



Hate crime report

2008 – 2009

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Foreword by the Director of Public Prosecutions

I am delighted to introduce the CPS' second annual hate crime report for 2008-09.

Hate crime is an issue of human rights. People from all communities have a legitimate expectation to be protected from the prejudice and discrimination that are at the root of hate crime. Bringing hate crimes to justice is fundamental to achieving this protection and the confidence of all the communities we exist to serve. I am determined that we play our part.

I am pleased to see the progress that the CPS has made over the years. We have met the overall hate crime target, sustained our good performance on prosecuting racist hate crime and increased the volume of homophobic and transphobic, and disability hate crime cases being prosecuted. However we still have some way to go. Our demographic information on victims and witnesses needs to be improved and we need to focus our efforts to continue to increase the volume of disability hate crime cases in particular.

We are developing our very successful and groundbreaking initiative to establish hate crime scrutiny panels. They are a driving force for improvement at the local level. We continue to take part in national programmes to improve the wider response to hate crime. For example, the cross government hate crime action plan was published in September 2009. This programme brings together various government departments ranging from Department of Health, Department of Children, Schools and Families to the Home Office, and the Crown Prosecution Service. The Action Plan demonstrates the Government's commitment to tackling the life cycle of hate crime at its various stages including: prevention, reporting, victim support, prosecution, sentencing and probation.

This year marks the tenth anniversary of the Stephen Lawrence report. I would like to mark this important anniversary by paying tribute to the work of Doreen and Neville Lawrence and others. Their work, of which we can all be proud, has led to the establishment of a robust blue print for the policy and law to deal with hate crime in this country.

Executive summary

This is the second Crown Prosecution Service (CPS) Annual Hate Crime Report and presents information on CPS performance in prosecuting racist and religious hate crime, transphobic and homophobic crime and disability hate crime. The CPS has reported its hate crime performance in a number of ways and, until this year, included domestic violence within its hate crime measure. Domestic violence is now measured as part of the Violence against Women indicator, and is reported on in the Violence against Women report also published this year.

Hate crime: overall key findings

- In the four years ending March 2009, over 49,200 defendants were prosecuted for hate crimes;
- the conviction rate rose from 74% in 2005-06 to 82% in 2008-09;
- guilty pleas increased from 64% to 69%;
- the target of reducing unsuccessful outcomes to 18% by the fourth quarter of the year was exceeded at 17.5%;
- the proportion of cases failing due to key reasons such as victim issues (comprising retraction, non attendance and non supportive victim evidence), acquittals after trial and essential legal element missing increased from 58% to 66% of all unsuccessful outcomes;
- the majority of defendants across the hate crime strands were men;
- data on victim demographics are less complete and remain under development. However, where gender is known, men formed the largest proportion of victims across all strands, at 68% of the total;
- the most commonly prosecuted offences were those against the person and public order offences (43% and 40% of the total respectively);
- 75% of hate crime defendants were identified as belonging to the White British category, and 79% were categorised as White.

Racist and religious crime: key findings

- In the four years ending March 2009, over 45,200 defendants were prosecuted for crimes involving racist or religious crime;
- convictions rose from 74% in 2005-06 to 82% in 2008-09;
- guilty pleas increased from 64% to just under 70%;
- the CPS target of reducing unsuccessful prosecutions to 18% was exceeded at 16.9% in the final quarter of 2008-09;
- the most common reasons for unsuccessful outcomes included acquittals and essential legal element missing. However there was an increase in cases failing due to victim issues including non attendance at court, and those cases where the evidence of victims did not support the case;
- the majority of defendants were men at 85%;
- offences against the person and public order offences were the most common (84%);
- in 2008-09, 75% of racially and religiously aggravated crime defendants were identified as belonging to the White British category.

Homophobic and transphobic crime: key findings

- In the four years ending in March 2009, over 3,400 defendants were prosecuted for homophobic or transphobic crimes;
- over the same period, convictions rose from 71% to 81%;
- guilty pleas increased from 58% to 67%;
- the 2008-09 target was to reduce unsuccessful outcomes to 18%. Outcomes were outside the target at 20.8% by the fourth quarter;
- acquittals and essential legal element missing accounted for the majority of unsuccessful outcomes;
- while the number of unsuccessful outcomes due to victim difficulties increased from 2006-07 to 2008-09, they fell slightly in proportional terms, from 5% to less than 4%;
- the majority of defendants were men (86%);
- offences against the person were the most common offences;
- 78% of defendants were identified as belonging to the White British category.

Disability hate crime: key findings

- 2008-09 is the second year that performance information on disability hate crime has been captured;
- in the two years ending March 2009, 576 defendants were prosecuted for disability hate crime;
- 76% of cases resulted in a conviction;
- the guilty plea rate was 61%;
- an essential legal element missing accounted for more unsuccessful outcomes than victim issues. 79% of defendants prosecuted were men;
- offences against the person were the most common offences. Public order, theft and handling were also common;
- 78% of defendants were identified as belonging to the White British category.

Introduction

This is the second Crown Prosecution Service (CPS) annual hate crime performance report. The report covers a range of hate crime strands for 2008-09:

- Racist and religious hate crime;
- homophobic and transphobic hate crime; and
- disability hate crime.

These crimes have been grouped within the hate crime indicator because they are crimes which are perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's ethnicity, disability, religion or sexual orientation. The CPS recognises that transgender people also experience offences based on hostility towards their gender identity.

Being targeted because of who one 'is' is particularly damaging and isolating and can have a significant impact on one's health and sense of wellbeing. We want victims of hate crime, their families, communities and the general public to be confident that the CPS understands the serious nature of these crimes, and is committed to playing its part to bring these offences to justice.

The CPS understands that, to build confidence, we must be transparent about our performance. This year, we have built on our first annual hate crime report, published in 2008. This report focuses exclusively on hate crime offences, presents two years of performance information on disability hate crime and offers a more in depth analysis of trends in unsuccessful cases. Where possible, 2008-09 performance in prosecuting the hate crime strands is compared with previous years and information about current and future work is provided. The best available data are presented, while recognising some shortcomings in quality. We are committed to continuous improvement in this area.

Although this report focuses primarily on the quantitative assessment of prosecutions across hate crime, we recognise that 'success' in hate crime is not solely measured by improvements in outcomes. Fairness and effectiveness are integral to all of our prosecution functions. This is why we continue to analyse our charging decisions to identify any disproportionality in relation to defendants from black and minority ethnic backgrounds and disabled defendants, and take action where there is evidence that our charging decisions may be disproportionate¹.

Hate Crime: the wider government context

The cross-government commitment to tackling hate crime is growing. On 14 September, 2009 the Home Office published the Hate Crime Action Plan². This programme of work brings together various government departments and agencies ranging from the Department of Health, Department for Children, Schools and Families to the Home Office, and the CPS. The Action Plan demonstrates the government's commitment to tackling the life cycle of hate crime at its various stages including: prevention, reporting, victim support, prosecution, sentencing and probation. The CPS has played an important role in the development of this plan and will be key to its delivery.

The CPS is also involved in the Attorney General's Race for Justice programme which brings together government, CJS agencies, academics and people from organisations directly involved in supporting victims of hate crime to improve the response of the criminal justice system (CJS). The programme has delivered a

¹ For information on CPS charging equality and diversity impact assessments see www.cps.gov.uk

² www.homeoffice.gov.uk/documents/hate-crime-action-plan

common definition of hate crime which is shared by all agencies including the police and CPS, and has carried out an audit of services delivered by criminal justice agencies in several areas across the country, resulting in a toolkit to support Local Criminal Justice Boards to examine their own local performance.

Our focus on improving hate crime performance, monitoring and reporting ensures that the CPS is playing its part in achieving Public Service Agreement 23 - make communities safer. The CPS also works with government partners to achieve PSA 24 - to deliver a more effective, transparent and responsive criminal justice system for victims and the public. This work aims to drive up overall public confidence in the fairness and effectiveness of the CJS by putting in place improvements in the way that the CJS deals with crime through more efficient and effective services, and improved services to victims and witnesses and Black and Minority Ethnic (BME) groups.

CPS work

Community engagement in hate crime prosecution:

The CPS continues to develop the hate crime scrutiny panel approach to continuous improvement through intense community engagement. The Hate Crime Scrutiny Panels include the CPS, community stakeholders, and an independent facilitator and legal adviser. Community members are drawn from local groups which have direct experience of hate crime. They consider what went well and not so well, and if there are any lessons to be learned for the future.

During February and March 2009 an independent survey was commissioned by the CPS to take stock of how the panels were running after what, for most panels, was a full year of meetings. Respondents surveyed included community representatives, any partner agencies present on panels, the panel's independent lawyer and key CPS staff involved with panels. The purpose of the survey was to find out how participants were experiencing the panels and what improvements might be made to further to develop their effectiveness. One hundred and seventeen community members responded to the survey. Key findings included:

- 93% said that their input was valued by other panel members;
- 98% said that the CPS listened to their views and opinions;
- 75% said that their confidence in the CPS had increased since joining the panel;
- 94% said that they had ample opportunity to contribute their views to the panel;
- 73% said they were satisfied that the recommendations made by the panel, where relevant to the CPS, were being implemented by the CPS;
- 80% said that they were confident that the recommendations made by the panel, where relevant to the CPS, would be implemented by the CPS in the near future;
- 93% said they were happy with the way the panel is run.

The CPS is proud of these results and we are committed to continuing to build on these achievements in our future work with hate crime scrutiny panels and across other CPS initiatives and programmes.

CPS community involvement panels are also now rolled out across the country. They are on a more regional basis and have a more general focus on CPS business, performance and strategy. These Panels have an important role in monitoring and improving CPS performance, and scrutinise local performance information to make recommendations for improvement.

³ For more information see *Community Engagement with Impact* on <http://www.cps.gov.uk>

⁴ For further information about CPS performance in prosecuting Violence against Women see the 2nd annual Violence against Women report published jointly with this report.

The Stephen Lawrence inquiry 10 years on - taking stock:

This year is the tenth anniversary of the Stephen Lawrence, or Macpherson Report. The report was very influential across the criminal justice system and framed not only the legislation recognising racist hate crime but also the religious, homophobic and disability hate crime legislation that was to come. It shaped the fundamental changes this government has put in place to support victims and witnesses in playing their part in our criminal justice service.

The CPS took the opportunity presented by this watershed anniversary to take stock of our progress on implementing the recommendations of the report. We have made a lot of progress over the years. Our hate crime policy statements, performance indicator, public reports and our hate crime scrutiny panels, have set the bar for constant improvement in performance. However the findings presented later in this report also demonstrate that we still have some way to go before we have reached all of our hate crime performance targets and tackled the enduring reasons for unsuccessful outcomes.

Continuing improvement through performance management:

In 2008-09 domestic violence moved out from Hate Crimes to be managed under the Violence against Women (VAW) Strategy, with a specific VAW Indicator.

This allowed the sharper focus on hate crime performance which is presented in this report. The Hate Crime Indicator has a single target for unsuccessful outcomes of 18% applied to all current hate crime strands. Area performance across the hate crime strands is assessed every six months. Those Areas which are given a 'red' rating report back to headquarters with their plans for improvement. The Area performance review process also involves regular meetings between senior Area level management and headquarters to review performance.

The CPS has conducted themed reviews of recently launched hate crime policies to ensure that good practice is embedded across the country. For example, the disability hate crime themed review is due to conclude later in 2010, when Areas are assessed against their progress in implementing the disability hate crime policy and guidance.

Key performance themes:

Our performance in racist and religious hate crime comprised the highest volume of offences at 11,624, and demonstrated the most improvement with the successful outcome rate increasing from 79.9% - 82.4% and the guilty plea rate increasing from 66.5% to 69.8% between 2007-08 and 2008-09. Our performance in prosecuting homophobic and transphobic was also very encouraging. 1,013 cases were prosecuted by the CPS this year, and the percentage of successful outcomes also increased from 78.2% to 80.5%. Although our performance on disability hate crime slightly declined from 77% to 76.1% successful outcomes, the volume of cases coming through from the police increased from 279 - 444 cases and the volume that CPS prosecuted increased from 183 - 393. This increase in volume with little effect on our successful outcome rate is very encouraging. However we are not complacent about the improvements that are needed in prosecuting disability hate crime.

Hate crime: key findings

Since April 2005 the Crown Prosecution Service has reported on its performance in relation to the prosecution of hate crime as part of the performance review process. In accordance with a policy decision, domestic violence performance is now reported in the Violence against Women Annual Report. Figures for earlier periods have been revised in the present report to reflect this and exclude domestic violence. Performance data on hate crimes are recorded within the Compass Case Management System, and extracted from the related Compass Management Information System.

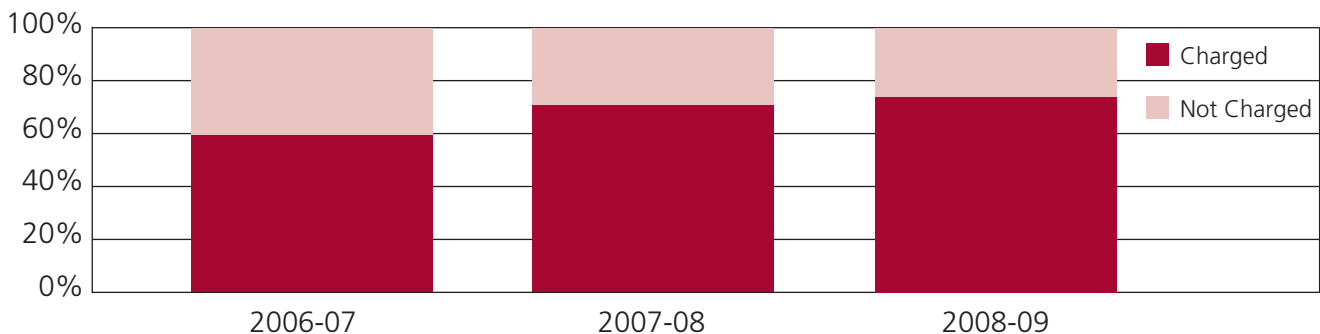
Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals,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

Charging

Statutory charging of defendants by CPS was fully rolled out in April 2006. In the three years following that date 42,000 cases identified as involving hate crimes were referred to the CPS for a charging decision. The table and chart below (1) show that over 28,000 of these, or 67%, were charged during the three year period.

The proportion of cases charged rose from 59.4% of hate cases referred to the CPS in 2006-07 to 72.3% in 2008-09. The proportion of cases charged within each hate strand is reported in the relevant section of this report. Charging rates varied across the strands. In 2008-09, 73.2% of racially and religiously aggravated crimes were charged compared with 65.1% of homophobic crimes and 65.8% of disability hate crime.

Table 1 – Pre-charge decisions*



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	8,390	59.4%	10,060	69.4%	9,675	72.3%
Request for further evidence	297	2.1%	150	1.0%	95	0.7%
No prosecution	2,919	20.7%	2,773	19.1%	2,167	16.2%
All other decisions	2,527	17.9%	1,511	10.4%	1,442	10.8%
Total	14,133		14,494		13,379	

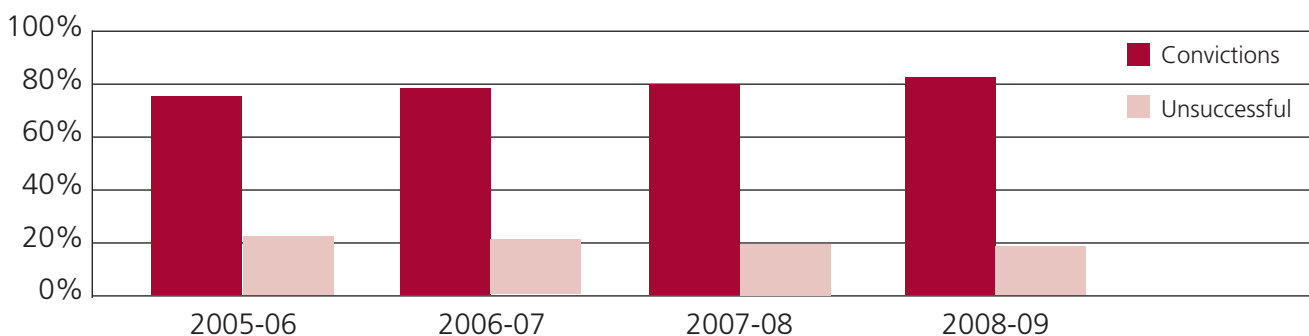
Statutory charging was fully rolled out on 3 April 2006

**Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report.*

Convictions

In the three years ending March 2009, over 49,200 defendants were prosecuted for hate crimes. Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 74% in 2005-06 to 82% in 2008-09.

