%	75	2.8%	43	1.6%
Bindover	177	7.7%	180	6.7%	143	5.5%
Total key reasons	560	24.4%	785	29.1%	772	29.6%
All other reasons	1,564	68.3%	1,758	65.2%	1,656	63.4%
Administrative finalisations	167	7.3%	153	5.7%	182	7.0%
Total	2,291		2,696		2,610	

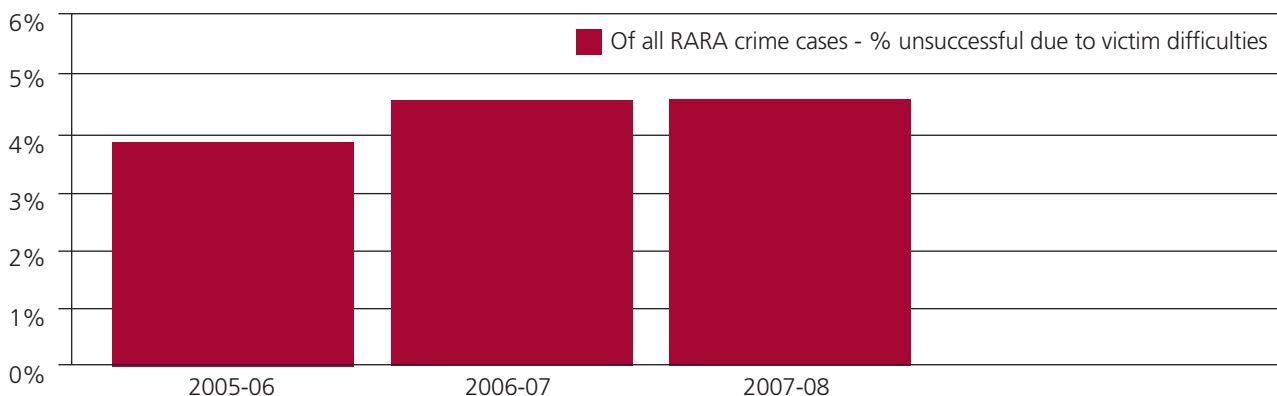
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties increased, from 338 (4%) in 2005-6 to 586 (5%) in 2007-08. Total unsuccessful outcomes, however, fell from 26% in 2005-6 to 20% in 2007-08.

Table 5: Comparison of key victim issues

Victim issues in relation to all outcomes



% victim issues



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	338	3.8%	530	4.5%	586	4.5%
Total unsuccessful	2,291	25.8%	2,696	23.0%	2,610	20.1%
Total convictions	6,577	74.2%	9,017	77.0%	10,398	79.9%
Total convictions	8,868		11,713		13,008	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a Principal Offence Category to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 84% (42% and 42% respectively) of racial and religiously aggravated crime prosecutions in 2007-08. Criminal damage accounted for a further 6%. A similar pattern was recorded for men, with just under 42% being categorised as offences against the person and just over 42% as public order, and a further 6% as criminal damage. There was a slightly different pattern for women, offences against the person being

higher at 47% and public order and criminal damage slightly lower at 41% and 5% respectively. Men comprised 84% of defendants whose principal offence was identified as offences against the person or as public order.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

Sentence uplifts

This information has been collected since April 2007, but again remains under development. Sentence uplifts apply to racial or religiously motivated crime, homophobic crime, and disability incidents only. Work is planned for 2009-2010 to improve data collection and quality.

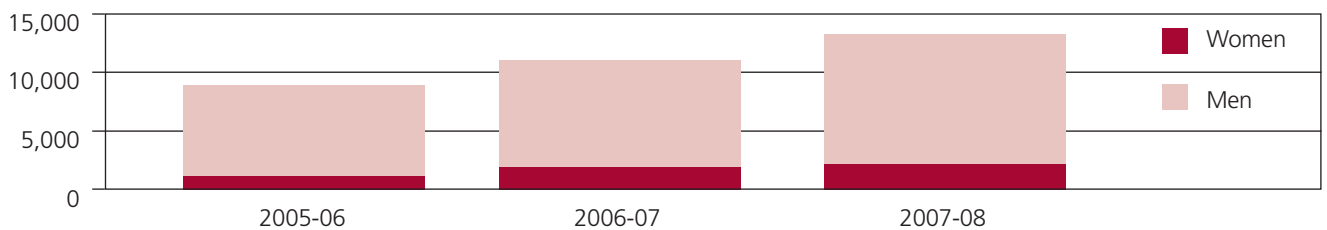
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men has remained virtually the same at around 85%.

Table 6: Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Women	1,264	14.3%	1,792	15.3%	1,970	15.1%
Men	7,603	85.7%	9,918	84.7%	11,036	84.8%
Unknown	1	0.0%	3	0.0%	2	0.0%
Total	8,868		11,713		13,008	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 76% of racially and religiously aggravated crime defendants were identified as belonging to the White British category, and 80% were categorised as White. 5% of defendants were identified as Asian, and just under 5% were identified as Black. 5% of defendants did not state an ethnicity on arrest.

Other equality data

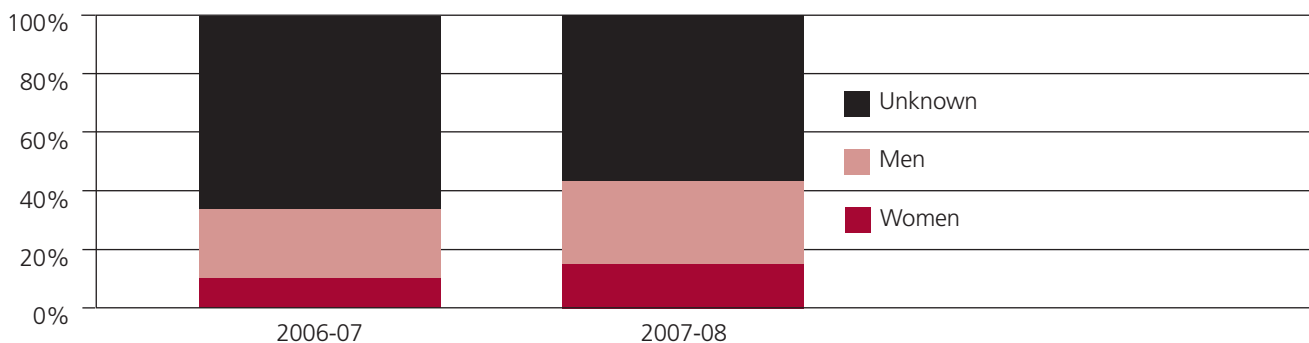
Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remains under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. The completeness and accuracy of this information remains under development. Of those victims whose gender was been identified, the highest proportion were men, at 72% in 2006-07 and 68% in 2007-08. Domestic violence is the only strand of hate crimes where the majority of victims are women. The majority of victims in all hate crimes, apart from domestic violence, are men.

Table 7: Gender of victims



	2006-07		2007-08	
	Volume	%	Volume	%
Women	381	9.9%	1,055	13.9%
Men	966	25.1%	2,278	30.0%
Unknown	2,501	65.0%	4,250	56.0%
Total	3,848		7,583	

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and figures have not been included in the present report. Work is planned for 2009-2010 to improve data collection and quality.

Racially and religiously aggravated crime services

This information has been collected since April 2007, and also remains under development. Of those victims and witnesses referred to a support service or specialist agency, less than 1% were recorded as being referred to a specific 'specialist agency'. The completeness and accuracy of this information remains under development. However 18% were referred to either a victim or witness support agency while 82% were subject to an 'other referral'.

6 Homophobic and transphobic hate crime

Policy background and future work

The Policy and Guidance for Prosecuting Cases with a Homophobic Element were published in November 2002. Both documents were refreshed and published in November 2007 to reflect changes in legislation and procedures since their initial publication and also to bring them in line with the Disability Hate Crime Policy and Guidance published in January 2007.

The documents provide a clear public statement that homophobic and transphobic crimes are not acceptable and, where appropriate, will be prosecuted through the criminal courts.

