CPS

Hate crime and crimes against older people report

2010-2011

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Foreword by the Director of Public Prosecutions

All crime is unacceptable but offences that are driven by hostility or hatred based on personal characteristics set a particular challenge to a civilised society. For the Crown Prosecution Service (CPS) therefore, effectively addressing all forms of hate crime and crimes targeting older people remain a core commitment.

The CPS Core Quality Standards[1] were introduced in 2010. The standards describe the quality of service that can be expected by victims, witnesses and defendants and set out the essential considerations for the prosecution of all crime. We regularly monitor the number and quality of our hate crime prosecutions and continually review the guidance provided to our prosecutors to ensure that our performance and the service that we provide to the victims of hate crime improves. This report sets out our performance and highlights any emerging trends.

During 2010/11, we prosecuted 15,284 hate crimes which is 10% more than we prosecuted in the previous year and 12,651 of these cases resulted in a successful outcome this is 11% more than the previous year. I am also particularly pleased that 85.5% of our successful cases involved a guilty plea as this demonstrates that our prosecutors are building stronger cases. This increase in guilty pleas benefits the victims of these crimes and the efficiency of the criminal justice system.

We continue to improve our understanding of all aspects of hate crime through our joint work with organisations such as MIND and the scrutiny and feedback on our handling of hate crime cases provided by our local scrutiny panels and our network of Hate Crime Coordinators. Therefore, although, I am pleased by the improvements in our performance during this year, there is still room for improvement so I am in no way complacent about the task ahead; particularly in relation to disability and transphobic hate crime where I believe we are very much at the beginning of our journey.

We have identified key lessons to take forward next year with the assistance of stakeholders locally and nationally. In 2011/12, our Equality and Diversity objectives will reflect our commitment to improving hate crime performance and we look forward to working with other government agencies on the development of the new Hate crime action plan and to working with the Equality and Human Rights Commission to take forward the recommendations from their Inquiry into disability related harassment with a view to building on our progress next year.

Keir Starmer QC
Director of Public Prosecutions
January 2012

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[1]For more information about Core Quality Standards see the publications section of the CPS website at www.cps.gov.uk

Executive Summary

The format for the 20010/11 annual report has changed to reflect the move from quantitative targets to the quality of prosecutions. The shift can be seen in the increased significance of trends over time and Area performance compared with the national which both contribute to overall effectiveness.

The report makes use of casework to highlight positive outcomes and provides examples of successful practice often supported by the contributions of others.

The policy development, research and guidance that supports these outcomes, plays a critical role in improving performance and for that reason is also included.

In line with government policy, we publish the underlying data used in our reports. The underlying data for this report can be found on the CPS website data section at www.cps.gov.uk/data/hate_crime/.

Hate crime

During the year, we have moved from centrally managed performance targets towards a validation measurement system which provides performance information at Group and Area level and which aims to drive improvements down to local areas. Hate crime validation measures address attrition rates as a percentage of unsuccessful outcomes from charge to conviction for racist and religiously aggravated crimes, homophobic and transphobic crimes and disability hate crimes. The volume of disability hate crime is also measured as a percentage of total caseload as part of quarterly quality assessments. As a result, we can now provide data at CPS Group and Area level[2] (see Annex 1).

Since 2006/07, the number of hate crime cases referred to the CPS for decision by the police has steadily increased from 14,133 to 15,519. The proportion of these cases charged has also increased from 59.4% to 72.0%. Over the same period, the proportion of decisions not to prosecute for evidential or public interest reasons has dropped from 20.7% to 16.8%. This trend over time suggests that aspects of investigation and prosecution are improving as we become better at recognising and responding to hate crime across all strands.

Between 2006/07 and 20010/11, the proportion of successful convictions across all types of hate crime has increased from 76.8% to 82.8%, while the number of prosecutions has also increased from 12,535 to 15,284. Of successful outcomes, 85.5% involved a guilty plea.

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[2] In 2010-11, there were 13 CPS Groups and 42 Areas; in 2011 the 13 Groups became 13 Areas with 42 police districts. As this report covers 2010/11, it will refer to the 13 Groups and 42 Areas as operating at that time.

Graph 1: Total hate crime



The number of racist and religiously aggravated crime increased over 2010/11, although as a proportion of hate crime overall it has decreased as more homophobic and transphobic and disability hate crime is reported.

Prosecutions can fail for a variety of reasons but the most common reason for an unsuccessful outcome remains acquittal after trial. This suggests that we need to work harder to present the facts of the case to counter any misconceptions on the part of jury members. The most common reason within victim issues remains the unexpected non-attendance of victims, which might suggest that we need to ensure better support for victims throughout the process.

The most commonly prosecuted cases were offences against the person and public order offences (44.3% and 36.3% respectively).

The majority of defendants across all hate crime strands were men (83.3%).
73.7% of defendants were identified as belonging to the White British category
50.9% of defendants were aged between 25-59 and 28.9% between 18-24.

Our first assessment of activity under Core Quality Standard 12 relating to community engagement was undertaken in 2010/11. Relevant findings include:

- Hate Crime Scrutiny Panels (HCSPs) have been used as an effective tool to enhance understanding of the role of the CPS.
- Feedback from community scrutiny and wider engagement activity has led to improvements in decision-making and case handling in some Areas.
- The case scrutiny process has generated significant feedback in relation to the prosecution of hate crime and Violence Against Women cases.

Racially and religiously aggravated hate crime

- We are reporting racially and religiously aggravated crime separately for the first time. The aim is to provide a more detailed picture of the experience of hate crime within communities as well as its impact in future.
- We have undertaken equality impact assessments and further analysis to assess the potential for disproportionality within charging decisions and outcomes in response to the question of community confidence.
- The number of convictions for racist and religious hate crime rose from 10,398 (80%) of concluded cases in 2007/08 to 11,038 (83%) last year.
- Unsuccessful prosecutions represent a smaller proportion of concluded cases, 16.9% in 2010/11 as opposed to 20.1% in 2007/08.
- The proportion of racist and religious hate crimes failing due to victim issues has declined over the period to 19.7% from 22.5% in 2007/08.
- Of the 12,711 racist offences prosecuted in 2010/11, 10,566 (83.1%) were successful. 71.5% of all outcomes were guilty pleas.
- The proportion of unsuccessful prosecutions of racist offences fell year by 3 percentage points since 2007. The total volume of unsuccessful cases fell by 20% from 2,575 to 2,145 over this period.
- The proportion of cases of racist hate crime failing due to victim issues has declined from 22.4% in 2007/08 to 19.8% last year.
- In 2010/11, the CPS was successful in 472 or 83.4% of cases prosecuted for religious hostility, proportionately similar to the previous year but in numerical terms, representing a 94.2% increase in convictions. Guilty pleas increased on the previous year by 7 percentage points.
- The proportion of cases failing due to victim issues overall has declined over the period to 17.0% down from 25.7% in 2007/08.

Homophobic and transphobic hate crime

- To improve our understanding of hate crime impacting on trans individuals and communities, we examined case files to identify all those cases involving transphobic hostility.
- The number of convictions for homophobic and transphobic hate crime rose from 778 (78.2%) of concluded cases in 2007/08 to 1,034 (80.7%) in 2010/11. This represents a 33% increase in successful prosecutions over the last four years.
- Over the same period, the number and rate of guilty pleas has remained fairly constant at around 67% of all outcomes.
- Unsuccessful prosecutions represent a reducing proportion of concluded cases, 19.3% in 2010/11 as opposed to 21.8% in 2007/08, although numerically, they have increased over the period by 14%, from 217 to 247.
- The proportion of cases failing due to victim issues overall has increased over the period from 17.1% in 2007/08 to 24.3% in 2010/11.

Disability hate crime

- The CPS produced public policy statements and guidance for prosecutors, (Supporting Victims and Witnesses with a Learning Disability and Supporting Victims and Witnesses with Mental Health Issues) and issued guidance on the distinction between vulnerability and hostility in the context of disability hate crime.
- The volume of cases referred to the CPS by the police for charging fell in 2010/11 by over 4% to 690 compared to the previous year. However, since 2007/08 the number of cases referred has increased by 147%.
- The number of convictions rose from 141 or 77% of concluded cases in 2007/08 to 579 or 79.8% in 2010/11. This represents an increase in the number of successful prosecutions over the 4-year period of 311%.
- Over the same period, the proportion of guilty pleas decreased by 6 percentage points to 65.4% of total prosecutions.
- Unsuccessful prosecutions made up a smaller proportion of concluded cases (20.2%) in 2010/11 than they did in 2007/08 (23.0%), although numerically they have increased by 250.0% from 42 to 147.
- The proportion of cases failing due to key reasons has steadily increased from 59.5% to 74.1% over the period with acquittal after trial representing the largest proportion and the greatest volume.

Crimes against older people

- 2010/11 saw improvement in our performance on crimes against older people. The volume of cases referred to us by the police rose year on year and the volume of defendants charged increased by 44% to 2,213. The proportion of cases charged rose by just over 4 percentage points on 2009/10.
- Although the number of convictions increased considerably (38%) year on year, the proportion fell slightly by just over 2 percentage points. Since 2008/09, the number and rate of guilty pleas has increased to 73.2% of all outcomes.
- Unsuccessful prosecutions represent a reducing proportion of concluded cases, 20.0% in 2010/11 as opposed to 21.3% in 2008/09, although numerically, they have increased over the period by 163%, from 214 to 563.
- The proportion of cases failing due to key reasons has fallen slightly from 68.2% to 65.7% over the period with acquittal after trial and essential legal element missing representing the largest proportion and the greatest volume.

Introduction

This is the fourth CPS annual hate crime report and provides information on our performance in prosecuting the following crimes in 2010/11:

- Racist and religious hate crime
- Homophobic and transphobic hate crime
- Disability hate crime

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

ACPO and the CPS have agreed a common definition of hate crime:

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

The Code for Crown Prosecutors governs how we make decisions about the prosecution of crime, including hate crime and our Core Quality Standards provide a set of performance standards for all aspects of our work, including prosecution.

