



CPS

**Hate crime and crimes against
older people report**

2012-2013

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Foreword by the Director of Public Prosecutions

I welcome the opportunity to introduce this, the sixth hate crime annual report. The Crown Prosecution Service (CPS) first reported on the prosecution of hate crime in 2005 as part of our performance review process. Since 2005, we have undertaken a range of activities, many in conjunction with community and other stakeholders, to help us to secure positive outcomes for the victims of hate crime and to improve the quality of the service that we provide in these often difficult cases. The volume of hate crime prosecuted and our conviction rates are both significantly higher than they were when we first reported.¹ However, since 2010/11 we have seen a fall in conviction rates and the volume of cases that we receive from the police.

In response to the decline in volumes identified in last year's report we held a range of roundtables and focus groups with community groups and our specialist hate crime co-ordinators to identify the possible causes for this unprecedented decline. These events highlighted a number of potential causes including the inaccuracy of our flagging of hate crime cases, the need to improve the use of special measures and other support mechanisms for victims and witnesses, the need to improve the quality of our case handling and a lack of knowledge on the part of some prosecutors to prosecute these cases effectively.

In order to address some of the specific issues identified by the Equality and Human Rights Commission (EHRC) Inquiry into disability related harassment and the joint thematic inspection conducted by HMCPSP and HMIC, we developed a disability hate crime action plan and piloted 'navigators workshops' to raise awareness and understanding of disability hate crime among staff from other statutory agencies. The workshops were very successful, so they will be rolled out nationally.

We also commenced joint research with the Association of Chief Police Officers (ACPO) looking at the handling of hate crime cases throughout the life of hate crime cases from the point of investigation by the police in order to identify any potential issues that may be impacting on the decline in volumes and convictions. The findings of this research will be available early in 2014.

Addressing possible causes for the decline in volumes and convictions identified to date, accord with my three priorities for the CPS: improving the quality of our prosecutions, improving the service that we provide to victims and witnesses and providing our staff with the tools and skills required to perform their roles effectively. In the coming year, we will address these priorities in the context of hate crime through the development of a new hate crime strategy through which we will progress action to address the recent downward trends.

¹ The number of completed prosecutions across all strands in 2005/06 was 9,468 with a conviction rate of 74%. This compares to 2012/13 when the figures were 13,070 and 82.6%

Tackling hate crime remains a priority for the CPS. It is my belief that our planned actions, developed as a result of detailed consultation, will lead to improvements in our performance over the coming year.

Alison Saunders CB
Director of Public Prosecutions
January 2014

Executive summary

This is the sixth Hate Crime and Crimes against Older People Annual Report. The report considers performance in relation to these crimes during 2012/13. It seeks to illustrate this performance through available management data as well as positive outcomes in casework. It also provides examples of effective practice, lessons learned, policy development and research that have all contributed to improving performance.

In addition to the analysis provided in this report, we publish the underlying data used. This data can be accessed from this [link on the CPS website](#).

In order to make our data more accessible to the public, the report refers for the first time to conviction rates rather than the attrition rates used in earlier years. In addition to annual performance, we also use data over the past six years where available in order to highlight trends over time.

Hate crime

In 2012/13, the number of hate crime cases referred to the CPS by the police for decision fell by 16.7% to 12,306 from 14,781 the previous year. This is the second consecutive year in which we have seen a fall in referrals since 2006/07.

- The number of cases charged also fell in 2012/13 from 10,845 or 73.4% of all cases considered the previous year to 8,891 (72.2%). In 2006/07, the comparable figure was 8,390 (59.4%).
- The number of convictions fell in 2012/13 from 11,843 to 10,794 and the conviction rate also fell slightly to 82.6%. However, the trend has been upward since 2006/07, when the conviction rate was 76.8%.
- 6 CPS Areas saw an improvement in their conviction rates in 2012/13.
- Since 2008/09, the proportion of convictions involving guilty pleas has steadily increased from 9,035 (69.3%) to 9,544 (73.0%). In the same year, the national ratio for all prosecutions stood at 68.8%.
- Prosecutions can fail for a variety of reasons. Cases involving victim issues i.e. a victim retracts, unexpectedly fails to attend or their evidence does not support the case fell in 2012/13 from 23.4% or 551 of the total number of failed hate crime cases the previous year, to 22.9% or 521.
- The majority (83.3%) of defendants across all hate crime strands were men.
- 71.6% of defendants were identified as belonging to the White British category.
- 57.7% of defendants were aged between 25-59 and 27.0% between 18-24.
- 10-17 year olds' involvement as defendants continues to decline from 23.1% in 2007/08 to 11.9% last year.
- The CPS is committed to fulfilling our responsibilities under the Equality Act 2010 and our obligations under the public duties in particular. We agreed an equality data strategy in September 2012 at the Community Accountability Forum. The strategy aims to address data gaps or shortcomings across both prosecution and employment.
- The CPS supports a range of cross-government initiatives. The Hate Crime Strategy Board convened jointly by the Ministry of Justice and Home Office began the process of reviewing the cross-Government action plan on hate crime:

'Challenge It, Report It, Stop It: the Government's Plan to Tackle Hate Crime (March 2012) to which the CPS contributed.

- The Director of Public Prosecutions (DPP) consulted on guidelines on prosecuting cases involving communications sent via social media. The guidelines underline the potential for hate crime to feature in the context of these prosecutions and the relevance of the Code for Crown Prosecutors in this regard.

Racially and religiously aggravated hate crime

- This is the third year in which we have reported separately on racially and religiously aggravated crimes.
- The number of defendants referred to the CPS for a charging decision by the police fell by 16.83% to 10,622 from the previous year. The total number of prosecutions completed during the year also fell by 8.3% to 11,334.
- The proportion of convictions has improved steadily from 79.9% in 2007/08 to 83.1% in 2012/13, despite a fall in the number of prosecutions over the period.
- 5 CPS Area improved their conviction rates during the year.
- The proportion of convictions involving guilty pleas has increased over the period from 66.5% in 2007/08 to 73.6% last year, despite a fall in the overall total.
- After steadily falling since 2007/08 from 22.5%, the proportion of racist and religious hate crimes failing due to victim issues increased in 2011/12 but fell back slightly last year to 23.1%.
- Of the 10,935 racist offences prosecuted last year 9,107 (83.3%) resulted in convictions and 74.0% of all convictions involved guilty pleas. The conviction rate represents a slight fall on the previous year but is broadly in line with the rates over the past six years. The proportion of guilty pleas has steadily increased over the period from 66.4% in 2007/08 to 74.0% last year.
- The proportion of racist hate crime prosecutions failing due to victim issues (23.1%) remained broadly in line with the trend since 2007/08 (22.4%).
- In 2012/13, 399 cases involving religiously aggravated hostility were prosecuted with a 77.2% (308) conviction rate. 63.4% of convictions were due to guilty pleas. In 2011/12, there had been 593 prosecutions of which 479 (80.8%) resulted in convictions, 71.2% due to guilty pleas.
- The proportion of cases failing due to victim issues fell from 28.9% (33) in 2011/12 to 23.1% (21) last year.
- We continue to contribute to the work of the Government-led Anti-Muslim Hatred Working Group. A case assessment report was prepared for the group looking at what lessons could be drawn from current prosecutions.
- The DPP led two national roundtable discussions on racially and religiously aggravated hate crime with agencies which support the victims of hate crime to help inform policy development.

Homophobic and transphobic hate crime

- The conviction rate for homophobic and transphobic hate crime improved from 78.7% in 2011/12 to 80.7% last year.
- 8 CPS Areas improved their conviction rates over the year.
- The proportion of cases resulting in a guilty plea increased from 68.5% to 71.6%, even though the number of guilty pleas fell over the year from 827 to 785.
- The proportion of cases failing due to victim issues overall fell slightly over the year from (24.5%) 63 in 2011/12 to (21.8%) 46 last year.
- A refresh of the Transgender Equality Management Guidance was brought to a final draft with the support of a sub-group especially convened by the Community Accountability Forum.
- A National Scrutiny Panel was convened to assess the handling of recent transphobic hate crime prosecutions. Feedback was provided to the Areas submitting cases and a more detailed report on action taken in response has been prepared.

Disability hate crime

- The number of cases referred to the CPS by the police for a charging decision fell in 2012/13 to 579 from 643 in 2011/12. There was also a fall in the rate of decisions to charge last year to 65%, after three years at broadly 70.0% of all such referrals.
- The number of convictions increased over the year from 621 in 2011/12 to 640 last year and the proportion of convictions remained broadly similar at 77.2%
- 7 CPS Areas improved their conviction rate over the year.
- The number of guilty pleas in the reporting year fell slightly from 424 (68.3%) in 2011/12 to 418 (65.3%) last year.
- The CPS policy and guidance on prosecuting disability hate crime was refreshed and consolidated into a single, definitive legal guidance document over the course of the year and finalised in light of the joint thematic inspection on disability hate crime.
- A disability Hate Crime Action Plan was also developed and finalised setting out a range of commitments that will be overseen by the Community Accountability Forum. All CPS Areas have been asked to engage with the plan's objectives locally.

Crimes against older people

- The number of cases referred to us by the police fell for the first year since 2008/09 from 2,987 to 2,832. The number of defendants charged has also decreased and now represents 73.1% of all pre-charge decisions.
- Since 2008/09, the number of prosecutions has steadily increased from 1,004 to 2,886. Last year, 81.1% of all prosecutions resulted in a conviction compared to 81.3% the previous year.
- 6 CPS Areas improved their conviction rates over the year.
- Since 2008/09, the number and rate of guilty pleas has increased from 707 (70.4%) to 2,099 (72.7%).
- The proportion of cases failing due to victim issues has increased from 14.0% in 2008/09 to 16.7% in 2012/13.

Introduction

This is the sixth CPS annual hate crime report and provides information on our performance in prosecuting the following crimes in 2012/13:

- racist and religious hate crime
- homophobic and transphobic hate crime
- disability hate crime

The report also includes information about our performance in prosecuting crimes against older people.

The Association of Chief Police Officers (ACPO) and the CPS have agreed a common definition of hate crime:

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

The term “hate crime” provides a short-hand for police and prosecutors and many others in public institutions, community organisations and elsewhere. Key words in the definition are hostility and prejudice, words which are used in their ordinary, everyday sense. The prosecution does not therefore need to prove hatred as the motivating factor behind an offence. Nor does the whole offence need to be motivated by hostility; it can play a part only, provide one element of the offending behaviour or it can provide the sole reason.

The CPS aims to build confidence in communities affected by hate crime and improve transparency in its approach. The purpose of this report is to give the public and particularly affected communities clear information about the work we are doing in tackling hate crime and details of our performance in prosecuting hate crime. The best available data are presented and gaps identified.

The CPS collects data² to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007³.

² Data on hate crime have been drawn from CPS Case Management System (CMS) and associated Management information System (MIS), which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS

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

Hate crime

In 2012/13, the proportion of convictions across all monitored strands of hate crime was 82.6%. This compares with the combined average for Magistrates' Court and Crown Court convictions of 83.5%. In addition, Graph 1 indicates an upward trend over the past seven years. Guilty pleas account for 73.0% of these convictions. This figure compares with an average at Magistrates' Courts and Crown Court of 70.2%. Guilty pleas benefit victims and witnesses because they do not have to attend court to give evidence; they also reduce delay by enabling cases to be concluded more quickly and at a substantially reduced cost to the public purse.