The Criminal Justice and Immigration Act 2008 received Royal Assent on 8 May 2008. Section 74 and Schedule 16 of the Act make amendments to the Public Order Act 1986 to create new offences of stirring up hatred on the grounds of sexual orientation. The offences deal with conduct – namely words or behaviour – or material which is threatening in nature and which is intended to stir up hatred against a group of people who are defined by their sexual orientation.

Section 74 and Schedule 16 will be brought into force by Order which is expected in autumn 2008 and guidance will be prepared and issued to prosecutors.

Case Study: Homophobic and transphobic

The defendant sent homophobic hate mail using lettering cut from magazines to an openly gay couple, which was highly offensive and contained threats to kill. One of the couple committed suicide and his partner believed that the letters were a significant contributing factor.

The case was dealt with by a Crown advocate and the defendant received 18 months for a conviction of harassment. The homophobic hate crime champion and the witness care unit kept in regular contact with the victim. He was kept fully updated with the progress of the case.

CPS drew the court's attention to the relevant sentencing provisions set down by section 146 CJA 2003. The Court spent some time referring to the fact that the homophobic motivation was an aggravating feature and that this type of harassment is not something that citizens in Lincolnshire should have to endure.

The victim's personal statement was read out in open court, with his permission.

The victim contacted CPS offering his thanks for the sensitive manner in which the case was dealt with. He has also been quoted in the local press as saying "The way the CPS and Lincolnshire Police have conducted this tragic case has been outstanding...I have been kept informed of every development and this has given me total confidence in the Criminal Justice system."

7 Homophobic and transphobic hate crime: key findings

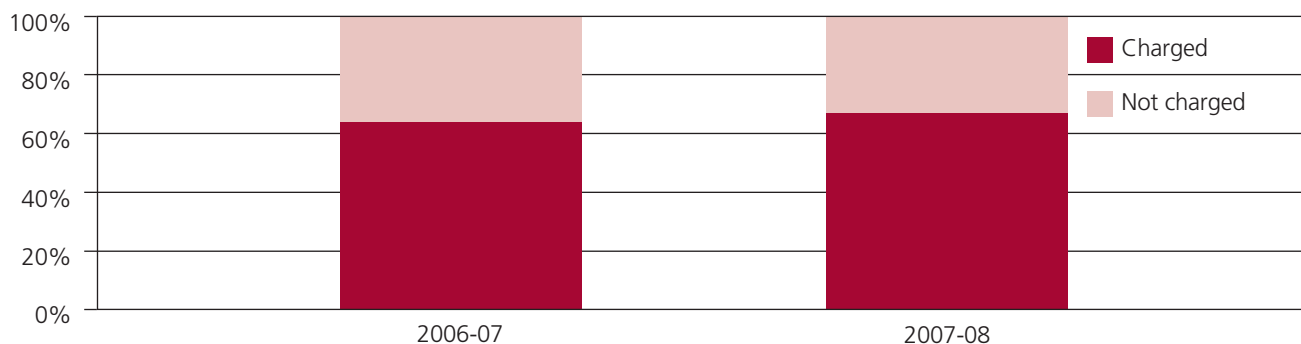
Since April 2005 the Crown Prosecution Service has reported on the prosecution of homophobic and transphobic crimes as part of the CPS Area performance review process. While we recognise the distinct nature of these crimes, within this report homophobic and transphobic crimes are grouped under the category *homophobic*. Data on crimes of homophobia are recorded within the Compass Case Management System, and extracted from the related Compass Management Information System.

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

Charging

The CPS decided that a defendant should be charged in 61.5% of homophobic crime cases referred to the Service in 2006-07, rising to 64.6% in 2007-08.

Table 1: Pre-charge decisions



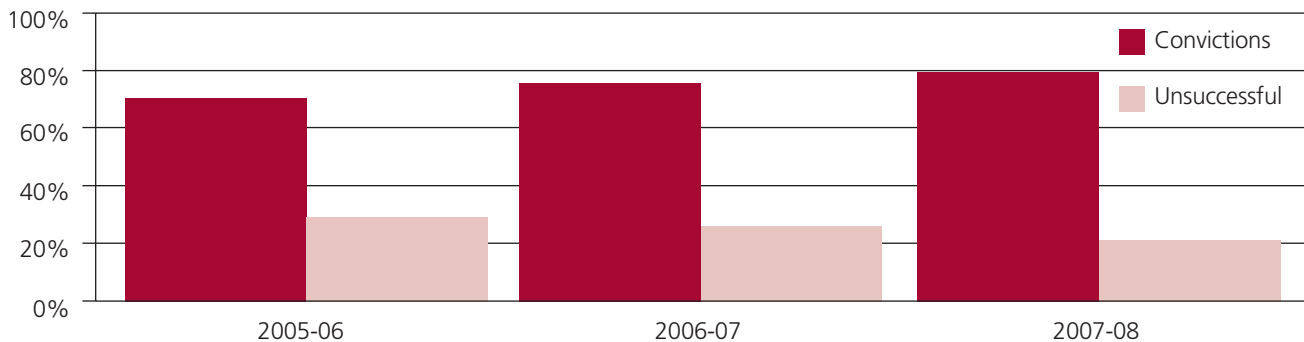
All defendants	2006-07		2007-08	
	Volume	%	Volume	%
Charged	504	61.5%	758	64.6%
Request for further evidence	23	2.8%	14	1.2%
No prosecution	215	26.2%	272	23.2%
All other decisions	78	9.5%	129	11.0%
Total	820		1,173	

Statutory Charging was fully rolled out on 3 April 2006

Convictions

In the three years ending March 2008, over 2,400 defendants were prosecuted for crimes involving homophobia. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 71% in 2005-6 to 78% in 2007-08.

Table 2: Completed prosecutions by outcome



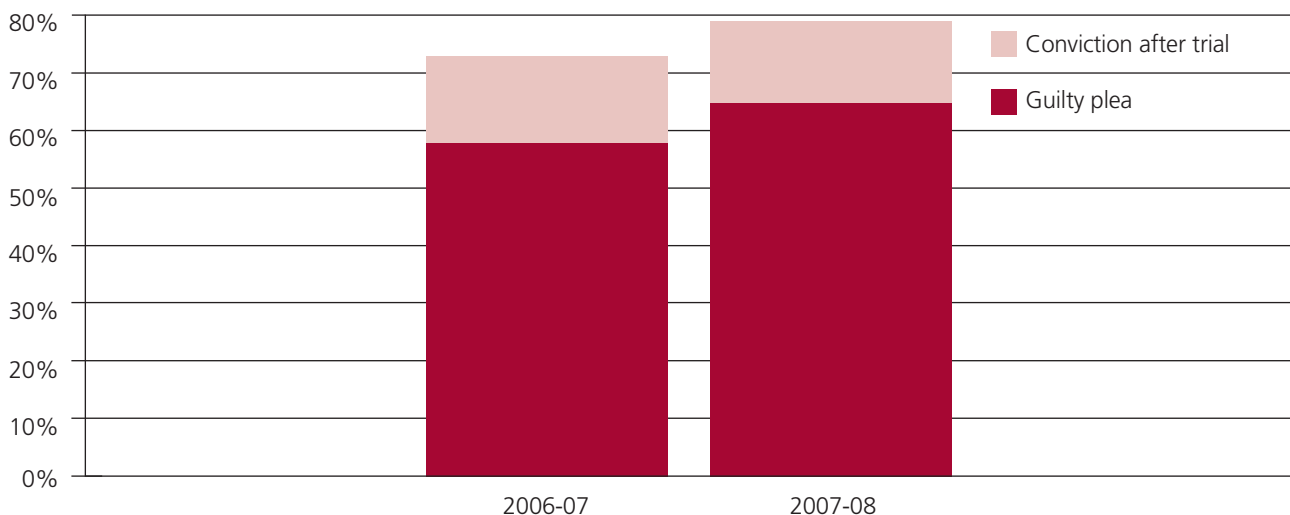
	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Convictions	426	71.0%	604	73.5%	778	78.2%
Unsuccessful	174	29.0%	218	26.5%	217	21.8%
Total	600		822		995	

The table and charts below show a detailed breakdown of prosecution outcomes for homophobic crimes in 2006-07 and 2007-08. Guilty pleas increased from 58% to 67%, contributing to an improved overall conviction rate of 78% in 2007-08. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from 17% to less than 14%.

