



PUBLIC PROSECUTION SERVICE FOR NORTHERN IRELAND

Statistical Bulletin:
Cases Involving Hate Crime 2018/19

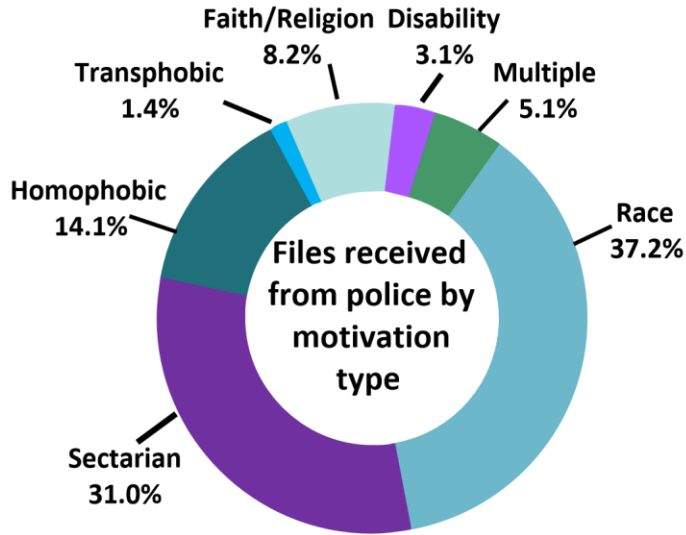
1 April 2018 to 31 March 2019



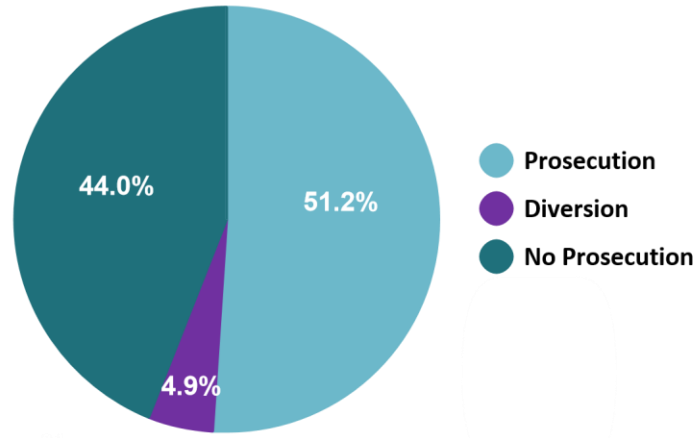
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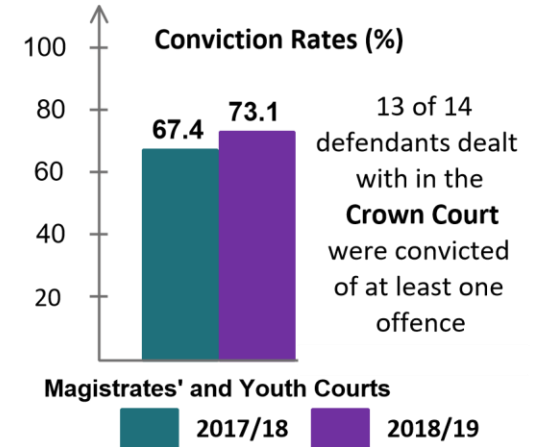
Cases Submitted by PSNI as Hate Crime



Cases involving hate crime - files received from police by motivation type

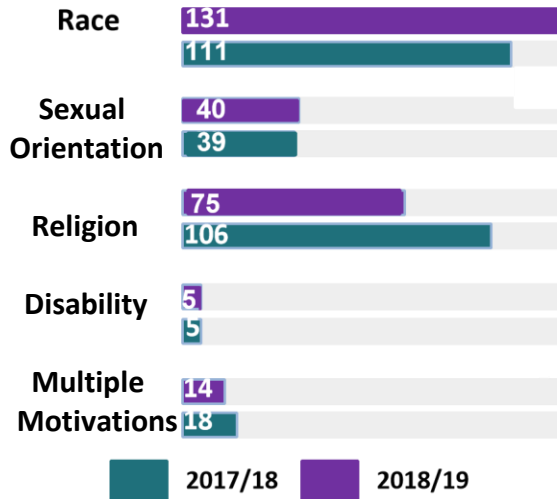


Cases involving hate crime - decisions issued by the PPS by type

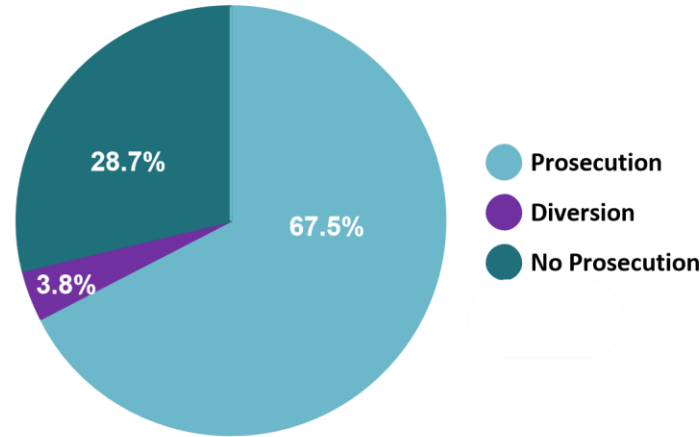


Cases involving hate crime - conviction rates

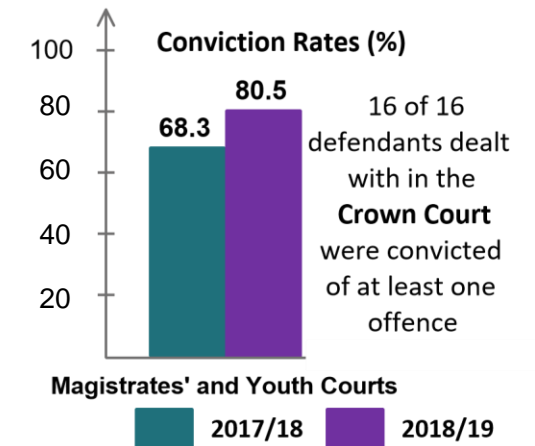
Cases Considered by PPS as 'Aggravated by Hostility'



