

Crown Prosecution Service

Delivering Justice



Prosecuting Hate Crime
Housing Diversity Network
October 2020

Crown Prosecution Service

- CPS prosecutes criminal cases in England and Wales;
- We are independent and make decisions independently of police and government;
- Our duty is to make sure that the right person is prosecuted for the right offence;
- Any hate crime requiring a charge must be brought to the CPS by the police;
- The CPS works closely with the police, courts, judiciary and others to deliver justice.

Crown Prosecution Service

- Prosecutors must be fair, objective and independent;
- The Code for Crown Prosecutors sets out the principles that apply to our decisions;
- For every charging decision, we must be satisfied that:
 - there is a realistic prospect of conviction; AND
 - that it is in the public interest to prosecute.

Code for Crown Prosecutors

“It is more likely that prosecution is required if the offence was motivated by any form of prejudice against the victim’s actual or presumed ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or if the suspect targeted or exploited the victim, or demonstrated hostility towards the victim, based on any of those characteristics.”

Hate Crime Policy and Guidance

Agreed NPCC /CPS definition:

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

Hate Crime Policy and Guidance

- victim or any other person (e.g. investigating officer or CPS lawyer) considers an element of hostility involved and police believe a crime's been committed;
- perception-based test focused on subjective view of victim;
- Macpherson Report considered hate crime not being taken seriously;
- objective evidence required in support of perception.

Hate Crime Policy and Guidance

- Realistic Prospect of Conviction (charging standard);
- Not CPS role to assign guilt;
- Beyond a reasonable doubt (court standard);
- Facts and circumstances of each case;
- Evidence-led prosecution;
- Independent corroboration; witnesses; CCTV; text messages; screen shots.

Hate Crime Policy and Guidance

- Demonstration: abusive words towards the personal characteristic or presumed personal characteristic, and action or behaviour targeting something specific to the personal characteristic or presumed personal characteristic, such as a hijab, a yarmulke or a mobility aid.
- Motivation: offender may have committed similar offences previously; expressed prejudicial attitudes or supported those with prejudicial attitudes, either online, with neighbours and friends or with other potential witnesses.
- It can be helpful to keep a log or a diary of incidents, taking photos of any damage.

Hate Crime Policy and Guidance

	2018/19			2019/20		
	Completed Prosecutions	Conviction Rate	Uplift	Completed Prosecutions	Conviction Rate	Uplift
Disability	579	72.4%	27.5%	360	81.1%	33.2%
Racially	9,931	84.7%	76.3%	8,526	85.2%	79.8%
Religiously	605	83.8%	76.1%	452	84.7%	78.8%
Homophobic	1,624	86.8%	70.9%	1,514	87.6%	74.0%
Transphobic	89	74.2%	48.4%	91	75.8%	66.2%

Available Support

- Reasonable adjustments
- Special Measures
- Role of police and WCUs
- Victim Support/Third party reporting centres
- Victim Personal Statements
- Community Impact Statements

Hate Crime Quality Assurance

The CPS operates a network of specialist prosecutors, Hate Crime Coordinators, who work in all 14 CPS Area and CPS Direct with the aim of improving hate crime performance and casework quality through support and feedback to colleagues.

The Hate Crime Assurance scheme was introduced in 2015 and provides for checks on live cases by our Hate Crime Coordinators. The checks allow for feedback in real time, which improves the chances of a successful outcome, overall performance and casework quality.

Hate Crime Training

Between 2015/18, the CPS mandated training on hate crime for all prosecutors. The training courses were developed with the input of a Project Board on which sat a number of community stakeholders such as CST and Tell MAMA.

New training package involves;

- a module on the Lawyer Induction Programme;
- a half day refresher course for prosecutors; and
- 1.5 day training course mandated for all new starters.

Community Engagement

In December 2018, CPS established a Hate Crime External Consultative Group. The ECG acts as a critical friend on all matters relating to hate crime. The most recent meeting in August 2020 reviewed plans for the coming months and looked in detail at project proposals to improve casework.

Other resources:

- CPS Area Inclusion and Community Engagement Managers;
- Community Conversations;
- Central Hate Crime Team;
- Local Involvement and Scrutiny Panels;
- National Scrutiny Panels.