

Public Prosecution Service for Northern Ireland

# Statistical Bulletin: Cases Involving Hate Crime 2016/17

1 April 2016 to 31 March 2017



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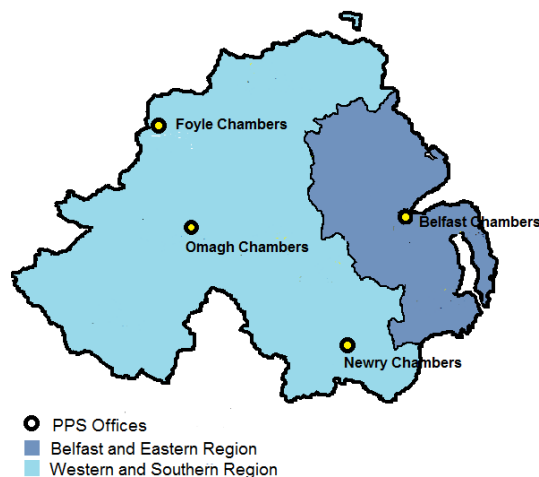
## Introduction

### 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 restorative cautioning, 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



A revised organisational structure was introduced in January 2016 as a result of the PPS Transformation Programme. This included the implementation of a two region model, reducing from the four regions in place previously. 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.

A new Serious Crime Unit (SCU) was also implemented in January 2016. The SCU, which is headed by an AD, deals with a range of the most serious offences including murder, manslaughter, rape and serious sexual offences, human trafficking, prostitution and related offences. Prior to January, cases of this type would typically have been dealt with by the regions.

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

- 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 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 22-23) 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 2016/17 financial year (i.e. 1 April 2016 to 31 March 2017) and include comparisons for the equivalent period in 2015/16. 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 26.

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:**

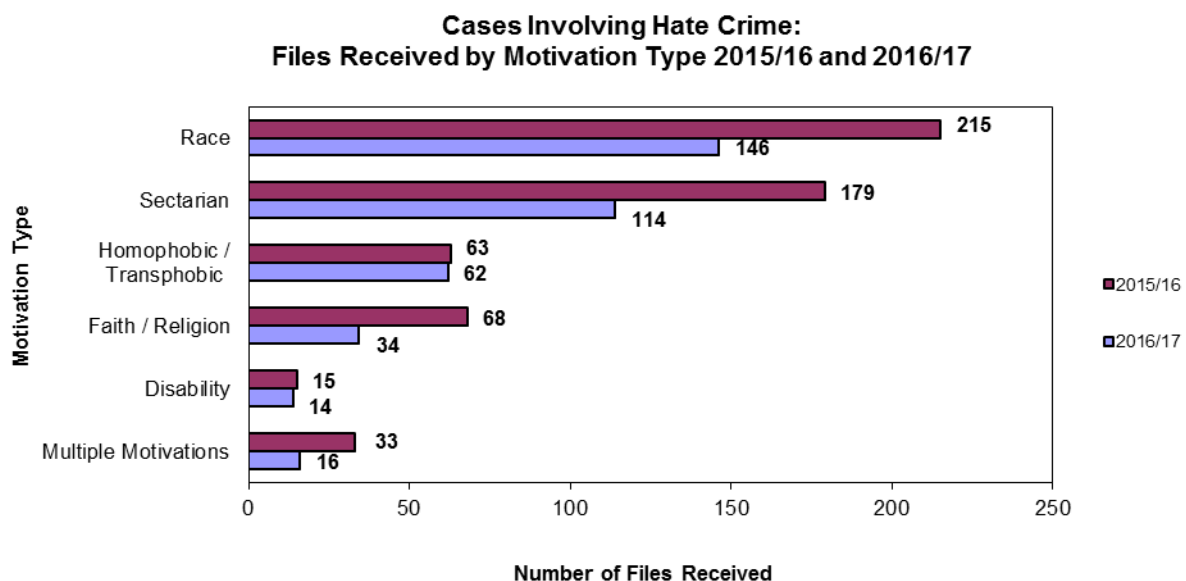
**Cases Involving Hate Crime Submitted by the PSNI**

## Summary of Key Points

Figures quoted are for the financial year, 1 April 2016 to 31 March 2017, unless otherwise stated. This summary should be read together with the explanatory notes provided (see pages 22 - 25).