Cases involving hate crime aggravated by hostility - decisions issued by motivation type



Cases involving hate crime aggravated by hostility - decisions issued by the PPS by type



Cases involving hate crime aggravated by hostility - conviction rates

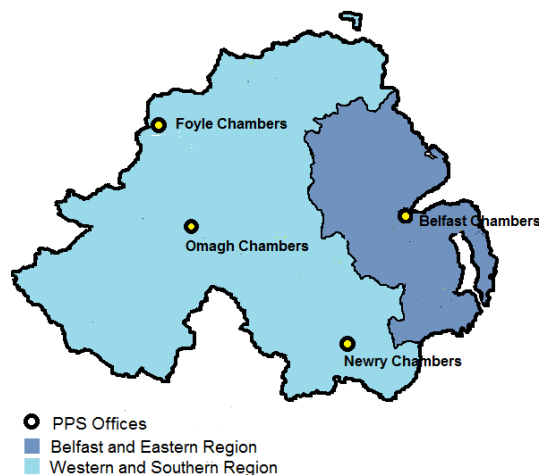
Introduction

The Public Prosecution Service

The Public Prosecution Service for Northern Ireland (PPS), which is headed by the Director of Public Prosecutions, is the principal prosecuting authority in Northern Ireland. In addition to taking decisions as to prosecution in cases investigated by the police, it also considers cases investigated by other statutory authorities, such as HM Revenue and Customs.

The primary role of the PPS is to reach decisions to prosecute or not to prosecute and to have responsibility for the conduct of criminal proceedings. A range of options is also available for dealing with offenders other than through prosecution. These options include cautions, informed warnings and youth conferencing. Prosecutors may also refer offenders to the National Driver Alertness Scheme or to a Community Restorative Justice Scheme.

PPS Regional Structure



There are two PPS regions. Each of the regions, Belfast and Eastern Region and Western and Southern Region, is headed by an Assistant Director (AD). The AD is responsible for working with the courts and the police to provide a high quality prosecution service in their area. The regions deal with a wide range of cases, from the less serious summary cases, which are heard in the Magistrates' Courts, through to more serious indictable cases which are heard in the Crown Court.

In addition there are four legal sections, based in PPS Headquarters, which are also headed at AD level. These are as follows:

- The Serious Crime Unit which deals with a range of the most serious offences including murder, manslaughter, rape and serious sexual offences and human trafficking;
- Central Casework Section which deals with some of the most high profile and difficult cases in Northern Ireland, including files relating to terrorism and organised crime;
- Fraud and Departmental Section which deals with serious and complex fraud files

- submitted by the police, as well as files from public bodies; and
- High Court and International Section which deals with a range of specialist legal matters (for example, High Court bail applications, extradition and appeals to the Court of Appeal).

Corporate Services is responsible for the organisation's support services such as Policy and Information, Finance, Resource Management, Communications and ICT, as well as the Victim and Witness Care Unit (VWCU).

Hate Crime

Two distinct definitions are applied in cases involving hate crime, as recorded by the Police Service of Northern Ireland (PSNI) and the PPS. These are outlined below.

PSNI: Cases involving hate crime

There is no statutory definition of 'hate crime'. In recording hate crime, the PSNI have adopted the definition for racially motivated crime recommended by the Stephen Lawrence Inquiry, namely: 'Any crime, which is perceived to be racist by the victim or any other person'.

PSNI apply the principles of this definition to record all types of hate crime, including those relating to:

- Racist incidents;
- Homophobic incidents (sexual orientation);
- Sectarian incidents;
- Faith / religious incidents (non-sectarian);
- Disability incidents; and
- Transphobic incidents.

PPS: Cases considered by a prosecutor to have involved hate crime which was 'aggravated by hostility'

While there is no statutory definition of hate crime, the law does provide for a 'statutory aggravating feature'. This is applied if, in the view of a prosecutor, this aspect of a case can be proved to the evidential standard; that is, beyond reasonable doubt. If a Judge accepts that this aspect of the case is proven beyond reasonable doubt, he/she must increase the sentence imposed.

The statutory aggravating feature is provided for by the Criminal Justice (No. 2) (Northern Ireland) Order 2004. The four statutory categories of aggravated offences are:

- Race;
- Religion;
- Sexual orientation; and

- Disability.

There is no statutory category of 'sectarian' or 'transphobic', corresponding to the PSNI definition of hate crime. Where applicable, offences motivated by sectarianism may be considered to be aggravated on the basis of either race or religion, depending on the circumstances of the case. It may be that some offences, which are considered in broad terms to be sectarian, do not fall within either statutory category of race or religion. In such situations the offence can still be prosecuted, but the legislation relating to the aggravation element will not apply.

As there is a requirement to satisfy the evidential standard, not all cases involving hate crimes will be considered by the PPS to be 'aggravated by hostility'. Additionally, cases may be identified by a prosecutor as being 'aggravated by hostility' which were not originally recorded by the PSNI as involving hate crime.

As the PSNI definition of hate crime is perception-based, even if there is insufficient evidence of the hostility element, it remains a hate crime. If there is a conviction for a substantive offence, it is a conviction for a hate crime.

The accompanying explanatory notes (see pages 23-24) provide more detail in respect of the definitions outlined above.

About this Bulletin

This bulletin is set out in two parts:

- In Part One, Tables 1 – 6 present key statistics in relation to cases involving hate crime submitted to the PPS by the PSNI.
- In Part Two, Tables 7 - 10 present key statistics in relation to cases considered by a prosecutor to have involved hate crime which was 'aggravated by hostility'.

