

CPS Yorkshire and Humberside: Hate crime sentence uplift examples



Cases finalised between
April and June 2018

Disability hate crime cases:

1. On two separate occasions the defendant approached the victim in public and was verbally abusive towards her by making reference to her physical disability. The defendant pleaded guilty to using threatening, abusive, insulting words or behaviour to cause harassment alarm or distress. He was ordered to pay a fine of £150 uplifted from £100, £85 costs, £30 victim surcharge, and £150 compensation. The court also issued a two year restraining order with a condition for the defendant not to directly or indirectly contact the victim (West Yorkshire.)

Religiously aggravated cases:

1. After exiting his home address the victim was approached by the defendant who began questioning him about his religious beliefs in an intimidating manner. The defendant then proceeded to assault the victim by pushing him to the chest causing the victim to stagger backwards. The defendant was charged with religiously aggravated common assault. He pleaded guilty and was sentenced to 28 days custody, uplifted from 14 days, and £115 compensation (North Yorkshire.)

Racially aggravated cases:

1. The victim whilst sat in the rear of a taxi witnessed an altercation that the defendant was involved in. When the defendant noticed the victim he opened the door to the taxi and racially abused the victim. The defendant pleaded guilty on the day of trial to racially aggravated intentional harassment, alarm or distress by words or writing and using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. He was sentenced to a 12-month community order with a 30-day rehabilitative activity requirement, and was ordered to pay £100 compensation, £150 costs, and a £85 victim surcharge. The sentence was then uplifted to include a 10-week residential curfew (West Yorkshire.)
2. A security officer was racially abused by the defendant as he was escorting her back into a shop after she had tried to leave without making any attempt to pay. The defendant pleaded guilty on the day of trial to racially aggravated intentional harassment, alarm or distress, by words or writing, and using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. She was sentenced to a six-month community order with a 10-day rehabilitative activity requirement, and a 10-week curfew uplifted from six weeks. The defendant was also ordered to pay £150 costs and a £85 victim surcharge (West Yorkshire.)
3. During a neighbour dispute the defendant racially abused the victim. The defendant pleaded guilty to racially aggravated intentional harassment, alarm or distress by words or writing and using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. He was sentenced to a 12 month community order uplifted from a fine, 25 days alcohol treatment, and ordered to pay a victim surcharge (South Yorkshire.)
4. A stall-holder was physically assaulted and verbally racially abused by the defendant after asking him to leave the stall. The defendant pleaded guilty to racially aggravated intentional harassment, alarm or distress by

words or writing and using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress which included having pushed the victim. He was sentenced to a community order of 50 hours unpaid work uplifted from 40 hours. He was also ordered to pay £75 compensation (South Yorkshire.)

5. The victim was working as a taxi driver. Whilst waiting for a customer in a town centre area he had a need to relieve himself. Whilst doing so in an enclosed area the first of two defendants kicked the victim in the back causing the victim to fall into a wall. The victim began to return to his vehicle not wanting to engage with the defendants but defendant one followed him and began shouting racial abuse and pushing and pointing at the victim. The second defendant then pushed the victim to the chest. Both defendants pleaded guilty at the first hearing to a charge of racially aggravated common assault. Defendant one was sentenced to a 12-month community order uplifted to include a 15-day rehabilitative activity requirement, 150 hours unpaid work, and £250 compensation. Defendant two was sentenced to a 12-month community order uplifted from a fine, 80 hours unpaid work, and £100 Compensation (West Yorkshire.)
6. The defendant racially abused a store manager and a shop assistant targeting them on two separate occasions on the same day. Following the second incident the police were called. The defendant pleaded guilty to racially aggravated intentional harassment, alarm or distress by words or writing. He was sentenced to a 12 month community order, a non-accredited programme, 15-day rehabilitative activity requirement, £200 compensation for each victim, £85 costs, and a £85 victim surcharge. The court announced that the sentence was uplifted by rewarding a higher level of compensation for each victim (North Yorkshire.)
7. The victim was at home when she heard shouting and swearing out on the street. She moved over to an open window and witnessed the defendant run towards her vehicle and then kick the wing mirror. The victim shouted out of the window at the defendant to ask what he was doing and the defendant responded by racially abusing the victim and continuing to kick the mirror. The defendant pleaded guilty at the first hearing to racially aggravated criminal damage. He was sentenced to an electronic curfew for three months, uplifted from two months, £50 compensation, £85 costs, and a £85 victim surcharge (West Yorkshire.)
8. Whilst the defendant was being transported to police custody she racially abused the arresting officer. The defendant pleaded guilty at the first hearing to racially aggravated intentional harassment, alarm or distress by words or writing. She was sentenced to a 12 month community order with a 20-day rehabilitative activity requirement, uplifted from 15 days, £85 costs and £100 compensation to the officer (South Yorkshire.)
9. A number of males including the defendant got into the victims taxi carrying pints of beer. The victim went to the rear door of the taxi and asked the males to get out. The defendant then pushed the victim to the chest and was verbally racially abusive towards him. The defendant then proceeded to throw his pint of beer in the victims face. The defendant pleaded guilty at the first hearing to racially aggravated common assault. He was sentenced to 16 weeks in custody suspended for 12 months, uplifted from 12 weeks in custody, a 35 day rehabilitative activity requirement, £85 costs, and £250 compensation uplifted from £150 (South Yorkshire.)
10. The defendant whilst clearly in drink attempted to purchase spirits in a local shop. The victim refused to serve the defendant as by law the defendant was too drunk to be served. At being refused service the defendant became angry and walked up to the victim and pushed him to the chest. The victim walked away from the defendant and telephoned the police. As the victim finished the phone call the defendant racially abused the victim. The defendant pleaded guilty to assault by beating and racially aggravated intentional harassment, alarm or distress by words or writing. He was sentenced to 18 weeks' custody suspended for 12

months which was uplifted from 12 weeks' custody suspended for 12 months. He was also ordered to pay £100 compensation to the victim and £85 costs (West Yorkshire.)