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

CPS data are available through its Case Management System (CMS) and associated Management Information System (MIS). The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007. These data have been drawn from the CPS's administrative IT system, which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

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

During the year, we moved from centrally managed performance targets towards a validation measurement system which provides performance information at a regional level, and which aims to drive improvements down to local Areas. Hate crime validation measures address attrition rates as a percentage of unsuccessful outcomes from charge to conviction for racist and religiously aggravated crimes, homophobic and transphobic crimes and disability hate crimes. The volume of

disability hate crime is also measured as a percentage of total caseload as part of quarterly quality assessments. As a result, we can now provide data at a Group, or CPS Area level (see Annex 1).

The emphasis in this year's annual hate crime report is on using the information we have in order to identify areas for improvement. This may involve trends over time or looking at the links between Area and national performance. The current report sees these relative positions as the first step to looking in detail for explanations as well as responses.

In 2010/11, the high performing Areas in relation to attrition rates across all hate crime i.e. the lowest proportion of unsuccessful cases were as follows:

Table1: All hate crime prosecutions by outcome highlighting the top three performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	12,651	82.8%	2,633	17.2%	15,284
South East	758	86.3%	120	13.7%	878
Eastern	707	86%	115	14.0%	822
East Midlands	1,067	85.4%	182	14.6%	1,249

The national average for the number or volume of cases showed an increase of 9.8% on the previous year. The Areas that showed the largest increase by volume of all hate crime prosecutions were: London 33.7%, South East 16.8% and East Midlands 14.0%.

Community engagement

Our first annual assessment of activity under Core Quality Standard 12 relating to community engagement was undertaken in 2010/11. Supported by guidance on the process, the assessment looked for:

- evidence of focused engagement that increased understanding, improved confidence as well as prosecution performance;
- improvements arising from Hate Crime Scrutiny Panels to decision-making and case handling; and
- the identification of local priorities in partnership with the police and others.

Relevant findings arising from the assessment include:

- Hate Crime Scrutiny Panels (HCSPs) have been used as an effective tool to enhance understanding of the role of the CPS.
- Feedback from community scrutiny and wider engagement activity has led to improvements in decision-making and case handling in some Areas. Good practice should be shared more widely within Areas to ensure consistency and performance improvement.

- The case scrutiny process has generated significant feedback in relation to the prosecution of hate crime and VAW cases. Areas need to ensure that there are clear mechanisms in place to disseminate the outcomes from panels to inform decision-making and develop local responses.

Case study

The value of scrutiny panels can be seen in one example of local experience, reflected in many parts of the country, leading to discussion and practical outcomes. The use of internet and social networking in perpetrating hate crime was raised in discussion by a number of panels. A small working group was established within CPS Merseyside and Cheshire. The aim was to develop guidance to inform prosecutors and police and help get the message across more widely that this kind of abuse will not be tolerated. Additional comments were provided by the Equality and Diversity Unit and the policy lead on internet hate crime within Strategy and Policy Directorate to ensure the guidance was applicable across all CPS Areas.

Racially and religiously aggravated hate crime

The CPS has reported on the prosecution of racist and religious hate crime since April 2005. Since then, the number of offences referred to us by the police as well as the number and rate of successful prosecutions have steadily increased. Such offences are widespread and persistent. People from a wide range of ethnic backgrounds and religious affiliations continue to be affected by hate crime. The list of groups affected is long and can be affected over time by changed circumstances and the prevailing context. All the more reason for making sure that the work we do engaging communities is informed by effective use of data and an appreciation of the wider social context in which we work.

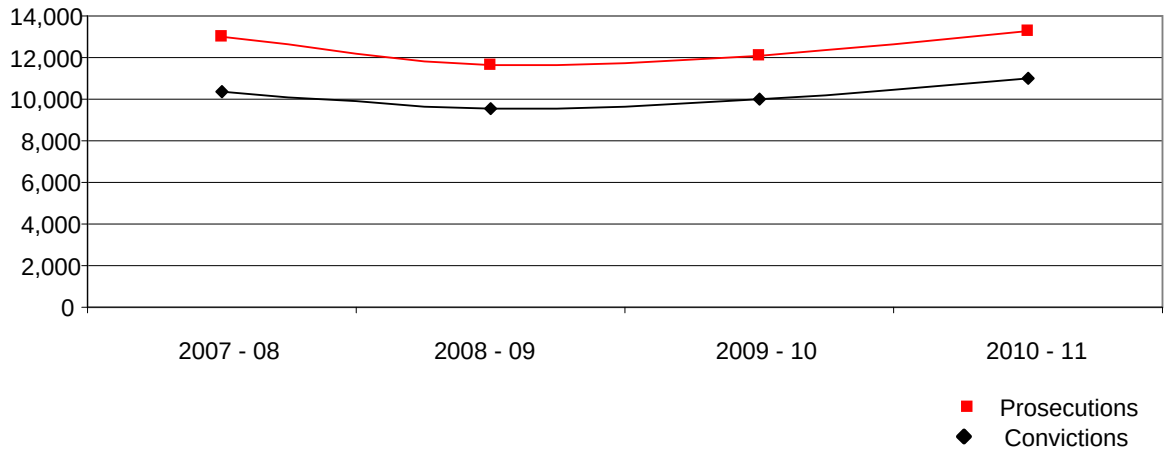
In recognising that the wider experience of the criminal justice system can have an impact on the confidence of communities to report incidents of hate crime, equality impact assessments have been undertaken in previous years to assess the potential for disproportionality in charging decisions impacting on different groups. Initial results showed little variation overall but did highlight some variations impacting on women from certain black and minority ethnic communities. Further internal analysis during the year confirmed this finding and highlighted variations between CPS Areas. As a result, it is planned to carry out externally commissioned research to examine the outcome of prosecutions affecting these groups across a number of CPS Areas in 2011/12.

This year as part of our commitment to improving the data we are able to publish, we are reporting separately, by racist and religious aggravation, for the first time.

In the year 2010/11, we saw some improvement in our performance on racist and religious hate crime. The volume of defendants referred to us for a charging decision by the police rose by almost 4% to 13,445.

The number of convictions for racist and religious hate crime rose from 10,398 or 80% of concluded cases in 2007/08 to 11,038 or 83% in 29010/11. This represents an increase of 6% in the volume of successful prosecutions over the four year period. During the same period, the number and rate of guilty pleas increased by 5 percentage points to 71.5% of all outcomes.

Graph 2: Total racially and religiously aggravated hate crime

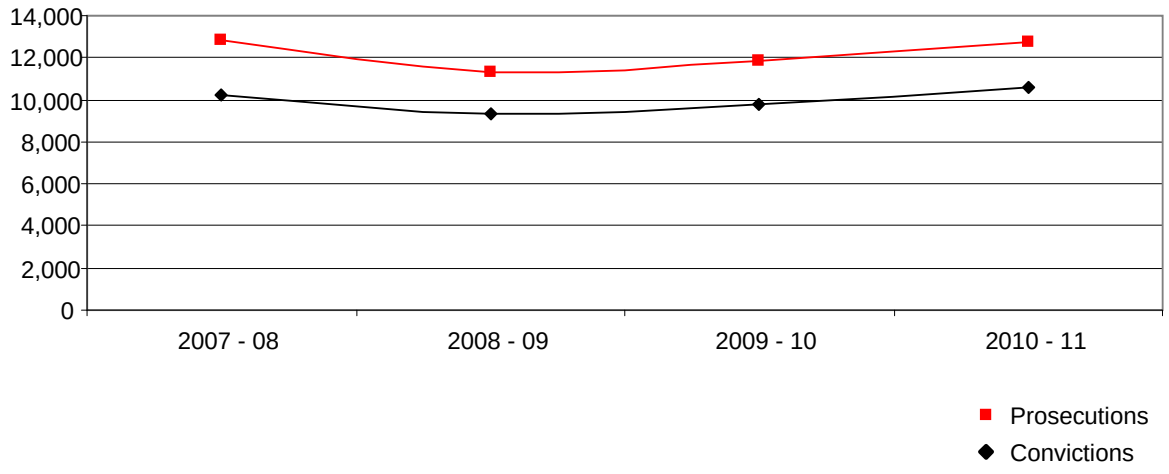


Unsuccessful prosecutions represent a smaller proportion of concluded cases, 16.9% in 2010/11 as opposed to 20.1% in 2007/08, and have decreased in numerical terms over the period by 16.5%, from 2,610 to 2,239.

The proportion of cases failing due to victim issues overall has declined over the period to 19.7% down from 22.5% in 2007/08. The proportion of cases failing due to key reasons has steadily increased from 65.1% to 68.6% over the period with acquittal after trial representing the largest proportion and the greatest volume.

Examined separately, the total volume of race crime defendants referred to the CPS for a charging decision by the police increased over the four-year period by 3% to 13,038. Of the 12,711 cases prosecuted in 2010/11, 10,566 or 83.1% of cases were successful. 71.5% of all outcomes were guilty pleas.

Graph 3: Total racially aggravated hate crime



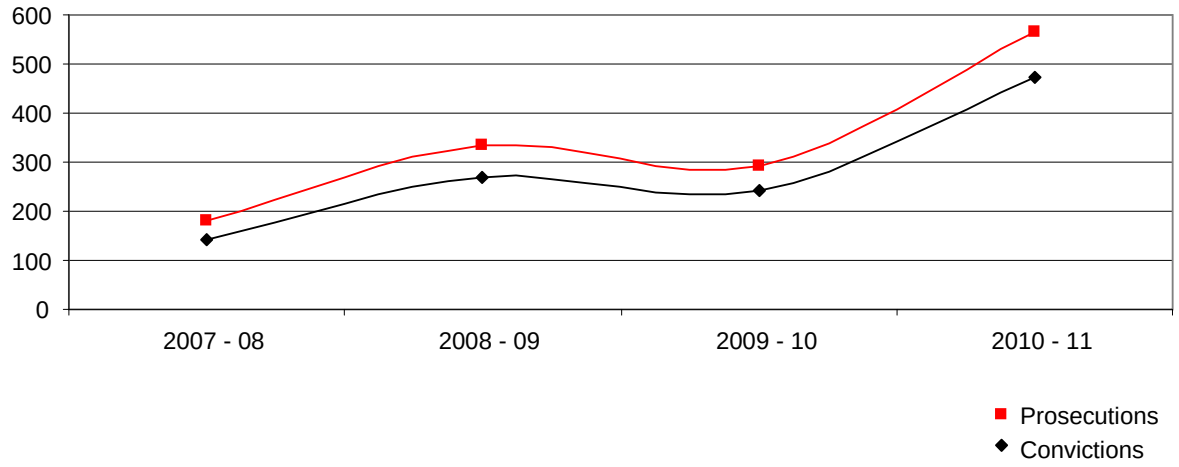
The proportion of unsuccessful prosecutions fell again year on year and by 3 percentage points since 2007. The total volume of unsuccessful cases fell by 20% from 2,575 to 2,145 over this period.