The statistical information provided in this bulletin includes caseloads, prosecutorial decisions and the outcomes of prosecutions at court. Figures are provided for the full 2018/19 financial year (i.e. 1 April 2018 to 31 March 2019) and include comparisons for the equivalent period in 2017/18. Figures in respect of defendants whose cases were presented in court as 'aggravated by hostility' and the number who received enhanced sentences have also been included.

All statistics for the current financial year have been finalised. For further details, see 'User Information' on page 27.

If you have any feedback, questions or requests for further information about this bulletin, please contact us as follows:

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Part One:

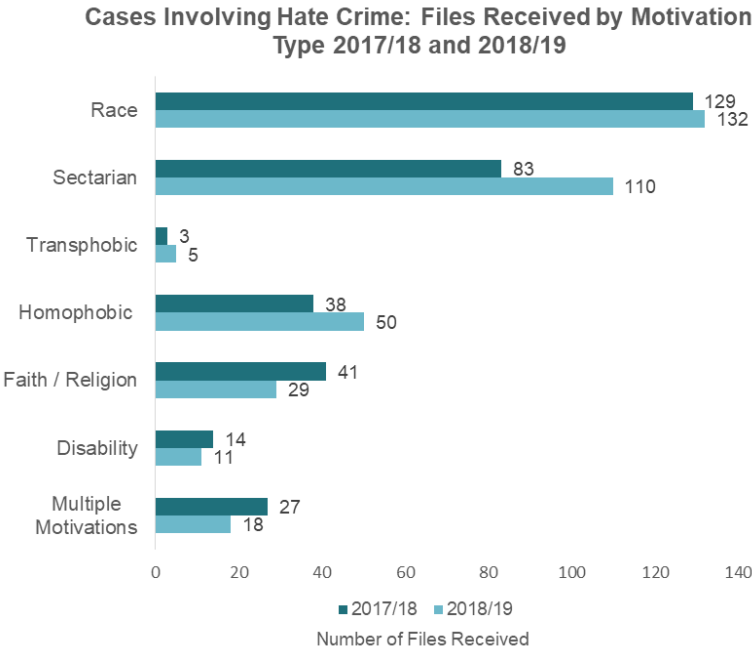
Cases Involving Hate Crime Submitted by the PSNI

Summary of Key Points

Figures quoted are for the financial year, 1 April 2018 to 31 March 2019, unless otherwise stated. This summary should be read together with the explanatory notes provided (see pages 23 - 26).

Files Received from Police by PPS Region / Function (Table 1)

- During the 2018/19 financial year, the PPS received 355 files involving hate crime. This was an increase of 20 on 2017/18 (335).
- Almost two-fifths (37.2%) of files received during 2018/19 related to racial crimes, a similar proportion to 2017/18 (38.5%).



Files Received by Offence Classification (Table 2)

- During 2018/19, the majority of files received involving hate crime (62.5%) fell into one category, 'violence against the person'.
- Comparing 2017/18 and 2018/19, there was an increase in the 'violence against the person' category (from 208 to 222). 'Public order' remained relatively unchanged (down 1 to 41), whilst 'criminal damage' fell by 7 to 37.

Prosecutorial Decisions Issued by Decision Type (Table 3)

- During 2018/19, prosecutorial decisions were issued by the PPS in respect of 432 persons in cases involving hate crime. This was an increase of 1.6% on the total issued during 2017/18 (425).
- The evidential Test for Prosecution was met in the majority of cases during 2018/19. Of the 432 persons for whom decisions were issued, 56.0% were issued with a decision for prosecution (221) or for diversion from the courts (21). This was higher than in 2017/18 (53.6%).

Reasons for No Prosecution (Table 4)

- Of the 190 decisions for no prosecution issued during 2018/19, the vast majority did not pass the evidential test. The remainder did not pass the public interest test.

Defendants Dealt with in the Crown Court by Outcome (Table 5)

- During 2018/19, 14 defendants were dealt with in the Crown Court. This was an increase of 1 on the 2017/18 financial year (13).
- Of the 14 defendants dealt with during 2018/19, 13 were convicted of at least one offence.

Defendants Dealt with in the Magistrates' and Youth Courts by Outcome (Table 6)

- A total of 212 defendants were dealt with in the Magistrates' and Youth Courts during 2018/19, an increase of 19 on 2017/18 (193).
- Of the defendants dealt with during 2018/19, 73.1% were convicted of at least one offence. This compares with a conviction rate of 67.4% during the previous year.

Cases Involving Hate Crime: Defendants Dealt with in the Magistrates' and Youth Courts 2018/19

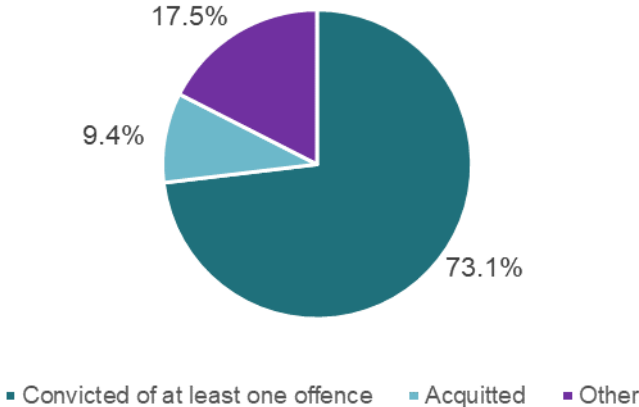


Table 1: Cases Involving Hate Crime - Files Received from Police by PPS Region / Function

2017/18 and 2018/19

		PPS Region / Function ¹					Number of files
		Belfast and Eastern	Western and Southern	Serious Crime Unit	Headquarters	All PPS	
Year	Motivation ²	Number	Number	Number	Number	Number	
2018/19	Race	73	59	0	0	132	
	Sectarian	46	59	0	5	110	
	Homophobic	31	19	0	0	50	
	Transphobic	2	3	0	0	5	
	Faith / Religion	13	16	0	0	29	
	Disability	6	5	0	0	11	
	Multiple Motivations	12	6	0	0	18	
	All files	183	167	0	5	355	
2017/18	Race	73	56	0	0	129	
	Sectarian	33	45	3	2	83	
	Homophobic	26	12	0	0	38	
	Transphobic	1	2	0	0	3	
	Faith / Religion	20	21	0	0	41	
	Disability	6	8	0	0	14	
	Multiple Motivations	10	16	1	0	27	
	All files	169	160	4	2	335	
Change 2017/18 to 2018/19	Number	14	7	-4	3	20	
	Percentage Change ³	8.3%	4.4%	N/A	N/A	6.0%	

¹ The Serious Crime Unit was established in January 2016. 'Headquarters' includes Central Casework Section and Fraud and Departmental Section.