Table 2: Completed prosecutions by outcome



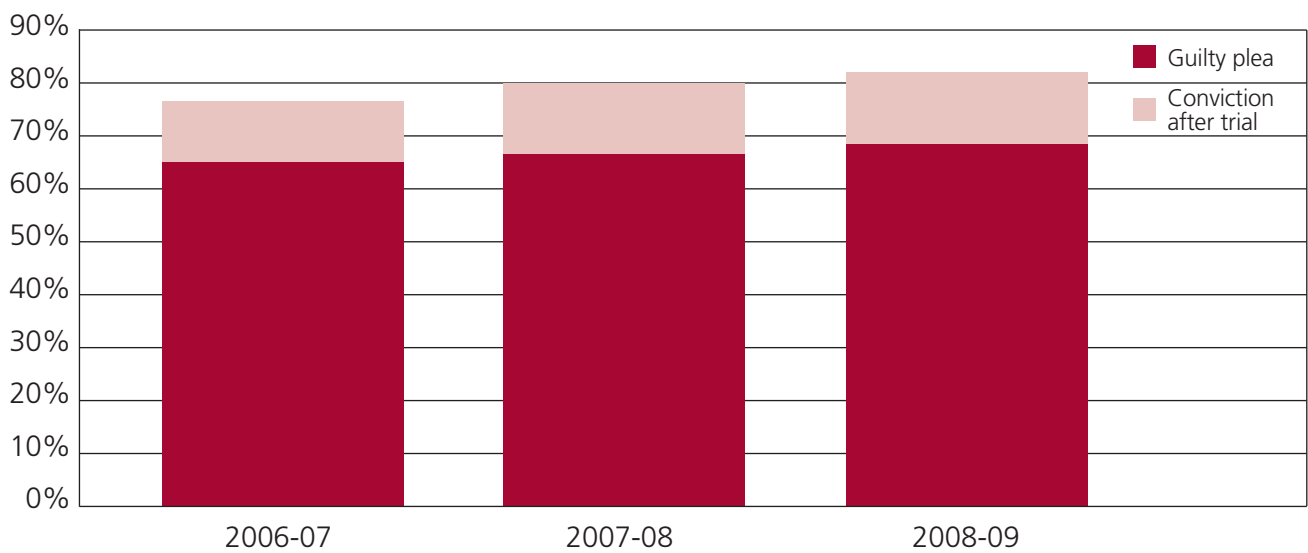
	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	7,003	74.0%	9,621	76.8%	11,317	79.8%	10,690	82.0%
Unsuccessful	2,465	26.0%	2,914	23.2%	2,869	20.2%	2,340	18.0%
Total	9,468		12,535		14,186		13,030	

The table and charts below show a detailed breakdown of prosecution outcomes for hate crimes in 2006-07, 2007-08 and 2008-09. Guilty pleas increased from 64% to 69.3%, contributing to an improved conviction rate of 82% overall in 2008-09. Prosecutions dropped by the CPS, including judge ordered acquittals, discontinuances, and those in which no evidence was offered, fell from 14.6% to 11%.

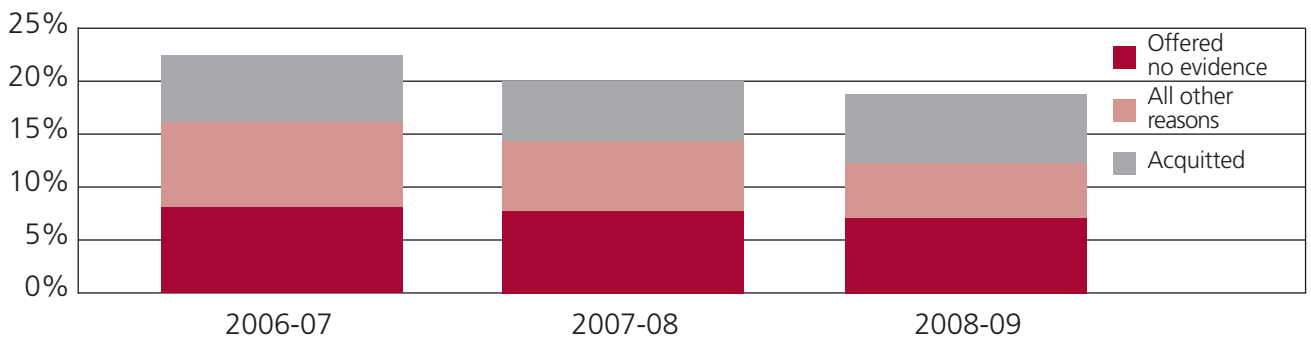
In 2008-09 the target was to reduce unsuccessful outcomes for hate crimes to 18% by the fourth quarter of the year. This target was exceeded at 17.5% in the fourth quarter. Performance in the final quarter for the individual hate crime strands was 16.9% for racially and religiously aggravated crimes, 20.8% for homophobic and transphobic crime and 25.7% for disability hate crime.

Table 3 - Prosecution outcomes

Convictions



Unsuccessful outcomes

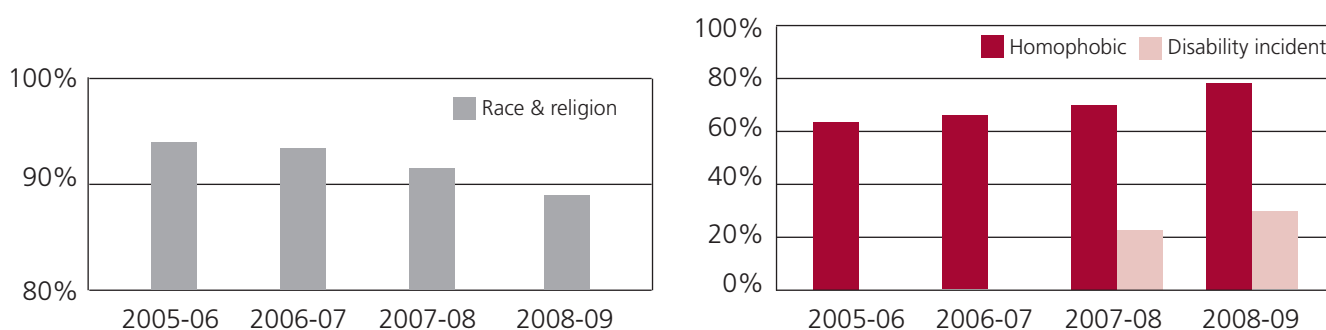


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	160	1.3%	194	1.4%	159	1.2%
Discharged committal	83	0.7%	54	0.4%	29	0.2%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,836	14.6%	1,795	12.7%	1,432	11.0%
<i>of which - no evidence offered</i>	951	7.6%	1,025	7.2%	776	6.0%
Dismissed after trial	519	4.1%	543	3.8%	474	3.6%
No case to answer	90	0.7%	73	0.5%	51	0.4%
Judge directed acquittal	40	0.3%	42	0.3%	22	0.2%
Jury acquittal	186	1.5%	168	1.2%	173	1.3%
Unsuccessful outcomes	2,914	23.2%	2,869	20.2%	2,340	18.0%
Guilty plea	8,024	64.0%	9,441	66.6%	9,035	69.3%
Conviction after trial	1,539	12.3%	1,832	12.9%	1,610	12.4%
Proved in absence	58	0.5%	44	0.3%	45	0.3%
Convictions	9,621	76.8%	11,317	79.8%	10,690	82.0%
Total prosecutions	12,535		14,186		13,030	

Prosecution by hate crime type

The table and charts below (4) show prosecutions by hate crime type from 2005-06 to 2008-09. Racial and religiously aggravated crimes comprised the largest proportion of the total at 94% in 2005-06 and 89% in 2008-09. The collection of data for disability hate crimes commenced in April 2007.

Table 4 – Completed prosecutions by hate crime type



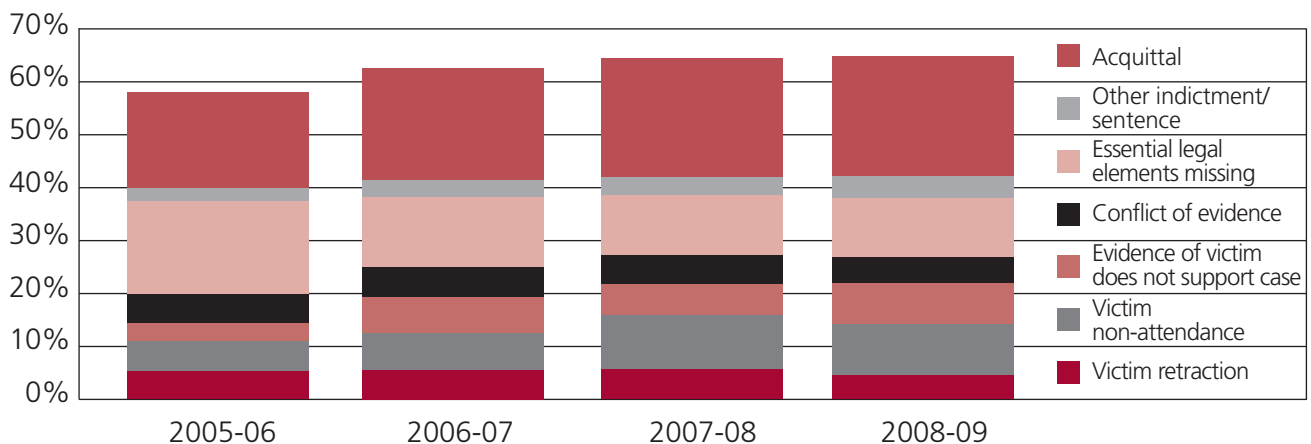
	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Racist & religious	8,868	93.7%	11,713	93.4%	13,008	91.7%	11,624	89.2%
Homophobic	600	6.3%	822	6.6%	995	7.0%	1,013	7.8%
Disability	0	0.0%	0	0.0%	183	1.3%	393	3.0%
Total	9,468		12,535		14,186		13,030	

Unsuccessful prosecutions

Cases may fail because of evidential reasons, (e.g. conflicts of evidence), public interest reasons, (e.g. the loss or harm has been put right, or where there may be an adverse effect of the victim’s physical or mental health), because a case is unable to proceed, (e.g. the victim refuses to give evidence or retracts), because proceedings are subject to an administrative finalisation, (e.g. a bench warrant for the arrest of a defendant remains unexecuted, or the defendant has died), and other reasons. In 2008-09, 6.8% of unsuccessful outcomes were due to administrative reasons; 10.3% for public interest; and 29.3% fell into other reasons, similar to the previous year. 36.1% were unsuccessful due to evidential reasons, slightly higher than the 34.3% recorded in 2007-08, and 17.5% were unable to proceed, compared with 20.5% in 2007-08.

Table 5 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those where there was a conflict of evidence; where an essential legal element was missing; where the defendant was the subject of indictments or sentences in respect of other proceedings, and acquittals after trial. Within these key reasons, acquittals after trial remained the largest single category, rising from 17.5% in 2005-06 to 23.9% in 2008-09, while there was a similar rise in the proportion failing owing to victim issues, from 14.9% to 21.5%. Within this total the proportions failing because the victim did not attend, and the evidence of victims did not support the prosecution case rose the highest. However, cases failing because an essential legal element was missing fell from 17% to 10.4%. The proportion failing because of key reasons rose by over 6 percentage points from 57.5% to 66.4%.

Table 5 – Key reasons for unsuccessful prosecutions



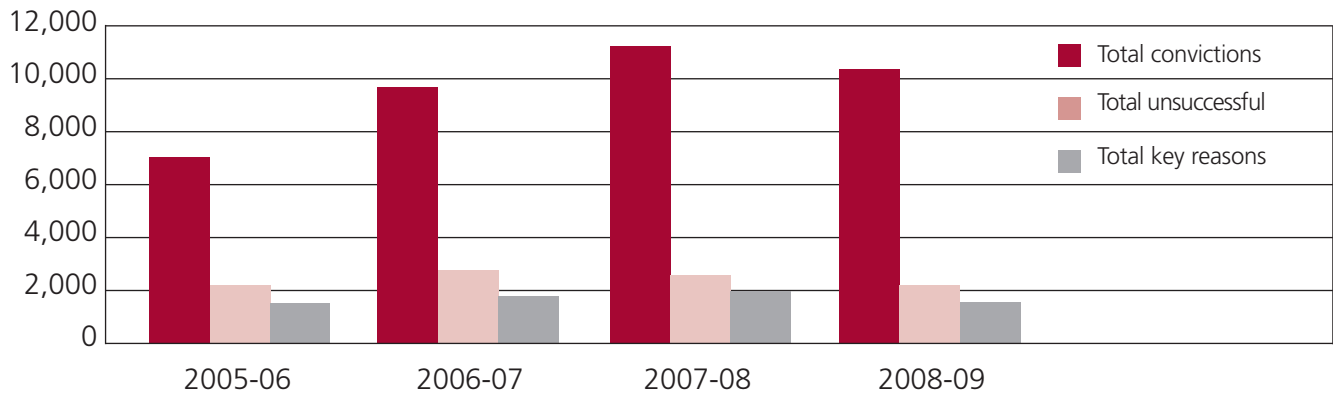
	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Victim retraction	117	4.7%	175	6.0%	180	6.3%	110	4.7%
Victim non-attendance	141	5.7%	218	7.5%	261	9.1%	212	9.1%
Evidence of victim does not support case	110	4.5%	177	6.1%	191	6.7%	182	7.8%
Total victim issues	368	14.9%	570	19.6%	632	22.0%	504	21.5%
Conflict of evidence	134	5.4%	192	6.6%	172	6.0%	160	6.8%
Essential legal element missing	419	17.0%	382	13.1%	328	11.4%	243	10.4%
Other indictment/sentence	64	2.6%	95	3.3%	115	4.0%	87	3.7%
Acquittal after trial	432	17.5%	583	20.0%	617	21.5%	560	23.9%
Total key reasons	1,417	57.5%	1,822	62.5%	1,864	65.0%	1,554	66.4%
All other reasons	871	35.3%	932	32.0%	811	28.3%	627	26.8%
Administrative finalisations	177	7.2%	160	5.5%	194	6.8%	159	6.8%
Total	2,465		2,914		2,869		2,340	

The analysis of reasons for each individual strand of hate crime is reported in the relevant section of this report. There were differences in key reasons across the strands. While there were rises in case failures due to victim issues in racial and religiously aggravated crimes and homophobic crimes, in disability hate crime there was a 5 percentage point fall in unsuccessful outcomes for these reasons. Acquittals after trial and the absence of an essential legal element were the largest other reasons for failure across all strands.

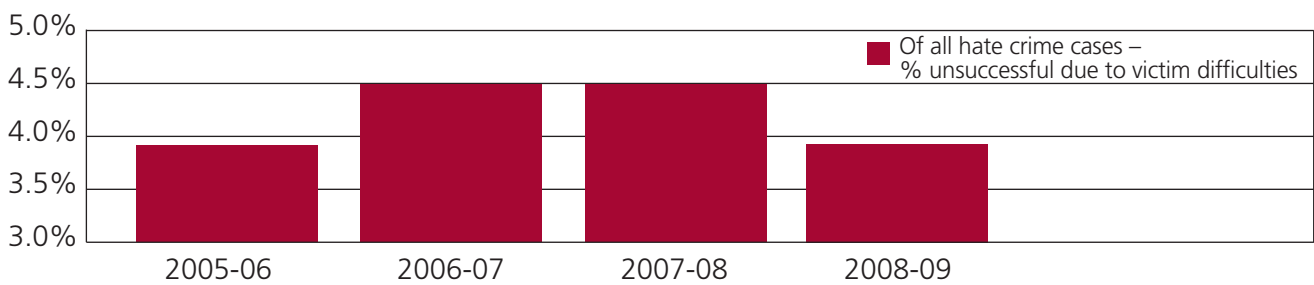
Table and chart 6 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 368 in 2005-06 to 504 in 2008-09, the proportions remained the same. Total unsuccessful outcomes fell from 26% in 2005-06 to 18% in 2008-09.