11. The three victims were stood outside a supermarket waiting for a taxi when the defendant approached the first victim and was verbally racially abusive towards her. The defendant then proceeded to knock some of the victim's shopping out of her trolley and physically assaulted her by hitting her to the face. The two other victims came to the assistance of the first and the defendant was verbally racially abusive towards them both before hitting the second victim to the face. The defendant pleaded guilty to two charges of racially aggravated assault by beating and one charge of racially aggravated fear of provocation of violence by words. He was sentenced to 12 weeks custody suspended for 12 months uplifted from a community order, a curfew from 9pm to 7am, and ordered to pay £85 costs and a £115 victim surcharge (West Yorkshire.)
12. Security guards were called to attend to a dispute that was ongoing in a car park. On arrival the security guards witnessed the defendant assaulting the man that he was having the dispute with. Whilst the security guards made attempts to detain the defendant, he physically assaulted one of the security guards by spitting in his face and then verbally racially abused him. The defendant also physically assaulted the other security guards present by kicking, spitting, and biting. The defendant pleaded guilty to one charge of racially aggravated common assault and five charges of assault by beating. He was sentenced to 20 weeks' imprisonment uplifted from 16 weeks, and 20 weeks' custody for each of the non-racially aggravated assaults to run concurrently. He was also ordered to pay £100 compensation to the victim of the racially aggravated common assault and £100 compensation to one other victim who had been assaulted (South Yorkshire.)

Transphobic cases:

1. In the early hours of the morning the victim heard a smash and found that a window in his flat had been smashed with a brick. The victim could not immediately see who was responsible but as he moved around in his flat he saw the defendant outside who shouted up to him claiming that he was responsible and used transphobic words towards the victim. The defendant was charged with criminal damage. He pleaded guilty and was sentenced to a 12 month community order with a 20 day rehabilitative activity requirement uplifted from a 15-day requirement. He was also ordered to pay a £85 victim surcharge and the court issued a restraining order (Humberside.)

Homophobic cases:

1. The defendant was arrested for driving whilst under the influence of alcohol. When the officer asked the defendant to step out of his vehicle in order for him to be searched the defendant was verbally abusive towards the officer in a homophobic manner. The defendant was arrested for using threatening, abusive, insulting words, behaviour to cause harassment, alarm, or distress. He pleaded guilty at the first hearing and was sentenced to 16 weeks' immediate custody uplifted from a suspended sentence. He was also ordered to pay £115 compensation to the officer (West Yorkshire.)
2. The defendant harassed the victim over a period of a year by sending a number of letters which attacked the victim's sexuality. The defendant was charged with harassment without violence and was found guilty following a trial. He was sentenced to eight weeks' custody uplifted from six weeks, suspended for 12

months. He was also ordered to pay £620 costs, a £115 victim surcharge, and the court issued an indefinite restraining order to prevent the defendant from contacting the victim by any means (West Yorkshire.)

3. The two victims were sat on the kerb outside a public house when the two defendants and two other males walked around the corner. The first defendant approached the two victims and repeatedly shouted homophobic abuse towards them. The victims stood up from where they were sat and the group of four males gathered around them. Both defendants then assaulted the victims whilst shouting homophobic abuse with a punch from the second defendant knocking one of the victims unconscious. The defendants were charged with affray and common assault and pleaded guilty on the day of trial. The first defendant was sentenced to 10 months' detention in a young offenders institute suspended for two years, 180 hours unpaid work requirement, and a 10 days rehabilitative activity requirement. The second defendant was sentenced to 15 months' detention in a young offenders institute suspended for two years, 180 hours unpaid work requirement, and a 20 days' rehabilitative activity requirement. Both defendants were subjected to a three-month electronically monitored curfew and ordered to pay £750 compensation. Both defendants' sentences were reduced due to pleading guilty so the total uplift in sentence for the first defendant was one month custody and for the second defendant 8.5 months custody. The court also issued a restraining order (West Yorkshire.)
4. The defendant was stopped by the police for road traffic offences. He refused to give his details, was confrontational and aggressive, and used homophobic language towards the officers. He was charged with road traffic offences and with using threatening, abusive words, behaviour or disorderly behaviour likely to cause harassment, alarm or distress. He pleaded guilty at the first hearing and was sentenced to a £180 fine uplifted from £150, and a further £120 fine for the road traffic offences. He was also disqualified from driving for six months, ordered to pay £85 costs and a £85 victim surcharge (West Yorkshire.)

Click [here](#) for more information on how the CPS prosecutes hate crimes.