² See explanatory notes, page 23.

³ Some percentage changes are stated as 'N/A' due to base number being too small to allow for the calculation of percentage.

Table 2: Cases Involving Hate Crime - Files Received from Police by Offence Classification

2017/18 and 2018/19

		Primary Offence Classification ^{1,2}				Number of files
		Violence against the person	Criminal damage	Public order	All other offence groups	All Offence Classifications
Year	Motivation ³	Number	Number	Number	Number	Number
2018/19	Race	80	19	13	20	132
	Sectarian	58	10	22	20	110
	Homophobic	42	2	3	3	50
	Transphobic	3	1	0	1	5
	Faith / Religion	19	4	1	5	29
	Disability	9	0	1	1	11
	Multiple Motivations	11	1	1	5	18
	All files	222	37	41	55	355
2017/18	Race	83	16	17	13	129
	Sectarian	46	9	14	14	83
	Homophobic	27	7	1	3	38
	Transphobic	3	0	0	0	3
	Faith / Religion	24	6	6	5	41
	Disability	11	2	0	1	14
	Multiple Motivations	14	4	4	5	27
	All files	208	44	42	41	335
Change 2017/18 to 2018/19	Number	14	-7	-1	14	20
	Percentage Change ⁴	6.7%	N/A	N/A	N/A	6.0%

¹ See explanatory notes, page 25.

² A review of offence classifications has been conducted to ensure continued alignment with the Department of Justice Northern Ireland. Therefore, some revisions have been made to previously published figures for financial year 2017-18.

³ See explanatory notes, page 23.

⁴ Some percentage changes are stated as 'N/A' due to base number being too small to allow for the calculation of percentage.

Table 3: Cases Involving Hate Crime - Prosecutorial Decisions Issued by Decision Type

2017/18 and 2018/19

		Type of Decision ¹				Number of persons (decisions issued)
		Indictable prosecution	Summary prosecution	Diversion	No Prosecution	All Decisions Issued
Year	Motivation ²	Number	Number	Number	Number	Number
2018/19	Race	3	78	5	68	154
	Sectarian	#	72	#	52	143
	Homophobic	#	19	-	34	58
	Transphobic	0	-	0	#	5
	Faith / Religion	0	20	0	19	39
	Disability	0	#	-	#	14
	Multiple Motivations	0	15	0	4	19
	All decisions	12	209	21	190	432
2017/18	Race	*	84	*	69	158
	Sectarian	*	51	*	49	116
	Homophobic	*	23	*	20	45
	Transphobic	*	-	*	-	4
	Faith / Religion	*	17	*	36	56
	Disability	*	#	*	10	15
	Multiple Motivations	*	17	*	11	31
	All decisions	8	198	22	197	425
Change 2017/18 to 2018/19	Number	4	11	-1	-7	7
	Percentage Change ³	N/A	5.6%	N/A	-3.6%	1.6%

¹ See explanatory notes, page 25.

² See explanatory notes, page 23.

³ Some percentage changes are stated as 'N/A' due to base number being too small to allow for the calculation of a percentage.

"-" refers to a count less than 3.

"#" refers to a number >=3 which has been suppressed to prevent disclosure of small numbers elsewhere.

"**" refers to a category where a detailed breakdown cannot be provided due to small numbers involved.

Table 4: Cases Involving Hate Crime - Reasons for No Prosecution

2017/18 and 2018/19

		Number of persons (decisions issued)
Year	Reason for no prosecution ¹	
2018/19	Did not pass the evidential test	#
	Did not pass the public interest test	-
	All no prosecution decisions	190
2017/18	Did not pass the evidential test	194
	Did not pass the public interest test	3
	All no prosecution decisions	197
Change	Number	-7
2017/18 to 2018/19	Percentage Change	-3.6%

¹ See explanatory notes, page 25.

"-" refers to a count less than 3.

"#" refers to a number >=3 which has been suppressed to prevent disclosure of small numbers elsewhere.

Table 5: Cases Involving Hate Crime ¹ - Defendants Dealt with in the Crown Court by Outcome

2017/18 and 2018/19

Number of persons (defendants)

Year	Motivation ³	Outcome ²				Conviction Rate ⁴
		Convicted of at least one offence	Acquitted	Other	All defendants	
		Number	Number	Number	Number	%
2018/19	Race	3	0	0	3	
	Sectarian	6	1	0	7	
	Homophobic	3	0	0	3	
	Transphobic	0	0	0	0	
	Faith / Religion	1	0	0	1	
	Disability	0	0	0	0	
	Multiple Motivations	0	0	0	0	
	All defendants	13	1	0	14	N/A
2017/18	Race	1	0	0	1	
	Sectarian	2	1	1	4	
	Homophobic	1	0	0	1	
	Transphobic	0	0	0	0	
	Faith / Religion	4	1	0	5	
	Disability	0	0	0	0	
	Multiple Motivations	2	0	0	2	
	All defendants	10	2	1	13	N/A
Change 2017/18 to 2018/19	Number	3	-1	-1	1	
	Percentage Change ⁴	N/A	N/A	N/A	N/A	N/A

¹ The data in the table reflect the overall outcome for the defendant. Some defendants may have been prosecuted for a mix of offences. In some instances a defendant with an outcome 'convicted of at least one offence' may have been acquitted of the hate motivated offence but convicted of another offence.