Table 6 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	368	3.9%	570	4.5%	632	4.5%	504	3.9%
Total unsuccessful	2,465	26.0%	2,914	23.2%	2,869	20.2%	2,340	18.0%
Total convictions	7,003	74.0%	9,621	76.8%	11,317	79.8%	10,690	82.0%
Total prosecutions	9,468		12,535		14,186		13,030	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category, to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 83% of hate crime prosecutions in 2008-09 (43% and 40% respectively). Criminal damage accounted for a further 5%. A similar pattern was recorded for men, with 42% being categorised as offences against the person, 40% as public order and 6% as criminal damage. There was a slightly different pattern for women, offences against the person being higher at 46% and public order and criminal damage lower at 39% and 4%. A further 4% of prosecution against women were recorded in the theft and handling category. Men comprised 84% of defendants whose principal offences were identified as offences against the person and public order, a similar proportion to the previous year.

Offences against the person was the largest category in all the hate crime strands (42% for racial and religiously aggravated cases, 48% for homophobic and 45% for disability hate crimes) with public order the second largest for racial and religiously aggravated and homophobic cases (42% and 36%). Theft and handling offences were the second largest category in disability hate crime (12%) with public order accounting for a further 11%.

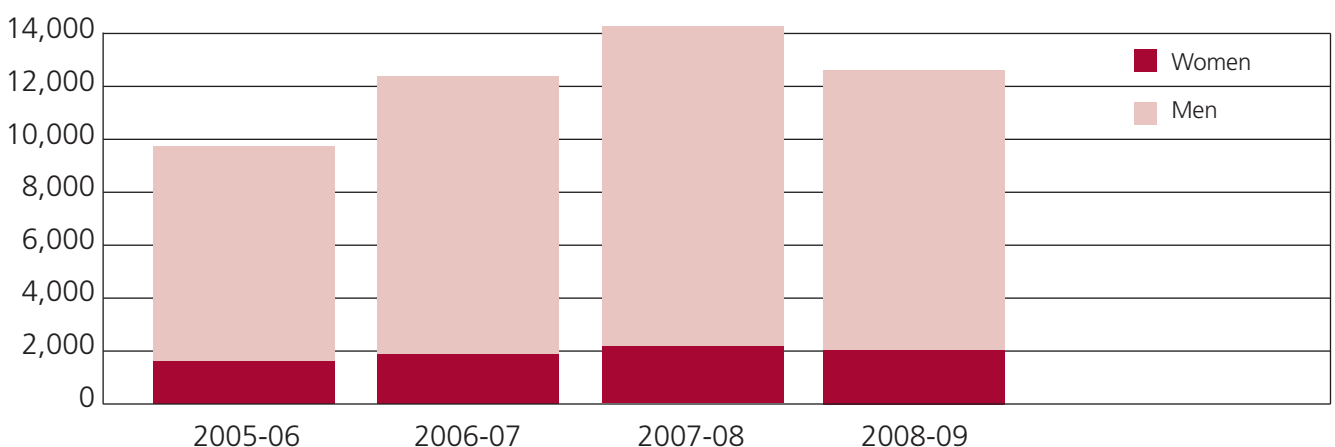
Equalities

(i) Defendants

Gender

Table 7 provides a breakdown of the gender of defendants and of victims respectively. The proportion of men prosecuted has remained virtually the same at 86% in 2005-06 and 85% in 2008-09. In the latter period, men were 85% of defendants in racially and religiously aggravated crimes, 86% in homophobic crimes and 79% in disability crimes.

Table 7 – Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	1,324	14.0%	1,887	15.1%	2,137	15.1%	2,020	15.5%
Men	8,143	86.0%	10,645	84.9%	12,047	84.9%	11,007	84.5%
Unknown	1	0.0%	3	0.0%	2	0.0%	3	0.0%
Total	9,468		12,535		14,186		13,030	

Ethnicity

Data on defendant ethnicity are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. The proportions within each category remained similar to the previous year. In 2008-09, 75% of hate crime defendants were identified as belonging to the White British category, and 79% were categorised as White. 5% of defendants were identified as Asian, and a further 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest.

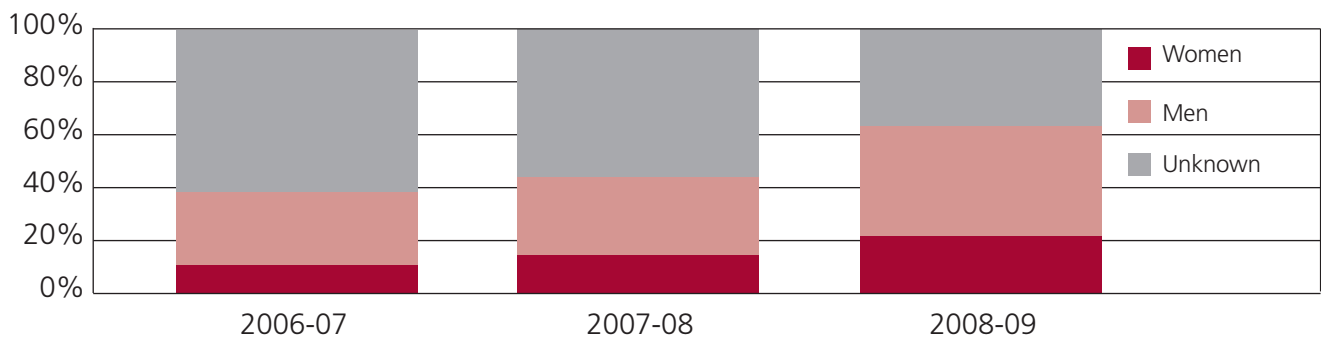
Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remain under development.

(ii) Victims

Gender

Table 8 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. The completeness and accuracy of this information remain under development. Of those victims whose gender has been identified the highest proportion are men, at 71% in 2006-07 and 67% in 2008-09. Where gender has been identified, 68% of victims of racially and religiously aggravated crimes were men, 65% were men in homophobic crimes, and 45% were men in disability hate crimes.

Table 8 – Gender of victims*



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	424	10.2%	1,188	14.2%	1,878	21.1%
Men	1,033	24.9%	2,502	30.0%	3,796	42.6%
Unknown	2,685	64.8%	4,653	55.8%	3,233	36.3%
Total	4,142		8,343		8,907	

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

Other equality data

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

Hate Crime Services

This information has been collected since April 2007, and also remains under development. Of those victims and witnesses referred to a support service or specialist agency, just under 1% were recorded as being referred to a specific 'hate crime specialist agency'. However, 77% were referred to either a victim or witness support agency, compared with 19% in 2007-08, while 22% were subject to an 'other referral' compared with 81%.

Retraction

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

Sentence uplifts

This information has been collected since April 2007, but again remains under development. Work will be planned in 2009-2010 to improve data collection and quality.

Racially and religiously aggravated hate crime

The Crown Prosecution Service has reported on the prosecution of racially and religiously aggravated (RARA) hate crimes as part of the CPS Area performance review process since April 2005. The CPS recognises that RARA hate crime can be pervasive and can take place in football stadiums, takeaway shops and local neighbourhoods, and attack the roots of social cohesion. We are determined to play our part in bringing these offences to justice and in supporting victims and witnesses. The findings in this section show that more defendants are being charged, and that CPS' performance in prosecuting racist and religious offences has continuously improved over the past four years. The guilty plea rate and the rate at which CPS drops cases have improved, which is particularly encouraging as it suggests that cases are being better prepared and that victims and witnesses have been able to avoid what can be a difficult experience in court. In addition, the performance target of 82% successful outcomes was exceeded at 83.1% in the final quarter of the year. Despite a fall in the volume of cases referred by the police, the percentage of offences charged increased and the percentage of successful prosecutions also increased. Encouragingly, the requests made by CPS to police for further evidence before charge also decreased, suggesting more thorough investigation by the police and a better prosecution team approach.

However, cases are still failing for significant reasons which need to be addressed. 'Victim issues' and 'acquittal after trial' are the two most common reasons for unsuccessful outcomes. This suggests that there is more to do to ensure that victim support needs are identified and met as early as possible, and that effective evidence gathering and case preparation are prioritised by the police and CPS.

Offences against the person and public order offences were the most numerous categories, reflecting the serious and public nature of these offences respectively. Both of these aspects can have a great impact on victims and witnesses of RARA hate crime.

As reported in the first annual hate crime report, the CPS research report into anti-semitic crime was launched in May 2008. The purpose of the report was to respond to The All-Party Parliamentary Group against Anti-Semitism report published in September 2006. The CPS' investigation into reported anti-semitic incidents and their respective prosecution outcomes led to the production of an action plan on anti-semitic crime. Since then actions have been undertaken such as ensuring that prosecutors have guidance on referring cases to Counter Terrorism Division and developing hate crime training for prosecutors, which should be complete by the end of March 2010.

Racist and religious crime: Case Study from CPS Essex

Since a mosque opened about a year ago, a number of racist and religious incidents were directed towards it ranging from criminal damage to attacks against the Imam of the mosque and his family, including bacon being placed on the doors. It was believed that these attacks were linked to a nearby pub which has links with local football hooligans.

The Neighbourhood Policing Team received numerous call outs to the mosque, but the lack of an identifiable suspect for these offences meant that there was insufficient evidence to refer the case to CPS Essex for a decision. As a result the confidence in the criminal justice system of the people who used the mosque was low.

One night people at the Mosque heard shouting and within seconds one of the windows of the prayer hall was broken in. They went outside and saw two men kicking at the door and shouting, one of whom was the defendant. When challenged the two men made off, chased by some members of the mosque. One of the men shouted racist insults. Police arrived and arrested the defendant for criminal damage and referred the case to the CPS.

In accordance with CPS Guidance on Prosecuting Cases of Racist and Religious Crime the following issues were considered at an early stage: previous incidents against this victim, the effect on the wider community, the likelihood of recurrence, views on the safety of the mosque, and information from other agencies.

As this was a religiously aggravated offence, advice was received from the Principal Legal Adviser. The defendant was prosecuted by a Crown Advocate, and pleaded guilty to a number of offences including religiously aggravated criminal damage, racially aggravated threatening behaviour, and a racially aggravated public order offence. The victim personal statement was presented to the court, and referred to the problems that the mosque had been having. The defendant received an aggravated sentence and the Bench specifically directed that the order he received address the consequences of his offending and any racial/religious undertones that there may be.

CPS Essex was able to ensure that the Press were in court, and there was some very positive reporting on all aspects of the case. The victims in the case welcomed the outcome. The early identification of key issues enabled partnership working with the local Neighbourhood Policing Team and other agencies with the involvement of the CPS hate crime coordinator. As a result the wider issues surrounding the mosque were addressed. For example, the local authority agreed to look into increasing and improving CCTV in the area as well as facilitating the purchase of waste land from the local water board to use as parking for the mosque – thereby reducing the tensions with the wider community. The police agreed to increase visibility in the area, especially during Friday prayers and on match days. The Licensing Officer agreed to increase the monitoring of the local pub with a view to re-considering its licence if the premises were found to be associated with local crime and anti-social behaviour.

As a result, there have been no further reported crimes in connection with the mosque, and the local Neighbourhood Policing Team reports increased confidence among people attending the mosque in the local criminal justice agencies.

Racially and religiously aggravated hate crime: key findings

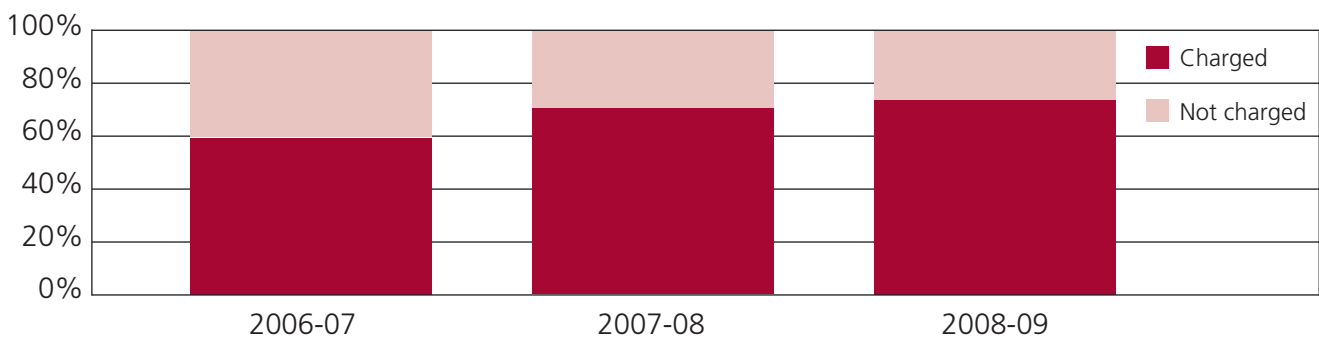
Data on racially and religiously aggravated hate crimes are recorded within the Compass Case Management System, and extracted from the related Compass Management Information System.

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

Charging

The CPS decision that a defendant should be charged rose from 59.7% of racially or religiously aggravated cases referred to the Service in 2006-07 to 73.2% in 2008-09.

Table 1 – Pre-charge decisions*



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	7,886	59.7%	9,115	70.1%	8,673	73.2%
Request for further evidence	274	2.1%	134	1.0%	84	0.7%
No prosecution	2,704	20.5%	2,426	18.7%	1,836	15.5%
All other decisions	2,337	17.7%	1,321	10.2%	1,252	10.6%
Total	13,201		12,996		11,845	

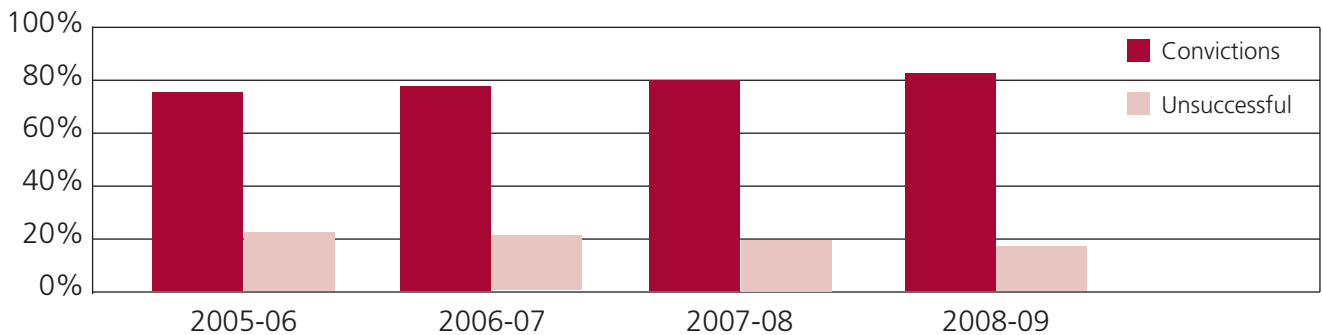
Statutory charging was fully rolled out on 3 April 2006

**Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report*

Convictions

In the four years ending March 2009, over 45,200 defendants were prosecuted for crimes involving racial or religious aggravation. Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 74% in 2005-06 to 82% in 2008-09.