The proportion of cases failing due to victim issues overall has declined over the period to 19.8% down from 22.4% in 2007/08. The proportion of cases failing due to key reasons has steadily increased from 65.0% to 68.6% over the period with acquittal after trial representing the largest proportion and the greatest volume. Just over 9% of unsuccessful outcomes were due to those who unexpectedly did not attend, which remains twice the average for all prosecutions this year.

The total number of cases identified as involving crimes motivated by hostility on the grounds of religion that were referred to the CPS by the police increased by 45% to 407.

In 2010/11, the CPS was successful in 472 or 83.4% of cases prosecuted for religious hostility, proportionately similar to the previous year but in numerical terms, representing a 94.2% increase in convictions. Guilty pleas increased on the previous year by 7 percentage points after falling since 2007/08.

Graph 4: Total religiously aggravated hate crime



The proportion of cases failing due to victim issues overall has declined over the period to 17.0% down from 25.7% in 2007/08. The proportion of cases failing due to key reasons has also fallen from 74.3% to 69.1% over the period with acquittal after trial representing the largest proportion and the greatest volume.

Separating prosecution data relating to racist and religious offences should provide a more detailed and informative picture of the experience of hate crime within communities as well as its impact in future. The low number of current religious hate crime cases should be taken into account when analysing the data.

At the end of a prosecution, defendants are allocated a **principal offence category** to indicate the type and seriousness of the charges brought. Offences against the person and public order offences were the most common representing 81.8% of all racist and religiously aggravated crime prosecutions (44.2% and 37.6% respectively).

What we know about **defendants** in racist and religiously motivated crimes is that the majority are men (83.4%). Most defendants were White British (73.4%) and the majority were aged between 25-59 accounting for 51.3% and a further 28.8% were aged between 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 2.6% and 20.2% respectively in 2007/08 to 1.7% and 14.9%.

What we know about **victims** is that 58.3% were men and 26.2% were women. The number of victims with no identified gender at 15.5% represents a significant improvement since 2007/08 when it stood at 56.0%. We are still working to improve our data relating to the victims of hate crime.

Most victims (56.9%) were aged between 25-59 with a further 13.1% were aged between 18-24. Since 2007/08 the proportion of ages which were not provided have dropped from 59.0% to 22.7%.

The proportion of ethnicity which was either not provided or was not stated has dropped from 77.2% in 2007/08 to 56.2% in 2010/11. Progress is being made but clearly a lot more needs to be done by all concerned to improve this aspect of data collection.

Victim care measures

This is the second year that we have been able to publish data in this area. The data relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing such as a trial, Newton[3] or special reasons hearing or appeal against conviction and the Witness Care Unit was involved in supporting the victim. Where victims and witnesses in cases that are particularly serious or sensitive are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

During 2010/11, a number of CPS Areas were either not using the Witness Management System (WMS) or not using the system fully, therefore the data provided in this area of the report are not complete. The WMS is intended for use as a Casework Management System and not as a monitoring tool, therefore data may not be consistent or robust as other data contained in this report.

In 2010/11, 4,318 instances or 64.3% referrals to support services were offered to relevant victims of racist or religiously aggravated crime. This represents an increase of 2.7 percentage points on the previous year. These offers of referral translated into 1,714 actual referrals or 39.7%, a slight decrease over the previous year's figures of 1,426 (40.2%).

[3] A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him or her. Usually, it means that the defendant is claiming that he or she played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial jury except there is no jury.

Attendance at court

Of those victims of racist and religiously aggravated crimes required to attend court (5,018) 89.1% attended.

Area performance

Two men were arrested having made a large number of postings on a website forum which included calls for the killing of Jews and black people. The postings also demonstrated hatred towards Jews, black people, Muslims and people of Asian background.

One of the men was charged with a number of offences including soliciting murder and using threatening, insulting words or behaviour intending to stir up racial hatred. He admitted to police that he had made such posts, but dismissed his actions as "talking rubbish" on the internet.

The other man's home was searched and his computers were seized. He had made posts calling for the killing of Jews and demonstrating hatred for people who were not white. He had also downloaded publications from the internet and bought a book in hard copy which provided instructions on how to make bombs and other explosive devices. He had also distributed to forum members an instructional video on the making an improvised flamethrower which, he said, could be used to burn black people. He was charged with a number of offences which comprised offences of soliciting murder and using threatening, insulting words or behaviour intending to stir up racial hatred. In addition, he was charged with three offences collecting information likely to be of use to a person committing or preparing an act of terrorism and one offence of disseminating a terrorist publication. He admitted to police that he had made all the posts and claimed that he never intended to carry through the things he had posted. He had downloaded the terrorist publications but only out of curiosity.

The first man pleaded not guilty to all the charges he faced. He was found not guilty of the count of soliciting murder but was found guilty of all the counts relating to the stirring of racial hatred contrary to s.18 of the Public Order Act 1986. He was sentenced to a term of 30 months' imprisonment.

The second was found not guilty of the count of soliciting murder but had pleaded guilty on the first day of the trial to the counts relating to the stirring of racial hatred, three offences of collecting information likely to be of use to a person committing or preparing an act of terrorism contrary to s.58 of the Terrorism Act 2000 and the one offence of disseminating a terrorist publication contrary to s.2 of the Terrorism Act 2006. He was sentenced to a term of two years' imprisonment.

The Areas with the best performance in 2010/11 in relation to attrition rates i.e. the lowest proportion of unsuccessful cases were as follows:

Table 2: Racially and religiously aggravated hate crime prosecutions by outcome highlighting the top three performing CPS areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	11,038	83.1%	2,239	16.9%	13,277
South East	636	87.2%	93	12.8%	729
Eastern	605	86.1%	98	13.9%	703
East Midlands	948	85.5%	161	14.5%	1109

The national average for the number or volume of cases showed an increase of 9.4% on the previous year. The Areas that showed the largest increase by volume of racist and religious hate crime prosecutions were: London 37%, South East 15% and East Midlands 14.8%.

Working together – Irish travellers

As part of a multi-agency project called Hate Crime on Trial, Merseyside CPS helped organise an event together with a local community organisation (Irish Community Care Merseyside - ICCM), with extensive community knowledge, contacts and links. The event was promoted by ICCM because of the trust they have within the local Irish and Irish Traveller community. They were able to ensure that people were encouraged to come along. ICCM staff also acted as 'community consultants' and their suggestions led to a number of changes such as using an Irish community centre as the meeting venue, rather than the court room used for the other events; using a well respected 'host' from the Irish community rather than the Police and including more 'social' elements to the event, such as a raffle. Encouraging Romany Travellers to attend also helped build trust and understanding between a 'new community' and the more established Irish Travellers as well as raise awareness among service providers of the different experiences within the community.

Whilst there has not been an immediate increase in reported cases there has been an increase in community confidence and improved perception of the CJS. All partners worked really hard to deliver an inclusive event which met the needs of the community the multi-agency project was trying to reach. The feedback was excellent. Contact has been maintained with ICCM and its Chair is a member of the Local Scrutiny and Involvement Panel. Links with the Romany community have also been maintained through CPS representation on the Local Authority led 'New Communities Forum'.

Working together – Muslim community

Panel members from the Lancashire Community Involvement Panel spoke about the mistrust of the criminal justice system (CJS) felt by many South East Asian communities. To promote good relations it was proposed that a day be developed to raise awareness and provide an opportunity for Prosecutors to ask questions about things such as Burkas, arranged marriages, and the Quran and for members of the South East Asian Community to share some of their concerns about the Criminal Justice System. Feedback from CPS staff attending from Greater Manchester, Lancashire and Cumbria was very positive with one Senior Crown Prosecutor noting: "We live in a multicultural society and we need to have an awareness about all the communities who live in the areas where we work and provide a service."

Fazal Hassan, a member of the Lancashire Community Involvement Panel highlighted the importance of the training: "As the Muslim community makes up 80 percent of the ethnic minority communities in Lancashire and each community has some variation in terms of their cultural norms and practices, it makes sense that CPS front line staff and senior policy makers acquire a better understanding of the needs of the communities that they serve, as well as learn about their cultural norms, religious practices and their ways of thinking. We hope that the training will help the CPS to engage with local Muslim minority communities effectively."

Working together – Jewish community

CPS Merseyside participated in a 'Faith Tour' organised by Liverpool CVS Faith Network along with the police, local authority, probation service etc. The tour was of local places of worship one of which was a local synagogue. The group were made aware of the work that a local Jewish organisation delivers in support of individuals and families and to promote community cohesion. CPS staff made contact with a view to encouraging the organisation's participation in the HCSP. This turned out not to be practical but it was agreed to keep in touch via a regular mailing list. When there were concerns about the targeting of Jewish people, the information was received informally. As a result, CPS delivered awareness-raising sessions and signposted people to Police contacts and hate crime reporting services. CPS also attended the annual holocaust memorial event with a CPS stand/information and delivered a joint presentation with the chair of the New Communities Forum. The event provided a further opportunity to build confidence and raise awareness.

Learning lessons – case review

A designated hate crime strand lead in CPS Merseyside reviews all finalised hate crime cases at the end of each quarter. The cases are analysed to establish whether they were charged at the correct level, whether racist offences were appropriately charged in all cases, whether the court was reminded of the requirement to uplift sentence and, if so, what that uplift was.

If the relevant file does not record a sentencing uplift or if any other defect is apparent, this is highlighted to the Hate Crime Coordinator for action to avoid repetition. The Coordinator will also arrange the dissemination of lessons learnt along with examples of good practice.

Homophobic and transphobic hate crime

The first prosecution for stirring up hatred on the grounds of sexual orientation was brought when five men were charged in January 2010. The case is expected to come to trial in 2011/12.