Graph 1: Total hate crime conviction rates 2006/07 to 2012/13

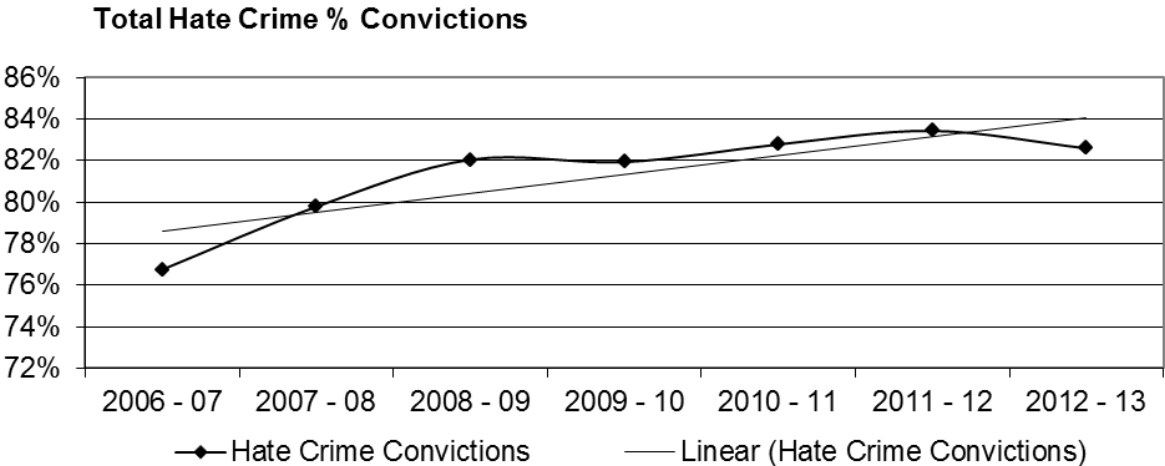


Table 1 indicates that the trend in the number of completed prosecutions has remained positive despite a decrease in annual returns over the past three years.

Table 1 - Completed hate crime prosecutions by outcome

		Convictions	Unsuccessful	Total
2006 - 07	Volume	9,621	2,914	12,535
	%	76.80%	23.20%	
2007 - 08	Volume	11,317	2,869	14,186
	%	79.80%	20.20%	
2008 - 09	Volume	10,690	2,340	13,030
	%	82.00%	18.00%	
2009 - 10	Volume	11,405	2,516	13,921
	%	81.90%	18.10%	
2010 - 11	Volume	12,651	2,633	15,284
	%	82.80%	17.20%	

2011 - 12	Volume	11,843	2,353	14,196
	%	83.40%	16.60%	
2012 - 13	Volume	10,794	2,276	13,070
	%	82.60%	17.40%	

Area performance

In 2012/13, the top three high-performing Areas in relation to conviction rates across all hate crime are shown against the national average in Table 2 below:

Table 2: Hate crime prosecutions by outcome highlighting the three top-performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	10,794	82.6%	2,276	17.4%	13,070
Merseyside and Cheshire	544	86.2%	87	13.8%	631
West Midlands	1,155	85.9%	189	14.1%	1,344
Yorkshire and Humberside	902	85.8%	149	14.2%	1,051

The national average for the number of all cases of hate crime fell by 7.9% on the previous year. This trend was not replicated across the board and three CPS Areas saw increases in totals: Yorkshire and Humberside (5.1%), Cymru/Wales (2.2%) and Wessex (2.02%). In addition to this overall fall, the data for 2012/13 show that the proportion of convictions fell slightly by 0.8 percentage points on the previous year. It should be noted that the conviction rate over time has improved with the success rate in 2006/07 at 76.8% (see Graph 1 above). The level of ambition for hate crime conviction in 2013/14 is 85.0%.

For more detail on CPS Area and force area level performance, see Annex 1.

CPS Areas continued to develop innovative and effective measures to engage with communities, identify and address priorities and above all to seek improvement in the prosecution of hate crime. Activities are assessed to maximise the learning from available good practice and to share the benefits of Area development.

Local Scrutiny and Involvement Panels - Area panels scrutinise finalised hate crime cases in order to improve decision-making and policy development. They continue to contribute generously to the work of the CPS. Feedback from each panel is provided on issues seen as having national implications.

CPS Cymru/Wales have organised a joint project with City of Cardiff Football Club Community Education Foundation and local schools. Using a mixture of lessons, practical activity and visits, learners should all be able to:

- Provide an example of each of the hate crime areas.
- Explain why the crime is wrong in relation to the CPS and society.
- To understand/empathise with the experiences of those who have been victims of hate crime.

Anticipated benefits of the project include; an improved awareness amongst learners about the area of hate crime: improved reporting procedures for hate crime: an increased awareness of the work of the CPS and better links between the football club and schools and in turn improved physical activity levels.

Cross-Government work

We continued to contribute to the cross-Government action plan on hate crime including the Hate Crime Strategy Board convened by the Ministry of Justice and Home Office. The central focus this year has been on delivering against the report '*Challenge It, Report It, Stop It: the Government's Plan to Tackle Hate Crime (March 2012)*' and preparing a progress report to the plan by the autumn of 2013.

CPS has contributed to the development of the cross Criminal Justice System strategy and action plan, highlighting hate crime as a priority crime.

CPS contributed to the formulation of the Law Commission's review of hate crime legislation.

National issues

Standard Operating Procedures – Standard operating procedures (SOPs) are being developed to ensure that CPS Areas work in a more consistent and efficient way. One of the first SOPs to be completed was the Magistrates' Court SOP. This SOP includes a link to best practice and existing hate crime guidance. Other aspects of the service will undergo similar exercises.

Special measures research - The CPS undertook a research project in to the use of special measures and published the report in August 2012. The research reported on improvements needed to identify the requirement for special measures; provision of more detailed reasons for applications; improved timeliness of applications and more sensitive ways to speak to vulnerable victims. The CPS is progressing the recommendations made in the report.

Community Engagement – Navigators' Workshops were delivered as pilots in different parts of the country. The workshops are designed to help those who may first hear of disability hate incidents e.g. health workers, housing officers, advice agency staff who might be able to provide support to victims of disability hate crime.

The DPP held roundtable discussions with agencies that support those facing racially and religiously aggravated hostility. The purpose of the discussions was to seek their views on CPS policy, practice and performance; and to help us to identify potential barriers experienced by these groups in accessing the criminal justice service.

A sub-group of the CPS's Community Accountability Forum (CAF) consisting of specialist agencies and individuals provided support in refreshing our Transgender Equality Management Guidance.

Social Media Guidelines - Guidelines on prosecuting cases involving communications sent via social media were published in June 2013. They provide advice to prosecutors and aim for a consistency of approach in the handling of cases.

The guidelines draw prosecutors' attention to paragraph 4.12(c) of the Code for Crown Prosecutors to address concerns regarding hate crime and to highlight how the impact of communications on victims is being taken into account when considering the public interest factors in relation to cases involving communications considered grossly offensive, indecent, obscene or false. Prosecutors should particularly consider whether there is a hate crime element to the communication, when assessing the impact on the victim.

Where communications constitute a credible threat of violence or harassment or stalking, prosecutors are asked to consider any evidence of the offence being racially or religiously aggravated or whether there is aggravation related to disability, sexual orientation or transgender identity and pay particular regard to the increase in sentence provisions.

Racially and religiously aggravated hate crime

In 2012/13, the conviction rate for racially and religiously aggravated hate crime was 83.1%. This success rate compares to the combined average for all Magistrates' Courts and Crown Court convictions at 83.5%. Although the figure is slightly down on the previous year 84.2%, it still represents an improving trend since 2007/08, when the rate was 79.9%.

Anti-Muslim Hatred Working Group – Over the course of the year, our contribution to the work of cross-Government working groups included an assessment of case work reflecting anti-Muslim hostility. A sample of casework was taken from the four CPS Areas which collectively represented 75% of all prosecuted religiously aggravated hate crime in the previous year. In total, 76 cases of religiously aggravated hate crime were selected of which some 62% involved an element of anti-Muslim sentiment or factors which would indicate hostility on these grounds.

The report noted the range and nature of offending and characteristics of both victims and offenders. The implications arising for policy application included improved recording of personal data and key decisions as well as the need for clear illustrations or case studies to assist prosecutors. The benefits of targeted community engagement and the work of Local Scrutiny and Involvement Panels were also noted.

Roundtable Discussion – The DPP chaired two roundtable discussions with organisations and community groups whose work supports the victims of racially and religiously aggravated hate crime. The sessions were designed to support Objective 2 of the 2012/15 CPS Equality Objectives:

“To improve the level of success (more prosecutions and more convictions) in prosecutions of Hate Crime (including homophobic and transphobic hate crime, racially and religiously aggravated crime, disability hate crime), crimes against older people and Violence Against Women and Girls (VAWG) cases and ensure an effective service for victims and witnesses.”

Feedback identified a number of considerations for the CPS and in response and a series of proposed actions were agreed with the Community Accountability Forum.

Hate Crime Newsletter – Last year saw the introduction of a quarterly newsletter intended to keep people informed of relevant developments, to share effective practice and to allow space for external contributions.

Case Study

A former councillor in Staffordshire was sentenced to eight months imprisonment, suspended for 12 months, after being found guilty at an earlier hearing of posting racial comments on a social media website. He was also ordered to do 240 hours unpaid work and pay costs of £3,500.

The man had earlier denied two counts of racially aggravated harassment which were related to racist language used in two articles on his website, but he was found guilty after a trial.

This case concerned the publishing of blogs on an internet site set up by the defendant. The blog contained articles which contained language which it was argued was inflammatory in nature, intended to cause harassment, alarm or distress to others and was racially aggravated.

Eran Cutcliffe, Senior Crown Prosecutor CPS West Midlands said, "Mr Coleman contends that the blogs were protected under the convention of Human Rights and that it was his right to freedom of speech. The facts of each case turn on its own merits and following careful consideration of the available evidence, the CPS took the decision to charge Mr Coleman with a racially aggravated public order offence. It does not therefore follow that a prosecution is always appropriate but in this particular case, having regard to the evidence available and the content of the blogs, a criminal prosecution was indeed justified."

Combined statistics and tables

In 2012/13, the number of defendants referred to the CPS for a charging decision by the police fell by 16.83% to 10,622 from the previous year. The total number of prosecutions completed during the year also fell by 8.3% to 11,334. Nevertheless, as can be seen in Graph 2 below, the conviction rate has improved steadily since 2007/08 from 79.9% to 83.1% in 2012/13.

Graph 2: Racially and religiously aggravated hate crime conviction rates 2007/08 to 2012/13

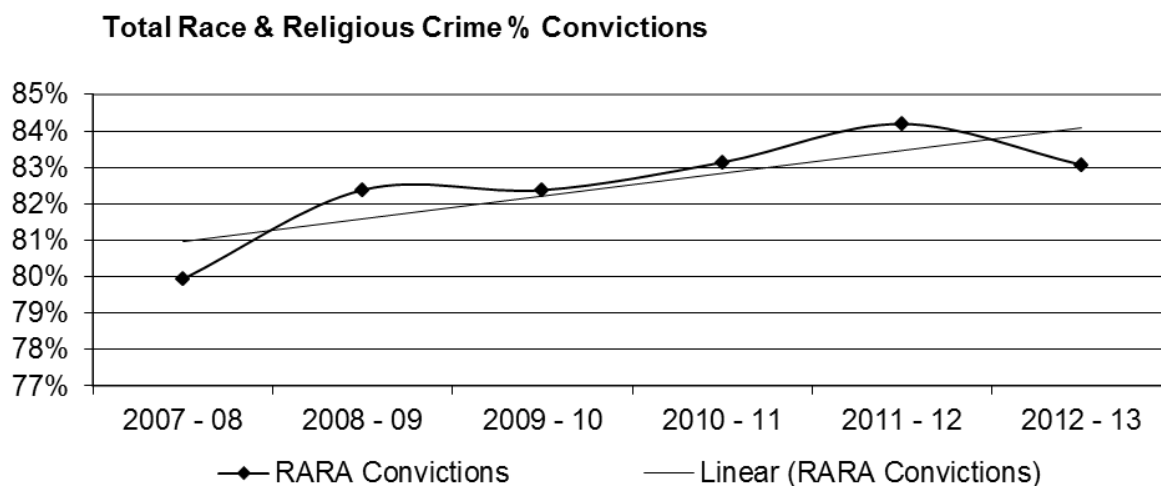


Table 3 below indicates that this trend in successful convictions has continued against a fall in overall prosecutions over the same period.