Table 2 – Completed prosecutions by outcome



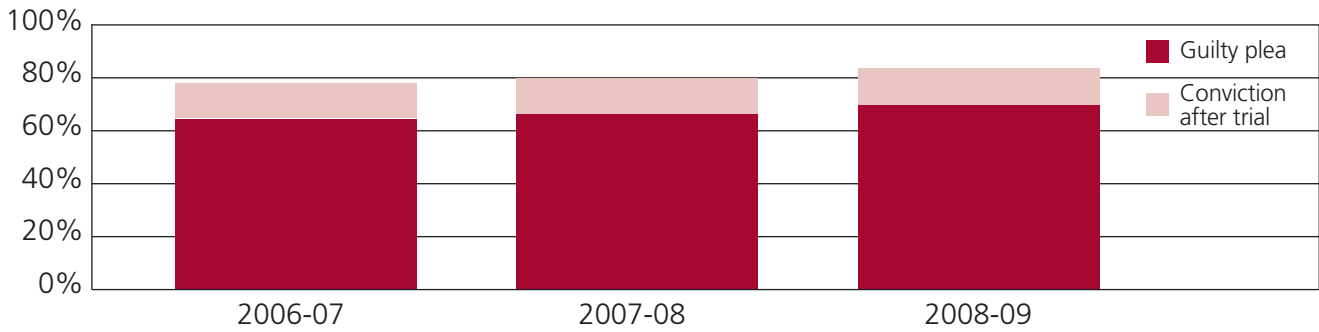
	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	6,577	74.2%	9,071	77.0%	10,398	79.9%	9,576	82.4%
Unsuccessful	2,291	25.8%	2,696	23.0%	2,610	20.1%	2,048	17.6%
Total	8,868		11,713		13,008		11,624	

The table and charts below show a detailed breakdown of prosecution outcomes for racial or religiously motivated crimes in 2006-07, 2007-08 and 2008-09. Guilty pleas increased from 64% to just under 70%, contributing to an improved conviction rate of over 82% overall in 2008-09. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from almost 15% to less than 11%.

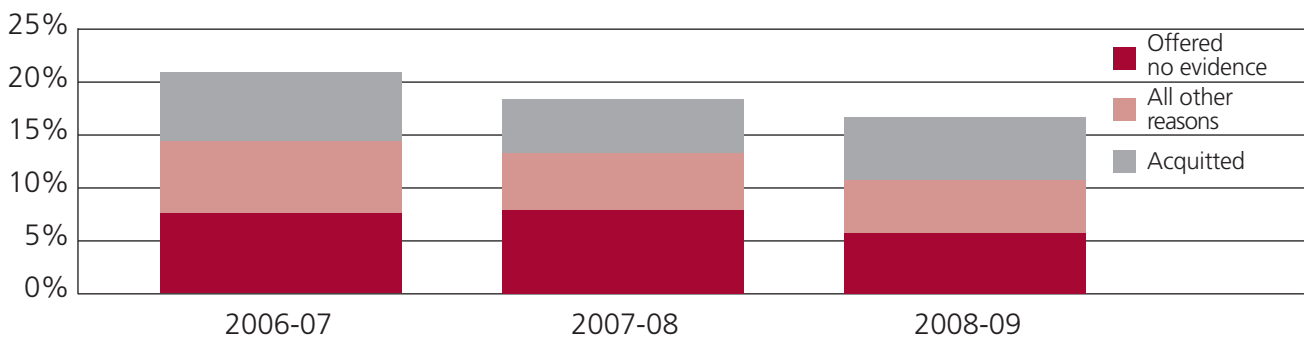
In 2008-09 the target was to reduce unsuccessful racial or religiously motivated crimes to 18%. The target was exceeded at 16.9% in the final quarter of the year.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	153	1.3%	182	1.4%	142	1.2%
Discharged committal	79	0.7%	53	0.4%	23	0.2%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,700	14.5%	1,631	12.5%	1,248	10.7%
<i>of which - no evidence offered</i>	887	7.6%	942	7.2%	673	5.8%
Dismissed after trial	476	4.1%	478	3.7%	415	3.6%
No case to answer	78	0.7%	66	0.5%	41	0.4%
Judge directed acquittal	36	0.3%	40	0.3%	18	0.2%
Jury acquittal	174	1.5%	160	1.2%	161	1.4%
Unsuccessful outcomes	2,696	23.0%	2,610	20.1%	2,048	17.6%
Guilty plea	7,546	64.4%	8,648	66.5%	8,112	69.8%
Conviction after trial	1,415	12.1%	1,708	13.1%	1,423	12.2%
Proved in absence	56	0.5%	42	0.3%	41	0.4%
Convictions	9,017	77.0%	10,398	79.9%	9,576	82.4%
Total prosecutions	11,713		13,008		11,624	

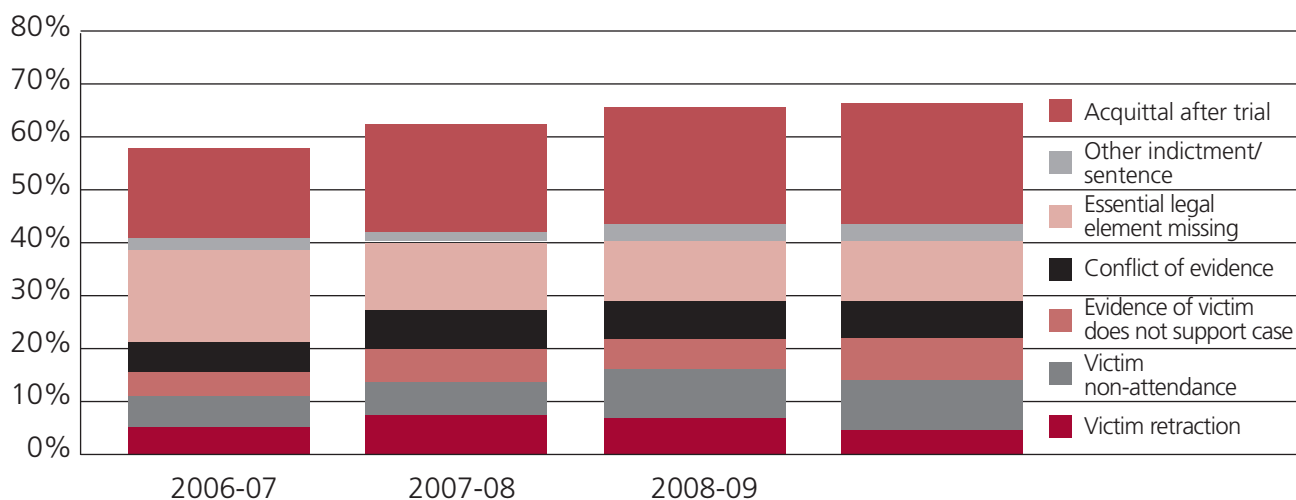
Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2007-08 to 2008-09. In 2008-09, 6.9% were unsuccessful for administrative reasons (similar to 2007-08); 34.8% for evidential reasons, a 1 percent increase from 33.8% the previous year; 10.4% for public interest (similar to the 10.7% recorded in 2007-08); 18.2% were unable to proceed (down from 21.1%), and 29.7% fell into other reasons, more than 2 percentage points higher than in 2007-08 (27.4%).

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons including victim issues (comprising victim retraction, where the evidence of the victim did not support the case, and cases in which a victim failed to attend a court hearing), where an essential legal element was missing, those where there was a conflict of evidence, and those where there was an acquittal after trial. Within these key reasons, victim issues increased from 15% to 22% during the period under review due to rises in victim non-attendance (6% - 10%) and the proportion in which the evidence of victims did not support the prosecution case (4% - 8%).

Cases failing because an essential legal element was missing reduced over the period from 17% to 10%. However, conflicts of evidence rose slightly from just under 6% to 7% while acquittals rose sharply by nearly 7 percentage points from just below 18% to over 24%. The proportion failing because of key reasons rose from 72% to 89% of all unsuccessful outcomes.

Table 4 – Key reasons for unsuccessful prosecutions

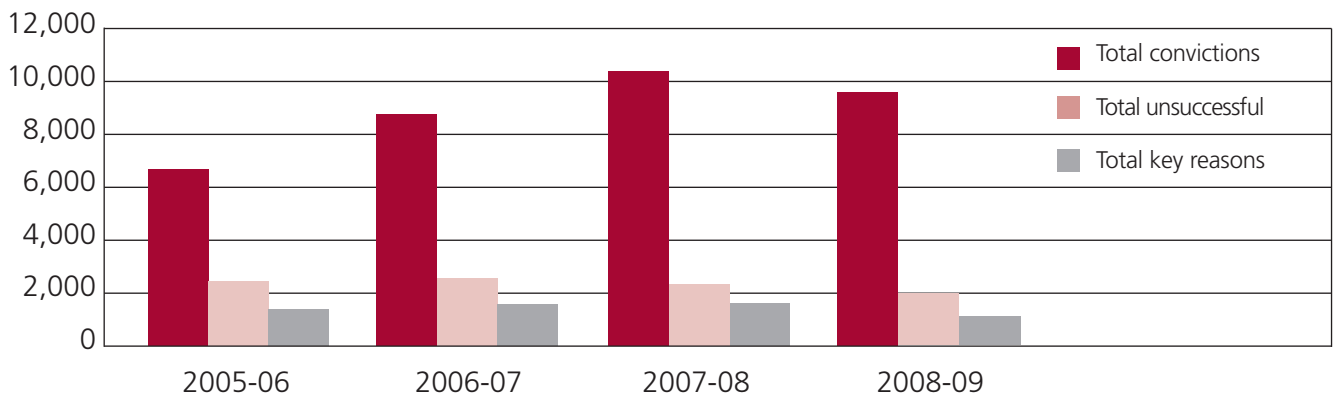


	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Victim retraction	107	4.7%	161	6.0%	170	6.5%	95	4.6%
Victim non-attendance	131	5.7%	205	7.6%	240	9.2%	198	9.7%
Evidence of victim does not support case	100	4.4%	164	6.1%	176	6.7%	157	7.7%
Total victim issues	338	14.8%	530	19.7%	586	22.5%	450	22.0%
Conflict of evidence	128	5.6%	183	6.8%	155	5.9%	145	7.1%
Essential legal element missing	394	17.2%	351	13.0%	295	11.3%	198	9.7%
Other indictment/sentence	58	2.5%	90	3.3%	106	4.1%	78	3.8%
Acquittal after trial	403	17.6%	538	20.0%	557	21.3%	498	24.3%
Total key reasons	1,321	72.4%	1,692	82.4%	1,699	87.5%	1,369	88.8%
All other reasons	803	35.1%	851	31.6%	729	27.9%	537	26.2%
Administrative finalisations	167	7.3%	153	5.7%	182	7.0%	142	6.9%
Total	2,291		2,696		2,610		2,048	

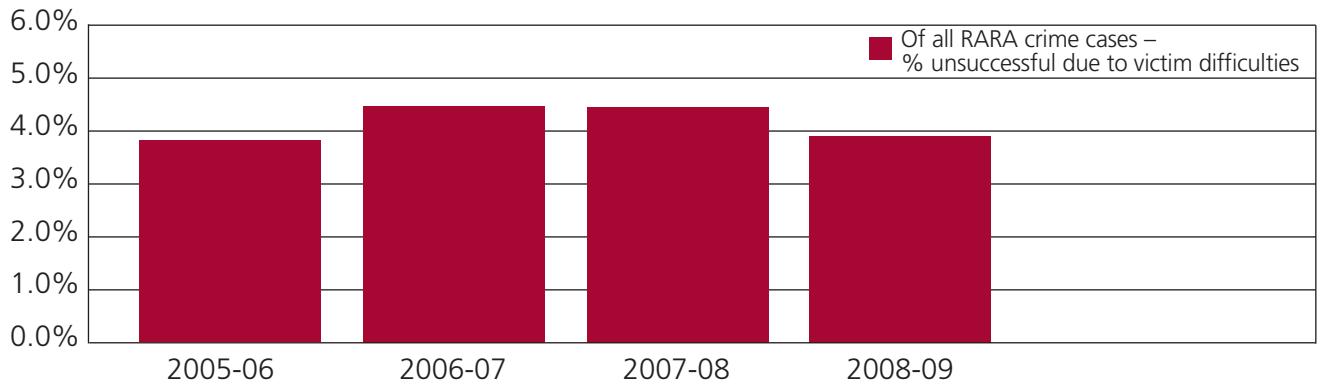
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. The volume of those unsuccessful due to victim difficulties increased, from 338 in 2005-06 to 450 in 2008-09, while the proportions remained the same at 4%. Total unsuccessful outcomes, however, fell from 26% in 2005-06 to 18% in 2008-09.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Victim issues in relation to all outcomes



% Victim issues



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	338	3.8%	530	4.5%	586	4.5%	450	3.9%
Total unsuccessful	2,291	25.8%	2,696	23.0%	2,610	20.1%	2,048	17.6%
Total convictions	6,577	74.2%	9,017	77.0%	10,398	79.9%	9,576	82.4%
Total prosecutions	8,868		11,713		13,008		11,624	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 84% (42% and 42% respectively) of racial and religiously aggravated crime prosecutions in 2008-09. Criminal damage accounted for a further 6%, unchanged from the previous year. A similar pattern was recorded for men, with 42% being categorised as offences against the person and as public order, and a further 6% as criminal damage. There was a slightly different pattern for women, offences against the person being higher at 46% and public order and criminal damage slightly lower at 40% and 4% respectively. Theft and handling offences were also more prevalent for women at 4%. Men comprised 84% of defendants whose principal offence was identified as offences against the person or as public order, similar to 2007-08.

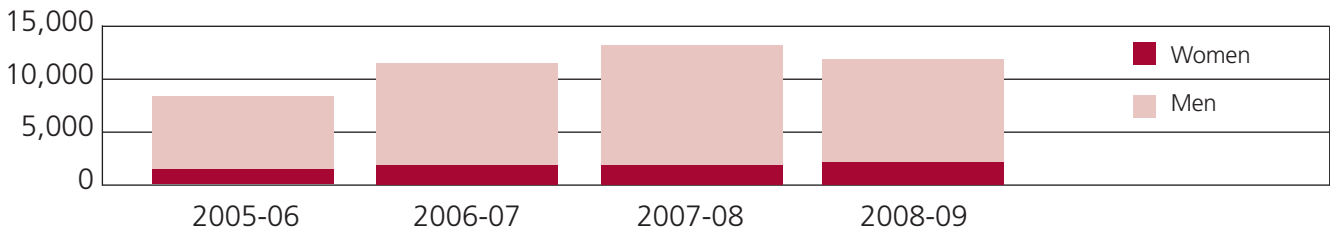
Equalities

(i) Defendants

Gender

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

Table 6 – Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	1,264	14.3%	1,792	15.3%	1,970	15.1%	1,794	15.4%
Men	7,603	85.7%	9,918	84.7%	11,036	84.8%	9,827	84.5%
Unknown	1	0.0%	3	0.0%	2	0.0%	3	0.0%
Total	8,868		11,713		13,008		11,624	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, 75% of racially and religiously aggravated crime defendants were identified as belonging to the White British category, and 79% were categorised as White. 5% of defendants were identified as Asian, and just under 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest.

Other equality data

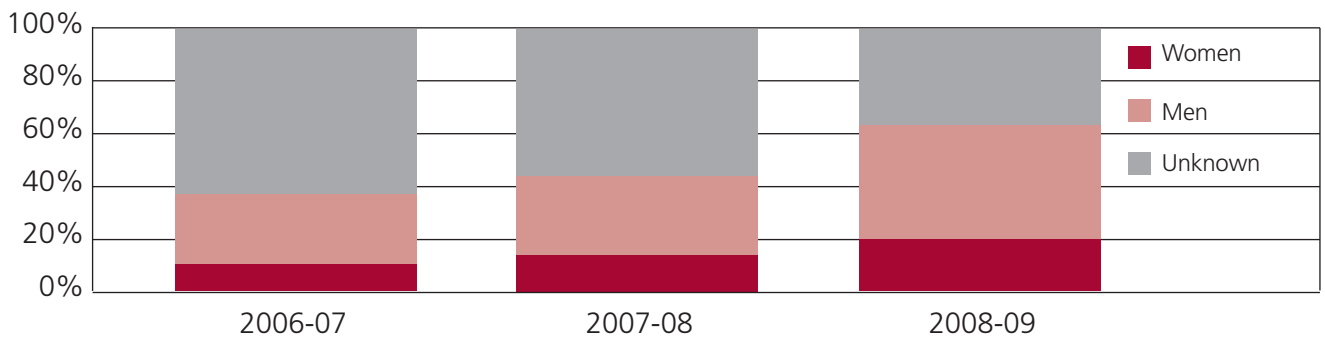
Data on the religion or belief and disability of defendants have been collected since April 2007 and the completeness and accuracy of this data remain under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. The completeness and accuracy of this information remain under development. Of those victims whose gender was identified, the highest proportion were men, at 72% in 2006-07 and 68% in 2007-08 and 2008-09.