The CPS had developed guidance on prosecuting cases of transphobic hate crime. The Homophobic and Transphobic Hate Crime Lead worked with Dr. Lewis Turner from Press for Change to develop a one hour Lunch and Learn session for witness care staff, prosecutors and caseworkers that incorporated the guidance as well as Trans awareness good practice. Participants viewed the sessions as very successful. The session received funding from the Home Office and was rolled out to two other CPS areas.

In order to improve our understanding of prosecutions of hate crime impacting on Trans individuals and communities the CPS undertook a review of all homophobic/transphobic hate crime prosecutions from 1st October 2010 to 30th September 2011, to identify prosecutions that could be identified as transphobic. The definition of transphobic for the purposes of flagging the prosecution is 'any incident which is perceived to be homophobic or transphobic by the victim or any other person'.

The reason this reporting period was chosen was to ensure that the majority of cases would still be available for analysis on the electronic case management system because a trawl of paper files would have been more time consuming for Areas[4].

In the reporting period, 1246 prosecutions were flagged as homophobic/transphobic, 11 of which had been archived and could not be checked. The remaining 1235 were checked and 42 cases were identified which involved transphobic incidents. Transphobic hate crime therefore accounted for 3.4% of all homophobic/transphobic flagged hate crime prosecutions available for analysis. Volumes of transphobic hate crime prosecutions in Areas ranged from eight (Wales) to one (East Midlands, South West, Thames and Chiltern).

Specific offences ranged from Public Order to Grievous Bodily Harm (section 20). The most common offence type was 'offences against the person' (40.5% n=17) followed by public order offences (35.7% n=15).

Unsuccessful outcomes accounted for 26% (n=11) of all transphobic prosecutions identified. The most common reason for unsuccessful outcomes were victim issues, followed by bindover more appropriate and conflict of evidence. During the review of cases issues were identified in relation to flagging. Although it was a small sample there were examples of cases not being flagged or CPS staff not recognising that the homophobic flag should also be applied to transphobic hate crime. Examples were also identified of prosecutors taking proactive steps to ensure the sentence reflected the gravity of the offence and its hate crime status in line with CPS policy.

[4] Prosecutions which take place in the magistrates' court are archived and deleted from CMS after one year.

Case study

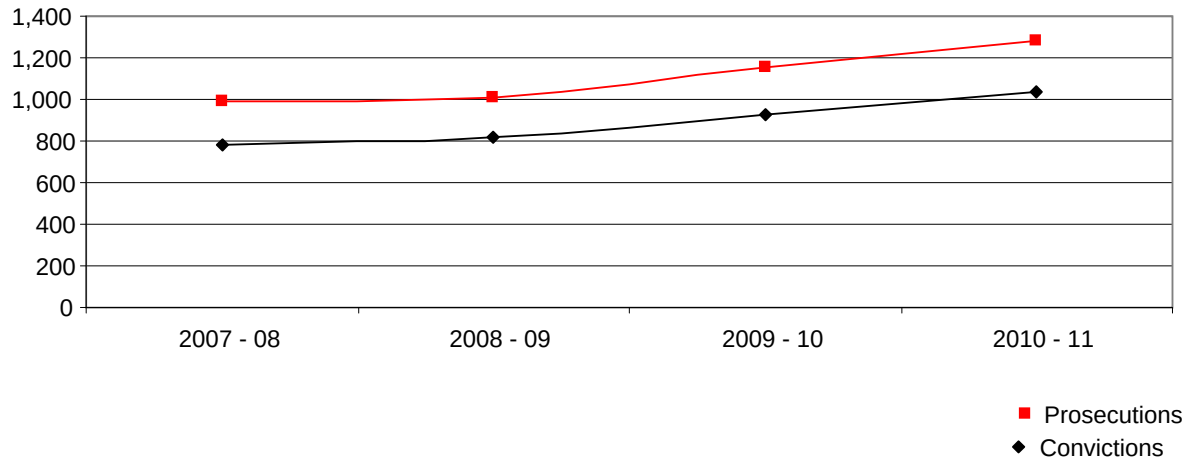
Destiny Lauren was a pre-operative, trans-gender woman. She lived alone and worked in the sex industry. She was visited by Fyle one evening in November 2009 during this time he searched her flat, stole jewellery and antique objects and strangled her. Destiny's brother found her half naked, collapsed on her bed. Unable to wake her, he calls an ambulance. An ambulance and the police arrive shortly afterwards. Destiny is pronounced dead – cause of death strangulation. Following an investigation Fyle was found guilty of murder and sentenced to 21 years imprisonment.

Overall statistics and tables

We have in the past year seen improvement in our performance on homophobic and transphobic hate crime. The volume of defendants referred to us by the police rose marginally and the volume of cases charged increased between 2009/10 by almost 6% to 963. The proportion of these cases charged also rose by just over 3 percentage points on 2009/10. The number of cases referred as well as those charged has increased since 2007/08.

The number of convictions for homophobic and transphobic hate crime rose from 778 or 78.2% of concluded cases in 2007/08 to 1,034 or 80.7% in 2010/11. This represents an increase in successful prosecutions over the 4-year period of 33%. Over the same period, the number and rate of guilty pleas has remained fairly static at around 67% of all outcomes.

Graph 5: Total homophobic and transphobic hate crime



Unsuccessful prosecutions represent a reducing proportion of concluded cases, 19.3% in 2010/11 as opposed to 21.8% in 2007/08, although numerically, they have increased over the period by 14%, from 217 to 247.

The proportion of cases failing due to victim issues overall has increased over the period from 17.1% in 2007/08 to 24.3% in 2010/11. The proportion of cases failing due to key reasons has increased from 64.5% to 69.6% over the period with acquittal after trial representing the largest proportion and the greatest volume. Almost 11% of unsuccessful outcomes were due to those who unexpectedly did not attend, which remains nearly three times the average for all prosecutions in 2010/11.

The relatively small number of reported cases suggests that there may be grounds for considering further confidence building measures working within communities over the coming period. The increasing rate at which victim issues are cited as the cause for unsuccessful cases may also need to be the focus of further attention going forward.

At the end of a prosecution, defendants are allocated a **principal offence category** to indicate the type and seriousness of the charges brought. Offences against the person and public order offences were the most common representing 84.5% of all homophobic and transphobic crime prosecutions (47.8% and 36.7% respectively).

The majority of **defendants** are men (87.4%), most were White British (74.8%) and those who were aged between 25-59, accounted for 47.0% with a further 31.7% aged between 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 2.3% and 24.8% respectively in 2007/08 to 1.3% and 17.2% in 2010/11.

What we know about **victims** is that 58.0% were men and 28.9% were women. The number of victims whose gender was unknown at 13.1% has steadily improved since 2007/08 when it stood at 52.3%. However, we are still working to improve these data along with others relating to the victims of hate crime.

Most victims (52.8%) were aged between 25-59 and a further 18.7% were aged between 18-24. Since 2007/08 the proportion of “age not provided” had dropped from 56.8% to 21.8%

With regard to ethnicity, the proportion of not stated or not provided has dropped from 74.3% in 2007/08 to 50.9% in 2010/11. Progress is being made but clearly a lot more needs to be done by all concerned to improve this aspect of data collection.

Victim care measures

This is the second year that we have been able to publish data in this area. The data relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing such as a trial, Newton or special reasons hearing or appeal against conviction and the Witness Care Unit was involved in supporting the victim. Where victims and witnesses in cases that are particularly serious or sensitive are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

During 2010/11, a number of CPS Areas were either not using the WMS or not using the system fully, therefore the data provided in this area of the report are not complete. The WMS is intended for use as a Casework Management System and not as a monitoring tool, therefore data may not be consistent or robust as other data contained in this report.

In 2010/11, referrals to support services were offered to 503 or 65.3% of relevant victims. This represents an increase of almost 2 percentage points on the previous year. These offers of referral translated into 244 actual referrals or 48.5% of those offered, a slight decrease over the previous year's figures of 198 (49.0%).

Attendance at court

Of those victims of homophobic and transphobic crimes required to attend court (508) 89.6% attended.

Area performance

A 62 year old man walking through Trafalgar Square in London was pushed to the ground and kicked and punched as he lay unconscious on the ground. He died of his injuries 18 days later in hospital without regaining consciousness.

The assault had started with homophobic remarks and ended in the man's death. A 17 year old woman with her boyfriend and another couple screamed at the victim and his partner "fucking faggots" as they crossed the square. One of the group pushed the victim to the ground and others started the attack. Prosecuting counsel described it: "There is evidence that the female defendants then began putting the boot into (the victim) who was still prone on his back, clearly unconscious and in distress, shocked onlookers saw repeated stamping to his chest and forceful kicks to his head."

The 17 year old girl was sentenced to 6 years increased to 7 because of the homophobic nature of her attack.

Ben Summerskill of Stonewall welcomed the extension of the sentence "recognising that this terrible killing was homophobic."

The victim's sister said: "It is the general public's responsibility to do something about that and report more of these sorts of incidents. There is still a huge prejudice relating to homophobia…a lot more needs to be done."

The Areas with the best performance in 2010/11 in relation to attrition rates i.e. the lowest proportion of unsuccessful cases were as follows:

Table 3: Homophobic and transphobic hate crime prosecutions by outcome highlighting the top three performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	1,034	80.7%	247	19.3%	1,281
South West	60	93.8%	4	6.3%	64
Eastern	65	91.5%	6	8.5%	71
South East	80	87.0%	12	13.0%	92

The national average in terms of improved volume was 11.2% over the course of the year. For Areas, those that showed the largest increase by volume of homophobic and transphobic hate crime prosecutions were: Thames and Chiltern 40.4%, South East 37.3% and South West 36.2%.

Working together – Effective partnership

On 12th February 2011 stickers with a homophobic message "Gay Free Zone" were found in the Whitechapel area of London. This was followed with further stickers being placed around the Borough of Tower Hamlets, including at Docklands Light Railway and underground stations and on the Canary Wharf Estate.

The problem continued and to date, although difficult to quantify it is believed that in excess of 70 stickers have been reported to police. The first report in relation to the stickers was to Tower Hamlets Hate Crime Team via email and via their 3rd party reporting forum. Not surprisingly, there has been significant interest in this matter from the community. Local Council, partner agencies, LGBT Forums and support groups have had numerous meetings with influential members of the council and community present.