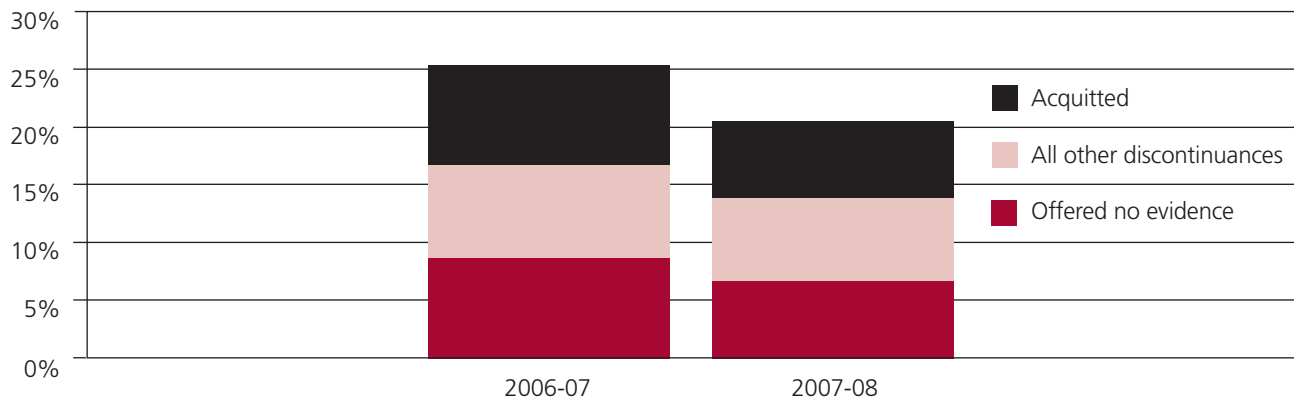
In 2007-08 the target was to reduce unsuccessful homophobic motivated crimes to 20%. Outcomes were outside the target at 22.6% in the fourth quarter.

Table 3: Prosecution outcomes

Convictions



Unsuccessful outcomes

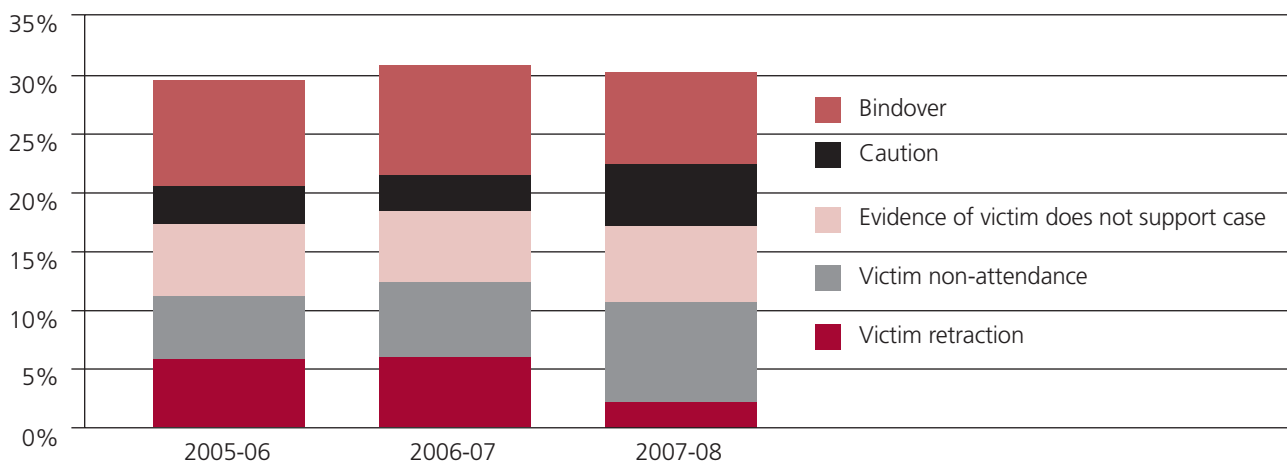


	2006-07		2007-08	
	Volume	%	Volume	%
Administrative finalisation	7	0.9%	12	1.2%
Discharged committal	4	0.5%	0	0.0%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	136	16.5%	137	13.8%
<i>of which – no evidence offered</i>	64	7.8%	67	6.7%
Dismissed after full trial	43	5.2%	53	5.3%
No case to answer	12	1.5%	7	0.7%
Judge directed acquittal	4	0.5%	2	0.2%
Jury acquittal	12	1.5%	6	0.6%
Unsuccessful outcomes	218	26.5%	217	21.8%
Guilty plea	478	58.2%	662	66.5%
Conviction after trial	124	15.1%	114	11.5%
Proved in absence	2	0.2%	2	0.2%
Convictions	604	73.5%	778	78.2%
Total prosecutions	822		995	

Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2005-6 to 2007-08. In 2007-08, 5.5% were unsuccessful for administrative reasons, little changed from 2005-06; 40.1% for evidential reasons, significantly increased from 33.3% in 2005-06; 11.1% for public interest, increased from 8.6%; 13.8% were unable to proceed, improved from 20.7% in the earlier period, and 29.5% fell into other reasons, 2 percentage points lower than in 2005-06. Table 4 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key reasons, bindovers remained the largest single category, although they fell over the period under review from 9% to 7%. There was also a marked fall in the proportion failing owing to victim retraction, from 6% to 2%, while those failing because of victim non attendance rose from 6% to 9%. The proportion failing because of key reasons remained stable, at around 30% of all unsuccessful outcomes. Acquittals (22%) and essential legal element missing (15%) accounted for more unsuccessful outcomes, than victim issues, as for disability incidents and racist and religious hate crimes.

Table 4: Key reasons for unsuccessful prosecutions

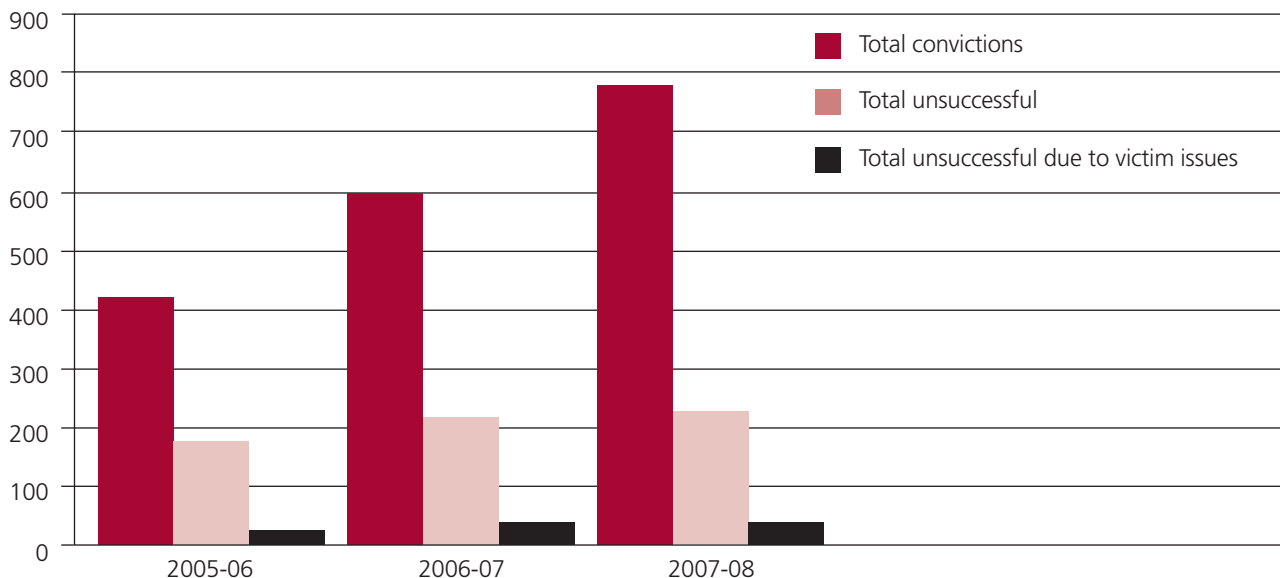


	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Victim retraction	10	5.7%	14	6.4%	5	2.3%
Victim non-attendance	10	5.7%	13	6.0%	19	8.8%
Evidence of victim does not support case	10	5.7%	13	6.0%	13	6.0%
Caution	5	2.9%	6	2.8%	13	6.0%
Bindover	16	9.2%	22	10.1%	16	7.4%
Total key reasons	51	29.3%	68	31.2%	66	30.4%
All other reasons	113	64.9%	143	65.6%	139	64.1%
Administrative finalisations	10	5.7%	7	3.2%	12	5.5%
Total	174		218		217	