Table 7 – Gender of victims



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	381	9.9%	1,055	13.9%	1,623	20.5%
Men	966	25.1%	2,278	30.0%	3,430	43.3%
Unknown	2,501	65.0%	4,250	56.0%	2,864	36.2%
Total	3,848		7,583		7,917	

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

Other equality data

Data on victims are extracted from the Witness Management System. Data on ethnicity are available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remain under development, and figures have not been included in the present report. Work will be planned in 2009-10 to improve data collection and quality.

Racially and Religiously Aggravated Crime Services

This information has been collected since April 2007, and also remains under development. Of those victims and witnesses referred to a support service or specialist agency, less than 1% were recorded as being referred to a specific 'specialist agency' in 2008-09. The completeness and accuracy of this information remain under development. However 76% were referred to either a victim or witness support agency, compared with 18% in the previous year, while 23% were subject to an 'other referral'; 82% in 2007-08.

Homophobic and transphobic hate crime

The Crown Prosecution Service recognises the serious nature of homophobic and transphobic crime. Our public policy statements for prosecuting homophobic and transphobic hate crimes were refreshed and re-launched in November 2007. The documents provide a clear public statement that homophobic and transphobic crimes are not acceptable and, where appropriate, will be prosecuted effectively through the criminal courts. They recognise the particular issues facing lesbian, gay, transgender and bisexual people in coming forward to play their part as victims and witnesses. Many people will not want to be 'outed' by the criminal justice process and our public policy statement is clear that we will do all that we can to protect people's sexual orientation and gender identity.

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

The CPS conducted a themed review towards the end of 2008-09 to support the full implementation of the policy and legal guidance for prosecutors, and identified several examples of excellent practice in CPS Areas, which were published and disseminated in May 2009.

A new offence of stirring up hatred on the grounds of sexual orientation is expected to come into force in the autumn of 2009. The offences deal with words or behaviour, or material which is threatening in nature and which is intended to stir up hatred against a group of people who are defined by their sexual orientation. The legislation has been on the statute books for some time (section 74 and Schedule 16 of the Criminal Justice and Immigration Act 2008, amending the Public Order Act 1986). It has been subject to further debate in Parliament during the passage of the Coroners and Justice Bill, particularly around the freedom of speech clause. Legal Guidance will be prepared and issued to prosecutors in readiness for when the offence comes into force.

The rate at which the CPS decided to charge a defendant with an offence increased this year. In addition, despite a lower volume of cases referred by the police, the volume of cases prosecuted increased. The requests made by CPS to police for further evidence before charge decreased, guilty pleas increased, and the proportion of cases dropped by the CPS decreased. Taken together, this suggests that investigations are more thorough and that CPS is taking a proactive prosecution approach in this area. There was an overall improvement in the conviction rate for homophobic offences. However the hate crime target was just missed by 0.8% demonstrating that there is still room for improvement.

The section below provides further analysis of key reasons for unsuccessful outcomes. The most common reason by far was acquittal after trial. There are still issues with keeping victims engaged with the case, suggesting that more work needs to be done to identify and meet victim and witness support needs in these cases.

Similarly to RARA, offences against the person and public order offences were the most numerous categories, highlighting the seriousness of hate crime and the violent or public nature of these offences.

Homophobic hate crime: Case Study

This offence involved the targeting of the family of a gay man. On the evening of the incident, the victim's son was followed by the defendants and homophobic abuse was directed towards him. An assault followed and subsequently the defendants pursued the son to his father's home address and launched an attack upon the home of the victim. The victim's family were at home and a young child was present. The family were forced to take refuge in their home whilst various items were thrown towards them and their property. The group shouted homophobic abuse and items were thrown including a house brick, a traffic cone and a wooden block. One of the defendants armed himself with what was described as a snooker cue. At one stage two defendants made their way to the rear of the house essentially putting the house under siege.

The police were called, officers attended and arrests were made. Nine defendants were charged with affray and some additionally charged with assault. Two defendants were dealt with in the Youth Court following guilty pleas. The remaining defendants were committed to the Crown Court for trial.

The defendants pleaded guilty on the day of trial.

The Prosecutor took a 'cradle to grave approach' and was involved at a very early stage meeting with the officers prior to charge. Pre charge advice was given and special measures were applied for, a victim personal statement was obtained and there was a close working relationship between the CPS and police throughout. CPS drew the Court's attention to the sentencing provisions under sec 146 CJA 2003 and the impact this case had had on the community and the victim and his family. The Prosecutor specialising in these cases led the case throughout and instructed counsel.

All defendants pleaded guilty and received custodial sentences. The Judge described the incident as appalling and said in open court that the homophobic nature increased the tariff in each sentence.

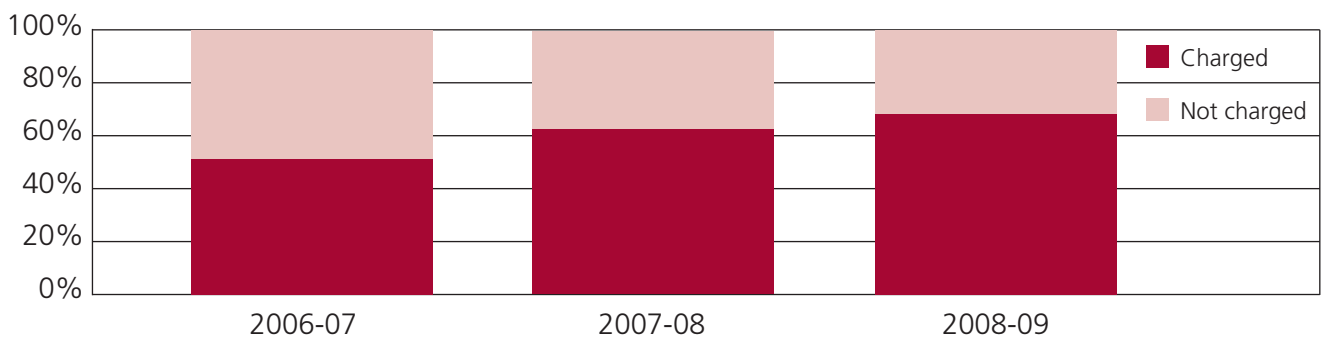
Homophobic hate crime: key findings

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

Charging

The CPS decided that a defendant should be charged in 54.1% of homophobic crime cases referred to the Service in 2006-07, rising to 65.1% in 2008-09.

Table 1 – Pre-charge decisions*



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	504	54.1%	758	62.2%	710	65.1%
Request for further evidence	23	2.5%	14	1.1%	6	0.6%
No prosecution	215	23.1%	272	22.3%	222	20.4%
All other decisions	190	20.4%	175	14.4%	152	13.9%
Total	932		1,219		1,090	

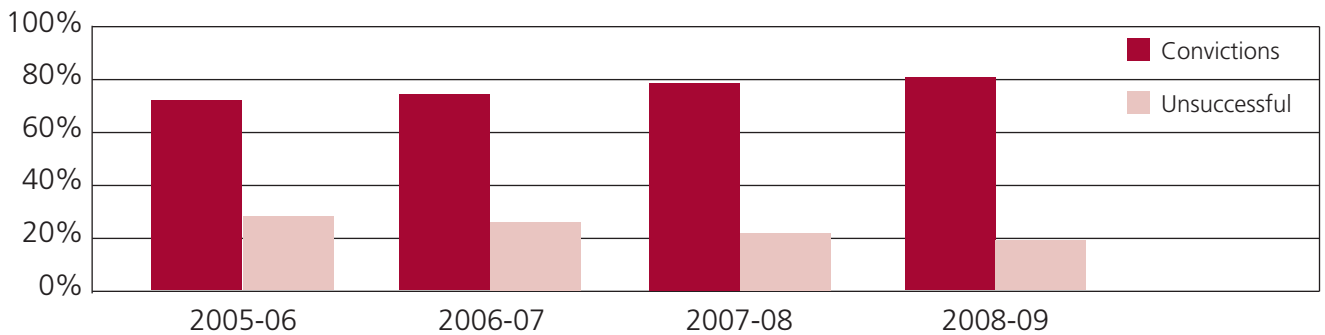
Statutory charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report

Convictions

In the four years ending March 2009, over 3,400 defendants were prosecuted for crimes involving homophobia. Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 71% in 2005-06 to 81% in 2008-09.

Table 2 – Completed prosecutions by outcome



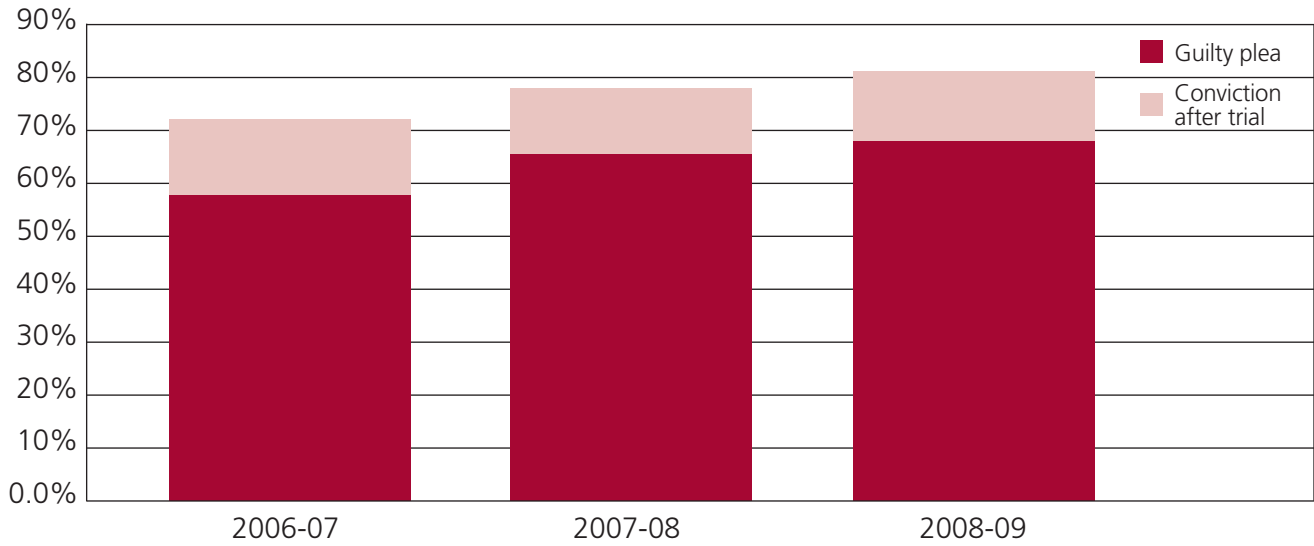
	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	426	71.0%	604	73.5%	778	78.2%	815	80.5%
Unsuccessful	174	29.0%	218	26.5%	217	21.8%	198	19.5%
Total	600		822		995		1,013	

The table and charts below show a detailed breakdown of prosecution outcomes for homophobic crimes in 2006-07, 2007-08 and 2008-09. Guilty pleas increased from 58% to 67%, contributing to an improved overall conviction rate of 81% in 2008-09. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from 17% to 11%.

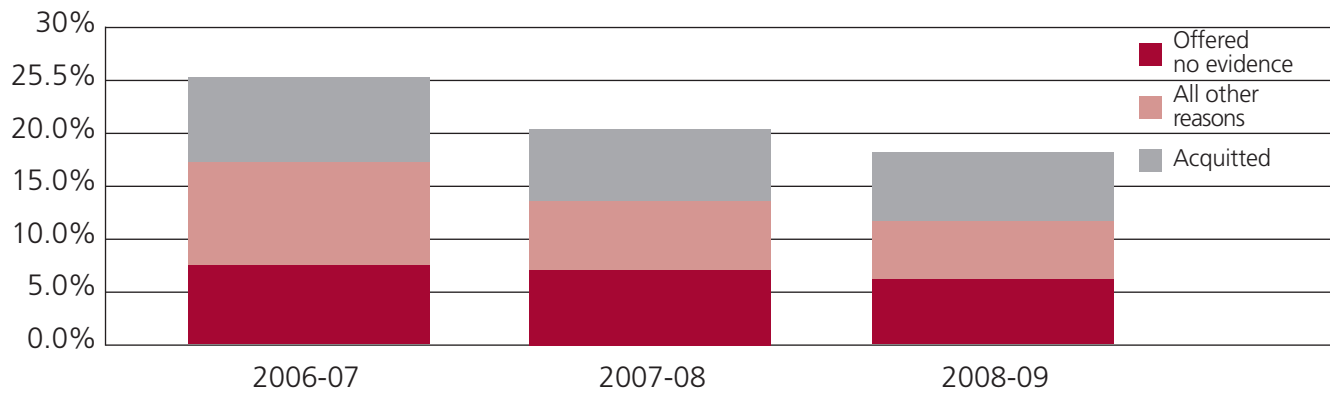
In 2008-09 the target was to reduce unsuccessful homophobic motivated crimes to 18%. Outcomes were outside the target at 20.8% in the fourth quarter.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



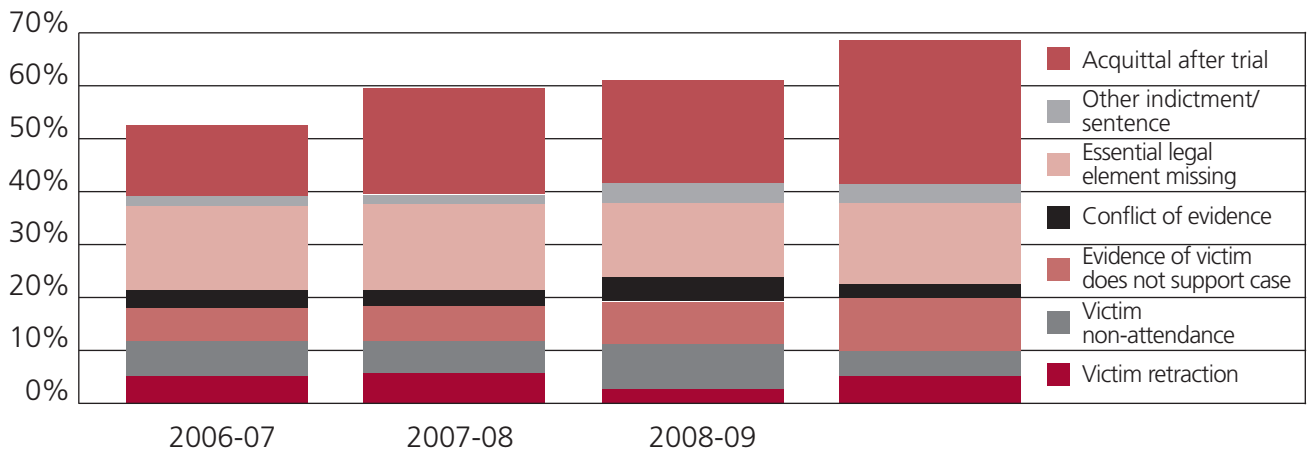
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	7	0.9%	12	1.2%	15	1.5%
Discharged committal	4	0.5%	0	0.0%	1	0.1%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	136	16.5%	137	13.8%	115	11.4%
<i>of which - no evidence offered</i>	64	7.8%	67	6.7%	62	6.1%
Dismissed after trial	43	5.2%	53	5.3%	48	4.7%
No case to answer	12	1.5%	7	0.7%	7	0.7%
Judge directed acquittal	4	0.5%	2	0.2%	3	0.3%
Jury acquittal	12	1.5%	6	0.6%	9	0.9%
Unsuccessful outcomes	218	26.5%	217	21.8%	198	19.5%
Guilty plea	478	58.2%	662	66.5%	683	67.4%
Conviction after trial	124	15.1%	114	11.5%	130	12.8%
Proved in absence	2	0.2%	2	0.2%	2	0.2%
Convictions	604	73.5%	778	78.2%	815	80.5%
Total prosecutions	822		995		1,013	

Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2007-08 to 2008-09. In 2008-09, 7.6% were unsuccessful for administrative reasons, higher than the 5.5% recorded in the previous year; 39.4% for evidential reasons, a slight fall on 2007-08 at 40.1%; 11.1% for public interest, unchanged from the previous year; 12.1% were unable to proceed, improved from 13.8% in the earlier period, and 29.8% fell into other reasons, similar to the figure recorded 2007-08 (29.5%).