² See explanatory notes, page 26.

³ See explanatory notes, page 26.

⁴ Conviction rate and percentage change stated as 'N/A' due to base number being too small to allow for the calculation of a percentage.

Table 6: Cases Involving Hate Crime ¹ - Defendants Dealt with in the Magistrates' and Youth Courts by Outcome

2017/18 and 2018/19

Number of persons (defendants)

Year	Motivation ³	Outcome ²				Conviction Rate
		Convicted of at least one offence	Acquitted	Other	All defendants	
		Number	Number	Number	Number	%
2018/19	Race	62	10	11	83	
	Sectarian	54	2	15	71	
	Homophobic	16	1	3	20	
	Transphobic	1	1	0	2	
	Faith / Religion	6	4	5	15	
	Disability	1	2	0	3	
	Multiple Motivations	15	0	3	18	
	All defendants	155	20	37	212	73.1%
2017/18	Race	55	13	17	85	
	Sectarian	33	7	11	51	
	Homophobic	17	3	3	23	
	Transphobic	1	0	0	1	
	Faith / Religion	10	2	5	17	
	Disability	1	0	0	1	
	Multiple Motivations	13	2	0	15	
	All defendants	130	27	36	193	67.4%
Change 2017/18 to 2018/19	Number	25	-7	1	19	
	Percentage Change	19.2%	N/A	N/A	9.8%	

¹ The data in the table reflect the overall outcome for the defendant. Some defendants may have been prosecuted for a mix of offences. In some instances a defendant with an outcome 'convicted of at least one offence' may have been acquitted of the hate motivated offence but convicted of another offence.

² See explanatory notes, page 26.

³ See explanatory notes, page 23.

Part Two:

Cases Considered by a PPS Prosecutor to have Involved Hate Crime which was 'Aggravated by Hostility'

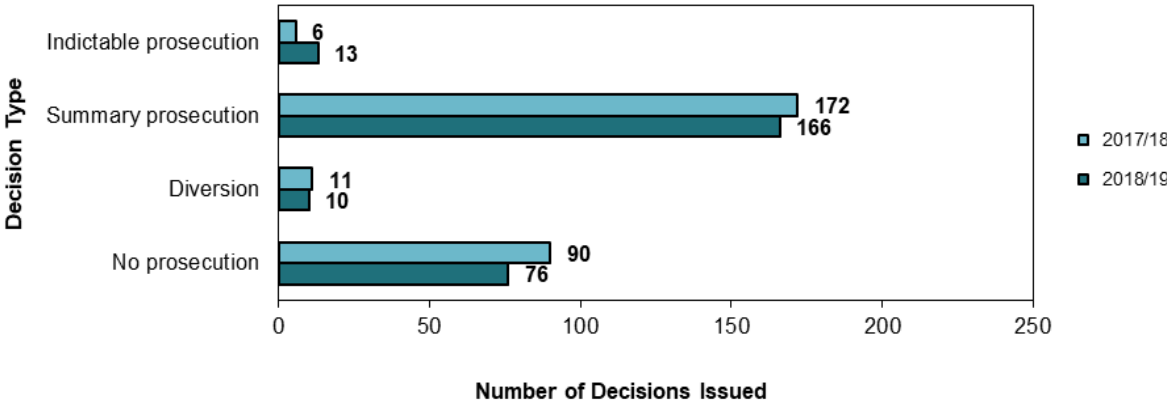
Summary of Key Points

Figures quoted are for the financial year, 1 April 2018 to 31 March 2019, unless otherwise stated. This summary should be read together with the explanatory notes provided (see pages 23 - 26).

Prosecutorial Decisions Issued by Decision Type (Table 7)

- During 2018/19, prosecutorial decisions were issued by the PPS in respect of 265 persons in cases considered to have involved hate crime which was 'aggravated by hostility'. This was 5.0% lower than the total issued during 2017/18 (279).
- The evidential Test for Prosecution was met in the majority of cases considered by prosecutors during 2018/19. Of the 265 persons for whom prosecutorial decisions were issued, over seven-tenths (71.3%) were issued with a decision for prosecution (179) or for diversion from the courts (10). This was higher than in 2017/18 (67.7%).

**Cases Considered to be Hate Crimes which were 'Aggravated by Hostility':
Number of Prosecutorial Decisions Issued by Type 2017/18 and 2018/19**



Reasons for No Prosecution (Table 8)

- Of the 76 decisions issued for no prosecution during 2018/19, all did not pass the evidential test.

Defendants Dealt with in the Crown Court by Outcome (Table 9)

- During 2018/19, 16 defendants were dealt with in the Crown Court. This was an increase of 10 on the 2017/18 financial year (6).
- Of these 16 defendants, 13 were prosecuted in court on the basis that the alleged offences were aggravated by hostility. This compared with 5 out of 6 in 2017/18.
- All 16 defendants were convicted of at least one offence.
- None of the 16 defendants convicted during 2018/19 was recorded as having received an increased sentence where the Judge accepted that the aggravating

feature of the offence(s) had been proven beyond reasonable doubt. This compared with 1 out of 6 in 2017/18.

Defendants Dealt with in the Magistrates' and Youth Courts by Outcome (Table 10)

- A total of 159 defendants were dealt with in the Magistrates' and Youth Courts during 2018/19, a 13.1% decrease on 2017/18 (183).
- Of the 159 defendants, 125 (78.6%) were prosecuted in court on the basis that the alleged offences were aggravated by hostility. This compared with 137 out of 183 in 2017/18 (74.9%).
- The conviction rate was 80.5% compared with 68.3% in 2017/18.
- Forty-nine of the 128 defendants (38.3%) convicted during 2018/19 were recorded as having received an increased sentence where the Judge accepted that the aggravating feature of the offence(s) had been proven beyond reasonable doubt. This compared with 52 out of 125 in 2017/18 (41.6%).