Table 3 - Completed prosecutions by outcome

		Convictions	Unsuccessful	Total
2007 - 08	Volume	10,398	2,610	13,008
	%	79.90%	20.10%	
2008 - 09	Volume	9,576	2,048	11,624
	%	82.40%	17.60%	
2009 - 10	Volume	9,993	2,138	12,131
	%	82.40%	17.60%	
2010 - 11	Volume	11,038	2,239	13,277
	%	83.10%	16.90%	
2011 - 12	Volume	10,412	1,955	12,367
	%	84.20%	15.80%	
2012 - 13	Volume	9,415	1,919	11,334
	%	83.10%	16.90%	

The proportion of convictions involving guilty pleas increased over the period from 66.5% in 2007/08 to 73.6%. The increasing proportion of guilty pleas suggests that cases are better prepared and are being brought to court more quickly. Victims and witnesses can benefit as they do not have to attend court to give evidence and there is also a cost benefit.

Prosecutions can fail for a variety of reasons. Cases involving victim issues i.e. a victim retracts, unexpectedly fails to attend or their evidence does not support the case, improved for a number of years since 2007/08 when the proportion stood at 22.5%. However, the proportion failing due to victim issues increased in 2011/12 but fell back last year to 23.1%.

Racially aggravated hate crimes

In relation to racially aggravated hate crime, the total of defendants referred to the CPS for a charging decision by the police fell for a third year in 2012/13 to 10,330 of which 72.8% were charged.

Of the 10,935 racist offences prosecuted last year 9,107 (83.3%) were successful and 74.0% of all successful outcomes involved guilty pleas. The conviction rate represents a slight fall on the previous year but as can be seen from Graph 3 below, it is broadly in line with that over the past six years.

Graph 3: Racially aggravated hate crime conviction rates 2007/08 to 2012/13

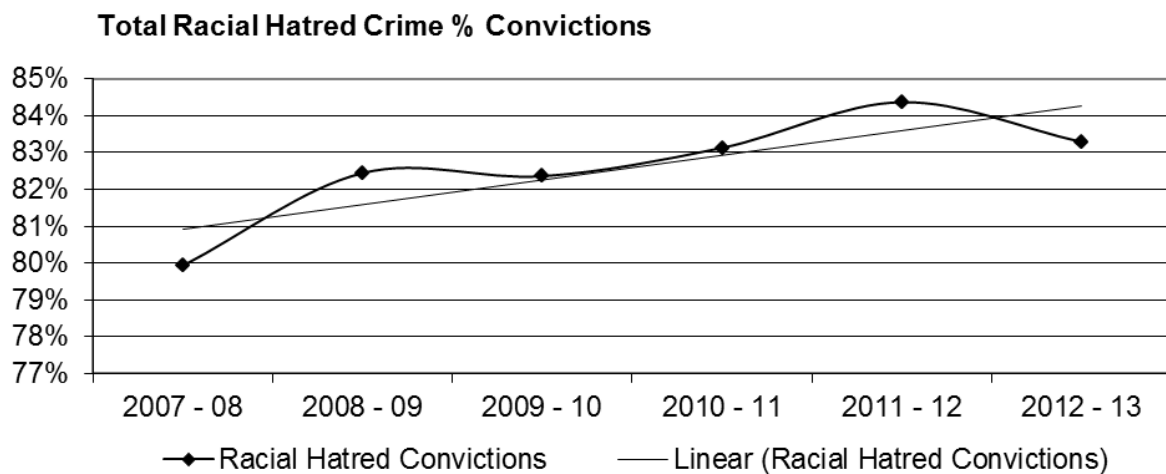


Table 4 below shows that since 2007/08, the overall trend in the number of prosecutions has fallen from 12,829 to 10,935 although the proportion of convictions has increased over the same period from 79.9% to 83.3%.

Table 4 - Completed prosecutions by outcome

		Convictions	Unsuccessful	Total
2007 - 08	Volume	10,254	2,575	12,829
	%	79.90%	20.10%	
2008 - 09	Volume	9,306	1,982	11,288
	%	82.40%	17.60%	
2009 - 10	Volume	9,750	2,089	11,839
	%	82.40%	17.60%	

2010 - 11	Volume	10,566	2,145	12,711
	%	83.10%	16.90%	
2011 - 12	Volume	9,933	1,841	11,774
	%	84.40%	15.60%	
2012 - 13	Volume	9,107	1,828	10,935
	%	83.30%	16.70%	

The proportion of guilty pleas over the same period has steadily increased from 66.4% in 2007/08 to 74.0% last year.

The proportion of unsuccessful racist hate crime prosecutions failing due to victim issues (23.1%) remained broadly in line with the trend since 2007/08 (22.4%). The figure for victim failing to attend unexpectedly remains twice that for comparable data across all other offences.

Religiously aggravated hate crimes

The total number of defendants referred to the CPS for a charging decision by the police fell for a second year in 2012/13 to 292, of which 72.6% were charged.

In 2012/13, 399 cases involving religiously aggravated hostility were prosecuted with a 77.2% conviction rate. 63.4% of convictions involved guilty pleas. As can be seen in Graph 4, the conviction rate has declined slightly over the period starting 2007/08.

Graph 4: Total religiously aggravated hate crime

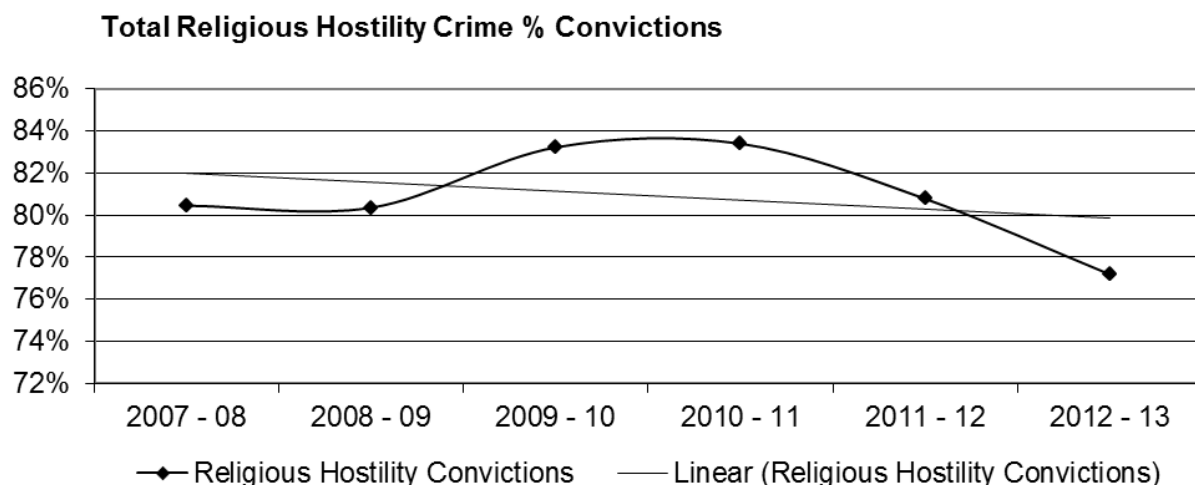


Table 5 illustrates some considerable variation in the volume of completed prosecutions over the period of six reporting years. In addition, the conviction rate has varied considerably over the period.

Table 5 - Completed prosecutions by outcome

		Convictions	Unsuccessful	Total
2007 - 08	Volume	144	35	179
	%	80.40%	19.60%	
2008 - 09	Volume	270	66	336
	%	80.40%	19.60%	
2009 - 10	Volume	243	49	292
	%	83.20%	16.80%	
2010 - 11	Volume	472	94	566
	%	83.40%	16.60%	
2011 - 12	Volume	479	114	593
	%	80.80%	19.20%	
2012 - 13	Volume	308	91	399
	%	77.20%	22.80%	

The proportion of cases failing due to victim issues fell from 28.9% in 2011/12 to 23.1% last year.

The number of prosecuted religiously aggravated hate crime cases remains small and it therefore remains difficult to identify meaningful trends.

In the longer term, separating prosecution data relating to racist and religious offences should provide a more detailed and informative picture of the experience of hate crime within communities as well as its impact in future. The impact of currently low referrals and prosecutions relating to religiously motivated hate crimes should remain a consideration when analysing the data and argues for more routine examination of cases by Local Scrutiny and Involvement Panels to ensure learning is being taken on board in case-handling.

At the end of a prosecution, defendants are allocated a **principal offence category** (POC) to indicate the type and seriousness of the charges brought. Offences against the person and public order offences were the most common representing 81.7% of all racist and religiously aggravated crime prosecutions (50.0% and 31.7% respectively). The last four reporting years have seen a shift in the POCs with offences against the person increasing by 8.5 percentage points over the period and public order offences decreasing by 9.7 percentage points.

Defendants in racist and religiously motivated hate crimes are mostly men (83.4%) and White British (71.6%). 58.0% were aged 25-59 and a further 27.0% were aged between 18-24. The proportion of both 10-13 year olds and 14-17 year olds defendants continues to decline from 2.6% and 20.2% respectively in 2007/08 to 1.3% and 10.3% last year.

Victims are mostly men (58.2%) and 25.5% are women. The proportion of victims for whom we have identified gender has continued to improve since 2007/08 when it stood at 44.0%, whereas last year, the figure had increased to 83.7%. We continue to work to improve this figure along with other demographic data relating to the victims of hate crime.

Most victims (63.0%) were aged between 25-59 with a further 12.6% aged between 18-24. Since 2007/08 the proportion of cases in which victim ages were recorded has increased by 41.0% to 81.9%.

Although the proportion of cases in which ethnicity data are available has increased from 22.8% in 2007/08 to 48.5% in 2012/13, there clearly remains more to do.

Area performance

In 2012/13, the top three high-performing Areas in relation to conviction rates across all racially and religiously aggravated hate crime are shown against the national average in Table 6 below:

Table 6: Racially and religiously aggravated hate crime prosecutions by outcome highlighting the top three performing CPS areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	9,415	83.1%	1,919	16.9%	11,334
Merseyside and Cheshire	443	88.8%	56	11.2%	499
Cymru/Wales	453	86.9%	68	13.1%	521
West Midlands	1,019	86.2%	163	13.8%	1,182

The two areas that saw an increase in volume over the year were Yorkshire and Humberside (6.9%) and Wessex (4.4%).

Case study

In December 2012, a severed head of a pig was discovered by a member of the congregation at a Community Centre in Leicester which at the time was being used as a place of worship by a Muslim prayer group.

The previous year, interest in taking on a disused Scout Hut by the group had caused a high level of community tension as opposition has formed. This resulted in national media coverage and attendance at protests by the leader of the British National Party.

When the witness discovered the head, he was deeply shocked and he called the Imam who attended. The Imam stated to police that the use of a pig caused him and his fellow members, who all had to step over the pig's head to access the community hall for prayer, deep shock and offence.

