

CPS Yorkshire and Humberside: Hate crime sentence uplift examples



Cases finalised between January 2019 and March 2019

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 January 2019 and March 2019 which resulted in a conviction and an uplifted sentence.

Disability hate crime cases:

1. The victim had returned to his address to find a handwritten note posted through his letterbox. The contents of the note attacked the victim because of his disability. The defendant was charged with sending a malicious communication. She pleaded guilty at the first hearing and was sentenced to pay a compensation order, uplifted from a fine (West Yorkshire).

Religiously aggravated cases:

1. The defendant had been arrested for breaching a court order. Whilst being transported to the police station he had repeatedly used religiously abusive language towards an officer. The defendant was charged with causing religiously aggravated intentional harassment, alarm or distress by using threatening, abusive or insulting words or behaviour or disorderly behaviour. He was sentenced to four weeks' immediate imprisonment, uplifted from a community penalty. The defendant was also ordered to pay £85 towards prosecution costs and a £115 victim surcharge (South Yorkshire).
2. The defendant racially and religiously abused two victims in the street. She had also made threats to use violence and made reference to the Niqab the female victim was wearing. The defendant pleaded guilty to two charges of using threatening, abusive or insulting words or behaviour with intent to cause fear of unlawful violence. The first charge was religiously aggravated, and the second was racially aggravated. The defendant was sentenced to 20 weeks' imprisonment, uplifted from 12 weeks, with the imprisonment ordered to run concurrently (West Yorkshire).

Racially aggravated cases:

1. The defendant had shouted racially abusive language at a police officer. The defendant was arrested for causing racially aggravated intentional harassment, alarm or distress by using threatening, abusive or insulting words or behaviour or disorderly behaviour. She was sentenced to

12 weeks' imprisonment suspended for 12 months, uplifted from 10 weeks' imprisonment. She was also ordered to complete an alcohol abstinence program and 15 days of rehabilitative activities (Humberside).

2. The defendant had informed two health professionals on separate occasions that he was a racist and that he wanted to get a van and drive it into people that he did not like because of their race or their religious beliefs. A guilty plea was accepted by the CPS to causing racially and religiously aggravated harassment, alarm or distress by using threatening, abusive or insulting words or behaviour or disorderly behaviour. The defendant was sentenced to 12 months' imprisonment, uplifted from six months' imprisonment, suspended for two years (North Yorkshire).
3. Three years ago the defendant was convicted of racially aggravated harassment after he had sent harassing and abusive emails to the victim. In 2018 the same victim and a police officer who had been involved with the defendant's former case received a number of emails that were racially abusive. The defendant was identified as the sender of the emails. He was arrested and charged with breach of a restraining order for making contact with the victim, and with racially aggravated harassment towards the police officer. The defendant pleaded guilty to both charges and was sentenced to 12 months' imprisonment, uplifted from nine months. The Judge also granted a 10-year restraining order in favour of the police officer, and varied the victim's restraining order to run for a period of ten years from the date of sentencing (North Yorkshire).
4. The defendant, co-accused, and the victim met expectantly. A verbal exchange between the parties escalated to an assault upon the victim and the use of racially abusive language by the defendant towards the victim. A guilty plea to affray was accepted and the defendant was sentenced to 260 days imprisonment, uplifted from 200 days (Humberside).
5. The defendant shouted at a neighbour in a racially abusive manner. The defendant pleaded guilty to causing racially aggravated intentional harassment, alarm or distress by using threatening, abusive or insulting words or behaviour or disorderly behaviour. She was sentenced to six months imprisonment, uplifted from three months, and suspended for 18 months (West Yorkshire).
6. The defendants shouted at the victim and used racially abusive language. The first defendant also pulled a knife from the waistband of his tracksuit bottoms and threatened to stab the victim. The first defendant was found guilty of having a bladed article in a public place without good reason or lawful authority. He was sentenced to 18 months' imprisonment, uplifted to 22 months. He received a further six months imprisonment, uplifted to 10 months to run concurrent, for using

racially aggravated threatening, abusive or insulting words or behaviour with intent to cause that person to believe that immediate unlawful violence would be used against him. The second defendant received 12 months' imprisonment, uplifted from eight months for racially aggravated threatening, abusive or insulting words or behaviour with intent to cause that person to believe that immediate unlawful violence would be used against him. The judge also imposed a five-year restraining order (Humberside).

Homophobic hate crime cases:

1. The defendant shouted homophobic verbal abuse and punched and kicked the victim. The defendant was charged with common assault and pleaded guilty. He was sentenced to a 12-month community order and 50 hours' unpaid work, uplifted to 250 hours' unpaid work. The defendant was also ordered to pay a £85 victim surcharge, and £85 towards prosecution costs (Humberside).
2. Two males knocked the defendant to the ground. An off-duty police officer tried to assist the defendant but he became agitated and punched the officer to the face and used abusive language that was both homophobic and racist. The defendant pleaded guilty to assault by beating, using threatening, abusive or insulting words or behaviour to cause harassment, alarm, or distress, and causing racially aggravated intentional harassment, alarm or distress. The defendant received a 12-month community order, a 35-day rehabilitative activity requirement, and 200 hours' unpaid work, uplifted from 150 hours. He was also ordered to pay £350 compensation, and £400 towards prosecution costs (South Yorkshire).

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