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim does not support the case), those where an essential legal element was missing, conflicts of evidence, and those in which the defendant was acquitted. Within these key reasons, acquittals after trial remained the largest single category, rising during the period under review from 17% to 25%. There were falls in the proportion failing owing to victim retraction, from 6% to 4%, while those failing because the evidence of the victim did not support the case rose from 6% to just under 10%. The proportion failing because of victim issues rose over 2 percentage points during the period, from 17.2% to 19.7% of all unsuccessful outcomes. Cases failing because an essential legal element was missing fell from 14% to 12%, while those unsuccessful owing to a conflict of evidence rose from 3% to 6%. The proportion of total key reasons for case failures rose from 55% to 66% over the four year period.

Table 4 – Key reasons for unsuccessful prosecutions

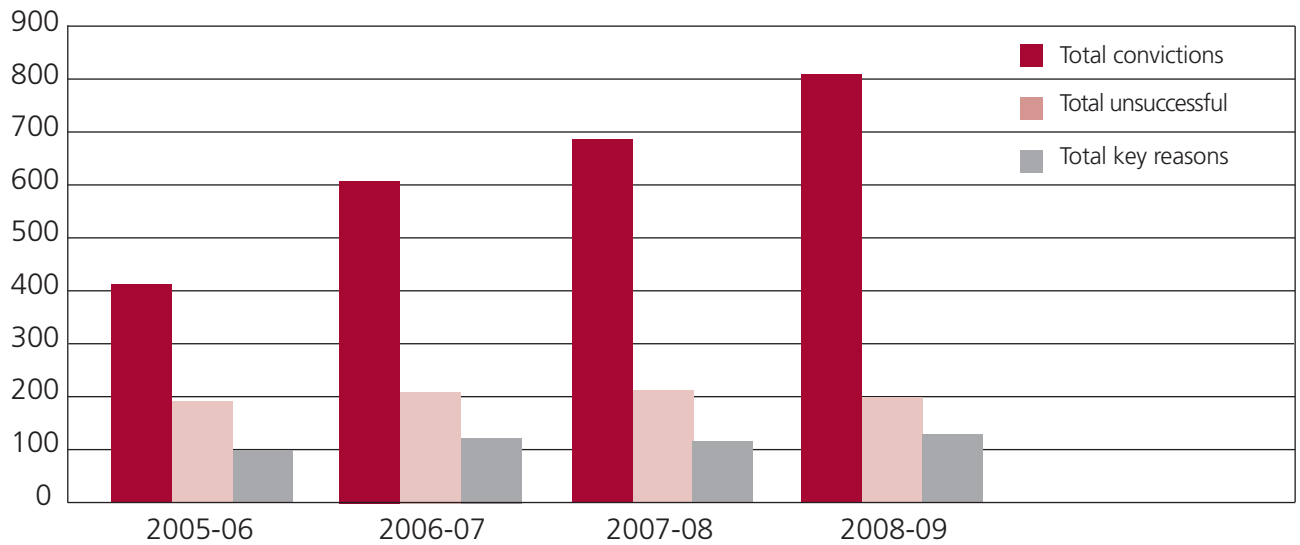


	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Victim retraction	10	5.7%	14	6.4%	5	2.3%	8	4.0%
Victim non-attendance	10	5.7%	13	6.0%	19	8.8%	12	6.1%
Evidence of victim does not support case	10	5.7%	13	6.0%	13	6.0%	19	9.6%
Total victim issues	30	17.2%	40	18.3%	37	17.1%	39	19.7%
Conflict of evidence	6	3.4%	9	4.1%	15	6.9%	11	5.6%
Essential legal element missing	25	14.4%	31	14.2%	32	14.7%	24	12.1%
Other indictment/sentence	6	3.4%	5	2.3%	9	4.1%	7	3.5%
Acquittal after trial	29	16.7%	45	20.6%	47	21.7%	50	25.3%
Total key reasons	96	55.2%	130	59.6%	140	64.5%	131	66.2%
All other reasons	63	39.1%	81	37.2%	65	30.0%	52	26.3%
Administrative finalisations	10	5.7%	7	3.2%	12	5.5%	15	7.6%
Total	174		218		217		198	

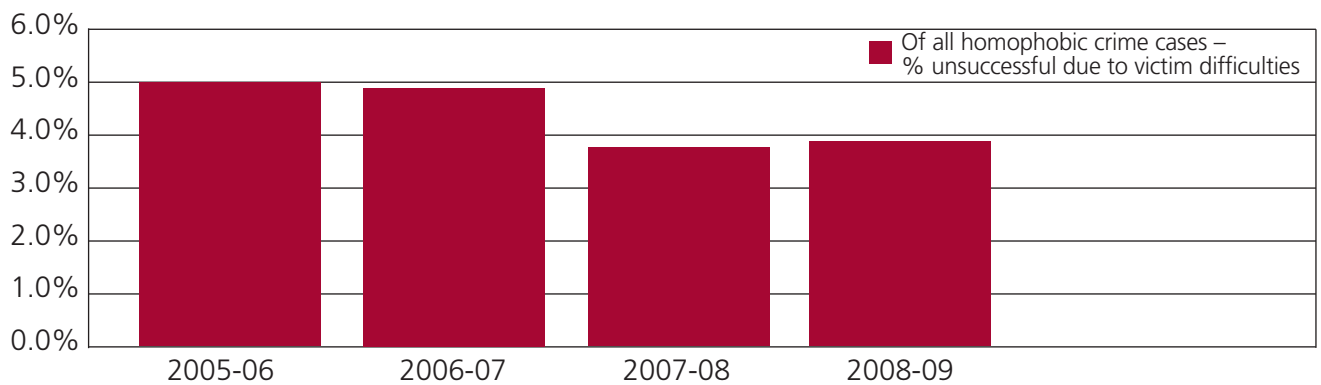
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 30 in 2005-06 to 39 in 2008-09, they fell in proportional terms, from 5% to less than 4%. Total unsuccessful outcomes fell from 29% in 2005-06 to 20% in 2008-09.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	30	5.0%	40	4.9%	37	3.7%	39	3.8%
Total unsuccessful	174	29.0%	218	26.5%	217	21.8%	198	19.5%
Total convictions	426	71.0%	604	73.5%	778	78.2%	815	80.5%
Total prosecutions	600		822		995		1,013	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 48% and 36% of homophobic crime prosecutions in 2008-09. A similar pattern was recorded for men, with 48% being categorised as offences against the person, and 35% as public order. There was a slightly different pattern for women, offences against the person being lower at 45% and public order higher at 39%. Men comprised 87% of defendants whose principal offence was identified as offences against the person.

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men fell from 90% in 2005-06 to 86% in 2008-09.

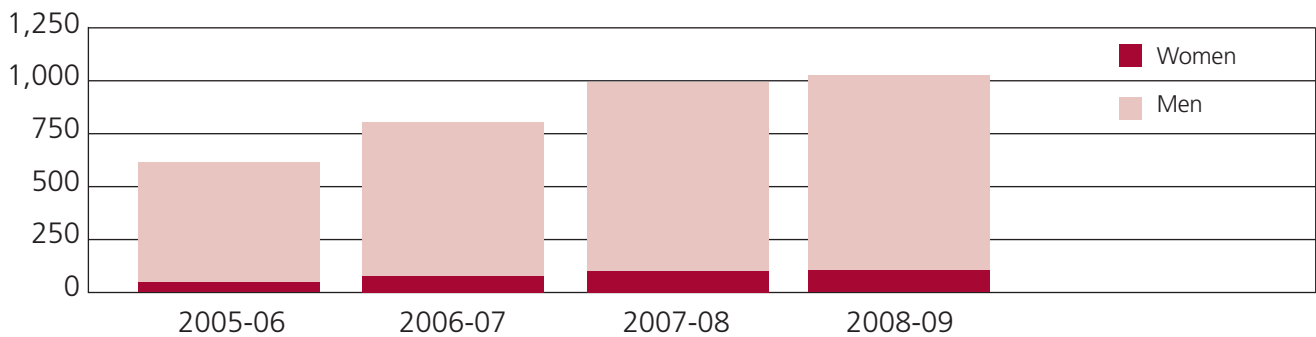
Equalities

(i) Defendants

Gender

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

Table 6 – Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	60	10.0%	95	11.6%	134	13.5%	143	14.1%
Men	540	90.0%	727	88.4%	861	86.5%	870	85.9%
Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	600		822		995		1,013	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, 78% of homophobic crime defendants were identified as belonging to the White British category, and 81% were categorised as White, slightly higher than the previous year at 76% and 79% respectively. 2% of defendants were identified as Asian, and a further 4% were identified as Black. 3% of defendants did not state an ethnicity on arrest.

Other equality data

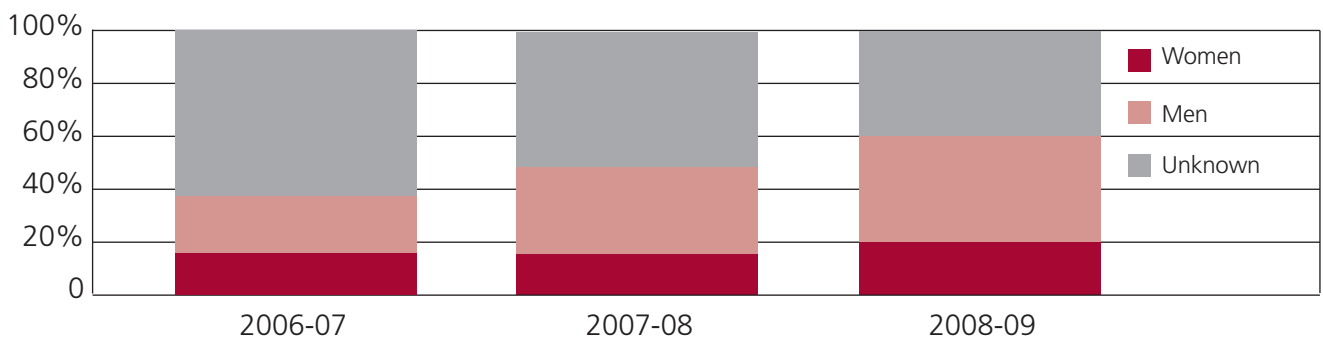
Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remain under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. The completeness and accuracy of this information remain under development. Of those victims whose gender has been identified the highest proportion were men, at 61% in 2006-07 and 65% in 2008-09.

Table 7 – Gender of victims*



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	43	14.6%	103	16.7%	149	21.0%
Men	67	22.8%	191	31.0%	281	39.6%
Unknown	184	62.6%	322	52.3%	280	39.4%
Total	294		616		710	

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

Other equality data

Data on victims are extracted from the Witness Management System. Data on ethnicity are available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remain under development and figures have not been included in the present report. Work is planned in 2009-010 to improve data collection and quality.

Homophobic Crime Services

This information has been collected since April 2007. Of those victims and witnesses referred to a support service or specialist agency, 2% were recorded as being referred to a specific 'specialist agency' in 2008-09. The completeness and accuracy of this information remain under development. 82% were recorded as having been referred to either a victim or witness support agency compared to 30% the previous year, while 16% were subject to an 'other referral', 70% in 2007-08.

Disability hate crime

The Crown Prosecution Service recognises that disabled people can be targets of crime based on hostility towards their disability or perceived disability. We understand that disabled people are concerned that there is an underreporting of disability hate crime and lack of identification of disability hate crime offences by criminal justice agencies. We know that in order to build the confidence of disabled people, we need to flag those cases that are perceived as disability hate crime and, where there is sufficient evidence that an offence is a disability hate crime, we must make every effort to bring this to the court's attention at the sentencing stage.

The disability hate crime public policy and guidance for prosecutors were launched in February 2007. Since the first annual hate crime report, several high profile and cross-government initiatives have been undertaken to respond to concerns about the low reporting and prosecution rate of disability hate crime cases. The CPS worked closely with government colleagues in developing the cross government hate crime action plan (see introduction), and specifically with the Department of Health Valuing people team to focus on tackling hate crime against people with learning disabilities. The Director of Public Prosecutions Keir Starmer QC addressed key stakeholders at the launch of research published by the Equality and Human Rights Commission into violence against disabled people⁵, setting out the steps that CPS is taking to improve performance in this area.

This built upon the work of his predecessor, Sir Ken Macdonald QC, who gave a keynote speech to the Bar Council in October 2008 clearly setting the standard CPS expects of its prosecutors and those the CPS instructs for prosecuting cases of disability hate crime⁶. These actions at the highest level were well received and set the framework for further guidance for prosecutors, which will focus on recognising evidence of hostility and effectively building cases of disability hate crime to be issued later this year.

As part of the CPS performance review process, CPS Areas across the country have been reviewing their progress on implementing the disability hate crime policy and guidance. Areas will be rated on their progress later this year. This focus on performance in this complex and sensitive area has led to awareness raising events across the country, the creative involvement of disabled people and real improvements in performance.

The volume of cases that the CPS has prosecuted more than doubled in 2008-09. Although the successful outcome rate dropped slightly, this increase in volume is very encouraging and suggests that the police and prosecutors are improving their ability to recognise and flag these cases.

In contrast to RARA and homophobic hate crime, the CPS charged fewer cases, achieved a lower guilty plea rate and a higher rate of dropped cases, however, the conviction rate following trial increased significantly.

Similarly to other hate crime strands, essential legal element missing and acquittals after trial were the largest single categories. In contrast, victim issues were not significant for unsuccessful outcomes. This suggests that the victims whose trials do go ahead are being well supported. However, it also suggests that further improvements in case preparation by the prosecution team are needed.

Similarly to RARA and Homophobic crime, offences against the person were a common category, representing 45% of disability hate crime. However other offences showed a different pattern including theft and handling, sexual offences and robbery.

⁵ Sin et. Al (2009) Disabled people's experiences of targeted violence and hostility available at www.equalityhumanrights.com

⁶ http://www.cps.gov.uk/news/articles/dhc_dpp_speech/

Disability hate crime- case study

A disabled man was assaulted as he was walking in the street during the day. After the victim told the defendant that he was disabled, the defendant assaulted and verbally abused him again. The victim required medical attention and was deeply distressed by the incident.

The prosecutor flagged the case as a disability hate crime very early on and considered the need for special measures. The defendant pleaded guilty to the charge of s39 battery. At the sentencing stage the prosecutor drew the court's attention to Section 146 of the Criminal Justice Act 2003 which provides that where a defendant has demonstrated or is motivated by hostility based on a person's disability or perceived disability, the court must treat this as an aggravating factor at the sentencing stage. The victim completed a victim personal statement which was presented to the court. The court when sentencing referred specifically to the assault on a disabled person as aggravating the offence.