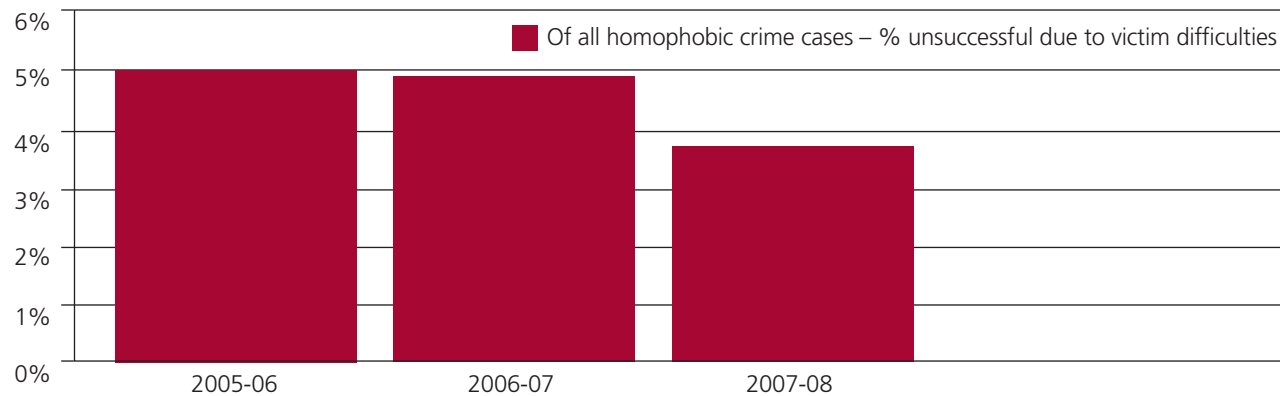
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 30 in 2005-06 to 37 in 2007-08, they fell slightly in proportional terms, from 5% to less than 4%. Total unsuccessful outcomes fell from 29% in 2005-06 to 22% in 2007-08.

Table 5: Comparison of key victim issues

Victim issues in relation to all outcomes



% victim issues



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	30	5.0%	40	4.9%	37	3.7%
Total unsuccessful	174	29.0%	218	26.5%	217	21.8%
Total convictions	426	71.0%	604	73.5%	778	78.2%
Total prosecutions	600		822		995	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a Principal Offence Category to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 50% of homophobic crime prosecutions in 2007-08. Criminal damage and public order accounted for a further 6% and 34% respectively. A similar pattern was recorded for men, with 51% being categorised as offences against the person, 6% as criminal damage, and 33% as public order. There was a slightly different pattern for women, offences against the person being lower at 45% and criminal damage slightly lower at 5%, while public order was higher at 40%. Men comprised 87% of defendants whose principal offence was identified as offences against the person.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007 the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

Sentence uplifts

This information has been collected since April 2007, but again remains under development. Sentence uplifts apply to racial or religiously motivated crime, homophobic crime, and disability incidents only. Work is planned in 2009-2010 to improve data collection and quality.

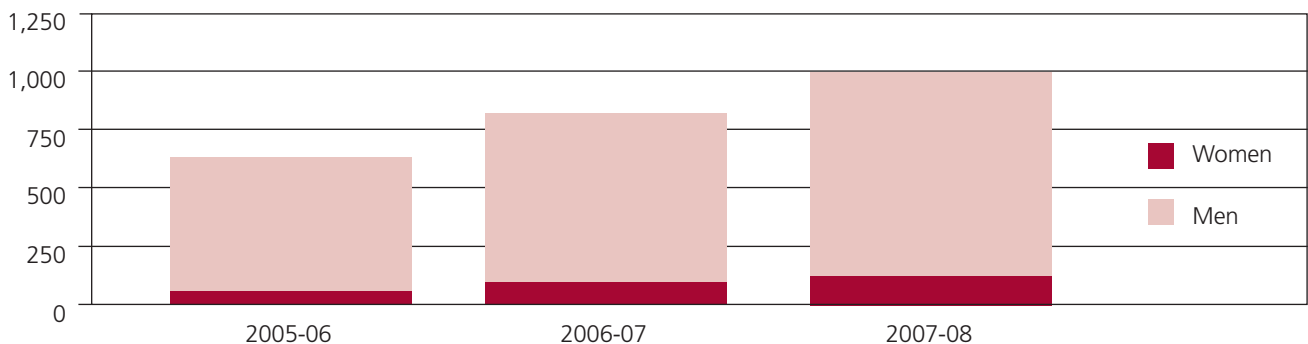
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men fell slightly from 90% in 2005-6 to 87% in 2007-08.

Table 6: Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Women	60	10.0%	95	11.6%	134	13.5%
Men	540	90.0%	727	88.4%	861	86.5%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	600		822		995	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 76% of homophobic crime defendants were identified as belonging to the White British category, and 79% were categorised as White. Just under 3% of defendants were identified as Asian, and a further 4% were identified as Black. 4% of defendants did not state an ethnicity on arrest.

Other equality data

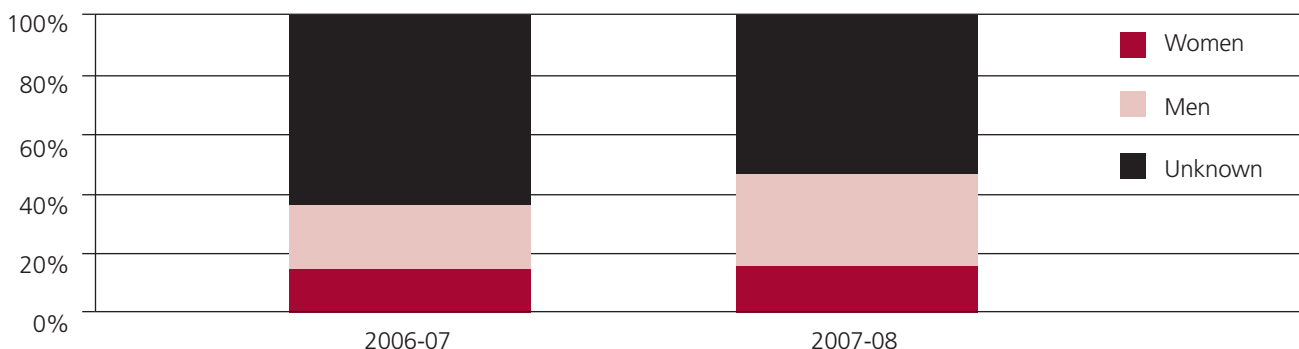
Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remains under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. The completeness and accuracy of this information remains under development. Of those victims whose gender has been identified the highest proportion were men, at 61% in 2006-07 and 65% in 2007-08.

Table 7: Gender of victims



	2006-07		2007-08	
	Volume	%	Volume	%
Women	43	14.6%	103	16.7%
Men	67	22.8%	191	31.0%
Unknown	184	62.6%	322	52.3%
Total	294		616	

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and figures have not been included in the present report. Work is planned in 2009-2010 to improve data collection and quality.

Homophobic crime services

This information has been collected since April 2007. Of those victims and witnesses referred to a support service or specialist agency, none were recorded as being referred to a specific 'specialist agency'. The completeness and accuracy of this information remains under development. 30% were recorded as having been referred to either a victim or witness support agency, while 70% were subject to an 'other referral'.