Two days later, the police arrested the defendant on the basis of intelligence received by the police from protestors. He was interviewed three times and, on the third interview, fully admitted the offence. He stated that he obtained the pig's head from a wedding he attended with friends earlier in the year. The pig's head was obtained for the purpose of doing something "stupid". The defendant stored the pig's head in his freezer and then in the early hours of the 26th December 2012 he put the pig's head in the doorway of the community centre. He stated he did this 'on the spur of the moment' and that he was not coerced or influenced by any other party.

The District Judge, said: "You were well aware of the significance of your actions. You knew what you did would cause great distress. Indeed, that was your intention.

"The pig's head was positioned in such a way it could not be avoided by all those, including, potentially, young children, who had the misfortune to enter the building that morning. It is easy to imagine the shock, distress and disgust they would have felt.

"But the harm you caused goes further. Others in the community and beyond would also have been affected when news of the incident spread, prompting profound alarm, fear and insecurity. It should have been obvious what you did was intimidatory and would only serve to inflame an already tense and volatile situation."

He said the offence was so serious only a custodial sentence was justified. But the defendant's remorse, previous good character, work in the community and the fact he was "highly unlikely to appear before a criminal court again" meant the sentence would be suspended.

The defendant was given a 12 week sentence suspended for 12 months. The judge also ordered the defendant to complete 250 hours of unpaid work and pay costs of £85.

Case Study

The defendant was originally arrested in December 2011, following two letters that were sent to Westborough Spiritualist Church in Scarborough, North Yorkshire. One of the letters was addressed to the Minister and the second letter to her husband. Both letters were hand delivered to the Church. The letters attacked the couples' religious beliefs.

In interview, the defendant admitted to sending the letters, including writing and printing the content and said it was the last letter he would send. He stated that he was trying to save these people from hell. When the definition of harassment was explained to him, he stated that he accepted that the letter could be seen as harassment. He was issued with a harassment warning.

In January 2012, the police received a report from the Minister stating that she had received a new letter from the defendant at the Church and he was subsequently arrested. He stated that this letter had been sent by him, but sent before his original arrest. The Minister was adamant that the letter had arrived after the defendant's original arrest. The defendant was charged with religiously aggravated harassment.

In committing this offence, he had also breached a restraining order preventing him from contacting directly or indirectly another member of the Church and from going into a particular area. He was therefore charged with breaching a restraining order.

He was sentenced to 6 months imprisonment suspended for 2 years and a 5 year restraining order on conviction preventing him from having any contact, directly or indirectly, with the Minister, her husband or the other affected member of the Church.

Learning lessons

The national Roundtable discussions referred to above had two broad aims:

1. To update community groups and organisations on the work of the CPS in relation to racial and religious hate crime.
2. To gain feedback from community partners on:
 - a. CPS Hate Crime Data 2011/12;
 - b. Existing CPS policy on racist and religious crime; and
 - c. How the CPS can nationally improve victim and witness experiences in supporting the prosecution of racial and religious hate crimes.

Feedback identified a number of considerations for the CPS. These are given below and in response, the proposed actions are also described:

How to improve the quality of demographic data held on victims and witnesses. By the implementation of the Equality Data Action Plan

Consider results from Restorative Justice pilots in determining whether CPS policy in respect of out of court disposals for hate crime should be reviewed. The Pilot is currently on hold. Cross-Government discussion taking place on pilot and other out of court disposals

Merits of producing separate policies on racially and religiously aggravated offences. Discussion with Strategy and Policy Directorate around options for highlighting religiously motivated offences and their prosecution

How should hate crimes be referenced in guidance for prosecutions involving communication via social media. Discussions held with Strategy and Policy Directorate and proposals made. Guidance published June 2013

How to improve data on the number of cases progressed with the aggravating element removed and the point at which the charge was reduced. Identify current data and consider options for improving data

How to improve community engagement strategies with new communities and young people. Discuss current activity and options with Areas

How we can communicate information regarding the outcome of cases in addition to the currently available performance data to increase awareness and confidence in the way these offences are handled. Consider options for enhancing understanding of the impact of prosecution.

These suggestions and actions were considered and agreed by the Community Accountability Forum.

Working together

Members of the Racist and Religious Hate Crime Scrutiny Panel in **CPS North East** have, together with the Equality and Diversity and Community Engagement Manager, delivered training to Witness Care Officers. The aim of the sessions was to enhance understanding of the needs of victims and witnesses from BME and faith communities. Feedback was very positive with many participants commenting on the value of hearing directly from the Panel members. This training is to be rolled out to the other Witness Care Units in the Area.

CPS North West actively seeks opportunities to capture feedback from a range of communities in order to improve performance. An example of this relates to the development of the racist and religious hate crime DVD for schools. In May 2012, the North West Area took 4 draft scenarios to a Racist and Religious Hate Crime event in Blackburn. Four schools from across Lancashire attended the event with a total of 165 children contributing to the day. Four of the seven scenarios were played and based on the feedback a further three scenarios were produced. The four scenarios that were discussed were also improved as a result of comments received. Feedback was also sought from scrutiny panel members in developing the resource pack.

Homophobic and transphobic hate crime

In 2012/13, the conviction rate for all homophobic and transphobic prosecutions rose to 80.7%, broadly in line with the average of the past six years and despite a fall in the total number of prosecutions for the year.

Sentence Uplift extended - The provision introduced by section 65 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 saw section 146 of the Criminal Justice Act 2003 amended to include provision for a sentence uplift regarding offences motivated by hostility on the grounds of transgender identity or presumed transgender identity. The provision came into force in December 2012.

Transgender Equality Management Guidance - Following the case work review of CPS handling of transphobic hate crime in 2011, the Community Accountability Forum (CAF) sub-group on Transgender Equality worked over the course of the year to update this guidance for managers. A refresh of the document was brought to a final draft and a number of next steps identified to promote it.

National Scrutiny Panel - was convened and introduced by the Director of Public Prosecutions. The panel was comprised of specialists and those with specific expertise in the areas of transphobic hate crime and either already contribute to Areas Hate Crime Scrutiny Panels or came from agencies specifically supporting the victims of transphobic hate crime. The overall aim of the day was to assess the handling of recent transphobic hate crime prosecutions and to offer any lessons learned back to the Areas submitting cases for the review.

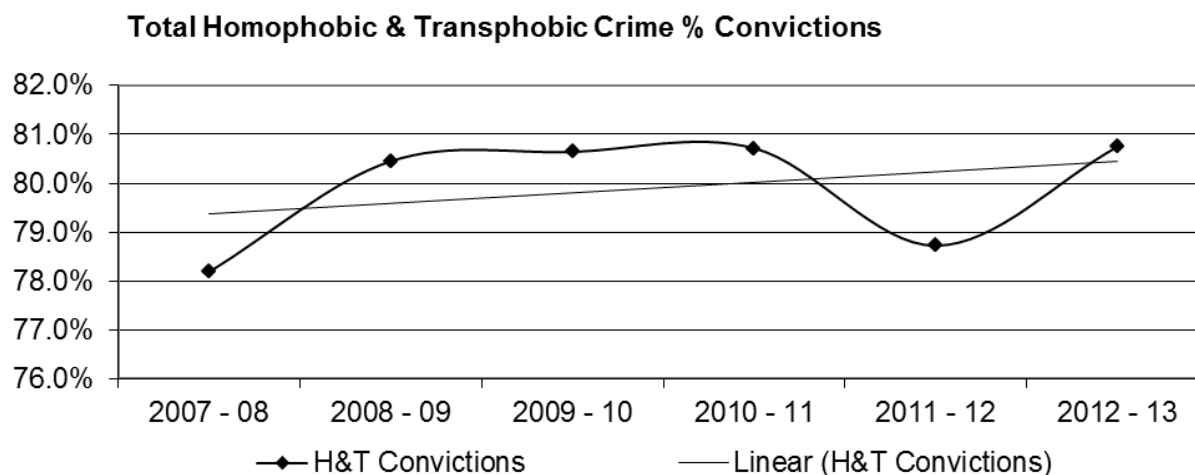
The CAF has agreed a forward plan bringing these strands of work together to be overseen by a reconvened sub-group on Transgender Equality.

Combined statistics and tables

The volume of defendants referred to us by the police for decision fell slightly over the year from 1,366 to 1,105. Over the same period, the proportion of referrals which resulted in a decision to charge remained broadly the same at 70.4% (778). The volume and proportion of decisions to charge has continued to increase since 2007/08 when it stood at 758 (62.2%).

The conviction rate for homophobic and transphobic hate crime (see Graph 5 below) improved from 78.2% in 2007/08 to 80.7% last year.

Graph 5: Homophobic and transphobic crime conviction rates 2007/08 to 2012/13



As can be seen in table 7, the total number of completed prosecutions fell over the year but the trend since 2007/08 has been upward.

Table 7 - Completed prosecutions by outcome

		Convictions	Unsuccessful	Total
2007 - 08	Volume	778	217	995
	%	78.20%	21.80%	
2008 - 09	Volume	815	198	1,013
	%	80.50%	19.50%	
2009 - 10	Volume	929	223	1,152
	%	80.60%	19.40%	
2010 - 11	Volume	1,034	247	1,281
	%	80.70%	19.30%	
2011 - 12	Volume	951	257	1,208
	%	78.70%	21.30%	
2012 - 13	Volume	885	211	1,096
	%	80.70%	19.30%	

The number of guilty pleas fell for the second year running from 827 to 785 although the proportion of cases involving a guilty plea once again increased from 68.5% to 71.6%.

The number of cases failing due to victim issues improved slightly over the year from 63 (24.5%) in 2011/12 to 46 (21.8%) last year.

At the end of a prosecution, cases are allocated a **principal offence category** to indicate the type and seriousness of the charges brought. In 2012/13, offences against the person and public order offences were the most common representing 83.4% of all homophobic and transphobic crime prosecutions (51.8% and 31.6% respectively).

85.9% of **defendants** were men and 70.3% White British. Those who were aged between 25-59, accounted for 54.4% with a further 28.3% aged between 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 2.3% and 24.8% respectively in 2007/08 to 1.5% and 12.0% in 2012/13.

What we know about **victims** is that 50.5% were men and 30.6% were women. The number of victims whose gender was recorded (81.1%) has steadily improved since 2007/08 when it stood at 47.7%. However, we are still working to improve these data along with others relating to the victims of hate crime.

52.7% of victims were aged between 25-59 and a further 21.5% were aged between 18-24. Since 2007/08 the proportion of “age not provided” had dropped from 56.8% to 19.5%.

With regard to ethnicity, the disclosure rate has improved from 25.6% in 2007/08 to 51.2% in 2012/13. Progress is being made but clearly a lot more needs to be done by all concerned to improve this aspect of data collection.

Area performance

In 2012/13, the top three high-performing Areas in relation to conviction rates across all homophobic and transphobic hate crime are shown against the national average in Table 8 below:

Table 8: Homophobic and transphobic hate crime prosecutions by outcome highlighting the three top-performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	885	80.7%	211	19.3%	1,096
North East	42	91.3%	4	8.7%	46
Yorkshire and Humberside	63	91.3%	6	8.7%	69
South East	61	87.1%	9	12.9%	70

The three Areas that saw an increase in the volume of Homophobic and Transphobic hate crime during the year were: Cymru/Wales (25.6%) Merseyside and Cheshire (12.9%) and Thames and Chiltern (11.8%).

Case study

The complainants in this case were a gay couple who had been walking through the town centre in North Wales in the early evening with the son of one of the men and his godson. One man was verbally accosted by the defendant (the mother of a man who had been convicted of a hate crime involving the complainant's son. The complainant had given evidence in support of his son).

The defendant's language became abusive and homophobic. She was very aggressive and made threats towards both men as well as the children. She also threatened to report the complainants to the police for having molested her son.