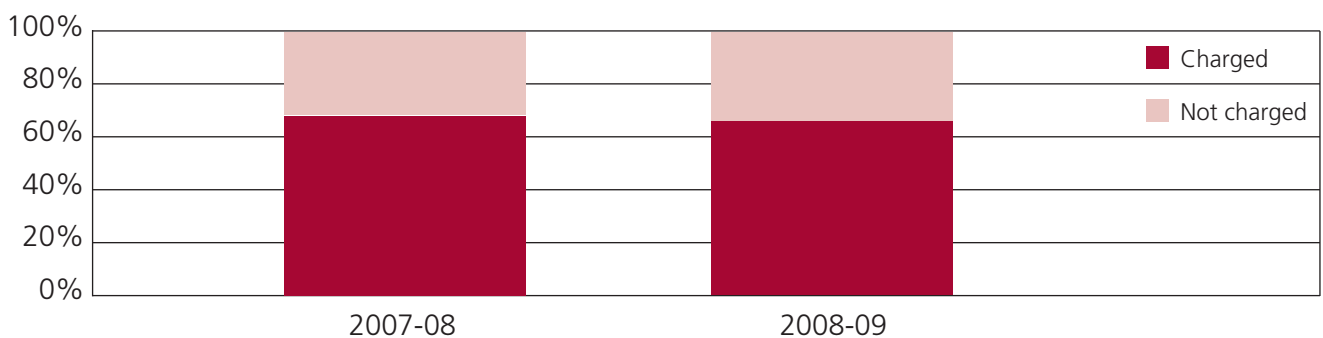
Disability hate crime: key findings

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

Charging

The CPS decided that a defendant should be charged in 66% of all disability hate crimes referred to the Service in 2008-09: slightly lower than the 67% charged in 2007-08.

Table 1 – Pre-charge decisions*



	2007-08		2008-09	
	Volume	%	Volume	%
Charged	187	67.0%	292	65.8%
Request for further evidence	2	0.7%	5	1.1%
No prosecution	75	26.9%	109	24.9%
All other decisions	15	5.4%	38	8.6%
Total	279		444	

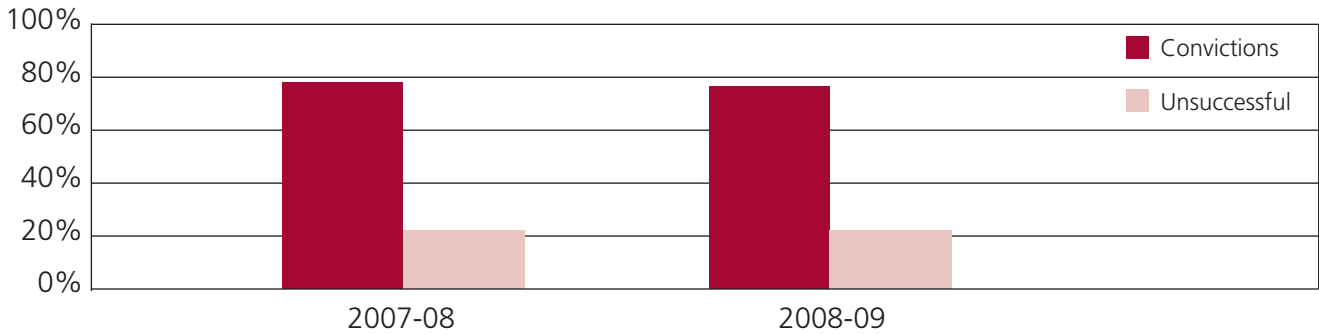
Statutory charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report

Convictions

In the two years ending March 2009, 576 defendants were prosecuted for disability hate crimes. Table and chart 2 below provide a breakdown of outcomes, showing that 76% of completed cases resulted in a conviction in 2008-09.

Table 2 – Completed prosecutions by outcome

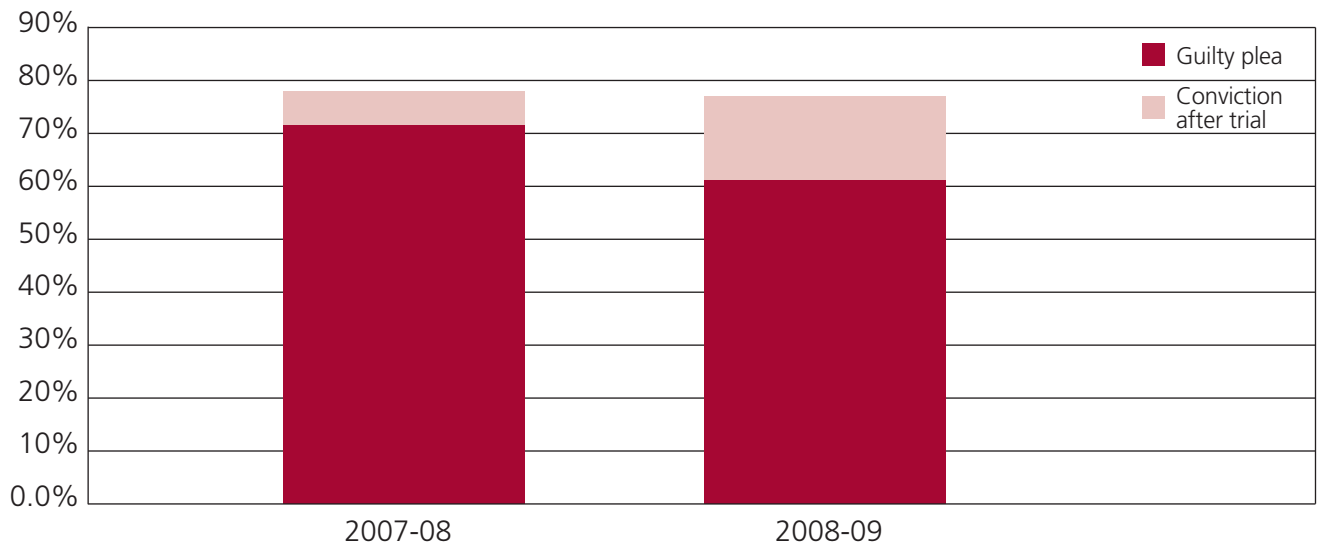


	2007-08		2008-09	
	Volume	%	Volume	%
Convictions	141	77.0%	299	76.1%
Unsuccessful	42	23.0%	94	23.9%
Total	183		393	

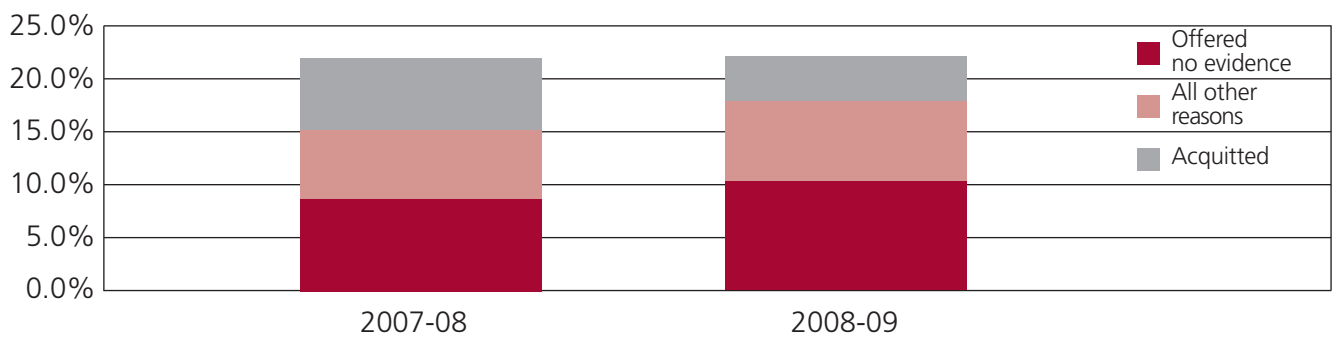
The table and charts below show a detailed breakdown of prosecution outcomes for disability hate crimes in 2007-08 and 2008-09. Guilty pleas represented 61% of the total, a fall of 11 percentage points on 2007-08 when 72% of all defendants pleaded guilty. However the conviction rate remained stable at 77% - 76%, largely due to a rise in convictions after trial from 5.5% to 14.5%. Prosecutions dropped by CPS, including discontinuances and cases in which no evidence was offered, rose from 15% of total outcomes to 18%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes

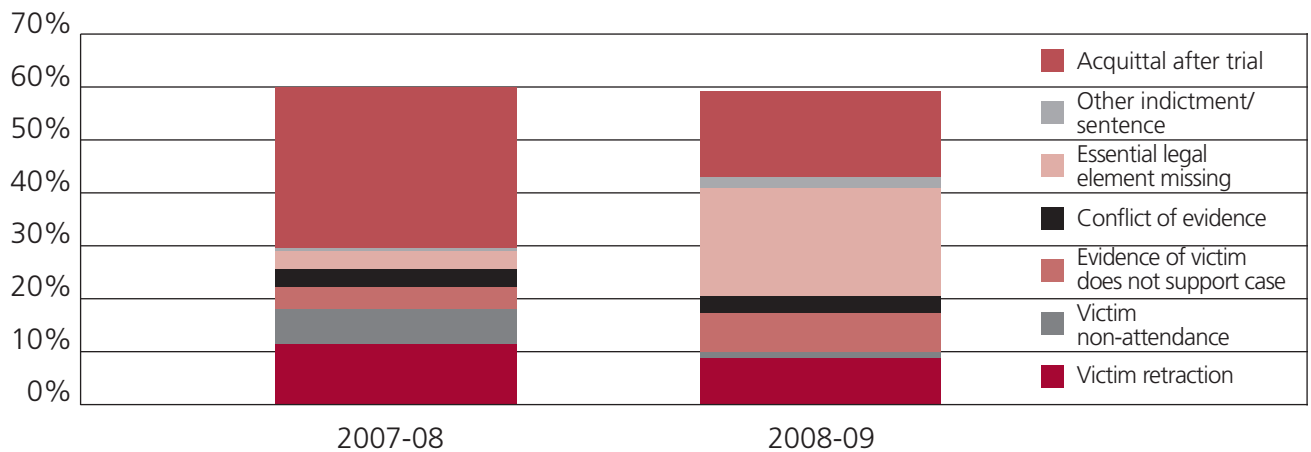


	2007-08		2008-09	
	Volume	%	Volume	%
Administrative finalisation	0	0.0%	2	0.5%
Discharged committal	1	0.5%	5	1.3%
Prosecutions dropped <i>inc discontinued, no evidence offered & withdrawn</i>	27	14.8%	69	17.6%
<i>of which – no evidence offered</i>	16	8.7%	41	10.4%
Dismissed after full trial	12	6.6%	11	2.8%
No case to answer	0	0.0%	3	0.8%
Judge directed acquittal	0	0.0%	1	0.3%
Jury acquittal	2	1.1%	3	0.8%
Unsuccessful outcomes	42	23.0%	94	23.9%
Guilty plea	131	71.6%	240	61.1%
Conviction after trial	10	5.5%	57	14.5%
Proved in absence	0	0.0%	2	0.5%
Convictions	141	77.0%	299	76.1%
Total prosecutions	183		393	

Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons (including those resulting in bindover and acquittal after trial). In 2008-09 the evidential category was the largest at 56% of all reasons for unsuccessful outcomes, a rise of over 20 percentage points on the 31% recorded in the previous year. 2% were unsuccessful for administrative reasons compared with none in 2007-08; the proportion unsuccessful for public interest reasons was little changed at 7.4% compared with 7.1% in the period under review; 14% were unable to proceed, a fall on the 19% recorded in 2007-08 and cases failing for other reasons fell from 43% to 20%.

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim did not support the case), those where an essential legal element was missing, where there was a conflict of evidence, and those in which the defendant was acquitted. Within these key reasons, an essential legal element missing and acquittals after trial were the largest single categories at 22% (a sharp rise on the 2% recorded in the previous year) and 13%, (a sharp fall on the 31% recorded in 2007-08), respectively. Within victim issues, the proportions of victim retractions and victim non attendances fell from 12% to 7% and 5% to 2%. However cases where the evidence of the victim did not support the case rose from just under 5% to over 6%. Cases failing because of the overall key reasons fell from 60% to 57%.

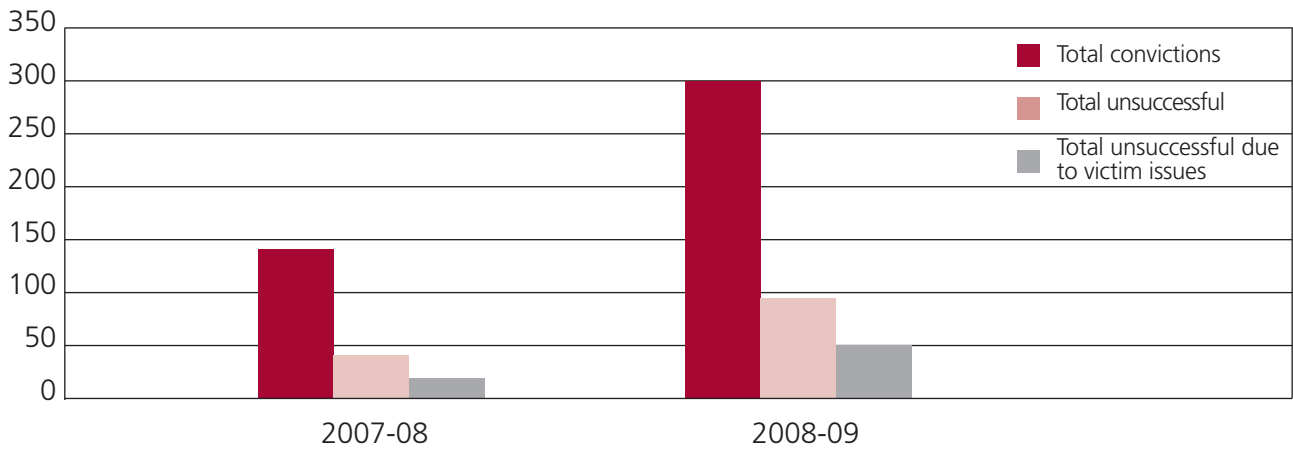
Table 4 – Key reasons for unsuccessful prosecutions

	2007-08		2008-09	
	Volume	%	Volume	%
Victim retraction	5	11.9%	7	7.4%
Victim non-attendance	2	4.8%	2	2.1%
Evidence of victim does not support case	2	4.8%	6	6.4%
Total victim issues	9	21.4%	15	16.0%
Conflict of evidence	2	4.8%	4	4.3%
Essential legal element missing	1	2.4%	21	22.3%
Other indictment/sentence	0	0.0%	2	2.1%
Acquittal after trial	174	1.5%	160	1.2%
Total key reasons	25	59.5%	54	57.4%
All other reasons	17	40.5%	38	40.4%
Administrative finalisations	0	0.0%	2	2.1%
Total	42		94	

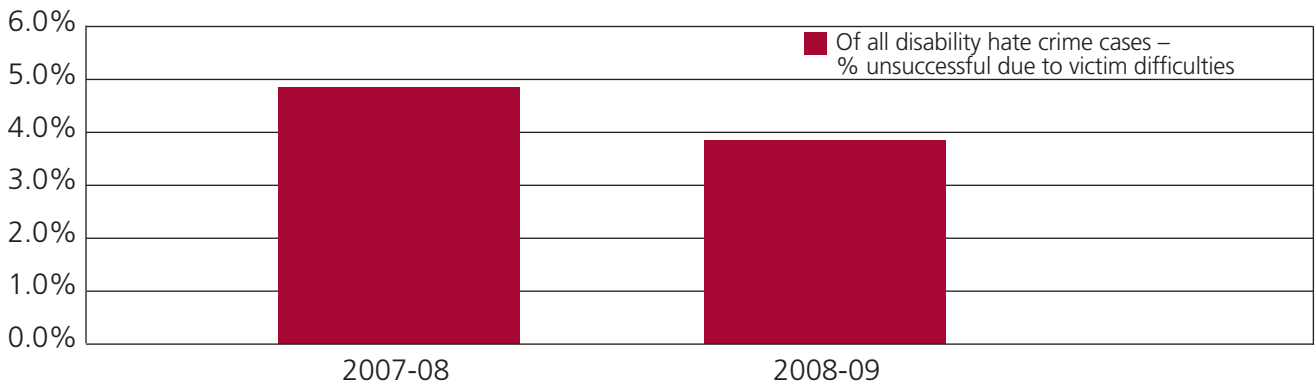
Table and chart 5 show that victim issues represented 15 defendants, or 4%, in 2008-09. Unsuccessful outcomes amounted to 24% of the total in 2008-09 compared to 23% in 2007-08.