8 Disability hate crime

The CPS Policy for prosecuting disability hate crime cases was published in February 2007. CPS worked closely with disabled people themselves and organisations supporting disabled people in developing the policy statement and guidance for prosecutors. Following publication, a monitoring flag for disability incidents was introduced into the CPS case management system in April 2007. The CPS has also actively raised awareness of the new policy and monitoring requirements through a poster and postcard campaign raising awareness by creating a Co-ordinators' Network, training prosecutors and reviewing the systems for flagging and monitoring of cases.

Future work in this area will focus on supporting Areas to understand how to identify and build robust disability hate crime cases in the form of new Guidance and working with Areas to produce action plans in response to the planned disability hate crime review which is ongoing until 2011.

Over the past year, analysis of disability incident data has revealed challenges and shortcomings in CPS recording. Work is underway to tackle these issues, and we are confident of achieving clear improvements in data quality.

Case Study: Disability hate crime

A disabled man was in an internet café when he was repeatedly threatened and insulted based on his disabilities. The owner of the café called the police and the victim gave a statement.

The defendant was charged under Section 4 of the Public Order Act 1986 and immediately pleaded guilty. CPS North Yorkshire ensured that section 146, Criminal Justice Act 2003, allowing for a sentence uplift in cases of disability hate crime was considered early and was drawn to the court's attention at the sentencing stage. The court specifically referred to disability aggravation in sentencing. The defendant received 5 months suspended sentence of 12 months imprisonment, and £100 compensation was awarded to the victim.

9 Disability hate crime: key findings

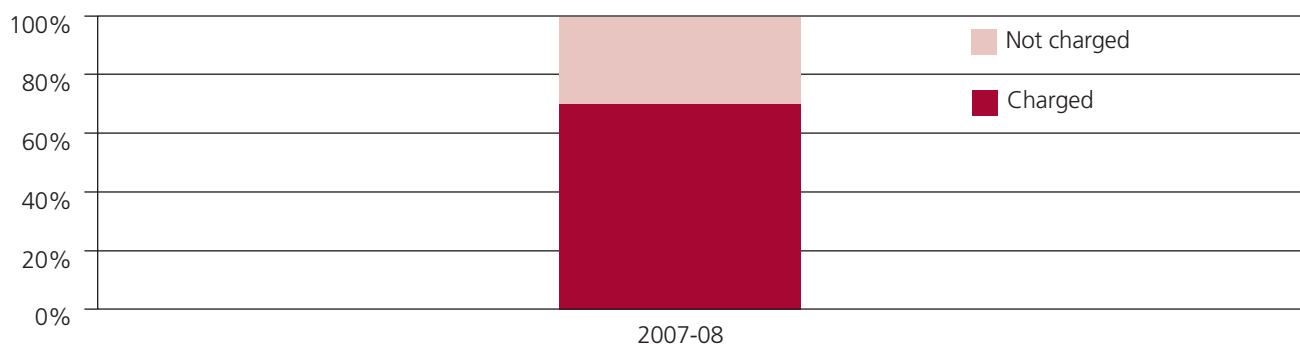
Since April 2007 the Crown Prosecution Service has reported on the prosecution of disability incident crimes as part of the CPS Area performance review process. Data on crimes involving disability incidents are recorded within the Compass Case Management System, and extracted from the related Compass Management Information System.

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

Charging

The CPS decided that a defendant should be charged in 69% of all disability incident cases referred to the Service in 2007-08.

Table 1: Pre-charge decisions



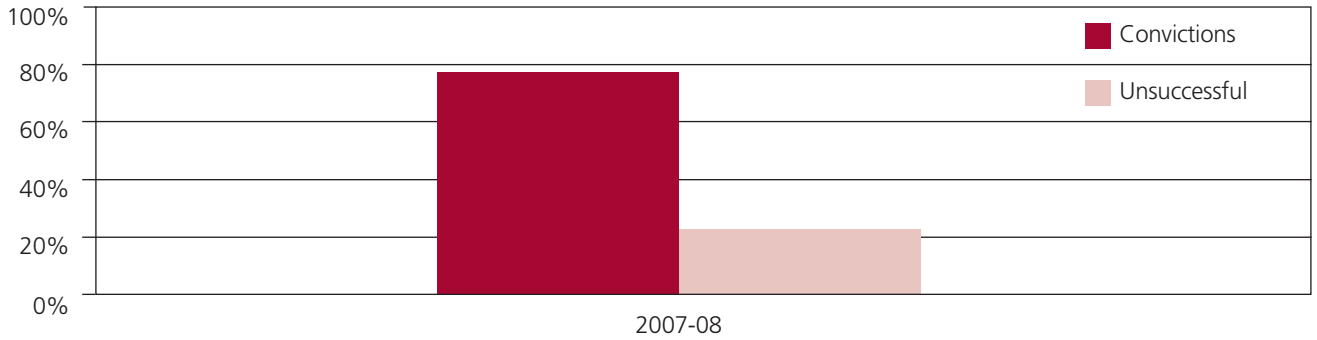
All defendants	2007-08	
	Volume	%
Charged	187	69.0%
Request for further evidence	2	0.7%
No prosecution	75	27.7%
All other decisions	7	2.6%
Total	271	

Statutory Charging was fully rolled out on 3 April 2006

Convictions

In the year ending March 2008, 183 defendants were prosecuted for crimes involving disability incidents. Table and chart 2 below provide a breakdown of outcomes, showing that 77% of completed cases resulted in a conviction in 2007-08.