Cases Considered by a Prosecutor to have Involved Hate Crime which was 'Aggravated by Hostility': Defendants Dealt with in the Magistrates' and Youth Courts 2018/19

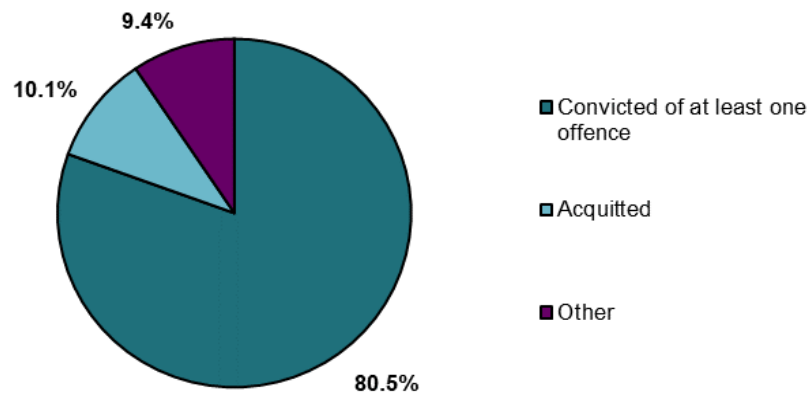


Table 7: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Prosecutorial Decisions Issued by Decision Type
2017/18 and 2018/19

Number of persons (decisions issued)

Year	Aggravation Classification ²	Type of Decision ¹				All Decisions Issued Number
		Indictable prosecution Number	Summary prosecution Number	Diversion Number	No Prosecution Number	
2018/19	Race	*	84	*	38	131
	Sexual Orientation	*	17	*	18	40
	Religion	*	50	*	17	75
	Disability	*	3	*	-	5
	Multiple Motivations	*	12	*	-	14
	All decisions		13	166	10	76
2017/18	Race	*	74	*	33	111
	Sexual Orientation	*	24	*	14	39
	Religion	*	63	*	32	106
	Disability	*	-	*	#	5
	Multiple Motivations	*	#	*	#	18
	All decisions		6	172	11	90
Change 2017/18 to 2018/19	Number Percentage Change ³	7 N/A	-6 -3.5%	-1 N/A	-14 -15.6%	-14 -5.0%

¹ See explanatory notes, page 25.

² See explanatory notes, page 24.

³ Some percentage changes are stated as ‘N/A’ due to base number being too small to allow for the calculation of a percentage.

“-” refers to a count less than 3.

“#” refers to a number >=3 which has been suppressed to prevent disclosure of small numbers elsewhere.

“*” refers to a category where a detailed breakdown cannot be provided due to small numbers involved.

Table 8: Cases Considered by a Prosecutor to have Involved Hate Crime which was 'Aggravated by Hostility' - Reasons for No Prosecution

2017/18 and 2018/19

		Number of persons (decisions issued)
Year	Reason for no prosecution ¹	
2018/19	Did not pass the evidential test	76
	Did not pass the public interest test	0
	All no prosecution decisions	76
2017/18	Did not pass the evidential test	#
	Did not pass the public interest test	-
	All no prosecution decisions	90
Change	Number	-14
2017/18 to 2018/19	Percentage Change	-15.6%

¹ See explanatory notes, page 25.

"-" refers to a count less than 3.

"#" refers to a number >=3 which has been suppressed to prevent disclosure of small numbers elsewhere.

Table 9: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Defendants Dealt with in the Crown Court by Outcome
2017/18 and 2018/19

		Outcome ^{1,2}				Conviction Rate ^{5, 6}
		Convicted of at least one offence ⁴	Acquitted	Other	All defendants	
Year	Aggravation Classification ³	Number	Number	Number	Number	%
2018/19	Race	6	0	0	6	
	Sexual Orientation	3	0	0	3	
	Religion	7	0	0	7	
	Disability	0	0	0	0	
	Multiple Motivations	0	0	0	0	
	All defendants	16	0	0	16	N/A
2017/18	Race	2	0	0	2	
	Sexual Orientation	1	0	0	1	
	Religion	2	0	0	2	
	Disability	0	0	0	0	
	Multiple Motivations	1	0	0	1	
	All defendants	6	0	0	6	N/A
Change 2017/18 to 2018/19	Number	10	0	0	10	
	Percentage Change ⁶	N/A	N/A	N/A	N/A	

¹ See explanatory notes, page 26.

² Of the 16 defendants dealt with during 2018/19, 13 were prosecuted in court on the basis that the alleged offences were aggravated by hostility (see explanatory notes, page 24).

³ See explanatory notes, page 24.

⁴ Based on information recorded by the Northern Ireland Courts and Tribunals Service. During 2018/19, none of the 16 defendants convicted received an increased sentence where the Judge accepted that the aggravating feature of the offence(s) had been proven beyond reasonable doubt (see explanatory note, page 24).

⁵ During 2018/19, 6 defendants were convicted solely in respect of offences where there was no aggravating feature.

⁶ Conviction rate and percentage stated as 'N/A' due to base number being too small to allow for the calculation of a percentage.

Table 10: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Defendants Dealt with in the Magistrates’ and Youth Courts by Outcome

2017/18 and 2018/19

		Outcome ^{1,2}				Conviction Rate ⁵
		Convicted of at least one offence ⁴	Acquitted	Other	All defendants	
Year	Aggravation classification ³	Number	Number	Number	Number	%
2018/19	Race	60	11	7	78	
	Sexual Orientation	20	1	1	22	
	Religion	36	3	6	45	
	Disability	0	0	0	0	
	Multiple Motivations	12	1	1	14	
	All defendants	128	16	15	159	80.5%
2017/18	Race	55	11	15	81	
	Sexual Orientation	20	3	3	26	
	Religion	44	7	17	68	
	Disability	1	0	0	1	
	Multiple Motivations	5	2	0	7	
	All defendants	125	23	35	183	68.3%
Change 2017/18 to 2018/19	Number Percentage Change ⁶	3 2.4%	-7 N/A	-20 N/A	-24 -13.1%	

¹ See explanatory notes, page 26.

