

CPS Yorkshire and Humberside: Hate crime sentence uplift examples



Cases finalised between
July and September 2018

Under hate crime legislation the courts must pass increased sentences where prosecutors evidence that offences have been motivated by hostility towards a person's race, religion, disability, transgender identity or sexuality. Below are examples of hate crime cases prosecuted by Yorkshire and Humberside CPS between July and September 2018 which resulted in a conviction and an uplifted sentence.

Disability hate crime cases:

1. A care worker was travelling on a bus with a number of people that she cared for when she noticed that the defendant was taking pictures on his phone of the group. The care worker asked the defendant to stop and to delete the photos he had taken, but the defendant refused and started to be abusive towards the group by shouting insults about the group's disabilities. A member of staff from the bus company tried to intervene but the defendant threatened to assault him if he did. The defendant pleaded guilty to intentionally causing harassment, alarm or distress by using threatening, abusive or insulting words or behaviour. He also pleaded guilty to common assault. He was sentenced to a 12 month community order, 25 rehabilitative activity requirement days, a 12 week curfew uplifted from 8 weeks, and ordered to pay £350 in compensation (West Yorkshire.)
2. The victim was standing outside his place of work when the defendant shouted at him in an abusive manner by making reference to the victim's disability. The defendant was charged with using threatening, abusive, insulting words or behaviour to cause harassment alarm or distress. He pleaded not guilty at the first hearing and a trial date was set. The defendant failed to attend the trial so the case proceeded without him. The victim gave evidence and the defendant was found guilty. He was sentenced to six weeks imprisonment, uplifted from four weeks imprisonment. A restraining order was also granted to prevent the defendant from contacting the victim indefinitely (South Yorkshire.)
3. The defendant was unhappy with the victim's decision to end their relationship and her request for him to move out of her home. Over the following days the defendant telephoned the victim and sent her messages which were threatening, insulting, and frequently made derogatory references about the victim's disability. The defendant was charged with harassment without violence and pleaded guilty on the day of the trial. He was sentenced to a community order, a five month curfew uplifted from four months, ordered to pay £100 compensation and £620 towards prosecution costs. A three year restraining order was also issued to prevent the defendant from contacting the victim or visiting her address (West Yorkshire.)

Religiously aggravated cases:

1. The defendant attended a pharmacy to collect a prescription. Whilst being served he attempted to engage the pharmacist in a conversation about Islamic law and to show the pharmacist videos on his phone which were of violent acts against people. Due to the pharmacist's refusals to engage with the defendant he began to shout at her in a religiously abusive manner. The defendant was charged with intentionally causing religiously aggravated harassment, alarm or distress, by using threatening, abusive or insulting words or behaviour or disorderly behaviour. The defendant elected to be tried by jury at the Crown Court but pleaded guilty to the charge on the day of the trial. He was sentenced to six months custody suspended for one year with a nine month drug rehabilitation requirement (DRR), and 20 rehabilitative activity requirement days. The Judge specified that the sentence uplift was moving from a community order to a custodial term. The Judge also granted a five year restraining order (North Yorkshire.)

2. The defendant entered the fish and chip shop where her ex-partner works. On seeing her ex-partner behind the customer counter she started to shout abusive language towards him. Another shop assistant intervened and asked the defendant to leave the premises but she responded by verbally abusing the assistant in both a religious and racial manner. The defendant is charged with using racially and religiously aggravated threatening, abusive or insulting words or behaviour, with intent to cause a person to believe that immediate unlawful violence would be used against them. The defendant pleaded guilty to the charge at the first court hearing and was sentenced to a 24 month community order, 30 rehabilitative activity requirement days and 300 hours unpaid work, uplifted from 180 hours. The defendant was also ordered to pay £100 compensation and £85 in prosecution costs (North Yorkshire.)