The defendant was found guilty and sentenced to a six month community order which the court indicated would have been a fine had it not been for the homophobic aggravation.

The case summary highlighted the homophobic nature of the offending and the correct approach in terms of raising the matter with the court and in relation to sentencing i.e. where there is a guilty verdict, those passing sentence should indicate what the sentence would have been without the additional aggravating factor(s), followed by the sentence with the aggravating factor(s) taken in to account. In this instance, the judge made such a reference.

Working together

In CPS Cymru/Wales, an example of specific engagement includes work with Stonewall Cymru and other LGB organisations and fora across Wales. The ultimate aim of the work has been to increase confidence among LGB communities in the CPS and other criminal justice agencies and to encourage the reporting of homophobic hate crime. Objectives have been to raise awareness of the work of the CPS specifically with regard to how it deals with homophobic hate crime and how victims are supported through the criminal justice process. The engagement also allows the CPS to gain a better understanding of the barriers to reporting for LGB communities and to work in partnership to overcome them. Work includes sharing and analysing homophobic hate crime data; undertaking joint initiatives; raising awareness of issues pertinent to LGB communities such as social networking offences and participating in specific events such as North Wales Pride and the All Wales Mardi Gras. The outcome of this work has resulted in an increase in the volume of homophobic hate crimes prosecuted. In areas where performance has plateaued data is analysed by CPS, police and community organisations to ensure that there is shared understanding as to why this is. Stonewall Cymru has named CPS Wales as its seventh top gay friendly employer in Wales. EDCEM and HCC were shortlisted for CPS Staff Award (nomination supported by Stonewall Cymru).

Lessons learned

The national Scrutiny Panel on Transphobic Hate Crime met in March 2013 as outlined above. The next steps identified included:

- Areas that submitted case files for consideration by the panel were issued with individual feedback in a personal letter from the DPP.
- Area Chief Crown Prosecutors were invited to consider what if any action would be taken as a result.
- A progress report will be submitted to the DPP in September 2013.
- The CPS Areas involved were: Merseyside and Cheshire, North West, South West, Wessex and West Midlands.

Examples of action to date:

CPS Merseyside and Cheshire

The police failed to forward the case to the CPS for a charging decision in accordance with the Director's Guidance

Cheshire Police have given instructions to all custody Sergeants and Inspectors that all hate crime cases that pass the threshold test must be referred to the CPS for charging advice and have been reminded it is not a Police decision at that stage.

In addition, the Area recently achieved the Navajo Merseyside and Cheshire LGB/T charter mark. This will support the Area in continuing to develop inclusive and effective approaches to prosecuting cases of Transgender Hate Crime.

CPS West Midlands

There was an apparent lack of involvement of the witness care team. A needs assessment should have been carried out early in the process

Procedures involving intermediaries both pre and post charge have been identified. In addition, WCU have been offered special measures awareness training on what we should be discussing with victims and an aide memoir will be developed to assist witness care.

In addition, CPS and West Midlands Police established new Service Standards dealing with Hate Crime including Transphobic Hate Crime strand involving Local Scrutiny and Involvement Panel members and members of the community.

Work arising from the revision of the Transgender Equality Management Guidance (TEMG) is amalgamated with recommendations arising from the National Scrutiny Panel and formed into a single cohesive action plan.

The sub-group of the Community Accountability Forum has agreed to provide oversight to the implementation of the Transgender Equality Action Plan.

Case study

The following case in North Yorkshire involved 3 charges: two assault charges affecting two victims and one of criminal damage to the victim's front door and windows. The defendant pleaded guilty at the first hearing to all three offences. The police summary omitted to say that in the damage case and in one of the assaults the defendant used homophobic language. Furthermore, no Pre-Charge Advice was sought in accordance with Director's Guidance. Nevertheless, a hate crime specialist prosecutor picked up on the homophobic element subsequently and asked the court to determine that these were indeed homophobic offences and s.146 should apply despite protests from the defence.

The court agreed and all matters were adjourned for an all options Pre-Sentence Report with a section 146 uplift applied. The hate crime specialist made sure that the prosecutor who was there for sentencing made a note of the actual uplift, which was an extra 20 hours unpaid work for the assault on one of the victims. Community Order for 12 months, Supervision for 12 months, with unpaid work of 105 hours including 20 for the aggravation, £50 compensation to both victims, £85 costs and £60 Victim Surcharge.

Disability hate crime

The conviction rate for disability hate crime prosecutions in 2012/13 was 77.2%, broadly the same as the previous year and very much in line with the rate in 2007/08 although total prosecutions over the period has increased from 183 to 640.

Disability Hate Crime legal policy/guidance - The CPS policy and guidance on prosecuting disability hate crime has been consolidated and refreshed over the course of the year. Following consultation with Hate Crime Coordinators and Chief Crown Prosecutors in 2012, the document was revised to take account of the current law and issues/recommendations arising from the Criminal Justice Joint Inspection (CJJI) of Disability Hate Crime published in March 2013. Some of the changes include:

- Expansion of the chapter which deals with identification and flagging of disability hate crime cases to remind prosecutors of the need to work proactively with the police to seek further information to help identify cases where section 146 applies and to ensure that cases are correctly flagged on CMS so that where appropriate, an application for an uplift can be made and the outcome recorded.
- Prosecutors are reminded that notification of the intention to raise section 146 should be given as early as possible, ideally at the first court hearing.
- Reference to consideration of what, if any, ancillary order applications may be appropriate at the conclusion of the case, is now included in the case review chapter to ensure this is in the mind of the prosecutor at that stage, and to ensure the issue is kept under continuous review.
- The victim and witness chapter now reminds prosecutors that, where a decision is taken about the case which has the result that evidence of aggravation (the section 146 CJA 2003 element) will no longer be put before the court a letter should be sent to the victim, even though there is no alteration to the charge.

Disability Hate Crime Action Plan – in response to the Equality and Human Rights Commission's inquiry into disability related harassment and the CJJI Thematic inspection, an action plan was developed and finalised setting out a range of commitments that will be overseen by the Community Accountability Forum.

Navigators Workshop – a project in collaboration with Hate Crime Coordinators from CPS Cymru/Wales and CPS North West aimed to address the issue of under-reporting and specifically the lack of awareness of what was meant by disability hate crime. The target audience was both general and specialist with a range of frontline points of contact such as health workers and housing officers as well as general and specialist advice agencies, DPOs and national disability charities. Workshop material, including a briefing for frontline agency staff (developed with the input of workshop delegates) have been circulated to CPS Areas with an invitation to build them into their work on addressing under-reporting in the coming year.

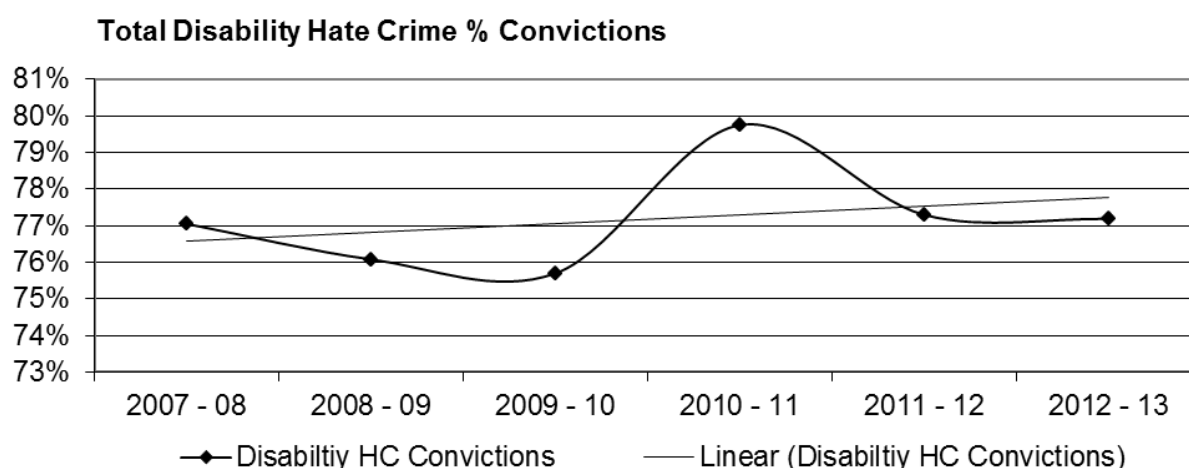
ACPO/CPS tracking exercise – as reported last year, the fall in police referrals led to a discussion between the DPP and ACPO Hate Crime lead and subsequent agreement to track cases of hate crime from reported incident to final outcome. A number of CPS Areas agreed to take part and related police forces asked to participate. A final report will be available by the end of 2013.

Combined statistics and tables

The volume of cases referred to the CPS by the police for a charging decision fell in 2012/13 to 579 from 643 in 2011/12. There was also a fall in the rate of decisions to charge last year to 65% after three years at broadly 70.0% of all such referrals. The total number of completed prosecutions increased from 621 in 2011/12 to 640 last year.

The number of convictions increased slightly over the year and the proportion of successful outcomes remained broadly similar at 77.2% as the previous year. Graph 6 shows the trend in conviction rates since 2007/08.

Graph 6: Disability hate crime conviction rates 2007/08 to 2012/13



Successful convictions often result from guilty pleas and the volume in the reporting year fell slightly from 424 to 418 and fell as a proportion of successful outcomes from 68.3% to 65.3%.

Table 9 shows how, since 2007/08, the total number of prosecutions taken forward has risen, peaked and apparently plateaued, possibly reflecting the low overall volume of reported disability hate crime.

Table 9 - Completed prosecutions by outcome

		Convictions	Unsuccessful	Total
2007 - 08	Volume	141	42	183
	%	77.00%	23.00%	
2008 - 09	Volume	299	94	393
	%	76.10%	23.90%	
2009 - 10	Volume	483	155	638
	%	75.70%	24.30%	
2010 - 11	Volume	579	147	726
	%	79.80%	20.20%	

2011 - 12	Volume	480	141	621
	%	77.30%	22.70%	
2012 - 13	Volume	494	146	640
	%	77.20%	22.80%	

The proportion of cases failing due to victim issues has remained broadly the same since 2007/08 when it stood at 21.4% compared to 21.2% last year. However, whilst the proportion of unsuccessful cases remained broadly the same, the overall volume has increased from 9 to 31 over the same period.

At the end of a prosecution, cases are 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 common representing 54.6% of all disability hate crime prosecutions (47.2% and 7.4% respectively). There was a more significant range of other offence categories represented within disability hate crime prosecutions than for any other strand of hate crime (see Table 4) perhaps reflecting the exploitative nature of much disability hate crime.

Table 10: Principal offence category for each hate crime strand

Principal offence category	Disability	Homophobic and Transphobic	Racially and Religiously aggravated
Homicide	0.5%	0.4%	0.1%
Offences against person	47.2%	51.8%	50.0%
Sexual offences	5.2%	1.2%	0.3%
Burglary	6.0%	1.0%	0.7%
Robbery	11.6%	2.2%	0.8%
Theft & Handling	10.6%	1.5%	3.4%
Fraud & Forgery	4.1%	0.2%	0.1%
Criminal Damage	3.1%	4.0%	5.4%
Drugs Offences	1.3%	0.6%	1.0%
Public Order Offences	7.4%	31.6%	31.7%

Most **defendants** are men (76.9%), but there were a significantly higher proportion of women (23.0%) compared to other strands of hate crime (16.5% in racially and religiously aggravated hate crime and 14.0% in homophobic and transphobic hate crime). Most defendants were White British (75.3%) and those between 25-59 accounted for 57.3% and a further 24.8% were between 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 4.9% and 23.5% respectively in 2007/08 to 1.7% and 12.5% in 2012/13.