The Muslim Council of Britain said it "[stands] firm against discrimination and violence against any people". It added: "These stickers are wrong and not in keeping with our Islamic teaching to respect our neighbours."

After an initial arrest proved inconclusive, advice was sought from the CPS in relation to charging options. This advice confirmed the relevant public order offences, and highlighted the significance of CPS prosecution policy in relation to

homophobic hate crime and the significance of s146 uplift in such cases. The advice also underlined the value of community impact statements in cases of homophobic hate crime. It was the view of the CPS that such stickers with the wording Gay-free Zone could cause another person harassment, alarm and distress as required under public order offences.

The case has yet to provide a successful conviction but it has provided an opportunity for effective partnership working with communities and partner agencies.

Learning lessons – Supporting victims to support prosecution

CPS Eastern dealt with a case at Chelmsford Magistrates Court that involved harassment that had taken place over a period from January to May 2010, during which the defendant repeatedly slammed his front door late at night to harass his victims; continually verbally abused the two men using threatening and offensive language; and approached both men individually on numerous occasions when they were outside the flat on their own, making them feel intimidated and scared that he would use violence against them. On one occasion he hung a large union jack flag in front of his property which had BNP written on it in large black letters. Both victims felt this was aimed directly at them to make them feel intimidated. The defendant was found guilty of harassment aggravated by homophobia and received a 16 week suspended sentence.

Both victims were pleased with the support they had been given by the CPS and more generally with the outcome of the case. As so few homophobic cases get to court, a member of the area Hate Crime Scrutiny Panel used his contacts to follow up with the victims to see if they would be willing to give a statement to the press about their experience in order to highlight the broader issue of homophobic hate crime. The victims were willing to do so, providing they were not named by the press, their wish for anonymity was respected and as a result, the local newspaper covered the story with a front page banner headline article on the case itself and highlighted the prevalence of homophobic and other hate crime across the area.

Learning lessons – Listen to communities and follow the evidence

As a result of feedback from three Hate Crime Scrutiny Panel members in Lancashire and Greater Manchester and feedback via Manchester Pride from members of the Trans Community who reported having less than positive experiences of the criminal justice system, it became evident that although Trans people make up a small proportion of our communities, they were disproportionately affected by hate crime and had very little confidence in the criminal justice system as well as feeling as though the system did not understand them. As such the local scrutiny panel recommended a series of Trans awareness sessions for prosecutors in CPS North West so that they could understand some of the issues that impact on the Trans community, issues around gender recognition and the differences between transgender and transsexual people.

Disability hate crime

In March, the Director of Public Prosecutions (DPP) gave a public statement on disability hate crime in a speech at the University of Sussex, in which he stated: “I think we are still in the foothills when it comes to disability hate crime and supporting victims and witnesses with disabilities.” He also stated that “Such crimes are based on ignorance, prejudice, discrimination and hate and they have no place in an open and democratic society.”

In our efforts to address community concerns and performance issues, the CPS took a number of steps over the reporting period including, the launch of a research project on special measures to gain an insight into areas where improvement might be needed. The research has yet to conclude so we intend to report on the findings in the next annual report.

Disability hate crime themed review

The purpose of this review was for Areas to conduct a more detailed and local analysis of factors affecting their performance in prosecuting disability hate crime and to identify actions to be taken to improve outcomes. The review focused on increasing volume and reducing unsuccessful outcomes; community engagement; partnership working with the police; flagging and monitoring; raising awareness; and victim and witness care.

All CPS Areas and CPS Direct implemented a disability hate crime action plan to improve performance and engagement with disabled communities.

In addition, the CPS developed and produced a range of public policy statements and guidance for prosecutors, on different aspects of disability hate crime including: Supporting Victims and Witnesses with a Learning Disability and Supporting Victims and Witnesses with Mental Health Issues which provide a clear guidance on avoiding assumptions about the credibility and reliability of victims and witnesses with mental health issues and/or learning disabilities; explain the support available for victims and witnesses to give their best evidence; and set out CPS responsibilities in relation to handling medical records.

In 2010 ‘Achieving Justice for Victims and Witnesses with Mental Distress: a mental health toolkit for prosecutors and advocates’ was launched. The toolkit was developed jointly with MIND. The toolkit aims to develop a better understanding amongst prosecutors of how and when mental distress affects a victim’s evidence leading to improved outcomes for victims with mental health problems; a reduction in the misuse of psychiatric evidence and medical records to discredit witnesses with a history of mental distress; and improved responsiveness in the criminal justice system to the needs of people with mental distress.

In March 2010, we issued additional guidance for prosecutors on the distinction between vulnerability and hostility in the context of crimes committed against disabled people. This distinction can often be the cause for offences not being treated as a disability hate crime.

In August 2010, we published Guidance on Handling Media Enquiries about Disability Hate Crime. The guidance includes background information about disability hate crime; handling advice for dealing with some of the most frequently asked questions; and information about the appropriate vocabulary to use.

Scrutiny of recent media coverage about incidents of anti-social behaviour shows an increasing number of cases in which the behaviour is targeted at individuals. The individuals are often disabled or have a member of their family who is disabled.

An external review into the death of David Askew was carried out by the Independent Police Complaints Commissioner (IPCC). Mr Askew, who had learning disabilities, had been tormented by local youths for years. He died of a heart attack in a final confrontation with them. The IPCC's findings identified that agencies had, amongst other things, failed to adopt a strategic inter-agency approach. The current CPS legal guidance on anti-social behaviour and disability hate crime addresses the IPCC's findings.

We already work closely with other agencies to tackle anti-social behaviour and, where the target of the behaviour is disabled or has a disabled family member, prosecutors are proactive in seeking further information from the police.

Case study

When a driver at a care home for severely disabled adults, abused some of its residents, he thought he could get away with it because they could not communicate. He was wrong.

At Exeter Crown Court, the 57-year-old was jailed for 12 years following his conviction on four counts of sexual activity with a person with a mental disorder by a care worker and two counts of sexual assault.

The result was testament to the diligence of prosecutors at CPS Devon and Cornwall who worked tirelessly, employing special measures and intermediaries to enable the victims to give evidence in their own way and get the justice they deserved.

The presiding judge said it had been the most difficult case he had ever presided over, with victims giving evidence by blinking or pressing buttons on their wheelchairs to indicate yes or no.

The victims' initial accounts were recorded and then played to the jury and intermediaries were used to interpret their methods of communication. A video link was also installed at the residential home so the victims could remain in a familiar environment when giving their evidence.

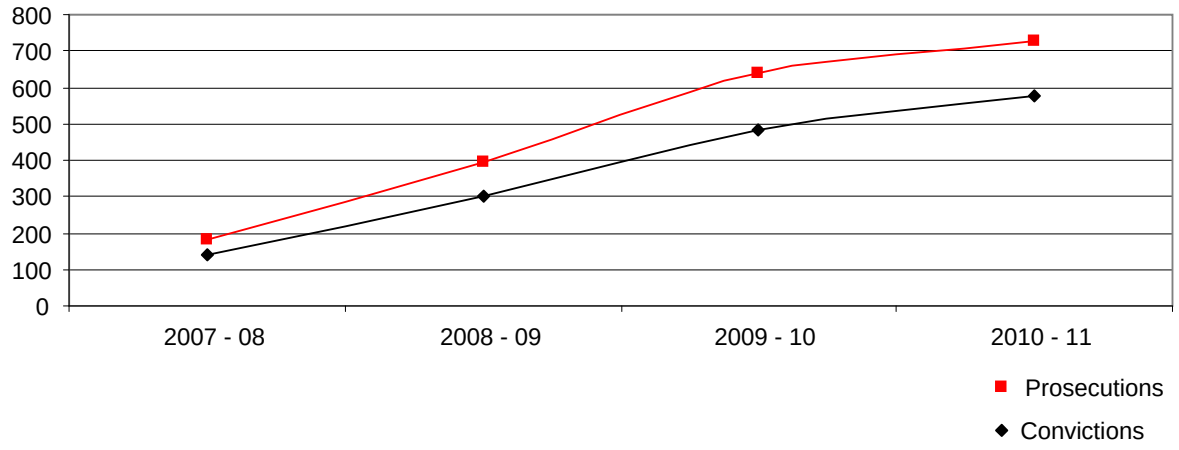
CPS Crown Advocate involved in the case said: "This case was particularly unusual because of the very severe disabilities each witness had, and it raised many issues in terms of supporting the victims and witnesses through the difficult process of giving evidence in court."

Overall statistics and tables

Although the volume of cases referred to the CPS by the police for a charging decision fell in 2010/11 by over 4% to 690 when compared to the previous year, the number of cases referred has increased by 147% since 2007/08.

In 2010/11, the proportion of successful outcomes increased after two years of decline. The number of convictions for disability hate crime rose from 141 or 77% of concluded cases in 2007/08 to 579 or 79.8% in 2010/11. This represents an increase in the number of successful prosecutions over the 4-year period of 311%. Over the same period, the proportion of guilty pleas decreased by 6 percentage points to 65.4% of total prosecution outcomes.

Graph 6: Total disability hate crime



Unsuccessful prosecutions represent a smaller proportion of concluded cases, 20.2% in 2010/11 as opposed to 23.0% in 2007/08, although numerically, they have increased over the period by 250.0%, from 42 to 147.

The proportion of cases failing due to victim issues overall increased year on year by almost 1% but overall has declined over the period to 15.6% down from 21.4% in 2007/08. The proportion of cases failing due to key reasons has steadily increased from 59.5% to 74.1% over the period with acquittal after trial representing the largest proportion and the greatest volume. 4.1% of victims unexpectedly did not attend which is slightly below the national average for all prosecutions of 4.6%.

At the end of a prosecution, defendants are allocated a **principal offence category** by the CPS to indicate the type and seriousness of the charges brought. Offences against the person and public order offences were the most common representing 54.1% of all disability hate crime prosecutions (41.6% and 12.5% respectively). There was a more significant range of other offence categories represented within disability hate crime prosecutions than for any other strand of hate crime, perhaps reflecting the exploitative nature of much disability hate crime.

