

Sentence Uplift – an explanatory note

The Hate Crime Report covering 2014/15 – 2015/16 provided for the first time, data relating to announced and recorded sentence uplifts. Progress in achieving this has resulted from Area commitment and the dedication of Area Hate Crime Coordinators and EDCEMs. In publishing the data for the first time, we are also taking the opportunity to provide clarity on what the data reflects.

Sentence uplift data relates to the proportion of all successful flagged hate crime prosecutions where a sentence uplift has been both announced in court and recorded on the CPS file.

However, when considering this proportion, it is important to remember that it is CPS policy not to remove the flag from a case file unless it has been added by administrative error.

This means that there may be some cases that have been properly flagged but it is considered that there is insufficient evidence to prove the aggravating feature required for the uplift and, although the prosecution overall was successful, it was not possible to ask for the uplift.

There may also be some cases where an application for an uplift is presented to the court by the prosecution after conviction for an offence but the court makes a judicial decision that the provisions do not apply.

As a result, it cannot be expected that a sentencing uplift will follow in each successful case that has been flagged as a hate crime. Whilst we therefore hope to see further improvement in the proportion of successfully concluded cases where an uplift is announced and recorded, we do not anticipate this figure will ever reach 100%.