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

- During the 2016/17 financial year, the PPS received 386 files involving hate crime. This was a decrease of 187 on 2015/16 (573).
- Almost two-fifths (38%) of files received during 2016/17 related to racial crimes, the same proportion as in 2015/16.



### Files Received by Offence Classification (Table 2)

- During 2016/17, the majority of files received involving hate crime fell into two categories, 'violence against the person' (61%) or 'public order' (12%).
- Comparing 2015/16 and 2016/17, files received involving violent offences fell by 107 to 236, while those involving public order offences fell by 50 to 45.

### Prosecutorial Decisions Issued by Decision Type (Table 3)

- During 2016/17, prosecutorial decisions were issued by the PPS in respect of 514 persons in cases involving hate crime. This was a decrease of 33% on the total issued during 2015/16 (764).
- The evidential Test for Prosecution was met in the majority of cases during 2016/17. Of the 514 persons for whom decisions were issued, 55% were issued with a decision for prosecution (247) or for diversion from the courts (35). This was lower than in 2015/16 (57%).



**Reasons for No Prosecution (Table 4)**

- Of the 232 decisions for no prosecution issued during 2016/17, the vast majority (99%) did not pass the evidential test. The remaining 1% did not pass the public interest test.

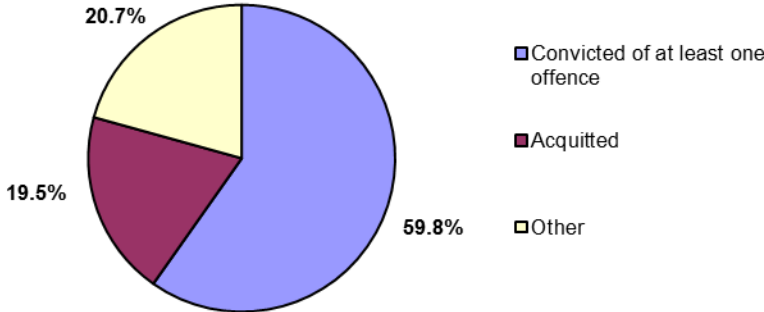
**Defendants Dealt with in the Crown Court by Outcome (Table 5)**

- During 2016/17, 33 defendants were dealt with in the Crown Court. This was an increase of 16 on the 2015/16 financial year (17).<sup>1</sup>
- Of the defendants dealt with during 2016/17, 81.8% were convicted. This compares with a conviction rate of 58.8% during the previous year.

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

- A total of 261 defendants were dealt with in the Magistrates' and Youth Courts during 2016/17, a decrease of 124 on 2015/16 (385).
- Of the defendants dealt with during 2016/17, 59.8% were convicted. This compares with a conviction rate of 67.3% during the previous year.

**Cases Involving Hate Crime: Defendants Dealt with in the Magistrates' and Youth Courts 2016/17**



<sup>1</sup> In May 2015 the Law Society and the Bar Council for Northern Ireland withdrew criminal defence services in response to the new Crown Court legal aid fee scheme introduced by the Department of Justice. As a result, no new cases were conducted in the Crown Court over the period May 2015 to February 2016.

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

2015/16 and 2016/17

		PPS Region / Function <sup>1</sup>					Number of files
		Belfast and Eastern	Western and Southern	Serious Crime Unit	Headquarters	All PPS	
Year	Motivation <sup>2</sup>	Number	Number	Number	Number	Number	
2016/17	Race	79	67	0	0	146	
	Sectarian	48	63	1	2	114	
	Homophobic / Transphobic	27	35	0	0	62	
	Faith / Religion	15	18	0	1	34	
	Disability	10	2	2	0	14	
	Multiple Motivations	8	8	0	0	16	
	<b>All files</b>		<b>187</b>	<b>193</b>	<b>3</b>	<b>3</b>	<b>386</b>
2015/16	Race	110	105	0	0	215	
	Sectarian	84	87	1	7	179	
	Homophobic / Transphobic	23	39	0	1	63	
	Faith / Religion	32	36	0	0	68	
	Disability	5	10	0	0	15	
	Multiple Motivations	11	22	0	0	33	
	<b>All files</b>		<b>265</b>	<b>299</b>	<b>1</b>	<b>8</b>	<b>573</b>
<b>Change (Number of Files Received) 2015/16 to 2016/17</b>		<b>-78</b>	<b>-106</b>	<b>2</b>	<b>-5</b>	<b>-187</b>	

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

<sup>2</sup> See explanatory notes, page 22.