Table 2: Completed prosecutions by outcome

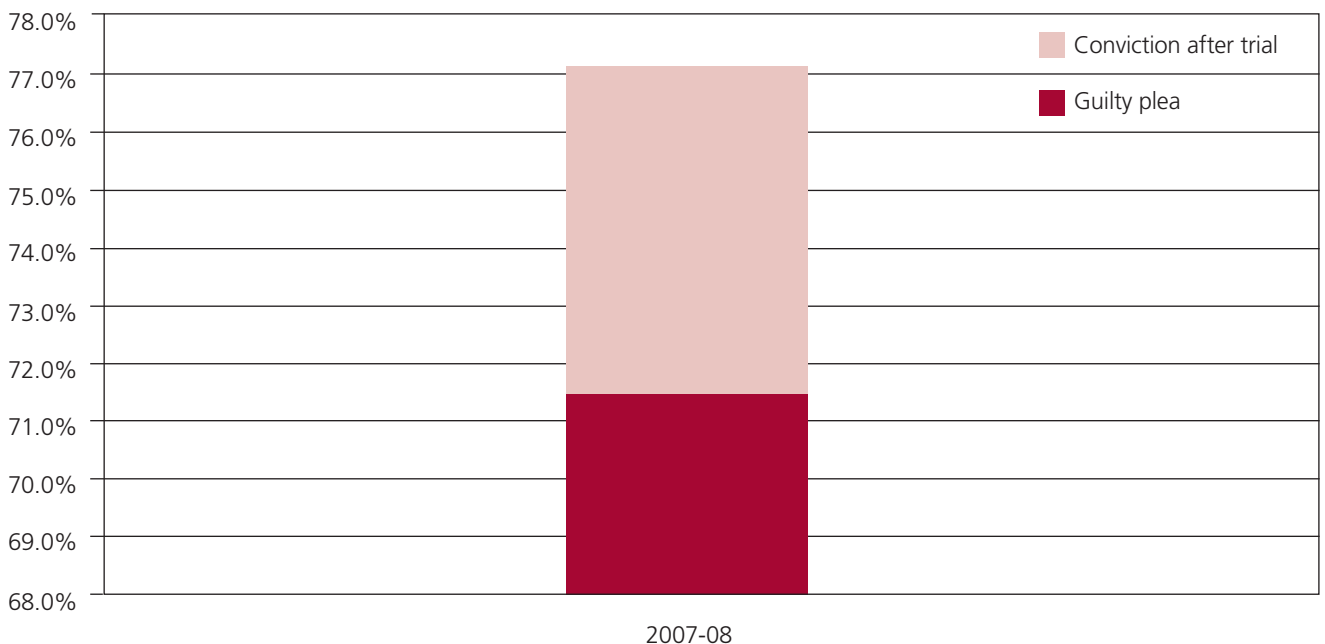


	2007-08	
	Volume	%
Convictions	141	77.0%
Unsuccessful	42	23.0%
Total	183	

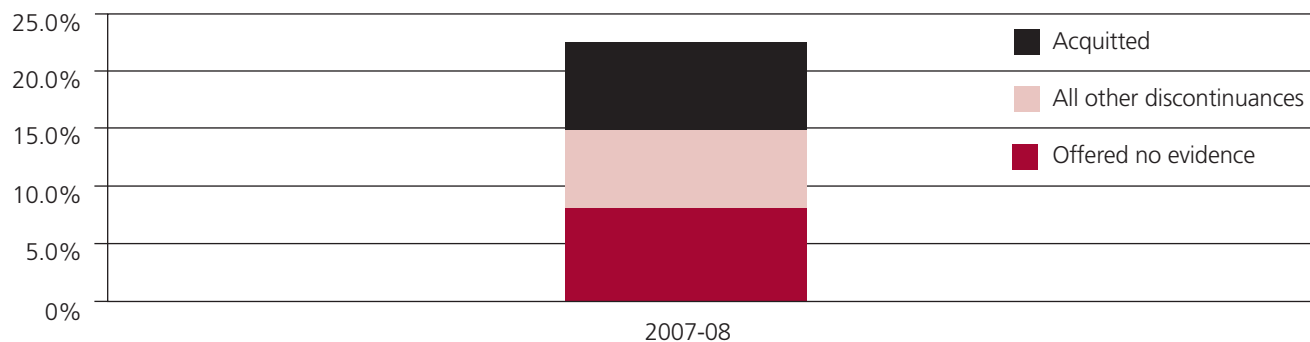
The table and charts below show a detailed breakdown of prosecution outcomes for disability incident crimes in 2007-08. Guilty pleas represented 72% of the total, contributing to the conviction rate of 77%. Prosecutions dropped by CPS, including discontinuances and cases in which no evidence was offered, were 15% of total outcomes.

Table 3: Prosecution outcomes

Convictions



Unsuccessful outcomes

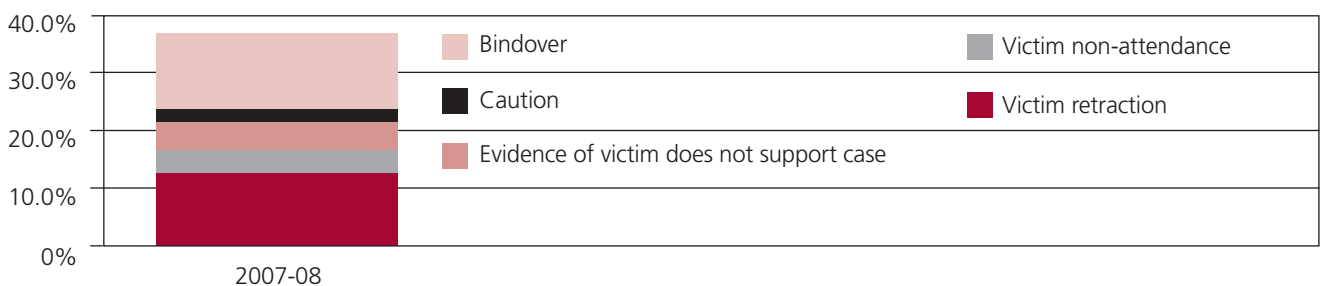


	2007-08	
	Volume	%
Administrative finalisation	0	0.0%
Discharged committal	1	0.5%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	27	14.8%
<i>of which – no evidence offered</i>	16	8.7%
Dismissed after full trial	12	6.6%
No case to answer	0	0.0%
Judge directed acquittal	0	0.0%
Jury acquittal	2	1.1%
Unsuccessful outcomes	42	23.0%
Guilty plea	131	71.6%
Conviction after trial	10	5.5%
Proved in absence	0	0.0%
Convictions	141	77.0%
Total prosecutions	183	

Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons (including cases resulting in bindover and acquittal after trial). In 2007-08 the “other reasons” category was the largest at 42.9%; none were unsuccessful for administrative reasons; 31% were unsuccessful for evidential reasons; 7.1% for public interest reasons and 19% were unable to proceed. Table 4 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key victim reasons, victim retraction and bindovers were the largest categories, both at 12%, while 12% were due to non attendance of the victim, and there were 5% where the evidence of victims did not support the prosecution case. 36% failed because of key reasons. Acquittals (31%) and instances where a witness or witnesses were unreliable (15%) accounted for more unsuccessful outcomes than victim issues, similar to racist and religious incidents and homophobic crimes.

Table 4: Key reasons for unsuccessful prosecutions

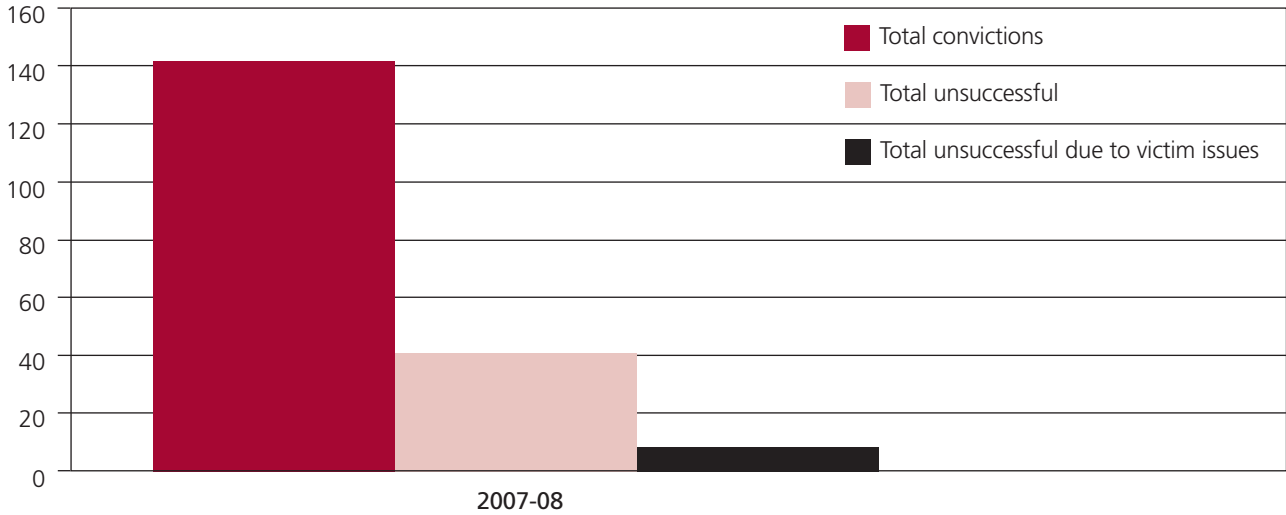


	2007-08	
	Volume	%
Victim retraction	5	11.9%
Victim non-attendance	2	4.8%
Evidence of victim does not support case	2	4.8%
Caution	1	2.4%
Bindover	5	11.9%
Total key reasons	15	35.7%
All other reasons	27	64.3%
Administrative finalisations	0	0.0%
Total	42	

Table and chart 5 show that victim issues represented 9 defendants, or 5%, in 2007-08. Unsuccessful outcomes amounted to 23% of the total in 2007-08.

Table 5: Comparison of key victim issues

Victim issues in relation to all outcomes



	2007-08	
	Volume	%
<i>Total unsuccessful due to victim issues</i>	9	4.9%
Total unsuccessful	42	23.0%
Total convictions	141	77.0%
Total prosecutions	183	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a Principal Offence Category to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 53% of disability incident crime prosecutions in 2007-08. Public order, burglary and theft and handling accounted for a further 13%, 9% and 8% respectively. A similar pattern was recorded for men, with 52% being categorised as offences against the person, 14% as public order, 10% as burglary and 9% as theft and handling. There was a slightly different pattern for women, offences against the person being higher at 56%, while public order, burglary and theft and handling were all lower at 6%. Men comprised 80% of defendants whose principal offence was identified as offences against the person. A slightly different pattern of offences, compared with other hate crimes, is noted, with less offences against the person overall, and a higher proportion of theft and handling.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

Sentence uplifts

This information has been collected since April 2007, but again remains under development. Sentence uplifts apply to racial or religiously motivated crime, homophobic crime, and disability incidents only. Work is planned for 2009-2010 to improve data collection and quality.

