

COMMUNITY IMPACT STATEMENTS AND THEIR USE IN HATE CRIME CASES

GUIDELINES FOR PROSECUTORS



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Introduction

Community Impact Statements (CIS) can help criminal justice agencies understand the wider impact of hate crime and can improve decision making and increase public confidence.

These guidelines specifically cover the use of CIS in Hate Crime cases. They should be read alongside the legal guidance published by the Ministry of Justice (MoJ) which can be found on the CPS website. There is separate guidance for [adults](#) and for [youths](#).

What is a Community Impact Statement?

A CIS is a section 9 statement which describes the impact of offending upon a community, provides context and **gives the community a voice** in the criminal justice process. A CIS can be used throughout the criminal justice system to inform:

- charging decisions
- the public interest test
- sentencing decisions
- out of court disposals and restorative justice.

There are two types of community impact statement; generic and specific.

- Generic statements contain information related to a range of offences and anti-social behaviour incidents that have been identified by the relevant community as a concern. The same generic statement can be attached to numerous cases.
- Specific statements relate to a specific offence or anti-social behaviour incident. The specific statement will illustrate the impact and harm on the community arising from the offence / incident, and can be applied to a case which involves the noted offence.

A CIS should be served on all parties as part of the prosecution case.

Why should CIS be used in Hate Crime cases?

Hate crime offences often have a disproportionate impact on the victim because they are being targeted for a personal characteristic, whether it's their disability, race, religion, sexual orientation or transgender identity. The fear and lack of safety felt by the victims of hate crime can have a ripple effect on the wider community, undermining peoples' confidence and security. The use of a CIS allows for both the prevalence and the impact of these crimes to be fully understood and taken into account in appropriate hate crime cases.

Both specific and generic CIS can be used in hate crime cases. If, for example, a community is being regularly targeted, the police can compile a CIS to be used in all instances of these crimes. Equally, if a specific crime sends shock waves around a particular community, a CIS can capture the impact of this particular incident.

[Victim Personal Statements \(VPS\)](#) should also be considered in relation to hate crime cases to convey to the court the specific impact the hostility has had on the victim. A CIS should not replace the use of VPS.

When should a CIS be used in hate crime cases?

A CIS should be used to show **prevalence** and/or **impact**.

Prevalence

The MoJ legal guidance, case law and sentencing guidelines make it clear that, unless a CIS can show that a particular type of offending is significantly higher in a particular locality or community than it is nationally, the court cannot pass a harsher sentence on the basis of prevalence.

This means that a CIS should show there is a **particular local or community problem** in order for the offending to be treated more seriously than it would be anywhere else.

Impact

Hate crime is underreported so statistics on the prevalence of hate crime in a particular community may not reflect the seriousness of the crime. To ensure the CIS accurately and effectively describes the harm to the community, the statement should, alongside relevant data on prevalence, include information emphasising the impact of the crime or type of crime on the community.

A CIS will not be appropriate in every hate crime case. However cases in which CIS are likely to be particularly valuable include:

- serious and high profile cases which have attracted media attention
- cases where the attack is upon a community rather than on a particular identified victim or victims e.g. desecration of a place of worship or cemetery; online hostility towards people on the grounds of disability, race, religion, sexual orientation or transgender identity
- a community that is being particularly or consistently targeted in an area or locality
- a community that is subject to extensive targeting as a result of national or international events
- a community which faces consistent targeting but which is less well known and therefore a CIS may prove particularly useful or enlightening for police, CPS and the courts.

What is meant by ‘community’?

The MoJ guidance defines community as a group of people who interact and share certain characteristics, experiences or backgrounds, and/or are located in proximity to each other. Hate crime cases can lend themselves to the use of a CIS because of a recognisable **‘community of identity’** that shares the personal characteristic of the victim. A CIS can also relate to the targeting of a building or institutions frequented by a community for example a place of worship or a day centre used by people with learning disabilities.

Hate crime online

A CIS can be used to demonstrate the impact of online hate crime on communities. As with all hate crime offences, the police will be required to seek a charging decision from the CPS. When prosecutors are considering hate crime offences committed online, they should refer to the [CPS Guidelines on Prosecuting Cases Involving Communications Sent via Social Media](#). These guidelines make clear which offences need to be referred to the Director’s Legal Advisor for them to authorise a charge.

National and local groups and charities may be able to provide information for generic CIS in relation to the impact of online offending on the communities they represent. Some have published research and reports in this area which those compiling a CIS for online offending may find useful.

If you are considering using a CIS in a hate crime case involving social media, please notify the CPS hate crime policy team at: HateCrime.policy@cps.gov.uk

Who is responsible for compiling a CIS?

The Police are responsible for compiling the information and concerns of the community into a section 9 witness statement. The author should ensure that the general content of the statement could be admissible in court. Once the officer has compiled the statement, they should sign it and insert it in to the prosecution file. MoJ guidance states that the author's rank should be no less than a Police Inspector and consideration should be given to a more senior officer signing off the CIS for the purposes of quality control.

A prosecutor who is considering requesting a CIS from the police may want to seek further guidance and advice from the Area Hate Crime Coordinator.

What should it contain?

The statement should illustrate, in as much detail as possible, the full extent of the harm caused by the hate crime offending.

It should:

- Be written from an independent and objective standpoint
- Ensure the content of the statement could be admissible in court
- Include, where available, statistical data describing the prevalence of these types of incident(s).

It should not:

- Include any personal views of the author and must be in line with existing policy on equality and diversity
- Relate to a named individual offender
- Include individual names of community contributors.

Community input and feedback

Local police and CPS Areas will have established hate crime contacts within a wide range of communities who can contribute to a CIS.

It is important that police explain to the relevant community why a statement is being taken and the impact it can and has had on the criminal justice process.

It should be noted that:

- A CIS cannot be used to determine innocence or guilt
- The judiciary are independent and have judicial discretion when sentencing
- A CIS is one of a number of factors considered by the court when sentencing
- There should be no expectation that the existence, and use, of a CIS will mean that the defendant will receive a more severe sentence.

In all successful hate crime prosecutions, communities will be interested to hear if a sentence uplift was announced and recorded.

What is the role of the CPS?

- The CPS can request the police to obtain a CIS as part of pre-charge advice and action plans.
- Hate crime cases must be referred from the Police to the CPS for a charging decision. A CIS can be useful in considering the public interest stage of the Code for Crown Prosecutors.
- A CIS can be used to determine the appropriate conditions for conditional cautions. In hate crime cases however, conditional cautions will only be appropriate in exceptional circumstances. There is a requirement to refer hate crime cases to [CPS Headquarters](#) where a conditional caution is being considered.
- A CIS should be served on all parties as part of the prosecution case.
- On conviction, and before sentence, the CPS should draw the Court's attention to the CIS and the impact of the hate crime on the community.

Examples

The existing MoJ legal guidance provides templates for both [generic](#) and [specific](#) CIS. These should be used when creating a CIS for hate crime cases.