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

2015/16 and 2016/17

		Offence Classification <sup>1</sup>				Number of files
		Violence against the person	Public order	Criminal damage	All other offence groups	All Offence Classifications
Year	Motivation <sup>2</sup>	Number	Number	Number	Number	Number
2016/17	Race	86	16	20	24	146
	Sectarian	60	20	12	22	114
	Homophobic / Transphobic	50	4	6	2	62
	Faith / Religion	22	2	4	6	34
	Disability	9	0	0	5	14
	Multiple Motivations	9	3	0	4	16
	<b>All files</b>	<b>236</b>	<b>45</b>	<b>42</b>	<b>63</b>	<b>386</b>
2015/16	Race	139	34	18	24	215
	Sectarian	87	44	18	30	179
	Homophobic / Transphobic	48	4	7	4	63
	Faith / Religion	36	8	9	15	68
	Disability	12	0	1	2	15
	Multiple Motivations	21	5	3	4	33
	<b>All files</b>	<b>343</b>	<b>95</b>	<b>56</b>	<b>79</b>	<b>573</b>
<b>Change (Number of Files Received) 2015/16 to 2016/17</b>		<b>-107</b>	<b>-50</b>	<b>-14</b>	<b>-16</b>	<b>-187</b>

<sup>1</sup> See explanatory notes, page 24.

<sup>2</sup> See explanatory notes, page 22.

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

2015/16 and 2016/17

Number of persons (decisions issued)

Year	Motivation <sup>2</sup>	Type of Decision <sup>1</sup>				All Decisions Issued
		Indictable prosecution	Summary prosecution	Diversion	No Prosecution	
		Number	Number	Number	Number	
2016/17	Race	1	98	12	79	190
	Sectarian	4	77	14	68	163
	Homophobic / Transphobic	1	33	3	36	73
	Faith / Religion	5	16	3	29	53
	Disability	0	3	2	16	21
	Multiple Motivations	0	9	1	4	14
	<b>All decisions</b>	<b>11</b>	<b>236</b>	<b>35</b>	<b>232</b>	<b>514</b>
2015/16	Race	11	128	27	113	279
	Sectarian	20	106	26	104	256
	Homophobic / Transphobic	0	37	8	32	77
	Faith / Religion	3	33	12	44	92
	Disability	1	6	1	21	29
	Multiple Motivations	0	17	2	12	31
	<b>All decisions</b>	<b>35</b>	<b>327</b>	<b>76</b>	<b>326</b>	<b>764</b>
<b>Change (Number of Decisions Issued) 2015/16 to 2016/17</b>		<b>-24</b>	<b>-91</b>	<b>-41</b>	<b>-94</b>	<b>-250</b>

<sup>1</sup> See explanatory notes, page 24.

<sup>2</sup> See explanatory notes, page 22.

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

2015/16 and 2016/17

		Number of persons (decisions issued)
Year	Reason for no prosecution <sup>1</sup>	
2016/17	Did not pass the evidential test	229
	Did not pass the public interest test	3
	<b>All no prosecution decisions</b>	<b>232</b>
2015/16	Did not pass the evidential test	323
	Did not pass the public interest test	3
	<b>All no prosecution decisions</b>	<b>326</b>
<b>Change (Number of No Prosecution Decisions Issued) 2015/16 to 2016/17</b>		<b>-94</b>

<sup>1</sup> See explanatory notes, page 24.

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

2015/16 and 2016/17

		Number of persons (defendants)				
		Outcome <sup>1</sup>				
		Convicted of at least one offence	Acquitted	Other	All defendants	Conviction Rate
Year	Motivation <sup>2</sup>	Number	Number	Number	Number	%
2016/17	Race	7	2	0	9	
	Sectarian	15	4	0	19	
	Homophobic / Transphobic	0	0	0	0	
	Faith / Religion	3	0	0	3	
	Disability	2	0	0	2	
	Multiple Motivations	0	0	0	0	
	<b>All defendants</b>		<b>27</b>	<b>6</b>	<b>0</b>	<b>33</b>
2015/16	Race	5	2	0	7	
	Sectarian	3	3	1	7	
	Homophobic / Transphobic	0	0	0	0	
	Faith / Religion	1	1	0	2	
	Disability	0	0	0	0	
	Multiple Motivations	1	0	0	1	
	<b>All defendants</b>		<b>10</b>	<b>6</b>	<b>1</b>	<b>17</b>
<b>Change (Number of Defendants Dealt with) 2015/16 to 2016/17 <sup>3</sup></b>		<b>17</b>	<b>0</b>	<b>-1</b>	<b>16</b>	

<sup>1</sup> See explanatory notes, page 25.