What we know about **victims** is that 40.6% were men and 36.9% were women while 22.5% of victims did not have their gender identified. Most victims (40.3%) were aged

between 25-59. The declaration rate for age has improved from 43.7% in 2007/08 to 74.4% last year.

As regards the ethnicity of victims, the declaration rate has improved since 2007/08 when it stood at (28.5%) to 49.7% with White British the most common category at 44.3%. However, more work is needed to improve victim data.

Area performance

In 2012/13, the top three high-performing Areas in relation to conviction rates across all disability hate crime are shown against the national average in Table 11 below:

Table 11: Disability hate crime prosecutions by outcome highlighting the three top-performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	494	77.2%	146	22.8%	640
Yorkshire and Humberside	38	92.7%	3	7.3%	41
East Midlands	22	88.0%	3	12.0%	25
South West	30	83.3%	6	16.7%	36
Wessex	15	83.3%	3	16.7%	18

The CPS Areas that saw the largest increases in disability hate crime prosecutions in 2012/13 were Cymru/Wales (139.3%) Eastern (40.0%) and South West (33.3%).

Working together

The Area Hate Crime Coordinator and EDCEM were concerned about the lack of reporting of disability hate crime in Cumbria especially against the backdrop of a report that was produced by the CPS North West, Victim support, Cumbria Police, Cumbria Disability Network, University of Central Lancashire, Mencap and Cumbria Council that highlighted the lack of reporting in relation to Disability hate incidents and evidence that hate crimes were far more prevalent than reported. The report led to Cumbria's first ever Disability Hate Crime Conference which was developed in partnership with several partners including Victim Support Cumbria, Disability Association Carlisle and Eden and Cumbria People First. The Conference took place in July and was attended by over 110 people. The conference provided an opportunity to share with attendees the Disability Hate Crime Report produced by the partnership and consult on the findings as well as identify actions that needed to be undertaken. The report, conference and consultation led to the development in October 2012 of a CPS and Cumbria Constabulary action plan. The first part of which is about raising awareness in Cumbria. This is currently under way with a radio campaign which has been jointly funded by the police and the CPS. The campaign has been widely reported.

Case study

The victim in this case is a 66 year old man who suffered a stroke in 2001, leaving him with left sided paralysis and frontal lobe damage. He lives at home with his family and receives a care package from Adult Care Services. The defendant was employed by a Care Agency as one of his carers.

The defendant and another colleague took the victim for a shower but she lost her temper when it became clear that he didn't want a shower. She lifted the shower head and proceeded to spray water directly into his face, while being verbally abusive to him. This she did a number of times before her colleague told her to stop.

The defendant denied spraying the victim in the face and denied being abusive to him, although she could think of no reason as to why her colleague would make up such an allegation against her. She was charged with battery and ill-treating/willfully neglecting a person who lacked mental capacity.

The victim was deemed unfit to provide a video statement due to his brain injury and lack of capacity. A full Mental Capacity Assessment was therefore sought by the police. Despite the inability of the victim to provide a statement, officers pursued the investigation. The key evidence of course came from the colleague and the police made enquiries to establish whether he had any motivation to provide a less than truthful account as to what occurred. No such motivation was found and it was clear that he had promptly report the incident.

The defendant was subsequently charged, and denied both offences. The charge of ill-treating/willfully neglecting a person who lacked mental capacity is an either-way offence that was denied and so CPS charging advice should have been sought, which it wasn't in this case.

The court file has been marked so that the advocate dealing with the case at sentence can remind the court of the sentence uplift to be imposed.

The defendant's colleague attended the trial and gave evidence. The magistrates concluded that he was a credible witness who had no motive to fabricate what occurred and had reported the incident promptly. They did not accept the account given by the defendant and she was convicted of both offences and sentenced: 12 weeks custody for both offences to run concurrently, suspended for 12 months. A supervision order for 12 months with specified activity with which the defendant would have to comply with as directed, costs £180 and Victim surcharge £80.

Case study

The complainant has a learning disability and lives in sheltered housing in North Yorkshire. He reported to the police that the defendant had forced his way into the bungalow, went into the bedroom and stole his wallet containing £200 in cash and a bus pass. The defendant was known to the complainant and had visited his bungalow previously. The defendant left a grey baseball cap in the bedroom. The defendant was later arrested in possession of £110 in cash. He denied burglary but admitted visiting the victim complainant. The complainant positively identified the defendant in an ID parade as the man responsible.

On the day of trial the defendant pleaded not guilty to burglary but guilty to theft. Counsel met with the victim and explained this in front of his support worker and the intermediary. All parties agreed that the plea should be accepted in light of concerns about the victim's health (possible asthma attack due to the stress of giving evidence) and the fact that the defence would allege that the victim knew the defendant and invited him to his house.

A successful application was made for the complainant to be assisted at trial by a registered intermediary because of the nature of his learning disability.

The sentence involved a 3 months imprisonment suspended for 2 years, 200 hours of unpaid work, a drug rehabilitation programme for 6 months and compensation of £200. For breach of previous suspended sentence 3 months added to the order.

Lessons learned

From CPS Eastern, feedback received from Local Scrutiny and Involvement Panel (LSIP) members highlighted concerns that Direct Communication with Victims (DCV) letters were written in a legalistic manner which might be more difficult for victims and witnesses with learning disabilities or mental health issues to understand. As a result, the Area commissioned a specialist external agency to prepare a set of 'Easy English' versions of proforma CPS DCV letters.

From this initial work, the Area's Hate Crime Co-ordinators forum produced a guidance document for general application across the Area on using DCV 'Easy English' letters when communicating with victims and witnesses with learning disabilities or with mental health issues. This guidance document was considered by the Area Casework Committee at its meeting in March 2013, and is in the process of being rolled out to all East of England prosecutors and prosecution teams.

Stirring up hatred

Hate crime focuses on hostility or prejudice against the groups in question. Hostility carries the ordinary, everyday meaning of the word and its dictionary definition captures ill-will, unfriendliness, spite, ill-feeling, contempt, prejudice, resentment, dislike and hatred. However, the public order offences of stirring up hatred focus on hatred itself and the intention or likely effect of the offence in question. This is the second year that we have reported on these prosecutions and there has been continued interest in this area of our work.

The data

In light of the potential conflict with an individual's right to freedom of expression and speech, there is in effect a higher standard of proof of impact involved in incitement cases. One consequence of this is that the number of incitement cases brought is much lower than for hate crime offences.

Although a number of cases were referred to the Special Crime and Counter Terrorism Division by CPS Areas in line with CPS Legal Guidance on Prosecuting Cases of Racist or Religious Crime, none met the Code Test for prosecution as Part 3 Public Order Act (1986) offences.

Cases that are initially referred as potential instances of stirring up/incitement to hatred are assessed centrally and if the evidence does not support a prosecution under these provisions, it can be returned to Areas with the suggestion to pursue other options. In relation to prosecutions involving communications sent via social media, this can mean that the appropriate statutory framework is provided by other legislation. See the case study below for examples.

More detail on cases that have been prosecuted in previous years can be found in the associated press statements at the Counter Terrorism Division's pages on the [CPS website](#).

Case Study - Following the murder of a British soldier in Woolwich on 21 May 2013 the defendant posted a number of offensive messages on Facebook including inviting people to burn down mosques with her. The messages went to at least 495 people on Facebook.

The defendant was charged under Malicious Communications Act section 127(1)(a). She pleaded guilty at the first hearing in the Magistrates' Court and sentenced to 8 weeks' suspended prison sentence for sending offensive Facebook messages.

Case study

The defendant posted on his Facebook page following the announcement of the deaths of 6 soldiers in Afghanistan, comparing the reaction to the soldiers' deaths to those of Afghani civilians. The posting went on to rail about soldiers in abusive terms. In addition, there was a picture on the page of a dead Afghani family with the comment: "This is why your soldiers should burn in hell" and "Islam will dominate the world".

The offence came to light as a result of a comment made by an individual who saw a comment criticising the posting. The witness searched for the posting and was distressed by it. The mother of one of the soldiers killed described feeling extremely distressed by the posting.

The offence of stirring up racial hatred and soliciting murder were rejected and instead a charge contrary to section 127 Communications Act 2003 was put before the court.

There was legal argument in court regarding whether or not the message was grossly offensive. The court concluded that it was and convicted the defendant after a full trial. He was sentenced to a 2 year community order, 2 years supervision, 240 hours unpaid work 50 days high level activity and £300 costs.

Case Study

The defendant in this case posted racist and abusive remarks following the collapse on the football field of footballer, Fabrice Muamba, during a televised FA Cup match. The footballer suffered a cardiac arrest during the match and although he was later revived his heart had stopped beating for over an hour. The public response in general was one of shock at the incident followed by an outpouring of emotion at the player's recovery which included anger towards the defendant. The case was originally referred as one of potential incitement to racial hatred but referred back to the Area on the basis that the language used whilst abusive were not likely to stir up racial hatred, particularly in light of the public's response to the incident. The case was charged with intent to cause racially aggravated harassment, alarm or distress under the Public Order Act 1986. The defendant pleaded guilty and was given an immediate custodial sentence of 56 days.

Crimes against older people

Although there is no statutory definition of a crime against an older person (CAOP) and no general statutory offence, the CPS applies the CAOP flag to crimes in the following circumstances:

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

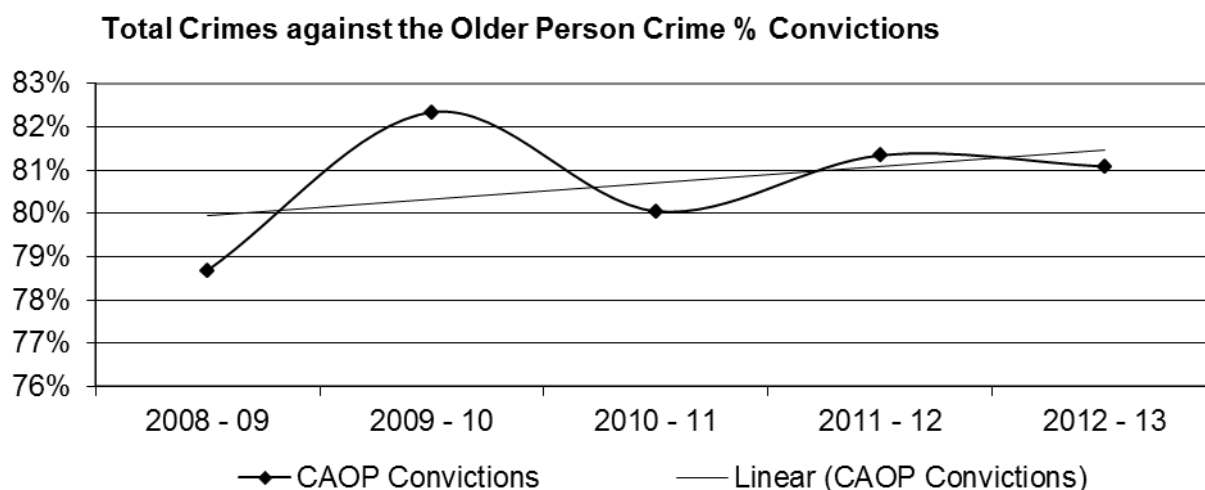
In February 2013, the CPS contributed to the Government's response to the Council of Europe's questionnaire on the Human Rights of Older People. One section of the questionnaire looked at Protection from Violence and Abuse. The Government's response referred to both our policy and guidance in relation to crimes against older people as well as related areas of activity such as the victims' strategy. In addition, the work of CPS Areas was showcased in building relationships and working with local agencies in support of more effective and consistent responses to crimes against older people.