Table 5 – Comparison of key reason for unsuccessful outcome

Key reasons in relation to all outcomes



% Victim issues



	2007-08		2008-09	
	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	9	4.9%	15	3.8%
Total unsuccessful	42	23.0%	94	23.9%
Total convictions	141	77.0%	299	76.1%
Total	183		393	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 45% of disability hate crime prosecutions in 2008-09 a fall on the 53% recorded the previous year. Public order, theft and handling, sexual offences and robbery accounted for a further 11% (13% in 2007-08), 12% (8%), 7% (2%) and 6% (4%) respectively. The proportions recorded as burglary fell from 8% to 5%. A similar pattern was recorded for men, with 44% being categorised as offences against the person, 12% as public order, 9% as theft and handling, sexual offences 8% and 7% as robbery. There was a slightly different pattern for women, offences against the person being higher at 51%, while public order was lower at 9%. Theft and handling was far higher at 23%. Men comprised 77% of defendants whose principal offence was identified as offences against the person, and women comprised 40% of defendants categorised with a theft and handling offence. The pattern of offences differed from that for other hate crimes, with a lower level of public order offences and a higher proportion of property offences (theft and handling, burglary and robbery).

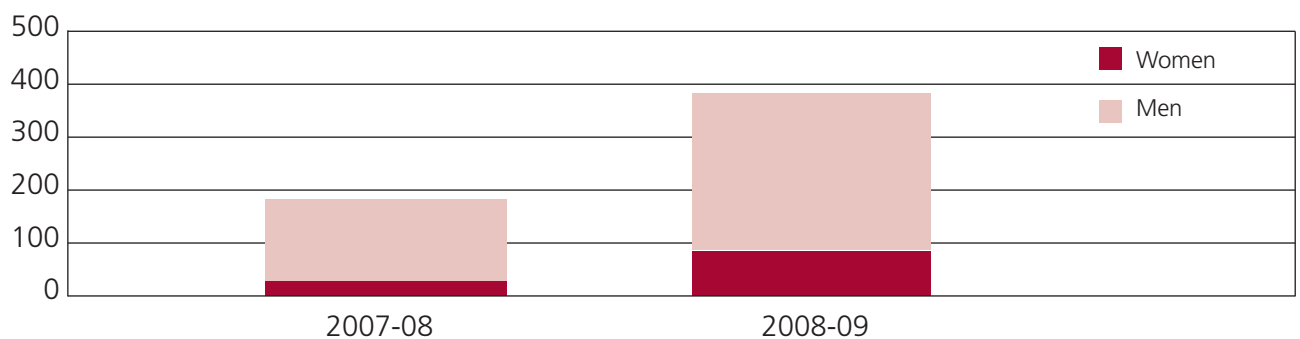
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. 79% of defendants prosecuted were men, lower than the other hate crime strands.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09	
	Volume	%	Volume	%
Women	33	18.0%	83	21.1%
Men	150	82.0%	310	78.9%
Unknown	0	0.0%	0	0.0%
Total	183		393	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, 78% of disability hate crime defendants were identified as belonging to the White British category, and 79% were categorised as White, compared with 83% and 86% in 2007-08. 2% of defendants were identified as Asian, and just over 7% were identified as Black compared with 4% in the previous year. 3% of defendants did not state an ethnicity on arrest.

Other equality data

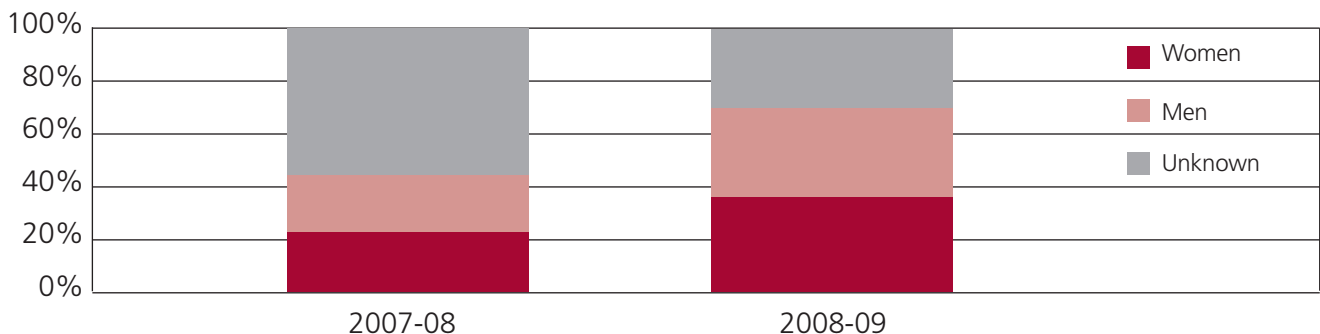
Data on the religion or belief and disability of defendants have been collected since April 2007 and the completeness and accuracy of this data remain under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available for disability hate crimes from April 2007: however, the completeness and accuracy of this information remains under development. Of those victims whose gender was identified in 2008-09, 55% were women. This contrasts with the other hate crime strands where the majority of victims were men.

Table 7 – Gender of victims*



	2007-08		2008-09	
	Volume	%	Volume	%
Women	30	20.8%	106	37.9%
Men	33	22.9%	85	30.4%
Unknown	81	56.3%	89	31.8%
Total	144		280	

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

Other equality data

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

Disability Hate Crime Services

This information has been collected since April 2007. Of those victims and witnesses referred to a support service or specialist agency, none were recorded as being referred to a specific 'specialist agency', while 83% were referred to either a victim or witness support agency, and 17% were subject to an 'other referral'; compared with 32% and 68% respectively in 2007-08. The completeness and accuracy of this information remain under development.

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

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	10,690	82.0%	2,340	18.0%	13,030
Avon & Somerset	309	84.7%	56	15.3%	365
Bedfordshire	92	84.4%	17	15.6%	109
Cambridgeshire	75	82.4%	16	17.6%	91
Cheshire	181	81.9%	40	18.1%	221
Cleveland	114	83.8%	22	16.2%	136
Cumbria	103	83.7%	20	16.3%	123
Derbyshire	176	77.9%	50	22.1%	226
Devon & Cornwall	106	76.3%	33	23.7%	139
Dorset	102	86.4%	16	13.6%	118
Durham	135	83.9%	26	16.1%	161
Dyfed Powys	45	84.9%	8	15.1%	53
Essex	218	84.2%	41	15.8%	259
Gloucestershire	103	80.5%	25	19.5%	128
Greater Manchester	1,080	83.2%	218	16.8%	1,298
Gwent	60	81.1%	14	18.9%	74
Hampshire & IOW	401	77.1%	119	22.9%	520
Hertfordshire	182	80.9%	43	19.1%	225
Humberside	122	83.0%	25	17.0%	147
Kent	238	81.2%	55	18.8%	293
Lancashire	508	84.0%	97	16.0%	605
Leicestershire	284	85.5%	48	14.5%	332
Lincolnshire	86	83.5%	17	16.5%	103
Merseyside	293	74.4%	101	25.6%	394
Metropolitan & City	1,432	77.2%	424	22.8%	1,856
Norfolk	150	88.8%	19	11.2%	169
Northamptonshire	72	92.3%	6	7.7%	78
Northumbria	332	81.0%	78	19.0%	410
North Wales	194	80.8%	46	19.2%	240
North Yorkshire	85	93.4%	6	6.6%	91
Nottinghamshire	225	81.8%	50	18.2%	275
South Wales	202	79.8%	51	20.2%	253
South Yorkshire	262	85.6%	44	14.4%	306
Staffordshire	201	84.5%	37	15.5%	238
Suffolk	130	86.1%	21	13.9%	151
Surrey	127	87.6%	18	12.4%	145
Sussex	313	82.6%	66	17.4%	379
Thames Valley	346	81.4%	9	18.6%	425
Warwickshire	94	92.2%	8	7.8%	102
West Mercia	200	86.6%	31	13.4%	231
West Midlands	801	84.6%	146	15.4%	947
West Yorkshire	416	82.9%	86	17.1%	502
Wiltshire	95	84.8%	17	15.2%	112

CPS total racially and religiously aggravated crime prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	9,576	82.4%	2,048	17.6%	11,624
Avon & Somerset	273	84.5%	50	15.5%	323
Bedfordshire	85	86.7%	13	13.3%	98
Cambridgeshire	63	80.8%	15	19.2%	78
Cheshire	155	82.0%	34	18.0%	189
Cleveland	105	84.7%	19	15.3%	124
Cumbria	83	85.6%	14	14.4%	97
Derbyshire	135	77.6%	39	22.4%	174
Devon & Cornwall	89	76.1%	28	23.9%	117
Dorset	86	86.9%	13	13.1%	99
Durham	121	86.4%	19	13.6%	140
Dyfed Powys	39	86.7%	6	13.3%	45
Essex	205	84.4%	38	15.6%	243
Gloucestershire	92	83.6%	18	16.4%	110
Greater Manchester	996	83.3%	200	16.7%	1,196
Gwent	45	83.3%	9	16.7%	54
Hampshire & IOW	355	76.8%	107	23.2%	462
Hertfordshire	167	80.7%	40	19.3%	207
Humberside	102	81.6%	23	18.4%	125
Kent	208	81.6%	47	18.4%	255
Lancashire	462	83.2%	93	16.8%	555
Leicestershire	273	86.1%	44	13.9%	317
Lincolnshire	76	84.4%	14	15.6%	90
Merseyside	247	73.3%	90	26.7%	337
Metropolitan & City	1,302	77.8%	372	22.2%	1,674
Norfolk	124	89.2%	15	10.8%	139
Northamptonshire	64	95.5%	3	4.5%	67
Northumbria	303	81.0%	71	19.0%	374
North Wales	160	81.6%	36	18.4%	196
North Yorkshire	79	94.0%	5	6.0%	84
Nottinghamshire	215	82.4%	46	17.6%	261
South Wales	184	79.7%	47	20.3%	231
South Yorkshire	238	86.9%	36	13.1%	274
Staffordshire	178	85.6%	30	14.4%	208
Suffolk	113	85.6%	19	14.4%	132
Surrey	112	87.5%	16	12.5%	128
Sussex	250	82.5%	53	17.5%	303
Thames Valley	319	82.0%	70	18.0%	389
Warwickshire	89	93.7%	6	6.3%	95
West Mercia	177	87.2%	26	12.8%	203
West Midlands	732	84.8%	131	15.2%	863
West Yorkshire	385	83.3%	77	16.7%	462
Wiltshire	90	84.9%	16	15.1%	106

CPS total homophobic crime prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	815	80.5%	198	19.5%	1,013
Avon & Somerset	28	84.8%	5	15.2%	33
Bedfordshire	6	66.7%	3	33.3%	9
Cambridgeshire	10	90.9%	1	9.1%	11
Cheshire	21	84.0%	4	16.0%	25
Cleveland	7	77.8%	2	22.2%	9
Cumbria	19	76.0%	6	24.0%	25
Derbyshire	14	93.3%	1	6.7%	15
Devon & Cornwall	14	93.3%	1	6.7%	15
Dorset	14	87.5%	2	12.5%	16
Durham	9	64.3%	5	35.7%	14
Dyfed Powys	6	75.0%	2	25.0%	8
Essex	9	75.0%	3	25.0%	12
Gloucestershire	8	80.0%	2	20.0%	10
Greater Manchester	62	81.6%	14	8.4%	76
Gwent	10	83.3%	2	16.7%	12
Hampshire & IOW	28	73.7%	10	26.3%	38
Hertfordshire	14	87.5%	2	12.5%	16
Humberside	11	84.6%	2	15.4%	13
Kent	24	75.0%	8	25.0%	32
Lancashire	42	93.3%	3	6.7%	45
Leicestershire	8	80.0%	2	20.0%	10
Lincolnshire	4	66.7%	2	33.3%	6
Merseyside	40	80.0%	10	20.0%	50
Metropolitan & City	104	74.8%	35	25.2%	139
Norfolk	19	86.4%	3	13.6%	22
Northamptonshire	6	66.7%	3	33.3%	9
Northumbria	18	78.3%	5	21.7%	23
North Wales	25	73.5%	9	26.5%	34
North Yorkshire	5	83.3%	1	16.7%	6
Nottinghamshire	8	72.7%	3	27.3%	11
South Wales	14	93.3%	1	6.7%	15
South Yorkshire	18	78.3%	5	21.7%	23
Staffordshire	14	87.5%	2	12.5%	16
Suffolk	14	87.5%	2	12.5%	16
Surrey	13	86.7%	2	13.3%	15
Sussex	42	85.7%	7	14.3%	49
Thames Valley	19	73.1%	7	26.9%	26
Warwickshire	2	50.0%	2	50.0%	4
West Mercia	16	80.0%	4	20.0%	20
West Midlands	43	89.6%	5	10.4%	48
West Yorkshire	22	71.0%	9	29.0%	31
Wiltshire	5	83.3%	1	16.7%	6

CPS disability hate crime prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	299	76.1%	94	23.9%	393
Avon & Somerset	8	88.9%	1	11.1%	9
Bedfordshire	1	50.0%	1	50.0%	2
Cambridgeshire	2	100.0%	0	0.0%	2
Cheshire	5	71.4%	2	28.6%	7
Cleveland	2	66.7%	1	33.3%	3
Cumbria	1	100.0%	0	0.0%	1
Derbyshire	27	73.0%	10	27.0%	37
Devon & Cornwall	3	42.9%	4	57.1%	7
Dorset	2	66.7%	1	33.3%	3
Durham	5	71.4%	2	28.6%	7
Dyfed Powys	0	0.0%	0	0.0%	0
Essex	4	100.0%	0	0.0%	4
Gloucestershire	3	37.5%	5	62.5%	8
Greater Manchester	22	84.6%	4	15.4%	26
Gwent	5	62.5%	3	37.5%	8
Hampshire & IOW	18	90.0%	2	10.0%	20
Hertfordshire	1	50.0%	1	50.0%	2
Humberside	9	100.0%	0	0.0%	9
Kent	6	100.0%	0	0.0%	6
Lancashire	4	80.0%	1	20.0%	5
Leicestershire	3	60.0%	2	40.0%	5
Lincolnshire	6	85.7%	1	14.3%	7
Merseyside	6	85.7%	1	14.3%	7
Metropolitan & City	26	60.5%	17	39.5%	43
Norfolk	7	87.5%	1	12.5%	8
Northamptonshire	2	100.0%	0	0.0%	2
Northumbria	11	84.6%	2	15.4%	13
North Wales	9	90.0%	1	10.0%	10
North Yorkshire	1	100.0%	0	0.0%	1
Nottinghamshire	2	66.7%	1	33.3%	3
South Wales	4	57.1%	3	42.9%	7
South Yorkshire	6	66.7%	3	33.3%	9
Staffordshire	9	64.3%	5	35.7%	14
Suffolk	3	100.0%	0	0.0%	3
Surrey	2	100.0%	0	0.0%	2
Sussex	21	77.8%	6	22.2%	27
Thames Valley	8	80.0%	2	20.0%	10
Warwickshire	3	100.0%	0	0.0%	3
West Mercia	7	87.5%	1	12.5%	8
West Midlands	26	72.2%	10	27.8%	36
West Yorkshire	9	100.0%	0	0.0%	9
Wiltshire	0	0.0%	0	0.0%	0

Glossary

Hate crimes

- Racial & religious incidents: a racist or religious incident is any incident which is perceived to be racist by the victim or any other person.
- Homophobic crime: any incident which is perceived to be homophobic or transphobic by the victim or by any other person.
- Disability hate crime: any incident which is perceived by the victim or any other person to be based upon prejudice towards, or hostility towards, the victim because of their disability.

Monitoring flags:

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

Case outcomes

Pre-charge decisions:

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

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

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

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

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

Prosecutions:

all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.

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

Reason categories for unsuccessful outcomes

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

Reasons for unsuccessful outcomes

- Victim retraction: where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
- Victim non-attendance: the victim is called as a witness in a trial, but fails to attend court.
- Victim evidence does not support case: the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
- Conflict of evidence: contradictions in prosecution evidence leads to an unsuccessful prosecution
- Essential legal element: 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.

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