² Of the 159 defendants dealt with during 2018/19, 125 were prosecuted in court on the basis that the alleged offences were aggravated by hostility (see explanatory notes, page 24).

³ See explanatory notes, page 24.

⁴ Based on information recorded by the Northern Ireland Courts and Tribunals Service. During 2018/19, 49 of the 128 defendants convicted received an increased sentence where the Judge accepted that the aggravating feature of the offence(s) had been proven beyond reasonable doubt (see explanatory note, page 24).

⁵ During 2018/19, 8 defendants were convicted solely in respect of offences where there was no aggravating feature. Excluding these defendants, the overall conviction rate for 2018/19 was 75.5% (see explanatory note, page 26).

⁶ Some percentage changes are stated as ‘N/A’ due to base number being too small to allow for the calculation of a percentage.

Explanatory Notes

Tables 1 - 6

Cases Involving Hate Crime – Definitions Applied

Tables 1 to 6 are based on cases submitted to the PPS which have been flagged by the Police as involving hate crime. As set out above, the PSNI have adopted the definition for racially motivated incidents recommended by the Stephen Lawrence Inquiry, namely, 'Any incident, which is perceived to be racist by the victim or any other person'. The PSNI apply the principles of this definition to record all types of hate crimes.

There are six types of hate crime as listed below:

Race

A racist crime is defined as any crime which is perceived to be racist by the victim or any other person. A racial group can be defined as a group of persons defined by reference to race, colour, nationality or ethnic or national origins (this includes UK National origins, i.e. Scottish, English, Welsh and Irish) and references to a person's racial group refer to any racial group into which he/she falls. Racial group includes the Irish Traveller community.

Sectarian

A sectarian crime is defined as any crime which is perceived to be sectarian by the victim or any other person. The term 'sectarian', whilst not clearly defined, is a term almost exclusively used in Northern Ireland to describe crimes of bigoted dislike or hatred of members of a different religious or political group. It is broadly accepted that within the Northern Ireland context an individual or group must be perceived to be Catholic or Protestant, Nationalist or Unionist, or Loyalist or Republican.

Homophobic

A homophobic crime is defined as any crime which is perceived to be homophobic by the victim or any other person. Homophobia can be defined as a fear or dislike directed towards lesbian, gay or bisexual people, or a fear or dislike directed towards their perceived lifestyle, culture or characteristics.

Transphobic

A transphobic crime is defined as any crime which is perceived to be transphobic by the victim or any other person. Gender should not be confused with sexual orientation. A transsexual is a person who has 'gender dysphoria' or dissatisfaction with his or her own birth gender. Transsexuals may be lesbian, gay, bisexual or heterosexual and may or may not consider a crime perpetrated against them to be homophobic.

Faith/Religious (non-sectarian)

A faith/religious crime is defined as any crime which is perceived to be based upon prejudice towards or hatred of the faith of the victim or so perceived by the victim or any other person. A faith or religious group can be defined as a group of persons defined by reference to religious belief or lack of religious belief. This would include Christians, Muslims, Hindus, Sikhs and different sects within a religion. It also includes people who hold no religious belief at all.

Disability

A disability related crime is defined as any crime which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person. Disability can be defined as any physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities.

A crime will be recorded as having a hate motivation where it meets at least one of the definitions provided above. However, some cases may have more than one motivation and are therefore recorded as having *multiple* motivations. This is to avoid double counting within the statistics.

Tables 7 - 10

Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ – Definitions Applied

Offences aggravated by hostility are provided for by the Criminal Justice (No. 2) (Northern Ireland) Order 2004.

An offence is aggravated by hostility if:

- (a) At the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on:
- (i) The victim’s membership (or presumed membership) of a racial group;
 - (ii) The victim’s membership (or presumed membership) of a religious group;
 - (iii) The victim’s membership (or presumed membership) of a sexual orientation group;
 - (iv) A disability or presumed disability of the victim; **or**
- (b) The offence is motivated (wholly or partly) by hostility towards:
- (i) Members of a racial group based on their membership of that group;
 - (ii) Members of a religious group based on their membership of that group;
 - (iii) Members of a sexual orientation group based on their membership of that group;
 - (iv) Persons who have a disability or a particular disability.

The definitions applied in the legislation are as follows:

- ‘Disability’ means any physical or mental impairment.
- ‘Membership’, in relation to a racial, religious or sexual orientation group, includes association with members of that group.
- ‘Presumed’ means presumed by the offender.
- ‘Racial group’ has the same meaning as in the
- ‘Religious group’ means a group of persons defined by reference to religious belief or lack of religious belief.
- ‘Sexual orientation group’ means a group of persons defined by reference to sexual orientation.

It should be noted that where there are multiple offences within an individual case, some offences may not in the view of the prosecutor have an aggravating feature.

Where there is sufficient evidence that an offence was aggravated by hostility, the PPS is required to ensure that the case is prosecuted and opened in court in accordance with the provisions of the Criminal Justice (No. 2) (Northern Ireland) Order 2004. This will apply in all cases of this type, unless there has been a change in circumstances, such as the unavailability of a key witness or other evidence.

If the Judge is satisfied that the aggravating element is proven, he/she must state so in open court and increase the sentence (i.e. over that which would otherwise have been imposed). Alternatively, if the court concludes that an offence was aggravated by hostility without it being opened by the prosecution in court, the Judge may state in open court that the offence was aggravated by hostility and increase the sentence accordingly. Statistics for the numbers of defendants prosecuted at court / sentenced at court on this basis

are only available from 2014/15.

Tables 1 - 2

A file may refer to one or more individuals.