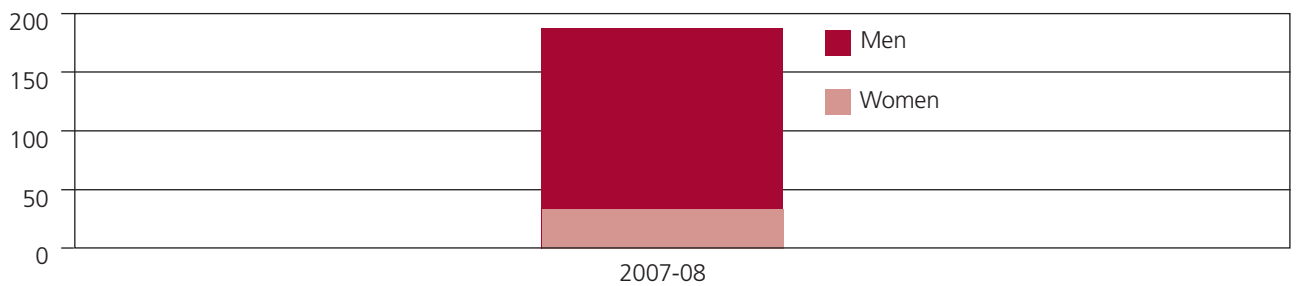
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. 82% of defendants prosecuted were men.

Table 6: Completed prosecutions by gender of defendant



	2007-08	
	Volume	%
Women	33	18.0%
Men	150	82.0%
Unknown	0	0.0%
Total	183	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 83% of disability incident crime defendants were identified as belonging to the White British category, and 86% were categorised as White. 1% of defendants were identified as Asian, and just over 4% were identified as Black. 3% of defendants did not state an ethnicity on arrest. Of all hate crimes disability incidents were committed proportionally more by White defendants.

Other equality data

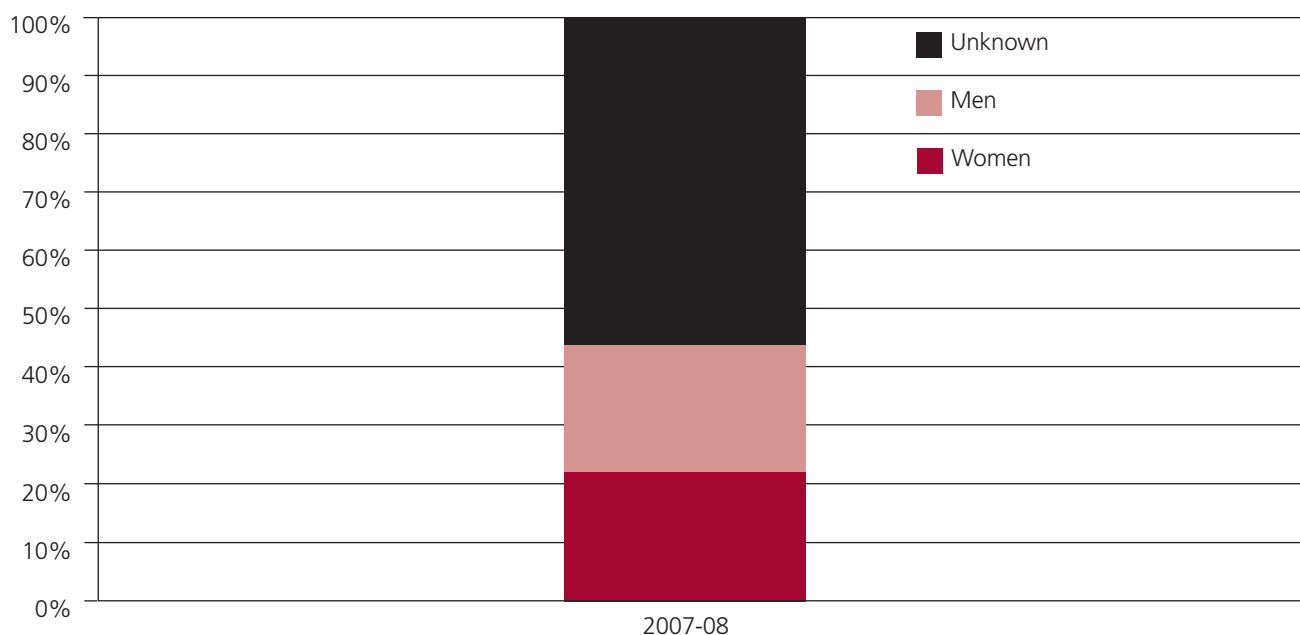
Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remains under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available for disability incidents from April 2007: however, the completeness and accuracy of this information remains under development. Of those victims whose gender was identified in 2007-08, 52% were men.

Table 7: Gender of victims



	2007-08	
	Volume	%
Women	30	20.8%
Men	33	22.9%
Unknown	81	56.3%
Total	144	

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and has not been included in the present report. Work is planned for 2009-2010 to improve data collection and quality.

Disability incident crime services

This information has been collected since April 2007. Of those victims and witnesses referred to a support service or specialist agency, none were recorded as being referred to a specific 'specialist agency', while 32% were referred to either a victim or witness support agency, and 68% were subject to an 'other referral'. The completeness and accuracy of this information remains under development.

Annex 1: Prosecutions by Area**CPS total hate crime prosecutions**

	2007-08				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	55,294	70.9%	22,711	29.1%	78,005
Avon & Somerset	1,523	73.7%	543	26.3%	2,066
Bedfordshire	450	68.1%	211	31.9%	661
Cambridgeshire	550	69.6%	240	30.4%	790
Cheshire	1,241	72.7%	466	27.3%	1,707
Cleveland	901	70.2%	383	29.8%	1,284
Cumbria	508	78.6%	138	21.4%	646
Derbyshire	1,275	71.6%	505	28.4%	1,780
Devon & Cornwall	998	69.2%	445	30.8%	1,443
Dorset	792	69.7%	344	30.3%	1,136
Durham	828	72.1%	320	27.9%	1,148
Dyfed Powys	409	81.0%	96	19.0%	505
Essex	1,064	70.3%	450	29.7%	1,514
Gloucestershire	692	78.8%	186	21.2%	878
Greater Manchester	4,024	74.4%	1,383	25.6%	5,407
Gwent	650	70.3%	275	29.7%	925
Hampshire	2,113	70.7%	874	29.3%	2,987
Hertfordshire	769	68.8%	349	31.2%	1,118
Humberside	1,084	81.5%	246	18.5%	1,330
Kent	1,358	70.0%	581	30.0%	1,939
Lancashire	3,170	77.4%	924	22.6%	4,094
Leicestershire	1,359	74.5%	466	25.5%	1,825
Lincolnshire	562	75.5%	182	24.5%	744
Merseyside	1,525	64.6%	834	35.4%	2,359
Metropolitan & City	5,467	62.1%	3,332	37.9%	8,799
Norfolk	826	79.9%	208	20.1%	1,034
Northamptonshire	398	76.7%	121	23.3%	519
Northumbria	1,891	66.7%	946	33.3%	2,837
North Wales	902	78.9%	241	21.1%	1,143
North Yorkshire	516	73.4%	187	26.6%	703
Nottinghamshire	1,027	63.1%	600	36.9%	1,627
South Wales	1,356	67.6%	649	32.4%	2,005
South Yorkshire	1,696	73.3%	617	26.7%	2,313
Staffordshire	1,210	68.2%	564	31.8%	1,774
Suffolk	704	83.0%	144	17.0%	848
Surrey	546	67.0%	269	33.0%	815
Sussex	1,287	70.1%	550	29.9%	1,837
Thames Valley	1,632	69.7%	711	30.3%	2,343
Warwickshire	482	86.4%	76	13.6%	558
West Mercia	884	72.3%	339	27.7%	1,223
West Midlands	3,554	69.3%	1,571	30.7%	5,125
West Yorkshire	2,498	72.8%	932	27.2%	3,430
Wiltshire	573	72.9%	213	27.1%	786