Combined statistics and tables

In 2012/13, the number of cases referred to us by the police fell for the first year since 2008/09 from 2,987 to 2,832. The proportion of these cases charged fell against the previous year's figure (75.1%) and now represents 73.1% of all pre-charge decisions. The proportion in 2008/09 was 72.7%.

Graph 7 below indicates that convictions last year accounted for 81.1% of all prosecutions compared to 81.3% the previous year. The trend indicates a continued improvement since 2008/09, when the conviction rate stood at 78.7%.

Graph 7: Crimes against older people conviction rates 2008/09 to 2012/13



As shown in Table 12, the number of completed prosecutions has steadily increased since 2008/09 from 1,004 to 2,886.

Since 2008/09, the number and rate of guilty pleas has also increased from 707 (70.4%) to 2,099 (72.7%).

The proportion of cases failing due to victim issues has increased from 14.0% in 2008/09 to 16.7% in 2012/13.

Table 12 - Completed prosecutions by outcome

		Convictions	Unsuccessful	Total
2008 - 09	Volume	790	214	1,004
	%	78.70%	21.30%	
2009 - 10	Volume	1,641	352	1,993
	%	82.30%	17.70%	
2010 - 11	Volume	2,259	563	2,822
	%	80.00%	20.00%	
2011 - 12	Volume	2,332	535	2,867
	%	81.30%	18.70%	
2012 - 13	Volume	2,340	546	2,886
	%	81.10%	18.90%	

77.6% of **defendants** were men, a figure that has remained reasonably consistent since 2008/09 when it stood at 75.7%. Over the period the total number of male defendants rose from 760 to 2,239.

Recording of victim gender has improved from 60.1% of all victims in 2008/09 to 80.0% in 2012/13. As a result of improvements in both the identification of crimes against older people and the accuracy of recording we have enhanced our understanding of these crimes. We now know that the proportion of women victims is 47.4% with men identified as the victim in 32.6% of cases. In 2007/08, these figures had been 36.0% and 24.1%. The challenge remains to identify not only the gender of all victims but other personal characteristics as defined under the Equality Act 2010 in order to improve our understanding of this crime and to our services to its victims.

Area performance

In 2012/13, the top three high-performing Areas in relation to conviction rates for crimes against older people are shown against the national average in Table 13 below:

Table 13: Prosecutions by outcome for all crimes against older people highlighting the three top-performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	2,340	81.1%	546	18.9%	2,866
South West	126	87.5%	18	12.5%	144
Merseyside and Cheshire	118	87.4%	17	12.6%	135
North West	263	86.5%	41	13.5%	304

The Areas recording the highest increase in volume during the year were: Merseyside and Cheshire (23.9%) North East (23.6%) and South West (18.0%).

Case study

A man who financially exploited two pensioners and stole over £260,000 of their savings, leaving them virtually penniless, has been sentenced to five years' imprisonment at Birmingham Crown Court today after pleading guilty to two counts of fraud. Two further counts of theft will lie on file.

Rukhsana Mohammed, Senior Crown Prosecutor from West Midlands Crown Prosecution Service (CPS), said: "Today's conviction is important in showing that the CPS takes the criminal mistreatment of older people seriously. Although he paid their household bills, he began to siphon off large amount of funds which he later used to prop up his ailing business and pay his legal bills for a boundary dispute with a neighbour.

"Aston exploited his position of trust for his own personal gain. He cashed the couple's premium bonds and other investments plans. It was only in 2011 when a social worker at a hospital raised some concerns of his involvement in the couple's finances was the fraud uncovered, however, by then he had drained the couple's account of most of their life's savings.

"Living free from crime is a basic human right and today I urge any older people suffering criminal mistreatment to be confident that the CPS understands the serious nature of these crimes, and to report them to police.

"Targeting someone because they are older makes a crime even more serious, so it is important that together we bring these people to justice - whether they be strangers, carers or family members."

Case study

The victim in this case was an 84 year old man who lived alone in Rochdale. Neighbours raised the alarm when he had not been seen for a few days. Officers attended to find the front door closed but unlocked and no sign of a forced entry. The victim was found in the kitchen with obvious head injuries and was confirmed dead at the scene. The pathologist confirmed that the victim had suffered a massive blow to the head caused with a weapon and had been dead a number of days.

The victim was well known in the area and was also known to have a regular routine including shopping and visits to the Post Office to collect his pension. Unfortunately he was also well known for carrying large amounts of cash in his wallet and the post-mistress estimates there was around £3,000 in cash in his wallet on the day he was last seen.

The police were able to develop a detailed picture of his final movements and were able to conclude that he had been attacked within a very short time of entering his home and died on the same date. The police confirmed that whilst there was no sign of the house being searched, no ransacking or anything of that nature, his wallet and cash had been taken. The police therefore believe this was the motive for the attack.

The defendant was known to the victim and did odd jobs around the house. He had been recently taken on to do some house repairs by the victim who had paid in advance for some essential materials. Enquiries revealed that the defendant has previously had serious gambling debts. When the defendant's account of his movements was challenged by the police, he has struggled to provide any explanation. Following further interviews he provided a full and frank admission.

He admits he was desperate for money, having spent the money he had been paid in advance at the bookies, he has then planned to rob money from Mr Kershaw. The defendant says he didn't know if the victim was alive or dead when he left the house but accepts he didn't call anyone for help. He simply drove home, changed his clothes, put his shoes and trousers which had blood on in a bag and left the house putting them in a charity clothing bin.

He was found guilty and sentenced to service a minimum of 25 years imprisonment. Following the outcome of the case, Senior District Crown Prosecutor, Alison Mutch said: "The CPS and the police have worked hard to build a strong case against him and consequently he pleaded guilty to murder on the first day of his trial. He will now face the consequences of his abhorrent actions. Everybody is entitled to feel safe and secure inside their homes regardless of their age. The CPS will not tolerate crimes against older people and we are determined to bring those who commit such crimes before the courts."

Hate Crime	CPS Prosecutions 2012 - 2013				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	10,794	82.6%	2,276	17.4%	13,070
Cymru Wales	585	85.3%	101	14.7%	686
Dyfed Powys	39	76.5%	12	23.5%	51
Gwent	97	89.8%	11	10.2%	108
North Wales	169	88.5%	22	11.5%	191
South Wales	280	83.3%	56	16.7%	336
Eastern	509	83.7%	99	16.3%	608
Cambridgeshire	81	83.5%	16	16.5%	97
Essex	222	85.7%	37	14.3%	259
Norfolk	102	75.6%	33	24.4%	135
Suffolk	104	88.9%	13	11.1%	117
East Midlands	886	85.6%	149	14.4%	1,035
Derbyshire	184	78.6%	50	21.4%	234
Leicestershire	297	86.1%	48	13.9%	345
Lincolnshire	70	87.5%	10	12.5%	80
Northamptonshire	113	92.6%	9	7.4%	122
Nottinghamshire	222	87.4%	32	12.6%	254
London	1,890	74.9%	635	25.1%	2,525
Merseyside & Cheshire	544	86.2%	87	13.8%	631
Cheshire	150	90.4%	16	9.6%	166
Merseyside	394	84.7%	71	15.3%	465
North East	492	83.1%	100	16.9%	592
Cleveland	121	75.6%	39	24.4%	160
Durham	70	85.4%	12	14.6%	82
Northumbria	301	86.0%	49	14.0%	350
North West	1,556	83.5%	307	16.5%	1,863
Cumbria	79	83.2%	16	16.8%	95
Greater Manchester	956	83.6%	187	16.4%	1,143
Lancashire	521	83.4%	104	16.6%	625
South East	583	82.0%	128	18.0%	711
Kent	199	76.2%	62	23.8%	261
Surrey	137	90.7%	14	9.3%	151
Sussex	247	82.6%	52	17.4%	299
South West	511	82.7%	107	17.3%	618
Avon & Somerset	271	78.8%	73	21.2%	344
Devon & Cornwall	160	85.6%	27	14.4%	187
Gloucestershire	80	92.0%	7	8.0%	87
Thames & Chiltern	628	83.7%	122	16.3%	750
Bedfordshire	90	85.7%	15	14.3%	105
Hertfordshire	208	86.0%	34	14.0%	242
Thames Valley	330	81.9%	73	18.1%	403
Wessex	553	84.3%	103	15.7%	656
Dorset	81	86.2%	13	13.8%	94
Hampshire & IOW	390	84.1%	74	15.9%	464
Wiltshire	82	83.7%	16	16.3%	98
West Midlands	1,155	85.9%	189	14.1%	1,344
Staffordshire	183	79.6%	47	20.4%	230
Warwickshire	49	87.5%	7	12.5%	56
West Mercia	148	89.2%	18	10.8%	166
West Midlands	775	86.9%	117	13.1%	892
Yorkshire & Humberside	902	85.8%	149	14.2%	1,051
Humberside	163	92.6%	13	7.4%	176
North Yorkshire	74	86.0%	12	14.0%	86
South Yorkshire	185	86.0%	30	14.0%	215
West Yorkshire	480	83.6%	94	16.4%	574

Race and religious hate crime	CPS Prosecutions 2012 – 2013				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	9,415	83.1%	1,919	16.9%	11,334
Cymru Wales	453	86.9%	68	13.1%	521
Dyfed Powys	33	76.7%	10	23.3%	43
Gwent	73	92.4%	6	7.6%	79
North Wales	124	91.2%	12	8.8%	136
South Wales	223	84.8%	40	15.2%	262
Eastern	431	85.2%	75	14.8%	506
Cambridgeshire	77	85.6%	13	14.4%	90
Essex	185	86.0%	30	14.0%	215
Norfolk	86	78.2%	24	21.8%	110
Suffolk	83	91.2%	8	8.8%	91
East Midlands	803	86.1%	130	13.9%	933
Derbyshire	160	79.2%	42	20.8%	202
Leicestershire	276	87.1%	41	12.9%	317
Lincolnshire	64	88.9%	8	11.1%	72
Northamptonshire	102	92.7%	8	7.3%	110
Nottinghamshire	201	86.6%	31	13.4%	232
London	1,739	75.6%	562	24.4%	2,301
Merseyside & Cheshire	443	88.8%	56	11.2%	499
Cheshire	120	91.6%	11	8.4%	131
Merseyside	323	87.8%	45	12.2%	368
North East	424	83.1%	86	16.9%	510
Cleveland	108	76.6%	33	23.4%	141
Durham	59	84.3%	11	15.7%	70
Northumbria	257	86.0%	42	14.0%	299
North West	1,323	83.9%	253	16.1%	1,576
Cumbria	68	82.9%	14	17.1%	82
Greater Manchester	821	84.5%	151	15.5%	972
Lancashire	434	83.1%	88	16.9%	522
South East	497	82.6%	105	17.4%	602
Kent	176	78.2%	49	21.8%	225
Surrey	122	91.7%	11	8.3%	133
Sussex	199	81.6%	45	18.4%	244
South West	439	83.3%	88	16.7%	527
Avon & Somerset	238	79.6%	61	20.4%	299
Devon & Cornwall	139	86.3%	22	13.7%	161
Gloucestershire	62	92.5%	5	7.5%	67
Thames & Chiltern	563	84.7%	102	15.3%	665
Bedfordshire	77	86.5%	12	13.5%	89
Hertfordshire	183	86.3%	29	13.7%	212
Thames Valley	303	83.2%	61	16.8%	364
Wessex	480	84.1%	91	15.9%	571
Dorset	74	87.1%	11	12.9%	85
Hampshire & IOW	333	83.7%	65	16.3%	398
Wiltshire	73	83.0%	15	17.0%	88
West Midlands	1,019	86.2%	163	13.8%	1,182
Staffordshire	158	80.2%	39	19.8%	197
Warwickshire	39	88.6%	5	11.4%	44
West Mercia	127	90.1%	14	9.9%	141
West Midlands	695	86.9%	105	13.1%	800
Yorkshire & Humberside	801	85.1%	140	14.9%	941
Humberside	148	92.5%	12	7.5%	160
North Yorkshire	57	85.1%	10	14.9%	67
South Yorkshire	156	83.9%	30	16.1%	186
West Yorkshire	440	83.3%	88	16.7%	528