Table 4: Principal offence category for each hate crime strand

Principal offence category	DHC	H&T	R&R
Homicide	0.9%	0.4%	0.1%
Offences against person	41.6%	47.8%	44.2%
Sexual offences	7.5%	0.7%	0.2%
Burglary	6.1%	0.9%	0.3%
Robbery	7.9%	3.5%	0.8%
Theft & Handling	10.1%	0.9%	3.0%
Fraud & Forgery	3.6%	0.1%	0.2%
Criminal Damage	4.6%	3.0%	5.6%
Drugs Offences	0.1%	0.8%	1.0%
Public Order Offences	12.5%	36.7%	37.6%

Notes: DHC: Disability hate crime; H&T: homophobic & transphobic; and R&R: racist and religious

The majority of **defendants** are men (75.8%), but a significantly higher proportion of women (24.2%) were prosecuted compared to other strands of hate crime. Most defendants were White British (77.4%) and those between 25-59 accounted for 50.1% and a further 27.1% were between 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 4.9% and 23.5% respectively in 2007/08 to 3.0% and 15.3% in 2010/11.

What we know about **victims** is that 42.5% were men and 36.8% were women while 20.8% of victims did not have their gender identified. Most victims (44.5%) were aged between 25-59 but again the proportion of "not provided" at 30.5% remains high. With regard to ethnicity, the proportion of "not provided" and "not stated" unknowns is 56.4% with White British the single most common category at 39.9%. More work is needed to improve these data relating to the victims of hate crime.

Victim care measures

This is the second year that we have been able to publish data in this area. The data relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing such as a trial, Newton or special reasons hearing or appeal against conviction and the Witness Care Unit was involved in supporting the victim. Where victims and witnesses in cases that are particularly serious or sensitive are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

During 2010/11, a number of CPS Areas were either not using the WMS or not using the system fully; therefore the data provided in this area of the report are not complete. The WMS is intended for use as a Casework Management System and not as a monitoring tool, therefore data may not be consistent or robust as other data contained in this report.

In 2010/11, referrals to support services were offered to 228 victims or 56.3% of relevant victims. This represents an increase of 6.3 percentage points on the previous year. These offers of referral translated into 143 actual referrals or 62.7% of those offered, a slight increase on the previous year's figures of 91 (61.1%).

Attendance at court

Of those victims of disability hate crimes required to attend court (235) 91.8% attended.

Area performance

A young disabled woman was the subject of an unprovoked assault because her attacker thought she looked "disgusting". The woman suffers from a condition, arteriovenous malformation, which contributes to high blood pressure in her nose thus swelling it. Part of her treatment involved skin grafts taken from her forehead to assist in reconstructing her nose. In order to prepare the skin, a "balloon" is surgically implanted under the skin of her forehead.

This was a completely unprovoked attack on a young woman who was simply minding her own business and enjoying the company of her friends and the attacker was clearly motivated by hostility towards the young woman's disability. Having identified the case as a disability hate crime, we asked the court to consider an increase in sentence for the attacker who admitted a charge of assault occasioning actual bodily harm at an earlier hearing. The Judge agreed and the defendant who had no previous convictions was jailed for eight months.

In the judge's sentencing remarks he said: "In my judgement, this is an appalling offence….you quite deliberately targeted (the victim) because of her physical deformity."

The Areas with the best performance in 2010/11 in relation to attrition rates i.e. the lowest proportion of unsuccessful cases were as follows:

Table 5: Disability hate crime prosecutions by outcome highlighting the top three performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	579	79.8%	147	20.2%	726
North West	78	87.6%	11	12.4%	89
North East	49	87.5%	7	12.5%	56
Thames & Chiltern	26	86.7%	4	13.3%	30

The national average in terms of improved volume was 13.8% over the course of the year. For Areas, those that showed the largest increase by volume in disability hate crime prosecutions were: Merseyside and Cheshire 60.0%, North East 55.6% and North West 39.1%.

Working together – Involving others to improve practice

The benefits of ongoing community engagement are evidenced by CPS Wiltshire who worked with Wiltshire People First and delivered a workshop to the community. Following this, members of the community met and raised issues with the Area Management Team. A follow-up meeting resulted at which it was agreed that Wiltshire People First would amend standard Witness Care Unit letters and needs assessment into Easy Read to improve communications with people with learning disabilities and those who have difficulty reading English.

Working together – Building capacity to the benefit of all

A funding application to the Home Office was successfully supported for DIAL House in Cheshire, an organisation that works with people with both physical and learning disabilities. The money was used to develop their work on hate crime and in particular to become a third party hate crime reporting centre, to play a full role in the establishment and ongoing development of the Area Local Scrutiny and Involvement Panel and to provide the dedicated support that their members need and deserve in relation to awareness raising, signposting and supporting them in relation to hate crime.

Lessons learnt – Forward looking review

The Hate Crime Scrutiny Panel in North and West Yorkshire met with its equivalent in South Yorkshire and Humberside on 5th July 2010 for a meeting specifically on disability hate crime. All unsuccessful disability hate crime cases in the previous year from the Yorkshire and Humberside region (8 in total) were scrutinised at the meeting to give the Group a better idea of performance and handling issues specifically in relation to this type of hate crime. It was decided to do this on a regional basis to maximise learning opportunities due to the small number of cases handled by each Area.

A briefing note was produced explaining the learning points identified and this was communicated to lawyer managers by email with instructions to ensure these points are raised with legal staff. Future scrutiny of disability hate crime cases will demonstrate whether or not these lessons have been taken on board and applied to case handling.

Lessons learnt – practical improvements arising from scrutiny

Scrutiny by Hate Crime Scrutiny Panels in Wales have been successful in ensuring that a sentence uplift is considered in all appropriate cases and is detailed on administrative systems; prosecutors concentrate on any evidence of hostility displayed by the defendant, not only the perceived vulnerability of the victim; reference to sentence uplift in letters to victims; court exit surveys with hate crime victims via the Witness Service were conducted to ascertain victim satisfaction levels; more special measures meetings are held and best possible support is provided to victims; consistency in the way hate crime cases are dealt with; and work with Her Majesty's Courts and Tribunal Service partners to raise awareness about the applicability of sentence uplift to disability hate crime cases.

Crimes against older people

There is no statutory definition of a crime against an older person (CAOP) and no general statutory offence. The CAOP flag applies to crimes:

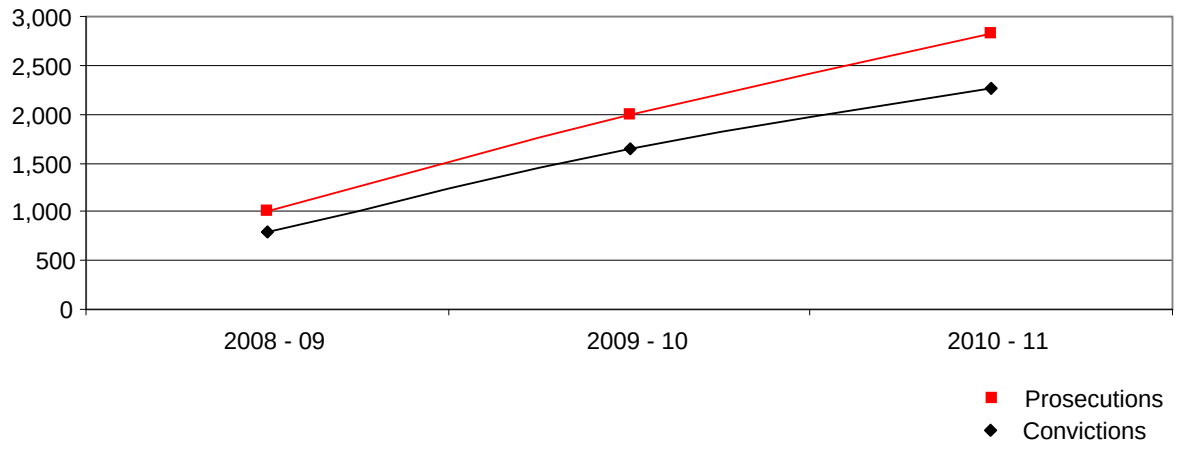
- Where there is a relationship and an expectation of trust e.g. assault/theft by a carer or family member;
- Which are specifically targeted at the old person because they are perceived as being vulnerable or an 'easy target' e.g. a distraction burglary or a mugging;
- Which are not initially related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

Overall statistics and tables

2010/11 saw an improvement in our performance on crimes against older people. The volume of cases referred to us by the police has risen year on year and the volume of defendants charged increased by 44% to 2,213. The proportion of cases charged rose by just over 4 percentage points on 2009/10.

Although the number of convictions has increased considerably (38%) year on year, the proportion of cases received fell slightly by just over 2 percentage points. Since 2008/09, the number and rate of guilty pleas has increased to 73.2% of all outcomes.

Graph 7: Total crimes against older people



Unsuccessful prosecutions represent a reducing proportion of concluded cases, 20.0% in 2010/11 as opposed to 21.3% in 2008/09, although numerically, they have increased over the period by 163%, from 214 to 563.

The proportion of cases failing due to victim issues overall has remained reasonably consistent over the period. The proportion of cases failing due to key reasons has fallen slightly from 68.2% to 65.7% over the period with acquittal after trial and essential legal element missing representing the largest proportion and the greatest volume.

76.3% of **defendants** were men a figure that has remained consistent over the past three years.

Recording of victim gender has improved from 60% of all victims in 2008/09 to 83% in 2010.11. In 2008/09, 39.8% of victim's gender was not recorded, this has reduced to 16.8%. As a result of improvements in both the identification of crimes against older people and the accuracy of recording, victims whose gender has been identified have steadily increased for women from 36.0% to 48.5% and for men from 24.1% to 34.8% cases were the gender of the victim was not recorded.

Area performance

Three care workers were jailed for their part in a sustained campaign of abuse of two elderly people in their care. Evidence of the ill-treatment came from the record of it kept by the defendants on their mobile phones. The three were arrested when the cousin of one of the defendants saw the mobile phone recording of some of the abuse and was so shocked that they reported it to care home managers. In summing up, the judge said, "Everyone in the court cannot fail to be appalled by your sick conduct". The three were given prison sentences of 21, 18 and 12 months; and their sentences mean that they can never work with young children or old people again.