3. The defendant had been asked by staff at a hotel to leave the premises. The defendant refused and began to follow staff and customers around the hotel lobby shouting racially offensive statements and asking customers what their religion was and then responding that the religion they had specified was not allowed in the hotel. The defendant then left the hotel and continued to make racially and religiously abusive statements which could be heard by members of the public who were walking by. The defendant pleaded guilty at court to the charge of using threatening, abusive words, behaviour or disorderly behaviour likely to cause religiously aggravated harassment, alarm or distress. She was fined £100, uplifted from £30 and ordered to pay £85 towards prosecution costs (North Yorkshire.)

Racially aggravated cases:

1. Police officers were called to an address following reports that the defendant was standing in the garden of the property demanding from the owner of the house the keys to their car. The officers asked the

defendant to sit in the rear of the police vehicle whilst enquiries were made as to what had occurred. Whilst in the vehicle the defendant became aggressive and began to lash out. The police officers made attempts to restrain the defendant and whilst doing so the defendant repeatedly verbally abused an officer in a racist manner. The defendant pleaded guilty to the charge of using threatening, abusive or insulting words or behaviour or disorderly behaviour thereby causing intentional harassment, alarm or distress which was racially aggravated. He was sentenced to a 12 month community order uplifted from a fine, a 20 days rehabilitation activity requirement, and a six month alcohol treatment requirement (West Yorkshire.)

2. The victim works as a security guard at a hospital and was asked to attend the A&E department to remove the defendant due to her behaviour. Whilst escorting the defendant out of the hospital the defendant assaulted the security guard by kicking him and then proceeded to racially abuse him by making reference to the colour of his skin. The defendant pleaded guilty at court to the charge of racially aggravated common assault and was sentenced to a six month referral order uplifted from four. The defendant was also instructed to pay a £20 victim surcharge (South Yorkshire.)

3. The victim and the two defendants reside together in a children's home. The defendants were threatening and aggressive and shouted racially abusive language at the victim as well as being religiously abusive by throwing bacon at the victim. Both defendants pleaded guilty at the first hearing to the charge of racially aggravated harassment without violence. They were sentenced to referral orders uplifted from three months to four (South Yorkshire.)

4. The defendant whilst in a public area of a city centre shouted insults and made offensive gestures towards a group of german exchange students that were both sexually and racially abusive. The police were called to the scene and the defendant was arrested. He was later charged with using threatening, abusive or insulting words or behaviour or disorderly behaviour thereby causing intentional harassment, alarm or distress which was racially aggravated. The defendant was sentenced to eight weeks imprisonment uplifted from six weeks imprisonment (North Yorkshire.)

5. The victim and defendant follow different religions. They had previously been in a relationship but the victim ended this after the defendant physically assaulted her. Since the end of the relationship the defendant continued to contact the victim repeatedly, either by calling or by sending her text messages which are aggressive, threatening, and both racially and religiously abusive in content. When the defendant was arrested he was also racially abusive to the police officer. The defendant pleaded guilty to using threatening, abusive or insulting words or behaviour thereby causing intentional harassment, alarm or distress which was racially and religiously aggravated towards his ex-partner. The defendant also pleaded

guilty to using threatening, abusive words or behaviour likely to cause racially aggravated harassment, alarm or distress towards the police officer. He was sentenced to a total of 24 weeks imprisonment which included a total uplift of five weeks imprisonment. He was also ordered to pay a £115 victim surcharge and a restraining order was granted to prevent the defendant from contacting his ex-partner (West Yorkshire.)

6. The victim visited the defendant's house to collect her belongings after ending their relationship. After collecting her belongings she waited outside the property for a work colleague to collect her. When her work colleague arrived the defendant started shouting racially abusive language towards the victim accusing her being in a relationship with her colleague. As the victim tried to usher the defendant back into his house he punched her to the face. The defendant then went into his house and collected an axe which he then used to damage the work colleague's vehicle. The defendant pleaded guilty to racially aggravated common assault, racially aggravated criminal damage to property, and having an offensive weapon. He received a total sentence of six months imprisonment suspended for 12 months, uplifted from a community order, and a 20 day rehabilitative activity requirement. The Judge also granted a three year restraining order to prevent the defendant from contacting both victims (South Yorkshire.)