Homophobic & transphobic hate crime	CPS Prosecutions 2012 - 2013				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	885	80.7%	211	19.3%	1,096
Cymru Wales	80	81.6%	18	18.4%	98
Dyfed Powys	5	71.4%	2	28.6%	7
Gwent	15	78.9%	4	21.1%	19
North Wales	26	89.7%	3	10.3%	29
South Wales	34	79.1%	9	20.9%	43
Eastern	48	80.0%	12	20.0%	60
Cambridgeshire	2	50.0%	2	50.0%	4
Essex	26	81.3%	6	18.8%	32
Norfolk	9	75.0%	3	25.0%	12
Suffolk	11	91.7%	1	8.3%	12
East Midlands	61	79.2%	16	20.8%	77
Derbyshire	14	66.7%	7	33.3%	21
Leicestershire	17	77.3%	5	22.7%	22
Lincolnshire	6	75.0%	2	25.0%	8
Northamptonshire	6	85.7%	1	14.3%	7
Nottinghamshire	18	94.7%	1	5/3%	19
London	129	70.1%	55	29.9%	184
Merseyside & Cheshire	59	74.7%	20	25.3%	79
Cheshire	23	88.5%	3	11.5%	26
Merseyside	36	67.9%	17	32.1%	53
North East	42	91.3%	4	8.7%	46
Cleveland	6	85.7%	1	14.3%	7
Durham	9	100.0%	0	0.0%	9
Northumbria	27	90.0%	3	10.0%	30
North West	114	82.0%	25	18.0%	139
Cumbria	4	66.7%	2	33.3%	6
Greater Manchester	62	78.5%	17	21.5%	79
Lancashire	48	88.9%	6	11.1%	54
South East	61	87.1%	9	12.9%	70
Kent	16	80.0%	4	20.0%	20
Surrey	10	100.0%	0	0.0%	10
Sussex	35	87.5%	5	12.5%	40
South West	42	74.4%	13	23.6%	55
Avon & Somerset	12	60.0%	8	40.0%	20
Devon & Cornwall	17	81.0%	4	19.0%	21
Gloucestershire	13	92.9%	1	7.1%	14
Thames & Chiltern	46	80.7%	11	19.3%	57
Bedfordshire	12	85.7%	2	14.3%	14
Hertfordshire	17	85.0%	3	15.0%	20
Thames Valley	17	73.9%	6	26.1%	23
Wessex	58	86.6%	9	13.4%	67
Dorset	3	75.0%	1	25.0%	4
Hampshire & IOW	51	87.9%	7	12.1%	58
Wiltshire	4	80.0%	1	20.0%	5
West Midlands	82	86.3%	13	13.7%	95
Staffordshire	10	62.5%	6	37.5%	16
Warwickshire	4	100.0%	0	0.0%	4
West Mercia	13	81.3%	3	18.8%	16
West Midlands	55	93.2%	4	6.8%	59
Yorkshire & Humberside	63	91.3%	6	8.7%	69
Humberside	8	100.0%	0	0.0%	8
North Yorkshire	9	90.0%	1	10.0%	10
South Yorkshire	18	100.0%	0	0.0%	18
West Yorkshire	28	84.4%	5	15.2%	33

Disability hate crime	CPS Prosecutions 2012 - 2013				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	494	77.2%	146	22.8%	640
Cymru Wales	52	77.6%	15	22.4%	67
Dyfed Powys	1	100.0%	0	0.0%	1
Gwent	9	90.0%	1	10.0%	10
North Wales	19	73.1%	7	26.9%	26
South Wales	23	76.7%	7	23.3%	30
Eastern	30	71.4%	12	28.6%	42
Cambridgeshire	2	66.7%	1	33.3%	3
Essex	11	91.7%	1	8.3%	12
Norfolk	7	53.8%	6	46.2%	13
Suffolk	10	71.4%	4	28.6%	14
East Midlands	22	88.0%	3	12.0%	25
Derbyshire	10	90.9%	1	9.1%	11
Leicestershire	4	66.7%	2	33.3%	6
Lincolnshire	0	n/a	0	n/a	0
Northamptonshire	5	100.0%	0	0.0%	5
Nottinghamshire	3	100.0%	0	0.0%	3
London	22	55.0%	18	45.0%	40
Merseyside & Cheshire	42	79.2%	11	20.8%	53
Cheshire	7	77.8%	2	22.2%	9
Merseyside	35	79.5%	9	20.5%	44
North East	26	72.2%	10	27.8%	36
Cleveland	7	58.3%	5	41.7%	12
Durham	2	66.7%	1	33.3%	3
Northumbria	17	81.0%	4	19.0%	21
North West	119	80.4%	29	19.6%	148
Cumbria	7	58.3%	5	41.7%	12
Greater Manchester	73	79.3%	19	20.7%	92
Lancashire	39	79.6%	10	20.4%	49
South East	25	64.1%	14	35.9%	39
Kent	7	43.8%	9	56.3%	16
Surrey	5	62.5%	3	37.5%	8
Sussex	13	86.7%	2	13.3%	15
South West	30	83.3%	6	16.7%	36
Avon & Somerset	21	84.0%	4	16.0%	25
Devon & Cornwall	4	80.0%	1	20.0%	5
Gloucestershire	5	83.3%	1	16.7%	6
Thames & Chiltern	19	67.9%	9	32.1%	28
Bedfordshire	1	50.0%	1	50.0%	2
Hertfordshire	8	80.0%	2	20.0%	10
Thames Valley	10	62.5%	6	37.5%	16
Wessex	15	83.3%	3	16.7%	18
Dorset	4	80.0%	1	20.0%	5
Hampshire & IOW	6	75.0%	2	25.0%	8
Wiltshire	5	100.0%	0	0.0%	5
West Midlands	54	80.6%	13	19.4%	67
Staffordshire	15	88.2%	2	11.8%	17
Warwickshire	6	75.0%	2	25.0%	8
West Mercia	8	88.9%	1	11.1%	9
West Midlands	25	75.8%	8	24.2%	33
Yorkshire & Humberside	38	92.7%	3	7.3%	41
Humberside	7	87.5%	1	12.5%	8
North Yorkshire	8	88.9%	1	11.1%	9
South Yorkshire	11	100.0%	0	0.0%	11
West Yorkshire	12	92.3%	1	7.7%	13

Crimes against older people	CPS Prosecutions 2012 - 2013				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	2,340	81.1%	546	18.9%	2,866
Cymru Wales	177	81.2%	41	18.8%	218
Dyfed Powys	21	84.0%	4	16.0%	25
Gwent	34	94.4%	2	5.6%	36
North Wales	30	69.8%	13	30.2%	43
South Wales	92	80.7%	22	19.3%	114
Eastern	124	84.9%	22	15.1%	146
Cambridgeshire	36	100.0%	0	0.0%	36
Essex	36	81.8%	8	18.2%	44
Norfolk	29	82.9%	6	17.1%	35
Suffolk	23	74.2%	8	25.8%	31
East Midlands	162	79.8%	41	20.2%	203
Derbyshire	55	85.9%	9	14.1%	64
Leicestershire	28	71.8%	11	28.2%	39
Lincolnshire	17	73.9%	6	26.1%	23
Northamptonshire	13	72.2%	5	27.8%	18
Nottinghamshire	49	83.1%	10	16.9%	59
London	236	72.6%	89	27.4%	325
Merseyside & Cheshire	118	87.4%	17	12.6%	135
Cheshire	51	92.7%	4	7.3%	55
Merseyside	67	83.8%	13	16.3%	80
North East	173	80.5%	42	19.5%	215
Cleveland	40	78.4%	11	21.6%	51
Durham	30	88.2%	4	11.8%	34
Northumbria	103	79.2%	27	20.8%	130
North West	263	86.5%	41	13.5%	304
Cumbria	28	87.5%	4	12.5%	32
Greater Manchester	159	87.8%	22	12.2%	181
Lancashire	76	83.5%	15	16.5%	91
South East	167	81.9%	37	18.1%	204
Kent	68	78.2%	19	21.8%	87
Surrey	43	87.8%	6	12.2%	49
Sussex	56	82.4%	12	17.6%	68
South West	126	87.5%	18	12.5%	144
Avon & Somerset	60	85.7%	10	14.3%	70
Devon & Cornwall	42	87.5%	6	12.5%	48
Gloucestershire	24	92.3%	2	7.7%	26
Thames & Chiltern	146	74.5%	50	25.5%	196
Bedfordshire	25	67.6%	12	32.4%	37
Hertfordshire	65	80.2%	16	19.8%	81
Thames Valley	56	71.8%	22	28.2%	78
Wessex	126	80.8%	30	19.2%	156
Dorset	40	75.5%	13	24.5%	53
Hampshire & IOW	77	83.7%	15	16.3%	92
Wiltshire	9	81.8%	2	18.2%	11
West Midlands	289	81.6%	65	18.4%	354
Staffordshire	43	81.1%	10	18.9%	53
Warwickshire	12	70.6%	5	29.4%	17
West Mercia	43	89.6%	5	10.4%	48
West Midlands	191	80.9%	45	19.1%	236
Yorkshire & Humberside	233	81.5%	53	18.5%	286
Humberside	65	91.5%	6	8.5%	71
North Yorkshire	28	93.3%	2	6.7%	30
South Yorkshire	49	77.8%	14	22.2%	63
West Yorkshire	91	74.6%	31	25.4%	122

Glossary

Hate crimes

Racial & religious incident:	any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or religion, or perceived race or religion.
Homophobic and transphobic incident	any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's sexual orientation or transgender identity or perceived sexual orientation or transgender identity
Disability incident:	any incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's disability or perceived disability
Monitoring flags	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. Flags are applied in cases of hate crime and to crimes against older people.
Crime against older people:	offences in the categories below, where the victim is aged 60 or older: <ul style="list-style-type: none">• where there is a relationship and an expectation of trust, for example, theft or assault by a carer or family member• which are specifically targeted at the older person because they are perceived as being vulnerable or an easy target, for example, a distraction burglary or a mugging• which are not initially related to the older person's age but later becomes so, for example, a burglary where the burglar does not know the age of the householder, but later exploits the situation on discovering that the householder is an older person• which appear to be in part or wholly motivated by hostility based on age, or perceived age. For example, an assault, harassment or antisocial

behaviour involving derogatory statements associated with the victim's age.

Case outcomes

Pre-charge decisions:	In all but minor cases, and those where a guilty plea is anticipated, 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 Guidance on Charging.
Charged:	cases where the CPS's 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's 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:
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.

Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
All other unsuccessful outcomes:	comprising administrative finalisations, discharged committals and no case to answer.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely.
Discharged committals:	committal proceedings in which the defendant is discharged.
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.
<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.
Conflict of evidence:	contradictions in prosecution evidence leads to an unsuccessful prosecution.
Essential legal element missing:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Other indictment or sentence:	the case does not proceed because the same defendant is the subject of either other indictments, or sentences in respect of other proceedings.
Acquittals after trial:	the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case.
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.

Public Accountability and Inclusion Directorate
January 2014

www.cps.gov.uk