The Areas with the best performance in 2010/11 in relation to attrition rates i.e. the lowest proportion of unsuccessful cases were as follows:

Table 6: Prosecutions by outcome for all crimes against older people highlighting the top three performing CPS Areas against national figures

	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
National	2,259	80.0%	563	20.0%	2,822
Eastern	141	89.8%	16	10.2%	157
North East	139	83.2%	28	16.8%	167
West Midlands	262	82.6%	55	17.4%	317

The national average in terms of improved volume was 41.6% over the course of the year. Areas that showed the largest increase by volume of crime against older people prosecutions were: Yorkshire and Humberside 87.0%, Wales 61.2% and Eastern 57.0%.

The CPS provided feedback on the Association of Chief Police Officers' Guidance on Safeguarding and Investigating the Abuse of Vulnerable Adults including making clear the connections between safeguarding and disability hate crime.

The CPS ran a workshop at the National Conference on Elder Abuse to increase awareness and understanding of our policy on crimes against older people and to make the links with safeguarding for vulnerable adults.

Lessons learnt – maximising the learning

In the case involving Briars Care Home in Southampton, the owner and manager of the home were convicted of a number of neglect charges in relation to the care provided to residents. Resulting from this successful prosecution, CPS Hampshire & Isle of Wight focused a number of its community engagement activities on crimes against older people. A significant element of this strategy involved a conference in February 2011 which summarised the case from a CPS and Police perspective, highlighted good practice, the role of safeguarding adults, mental capacity assessments and of the Care Quality Commission. The conference was supplemented by two other events later in the year in which CPS staff provided information about the role of the prosecution service and informed the community of the CPS crimes against older people policy.

Hate Crime	CPS Prosecutions 2010 - 2011				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	**12,651**	**82.8**	**2,633**	**17.2**	**15,284**
Cymru Wales	**606**	**82.3**	**130**	**17.7**	**736**
Dyfed Powys	50	80.6	12	19.4	62
Gwent	95	80.5	23	19.5	118
North Wales	164	80.4	40	19.6	204
South Wales	297	84.4	55	15.6	352
Eastern	**707**	**86.0**	**115**	**14.0**	**822**
Cambridgeshire	159	84.6	29	15.4	188
Essex	259	86.9	39	13.1	298
Norfolk	147	82.1	32	17.9	179
Suffolk	142	90.4	15	9.6	157
East Midlands	**1,067**	**85.4**	**182**	**14.6**	**1,249**
Derbyshire	204	81.3	47	18.7	251
Leicestershire	359	87.1	53	12.9	412
Lincolnshire	111	86.0	18	14.0	129
Northamptonshire	107	89.2	13	10.8	120
Nottinghamshire	286	84.9	51	15.1	337
London	**2,201**	**78.6**	**599**	**21.4**	**2,800**
Merseyside & Cheshire	**661**	**80.9**	**156**	**19.1**	**817**
Cheshire	157	87.2	23	12.8	180
Merseyside	504	79.1	133	20.9	637
North East	**625**	**83.4**	**124**	**16.6**	**749**
Cleveland	133	75.6	43	24.4	176
Durham	141	91.6	13	8.4	154
Northumbria	351	83.8	68	16.2	419
North West	**1,807**	**84.1**	**341**	**15.9**	**2,148**
Cumbria	76	83.5	15	16.5	91
Greater Manchester	1,239	86.0	202	14.0	1,441
Lancashire	492	79.9	124	20.1	616
South East	**758**	**86.3**	**120**	**13.7**	**878**
Kent	269	85.9	44	14.1	313
Surrey	177	87.6	25	12.4	202
Sussex	312	86.0	51	14.0	363
South West	**659**	**83.5**	**130**	**16.5**	**789**
Avon & Somerset	378	84.2	71	15.8	449
Devon & Cornwall	213	82.2	46	17.8	259
Gloucestershire	68	84.0	13	16.0	81
Thames & Chiltern	**742**	**82.6**	**156**	**17.4**	**898**
Bedfordshire	107	81.7	24	18.3	131
Hertfordshire	228	83.8	44	16.2	272
Thames Valley	407	82.2	88	17.8	495
Wessex	**636**	**82.2**	**138**	**17.8**	**774**
Dorset	111	93.3	8	6.7	119
Hampshire & IOW	449	80.0	112	20.0	561
Wiltshire	76	80.9	18	19.1	94
West Midlands	**1,193**	**84.2**	**224**	**15.8**	**1,417**
Staffordshire	174	82.9	36	17.1	210
Warwickshire	91	90.1	10	9.9	101
West Mercia	181	89.2	22	10.8	203
West Midlands	747	82.7	156	17.3	903
Yorkshire & Humberside	**989**	**81.9**	**218**	**18.1**	**1,207**
Humberside	149	81.9	33	18.1	182
North Yorkshire	85	84.2	16	15.8	101
South Yorkshire	225	85.6	38	14.4	263
West Yorkshire	530	80.2	131	19.8	661

Race and religious hate crime	CPS Prosecutions 2010 - 2011				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	**11,038**	**83.1**	**2,239**	**16.9**	**13,277**
Cymru Wales	**499**	**82.9**	**103**	**17.1**	**602**
Dyfed Powys	35	79.5	9	20.5	44
Gwent	79	84.9	14	15.1	93
North Wales	125	78.6	34	21.4	159
South Wales	260	85.0	46	15.0	306
Eastern	**605**	**86.1**	**98**	**13.9**	**703**
Cambridgeshire	136	84.5	25	15.5	161
Essex	227	86.3	36	13.7	263
Norfolk	126	83.4	25	16.6	151
Suffolk	116	90.6	12	9.4	128
East Midlands	**948**	**85.5**	**161**	**14.5**	**1,109**
Derbyshire	181	82.3	39	17.7	220
Leicestershire	327	87.4	47	12.6	374
Lincolnshire	100	84.7	18	15.3	118
Northamptonshire	91	87.5	13	12.5	104
Nottinghamshire	249	85.0	44	15.0	293
London	**1,989**	**79.3**	**519**	**20.7**	**2,508**
Merseyside & Cheshire	**546**	**80.9**	**129**	**19.1**	**675**
Cheshire	139	88.0	19	12.0	158
Merseyside	407	78.7	110	21.3	517
North East	**530**	**83.6**	**104**	**16.4**	**634**
Cleveland	120	76.4	37	23.6	157
Durham	112	91.8	10	8.2	122
Northumbria	298	83.9	57	16.1	355
North West	**1,585**	**84.5**	**291**	**15.5**	**1,876**
Cumbria	58	81.7	13	18.3	71
Greater Manchester	1,084	86.4	171	13.6	1,255
Lancashire	443	80.5	107	19.5	550
South East	**636**	**87.2**	**93**	**12.8**	**729**
Kent	234	86.0	38	14.0	272
Surrey	158	89.3	19	10.7	177
Sussex	244	87.1	36	12.9	280
South West	**560**	**82.6**	**118**	**17.4**	**678**
Avon & Somerset	323	83.2	65	16.8	388
Devon & Cornwall	183	81.3	42	18.7	225
Gloucestershire	54	83.1	11	16.9	65
Thames & Chiltern	**665**	**82.9**	**137**	**17.1**	**802**
Bedfordshire	92	79.3	24	20.7	116
Hertfordshire	215	84.0	41	16.0	256
Thames Valley	358	83.3	72	16.7	430
Wessex	**549**	**82.3**	**118**	**17.7**	**667**
Dorset	96	93.2	7	6.8	103
Hampshire & IOW	386	80.1	96	19.9	482
Wiltshire	67	81.7	15	18.3	82
West Midlands	**1,050**	**84.9**	**187**	**15.1**	**1,237**
Staffordshire	135	82.3	29	17.7	164
Warwickshire	73	90.1	8	9.9	81
West Mercia	162	90.5	17	9.5	179
West Midlands	680	83.6	133	16.4	813
Yorkshire & Humberside	**876**	**82.9**	**181**	**17.1**	**1,057**
Humberside	129	82.2	28	17.8	157
North Yorkshire	69	87.3	10	12.7	79
South Yorkshire	202	86.3	32	13.7	234
West Yorkshire	476	81.1	111	18.9	587

Homophobic & transphobic hate crime	CPS Prosecutions 2010 - 2011				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	**1,034**	**80.7**	**247**	**19.3**	**1,281**
Cymru Wales	**68**	**79.1**	**18**	**20.9**	**86**
Dyfed Powys	9	90.0	1	10.0	10
Gwent	8	57.1	6	42.9	14
North Wales	26	81.3	6	18.8	32
South Wales	25	83.3	5	16.7	30
Eastern	**65**	**91.5**	**6**	**8.5**	**71**
Cambridgeshire	9	100	0	0.0	9
Essex	22	88.0	3	12.0	25
Norfolk	18	90.0	2	10.0	20
Suffolk	16	94.1	1	5.9	17
East Midlands	**69**	**84.0**	**13**	**15.9**	**82**
Derbyshire	13	72.2	5	27.8	18
Leicestershire	21	80.8	5	19.2	26
Lincolnshire	8	100.0	0	0.0	8
Northamptonshire	10	100.0	0	0.0	10
Nottinghamshire	17	85.0	3	15.0	20
London	**152**	**73.1**	**56**	**26.9**	**208**
Merseyside & Cheshire	**74**	**86.0**	**12**	**14.0**	**86**
Cheshire	10	76.9	3	23.1	13
Merseyside	64	87.7	9	12.3	73
North East	**46**	**78.0**	**13**	**22.0**	**59**
Cleveland	7	63.6	4	36.4	11
Durham	14	82.4	3	17.6	17
Northumbria	25	80.6	6	19.4	31
North West	**144**	**78.7**	**39**	**21.3**	**183**
Cumbria	17	89.5	2	10.5	19
Greater Manchester	98	82.4	21	17.6	119
Lancashire	29	64.4	16	35.6	45
South East	**80**	**87.0**	**12**	**13.0**	**92**
Kent	19	95.0	1	5.0	20
Surrey	11	78.6	3	21.4	14
Sussex	50	86.2	8	13.8	58
South West	**60**	**93.8**	**4**	**6.3**	**64**
Avon & Somerset	32	97.0	1	3.0	64
Devon & Cornwall	19	95.0	1	5.0	20
Gloucestershire	9	81.8	2	18.2	11
Thames & Chiltern	**51**	**77.3**	**15**	**22.7**	**66**
Bedfordshire	9	100.0	0	0.0	9
Hertfordshire	7	77.8	2	22.2	9
Thames Valley	35	72.9	13	27.1	48
Wessex	**68**	**82.9**	**14**	**17.1**	**82**
Dorset	14	93.3	1	6.7	15
Hampshire & IOW	47	81.0	11	19.0	58
Wiltshire	7	77.8	2	22.2	9
West Midlands	**91**	**80.5**	**22**	**19.5**	**113**
Staffordshire	26	78.8	7	21.2	33
Warwickshire	13	86.7	2	13.3	15
West Mercia	10	76.9	3	23.1	13
West Midlands	42	80.8	10	19.2	52
Yorkshire & Humberside	**66**	**74.2**	**23**	**25.8**	**89**
Humberside	6	60.0	4	40.0	10
North Yorkshire	6	85.7	1	14.3	7
South Yorkshire	15	78.9	4	21.1	19
West Yorkshire	39	73.6	14	26.4	53