7. The victim was walking back to his flat when he met the defendant and a second male in the stairwell. The defendant was racially abusive towards the victim before punching him to the face which knocked him unconscious. When the victim regained consciousness he found his personal belongings and valuables were missing. The victim was taken to hospital due to the severity of his injuries. The defendant pleaded guilty to robbery and was sentenced to seven and a half years imprisonment, uplifted to eight and a half years imprisonment (South Yorkshire.)

Homophobic cases:

1. The defendant was very drunk and was struggling to stand up. As he stumbled a security guard went to assist him and the defendant responded by verbally abusing the security guard by using homophobic terms. He also spat at the security guard and was racially abusive towards a member of the public who was sat close by. The defendant was charged with using threatening, abusive, insulting words or behaviour to cause harassment, alarm or distress. He was also charged with common assault, and racially aggravated harassment. The defendant pleaded guilty to all three charges, plus a further charge of criminal damage for an incident that occurred whilst the defendant was in police custody. He was sentenced to 20 rehabilitative activity requirement days, a six month curfew uplifted from three months, ordered to pay £85 costs, and a total of £95 compensation (North Yorkshire.)

2. The defendant is currently serving a custodial sentence and was prevented by a Prison Officer from undertaking an action. The defendant became agitated by the Prison Officer's actions and kicked a wet floor sign over before verbally abusing him by repeatedly using homophobic language. The defendant pleaded guilty to intentionally causing the victim harassment, alarm or distress by using threatening, abusive or insulting words or behaviour, or disorderly behaviour. He was sentenced to a six week consecutive term of imprisonment. The Judge explained that the location of the offence, the fact that the defendant was already in prison, and the detriment caused to the victim caused an uplift in sentence to a custodial sentence (South Yorkshire.)

3. The defendant attempted to board a bus that was stationary at an alighting only bus stop. The bus driver asked the defendant to leave the bus but he refused and started shouting racial, religious, and homophobic abuse towards the bus driver and members of the public as they walked by. The bus driver called the police and the defendant was arrested. He was later charged and pleaded guilty to three charges of intending to cause racially and religiously aggravated harassment, alarm or distress to another person by using threatening, abusive or insulting words or behaviour, or disorderly behaviour. The defendant was sentenced to 26 weeks custody uplifted from 18 weeks for his behaviour towards the bus driver. He was also sentenced to nine weeks custody uplifted from four and a half weeks for his behaviour towards one member of the public, and another nine weeks custody uplifted from four and a half weeks for his behaviour towards a second member of the public (North Yorkshire.)

4. A witness telephoned the police to report an ongoing assault occurring in the street. When the police arrived the defendant was arrested for being drunk and disorderly behaviour and for assault. On being arrested the defendant spat and swore at the police officer who was arresting her and then verbally abused the officer in a homophobic manner. The defendant was further arrested for assaulting a police officer. At court the defendant pleaded guilty to assaulting the police officer. The CPS also accepted a guilty plea from the defendant to using threatening, abusive, insulting words or behaviour, with intent to cause fear of or provoke unlawful violence as an alternative to the original assault charge. The defendant was sentenced to a two year community order with 50 rehabilitative activity requirement days, ordered to pay £50 compensation, £85 towards prosecution costs, a victim surcharge of £85 and as the uplift of the sentence ordered to pay a £100 fine (North Yorkshire.)

5. The defendant took his child to nursery and having arrived early was asked to wait as the child was not allowed to enter the nursery until the current nursery session had finished. The defendant was unhappy about this and argued with the nursery assistant before deciding to leave taking his child with him. The defendant then took to social media venting his anger by placing abusive comments on the nursery's

Facebook page which is viewable to other parents, nursery staff, and members of the public. The comments he posted included homophobic comments towards the nursery assistant. The defendant pleaded guilty at the first court hearing to sending by public communication network offensive, indecent, obscene or menacing messages or matter. He was sentenced to a 12 month community order uplifted to 18 months, 25 rehabilitative activity requirement days, and £100 compensation (West Yorkshire.)

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