For Table 2 the Offence Classifications used are standardised across the criminal justice organisations in Northern Ireland. While current classifications continue to mirror the Home Office Recorded Crime Offence Categories, there may be some variation in the offences included within each category. Therefore, data published on Recorded Crime Offence Groups prior to 2014 will not be directly comparable with the Offence Classification.

In January 2019 a review of Offence Classifications was undertaken to ensure continued alignment with Department of Justice Northern Ireland. As a result, some revisions were made to the Offence Classifications in the Statistical publication for financial year 2018-19. Previously published figures for financial year 2017-18 were also revised in this bulletin to reflect these changes. It should be noted that data published prior to 2017/18 will not be directly comparable with the updated Offence Classifications.

Files have been assigned to the respective categories on the basis of the 'primary' offence in each case at the time the file is submitted to PPS from police. The 'primary' offence is generally the most serious offence in terms of the potential penalties in law.

Table 3 / Table 7

More than one prosecutorial decision may be recorded against any individual within a case. Therefore 'type of decision' refers to the most serious decision issued, in the following order: Indictable prosecution; summary prosecution; diversion; and no prosecution. A number of types of prosecutorial decision are available to the prosecutor, as follows:

- *Indictable prosecution* applies in the more serious offences which may be heard in the Crown Court.
- *Summary prosecution* applies to cases which may be heard in the Magistrates' Courts.
- *A diversion* is a method of dealing with offenders that do not involve going through the courts. Diversionary options include cautions, informed warnings and youth conferences.
- *A decision for no prosecution* will be taken if the prosecutor decides that in any case being considered there is insufficient evidence or that it is not in the public interest to prosecute (see note regarding the Test for Prosecution below).

Table 4 / Table 8

Prosecutions are initiated where the prosecutor is satisfied that the Test for Prosecution is met. There are two aspects to the Test:

- a) Whether the evidence which can be offered in court is sufficient to provide a reasonable prospect of conviction (the evidential test); and
- b) Whether prosecution is required in the public interest (the public interest test).

Each of these stages must be separately considered, but a decision whether or not a prosecution is in the public interest can only arise when the evidential test has been satisfied.

Table 5 / Table 9

Includes all defendants dealt with in the Crown Court during the period, based on results data supplied by the Northern Ireland Courts and Tribunals Service (via the Causeway Data Sharing Mechanism). Proceedings in the Crown Court generally follow the issue of a decision by PPS to prosecute on indictment. The category 'acquitted' includes the following outcomes: acquittals, acquittals by direction, No Bills, no evidence offered – defendant acquitted, left on books, proceedings stayed, unfit to plead – but found that he/she did not do the act, no case to answer - granted. 'Other' Includes defendant deceased, withdrawal – all charges, bound over for not having shown cause, bound over where charge withdrawn, withdrawn due to diversionary route.

It should be noted that if an individual is involved in more than one case which is resulted during this period, they will be counted as a separate defendant on each occasion.

Table 6 / Table 10

Includes all defendants dealt with in the Magistrates' and Youth Courts during the period, based on results data supplied by the Northern Ireland Courts and Tribunals Service (via the Causeway Data Sharing Mechanism). Data reflect the number of persons where PPS has taken a decision to prosecute summarily; i.e. defendants against whom charges were withdrawn prior to decision are excluded. The category 'acquitted' includes the following outcomes: dismissed; no case to answer granted; and proceedings stayed. 'Other' includes: defendant deceased; withdrawal – all charges; bound over for not having shown cause; bound over where charge withdrawn; withdrawn due to diversionary route. Excludes persons returned for trial in the Crown Court.

It should be noted that if an individual is involved in more than one case which is resulted during this period, they will be counted as a separate defendant on each occasion.

Tables 5 and 6 / Tables 9 and 10

These data reflect the *overall* outcome for the defendant. Some defendants may have been prosecuted for a mix of offences. In some instances a defendant with an outcome 'convicted of at least one offence' may have been acquitted of the hate motivated / aggravated by hostility offence but convicted of another offence.

Conviction rates are calculated on the basis of the number of persons convicted as a percentage of all persons dealt with during the period.

User Information

Data sources and validations

The information presented in this bulletin is derived from the PPS Case Management System (CMS), the main operational system in use within the PPS. This is a 'live' system with data being input / updated on a daily basis.

It should be noted that the CMS is linked to the CJSNI's Causeway data sharing mechanism. The first phase of Causeway ('DSM 0'), introduced in 2005/06, allowed police to submit files to the PPS electronically. The most recent phase ('DSM 1') was launched at the end of November 2009 and broadened the portfolio of information shared electronically. The information supplied by police via Causeway includes details of cases involving hate crimes.

The information is extracted using Business Objects. It is then validated and quality assured to ensure that the data is reliable and robust for use. Any inconsistencies are reported back to operational staff or to the PPS Information and Communications Technology Branch. If required, any necessary amendments are then made to the data. It should be noted that the recording of hate crime is not quality assured by PPS. However audits and data quality checks are routinely conducted by PSNI.

All statistics for the current financial year have been finalised.

Rounding conventions

Percentages have been rounded to one decimal place and as a consequence some percentages may not sum to 100. Where a base number is less than 50, percentages are not provided.

Disclosure control

Where small numbers (less than 3) within the tables have the potential to disclose sensitive information, disclosure controls have been applied and numbers less than three have been suppressed (see notes to individual tables).

Official Statistics

These are 'Official Statistics' as defined in Section 6 of the Statistics and Registration Services Act 2007. Statisticians from the Northern Ireland Statistics and Research Agency are seconded to the PPS and are responsible for ensuring that the statistics produced comply with the Code of Practice for Official Statistics.

The PPS would value any feedback on this report and welcome recommendations on the future addition of data that may be of interest to readers. Contact details are provided overleaf.

Future publications

The next Statistical Bulletin on Hate Crime, covering the 2019/20 financial year (1 April 2019 to 31 March 2020), will be published during August / September 2020.

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