Disability hate crime	CPS Prosecutions 2010 - 2011				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	**579**	**79.8**	**147**	**20.2**	**726**
Cymru Wales	**39**	**81.3**	**9**	**18.8**	**48**
Dyfed Powys	6	75.0	2	25.0	8
Gwent	8	72.7	3	27.3	11
North Wales	13	100.0	0	0.0	13
South Wales	12	75.0	4	25.0	16
Eastern	**37**	**77.1**	**11**	**22.9**	**48**
Cambridgeshire	14	77.8	4	22.2	18
Essex	10	100.0	0	0.0	10
Norfolk	3	37.5	5	62.5	8
Suffolk	10	83.3	2	16.7	12
East Midlands	**50**	**86.2**	**8**	**13.8**	**58**
Derbyshire	10	76.9	3	23.1	13
Leicestershire	11	91.7	1	8.3	12
Lincolnshire	3	100.0	0	0.0	3
Northamptonshire	6	100.0	0	0.0	6
Nottinghamshire	20	83.3	4	16.7	24
London	**60**	**71.4**	**24**	**28.6**	**84**
Merseyside & Cheshire	**41**	**73.2**	**15**	**26.8**	**56**
Cheshire	8	88.9	1	11.1	9
Merseyside	33	70.2	14	29.8	47
North East	**49**	**87.5**	**7**	**12.5**	**56**
Cleveland	6	75.0	2	25.0	8
Durham	15	100.0	0	0.0	15
Northumbria	28	84.8	5	15.2	33
North West	**78**	**87.6**	**11**	**12.4**	**89**
Cumbria	1	100.0	0	0.0	1
Greater Manchester	57	85.1	10	14.9	67
Lancashire	20	95.2	1	4.8	21
South East	**42**	**73.7**	**15**	**26.3**	**57**
Kent	16	76.2	5	23.8	21
Surrey	8	72.7	3	27.3	11
Sussex	18	72.0	7	28.0	25
South West	**39**	**83.0**	**8**	**17.0**	**47**
Avon & Somerset	23	82.1	5	17.9	28
Devon & Cornwall	11	78.6	3	21.4	14
Gloucestershire	5	100.0	0	0.0	5
Thames & Chiltern	**26**	**86.7**	**4**	**13.3**	**30**
Bedfordshire	6	100.0	0	0.0	6
Hertfordshire	6	85.7	1	14.3	7
Thames Valley	14	82.4	3	17.6	17
Wessex	**19**	**76.0**	**6**	**24.0**	**25**
Dorset	1	100.0	0	0.0	1
Hampshire & IOW	16	76.2	5	23.8	21
Wiltshire	2	66.7	1	33.3	3
West Midlands	**52**	**77.6**	**15**	**22.4**	**67**
Staffordshire	13	100.0	0	0.0	13
Warwickshire	5	100.0	0	0.0	5
West Mercia	9	81.8	2	18.2	11
West Midlands	25	65.8	13	34.2	38
Yorkshire & Humberside	**47**	**77.0**	**14**	**23.0**	**61**
Humberside	14	93.3	1	6.7	15
North Yorkshire	10	66.7	5	33.3	15
South Yorkshire	8	80.0	2	20.0	10
West Yorkshire	15	71.4	6	28.6	21

Crimes against older people	CPS Prosecutions 2010 - 2011				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
42 Areas	**2,259**	**80.0**	**563**	**20.0**	**2,822**
Cymru Wales	**159**	**76.4**	**49**	**23.6**	**208**
Dyfed Powys	9	47.4	10	52.6	19
Gwent	32	86.5	5	13.5	37
North Wales	40	80.0	10	20.0	50
South Wales	78	76.5	24	23.5	102
Eastern	**141**	**89.8**	**16**	**10.2**	**157**
Cambridgeshire	27	87.1	4	12.9	31
Essex	49	90.7	5	9.3	54
Norfolk	33	94.3	2	5.7	35
Suffolk	32	86.5	5	13.5	37
East Midlands	**132**	**80.0**	**33**	**20.0**	**165**
Derbyshire	19	79.2	5	20.8	24
Leicestershire	42	80.8	10	19.2	52
Lincolnshire	15	78.9	4	21.1	19
Northamptonshire	4	50.0	4	50.0	8
Nottinghamshire	52	83.9	10	16.1	62
London	**245**	**73.1**	**90**	**26.9**	**335**
Merseyside & Cheshire	**87**	**75.0**	**29**	**25.0**	**116**
Cheshire	31	77.5	9	22.5	40
Merseyside	56	73.7	20	26.3	76
North East	**139**	**83.2**	**28**	**16.8**	**167**
Cleveland	29	76.3	9	23.7	38
Durham	33	80.5	8	19.5	41
Northumbria	77	87.5	11	12.5	88
North West	**252**	**79.5**	**65**	**20.5**	**317**
Cumbria	21	91.3	2	8.7	23
Greater Manchester	147	78.6	40	21.4	187
Lancashire	84	78.5	23	21.5	107
South East	**194**	**81.5**	**44**	**18.5**	**238**
Kent	73	89.0	9	11.0	82
Surrey	28	80.0	7	20.0	35
Sussex	93	76.9	28	23.1	121
South West	**127**	**78.9**	**34**	**21.1**	**161**
Avon & Somerset	74	77.9	21	22.1	95
Devon & Cornwall	35	83.3	7	16.7	42
Gloucestershire	18	75.0	6	25.0	24
Thames & Chiltern	**157**	**80.5**	**38**	**19.5**	**195**
Bedfordshire	27	81.8	6	18.2	33
Hertfordshire	66	89.2	8	10.8	74
Thames Valley	64	72.7	24	27.3	88
Wessex	**106**	**81.5**	**24**	**18.5**	**130**
Dorset	28	75.7	9	24.3	37
Hampshire & IOW	64	83.1	13	16.9	77
Wiltshire	14	87.5	2	12.5	16
West Midlands	**262**	**82.6**	**55**	**17.4**	**317**
Staffordshire	38	92.7	3	7.3	41
Warwickshire	15	93.8	1	6.3	16
West Mercia	44	84.6	8	15.4	52
West Midlands	165	79.3	43	20.7	208
Yorkshire & Humberside	**258**	**81.6**	**58**	**18.4**	**316**
Humberside	59	79.7	15	20.3	74
North Yorkshire	22	68.8	10	31.3	32
South Yorkshire	44	89.8	5	10.2	49
West Yorkshire	133	82.6	28	17.4	161

Glossary

Hate crimes

Racial & religious incident:	any incident which appears to the victim or any other person, to be motivated by hostility towards a person's race or religion, or perceived race or religion.
Homophobic incident:	any incident which is perceived to be homophobic or transphobic by the victim or by any other person.
Disability incident:	any incident where disability is a factor in the offence. This includes any incident which is perceived by the victim or any other person to be based upon prejudice towards, or hatred of, the victim because of their disability, and/or where the victim is targeted because of their perceived vulnerability.
Monitoring flags	Sensitive case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case. Flags are applied in cases of hate crime and to crimes against older people.
Crime against older people:	offences in the categories below, where the victim is aged 60 or older: • where there is a relationship and an expectation of trust , for example, theft or assault by a carer or family member • which are specifically targeted at the older person because they are perceived as being vulnerable or an easy target, for example, a distraction burglary or a mugging • which are not initially related to the older person's age but later becomes so, for example, a burglary where the burglar does not know the age of the householder, but later exploits the situation on discovering that the householder is an older person • which appear to be in part or wholly motivated by hostility based on age, or perceived age. For

	example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age.

Case outcomes

Pre-charge decisions:	In all but minor cases, and those where a guilty plea is anticipated, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be, in accordance with the Director's Guidelines.
Charged:	cases where the CPS's decision is to charge.
Request for further evidence:	where further information or action is requested or deemed necessary.
No prosecution:	those cases where the CPS's decision is not to prosecute, for evidential or public interest reasons.
All other decisions:	where a caution, reprimand or final warning are given; where the offence has been taken into consideration in relation to other charges; or where the defendant has failed to answer to bail and a warrant is outstanding.
Prosecutions:	All defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
Unsuccessful outcomes:	all completed prosecutions where the defendant is not convicted, comprising the following:
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.

Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
All other unsuccessful outcomes:	comprising administrative finalisations, discharged committals and no case to answer.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely.
Discharged committals:	committal proceedings in which the defendant is discharged.
No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case.
Convictions:	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences - mostly motoring matters- which are heard by the court in the absence of the defendant.

Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
Public interest:	where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.

Unable to proceed:	where the evidence and the public interest support a prosecution, but circumstances make it impossible for the case to proceed.
Other reasons:	where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead: or where proceedings are adjourned indefinitely.

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non-attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
Conflict of evidence:	contradictions in prosecution evidence leads to an unsuccessful prosecution.
Essential legal element missing:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Other indictment or sentence:	the case does not proceed because the same defendant is the subject of either other indictments, or sentences in respect of other proceedings.
Acquittals after trial:	the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case.
Principal offence category:	charged offences are allocated one of twelve offence categories to indicate the type and seriousness of the charges brought against the defendant.

Equality and Diversity Unit

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