CPS total racial and religious prosecutions

	2007-08				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	10,398	79.9%	2,610	20.1%	13,008
Avon & Somerset	268	81.7%	60	18.3%	328
Bedfordshire	67	73.6%	24	26.4%	91
Cambridgeshire	68	76.4%	21	23.6%	89
Cheshire	164	80.4%	40	19.6%	204
Cleveland	142	82.1%	31	17.9%	173
Cumbria	69	90.8%	7	9.2%	76
Derbyshire	149	75.3%	49	24.7%	198
Devon & Cornwall	143	81.7%	32	18.3%	175
Dorset	129	76.3%	40	23.7%	169
Durham	155	79.9%	39	20.1%	194
Dyfed Powys	53	81.5%	12	18.5%	65
Essex	186	75.0%	62	25.0%	248
Gloucestershire	79	81.4%	18	18.6%	97
Greater Manchester	980	81.7%	219	18.3%	1,199
Gwent	69	71.9%	27	28.1%	96
Hampshire	369	82.0%	81	18.0%	450
Hertfordshire	202	78.6%	55	21.4%	257
Humberside	132	84.1%	25	15.9%	157
Kent	223	83.8%	43	16.2%	266
Lancashire	585	85.7%	98	14.3%	683
Leicestershire	329	86.8%	50	13.2%	379
Lincolnshire	110	83.3%	22	16.7%	132
Merseyside	252	73.5%	91	26.5%	343
Metropolitan & City	1,448	74.2%	503	25.8%	1,951
Norfolk	92	84.4%	17	15.6%	109
Northamptonshire	91	85.0%	16	15.0%	107
Northumbria	327	71.6%	130	28.4%	457
North Wales	150	85.7%	25	14.3%	175
North Yorkshire	75	80.6%	18	19.4%	93
Nottinghamshire	228	74.5%	78	25.5%	306
South Wales	183	78.9%	49	21.1%	232
South Yorkshire	250	85.9%	41	14.1%	291
Staffordshire	173	77.9%	49	22.1%	222
Suffolk	97	85.1%	17	14.9%	114
Surrey	166	75.8%	53	24.2%	219
Sussex	269	79.4%	70	20.6%	339
Thames Valley	292	75.6%	94	24.4%	386
Warwickshire	113	91.1%	11	8.9%	124
West Mercia	202	84.9%	36	15.1%	238
West Midlands	760	82.4%	162	17.6%	922
West Yorkshire	503	85.4%	86	14.6%	589
Wiltshire	56	86.2%	9	13.8%	65

CPS total homophobic and transphobic prosecutions

	2007-08				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	778	78.2%	217	21.8%	995
Avon & Somerset	18	60.0%	12	40.0%	30
Bedfordshire	4	80.0%	1	20.0%	5
Cambridgeshire	4	100.0%	0	0.0%	4
Cheshire	17	73.9%	6	26.1%	23
Cleveland	6	75.0%	2	25.0%	8
Cumbria	9	52.9%	8	47.1%	17
Derbyshire	17	94.4%	1	5.6%	18
Devon & Cornwall	27	81.8%	6	18.2%	33
Dorset	7	50.0%	7	50.0%	14
Durham	12	75.0%	4	25.0%	16
Dyfed Powys	3	60.0%	2	40.0%	5
Essex	17	65.4%	9	34.6%	26
Gloucestershire	6	75.0%	2	25.0%	8
Greater Manchester	62	86.1%	10	13.9%	72
Gwent	8	88.9%	1	11.1%	9
Hampshire	46	85.2%	8	14.8%	54
Hertfordshire	10	71.4%	4	28.6%	14
Humberside	6	100.0%	0	0.0%	6
Kent	11	64.7%	6	35.3%	17
Lancashire	33	89.2%	4	10.8%	37
Leicestershire	17	89.5%	2	10.5%	19
Lincolnshire	12	92.3%	1	7.7%	13
Merseyside	24	70.6%	10	29.4%	34
Metropolitan & City	106	74.6%	36	25.4%	142
Norfolk	18	75.0%	6	25.0%	24
Northamptonshire	3	75.0%	1	25.0%	4
Northumbria	22	66.7%	11	33.3%	33
North Wales	29	85.3%	5	14.7%	34
North Yorkshire	10	100.0%	0	0.0%	10
Nottinghamshire	10	90.9%	1	9.1%	11
South Wales	14	70.0%	6	30.0%	20
South Yorkshire	18	81.8%	4	18.2%	22
Staffordshire	15	93.8%	1	6.3	16
Suffolk	5	100.0%	0	0.0%	5
Surrey	4	50.0%	4	50.0%	8
Sussex	40	78.4%	11	21.6%	51
Thames Valley	20	76.9%	6	23.1%	26
Warwickshire	11	91.7%	1	8.3%	12
West Mercia	10	62.5%	6	37.5%	16
West Midlands	44	86.3%	7	13.7%	51
West Yorkshire	17	85.0%	3	15.0%	20
Wiltshire	6	75.0%	2	25.0%	8

CPS disability incident prosecutions

	2007-08				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	141	77.0	42	23.0	183
Avon & Somerset	2	100.0	0	0.0	2
Bedfordshire	0	0.0	0	0.0	0
Cambridgeshire	2	66.7	1	33.3	3
Cheshire	1	33.3	2	66.7	3
Cleveland	3	100.0	0	0.0	3
Cumbria	3	100.0	0	0.0	3
Derbyshire	6	85.7	1	14.3	7
Devon & Cornwall	4	80.0	1	20.0	5
Dorset	0	0.0	3	100.0	3
Durham	1	100.0	0	0.0	1
Dyfed Powys	2	66.7	1	33.3	3
Essex	0	0.0	0	0.0	0
Gloucestershire	1	100.0	0	0.0	1
Greater Manchester	7	77.8	2	22.2	9
Gwent	0	0.0	0	0.0	0
Hampshire	7	100.0	0	0.0	7
Hertfordshire	0	0.0	0	0.0	0
Humberside	2	100.0	0	0.0	2
Kent	1	50.0	1	50.0	2
Lancashire	2	100.0	0	0.0	2
Leicestershire	8	66.7	4	33.3	12
Lincolnshire	3	60.0	2	40.0	5
Merseyside	3	75.0	1	25.0	4
Metropolitan & City	15	83.3	3	16.7	18
Norfolk	1	100.0	0	0.0	1
Northamptonshire	0	0.0	1	100.0	1
Northumbria	9	100.0	0	0.0	9
North Wales	7	77.8	2	22.2	9
North Yorkshire	2	100.0	0	0.0	2
Nottinghamshire	0	0.0	1	100.0	1
South Wales	6	66.7	3	33.3	9
South Yorkshire	1	33.3	2	66.7	3
Staffordshire	8	72.7	3	27.3	11
Suffolk	0	0.0	0	0.0	0
Surrey	0	0.0	0	0.0	0
Sussex	6	85.7	1	14.3	7
Thames Valley	2	100.0	0	0.0	2
Warwickshire	3	100.0	0	0.0	3
West Mercia	4	66.7	2	33.3	6
West Midlands	12	75.0	4	25.0	16
West Yorkshire	4	80.0	1	20.0	5
Wiltshire	3	100.0	0	0.0	3

Glossary

Hate crimes

Domestic violence: any threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those who are or have been intimate partners or family members, regardless of gender or sexuality. Family members include mother, father, son, daughter, sister, and grandparents, whether directly related, in laws or step family.

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

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

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

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

Case outcomes

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

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

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

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

All other decisions: where a caution, reprimand or final warning are given; where the offence has been taken into consideration in relation to other charges; or where the defendant has failed to answer to bail and a warrant is outstanding.

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

Reason categories for unsuccessful outcomes

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

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
Caution:	the defendant is charged with a criminal offence, but it is subsequently decided that a caution is more suitable than prosecution.
Bindover:	the defendant is charged with a criminal offence, but agrees to be bound over.
Essential legal element:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Witness or witnesses were unreliable:	the evidence of a prosecution witness or witnesses, other than the victim, is considered unreliable, leading to an unsuccessful outcome.

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.

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Printed by Blackburns of Bolton
Tel 01204 532121