<sup>2</sup> See explanatory notes, page 22.

<sup>3</sup> In May 2015 the Law Society and the Bar Council for Northern Ireland withdrew criminal defence services in response to the new Crown Court legal aid fee scheme introduced by the Department of Justice. As a result, no new cases were conducted in the Crown Court over the period May 2015 to February 2016.

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

2015/16 and 2016/17

		Outcome <sup>1</sup>				Conviction Rate
		Convicted of at least one offence	Acquitted	Other	All defendants	
Year	Motivation <sup>2</sup>	Number	Number	Number	Number	%
2016/17	Race	65	20	16	101	
	Sectarian	51	20	17	88	
	Homophobic / Transphobic	20	5	12	37	
	Faith / Religion	12	4	7	23	
	Disability	2	0	1	3	
	Multiple Motivations	6	2	1	9	
	<b>All defendants</b>		<b>156</b>	<b>51</b>	<b>54</b>	<b>261</b>
2015/16	Race	91	13	35	139	
	Sectarian	91	13	32	136	
	Homophobic / Transphobic	16	7	8	31	
	Faith / Religion	41	2	8	51	
	Disability	4	1	2	7	
	Multiple Motivations	16	0	5	21	
	<b>All defendants</b>		<b>259</b>	<b>36</b>	<b>90</b>	<b>385</b>
<b>Change (Number of Defendants Dealt with) 2015/16 to 2016/17</b>		<b>-103</b>	<b>15</b>	<b>-36</b>	<b>-124</b>	

<sup>1</sup> See explanatory notes, page 25.

<sup>2</sup> See explanatory notes, page 22.

**Part Two:**

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



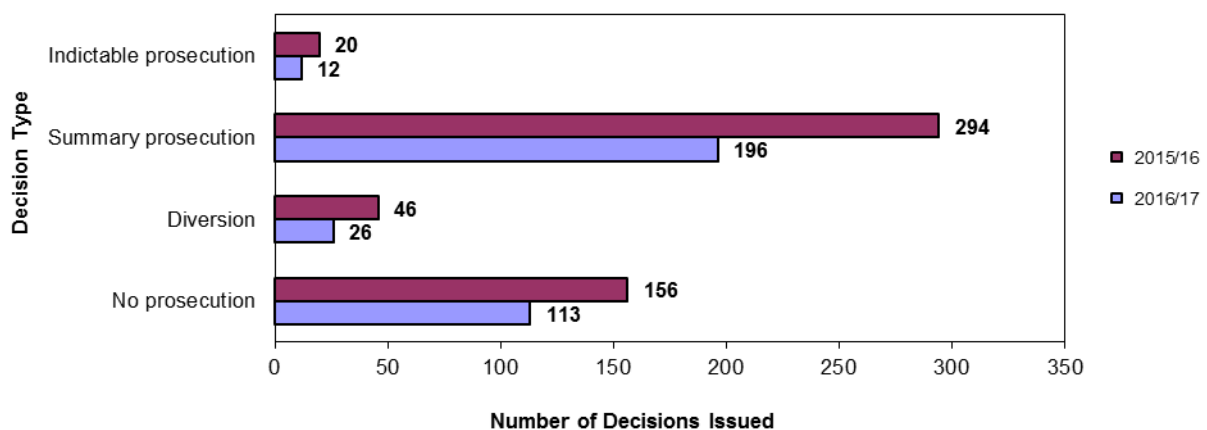
## Summary of Key Points

Figures quoted are for the financial year, 1 April 2016 to 31 March 2017, unless otherwise stated. This summary should be read together with the explanatory notes provided (see pages 22 - 25).

### Prosecutorial Decisions Issued by Decision Type (Table 7)

- During 2016/17, prosecutorial decisions were issued by the PPS in respect of 347 persons in cases considered to have involved hate crime which was 'aggravated by hostility'. This was lower than the total issued during 2015/16 (516).
- The evidential Test for Prosecution was met in the majority of cases considered by prosecutors during 2016/17. Of the 347 persons for whom prosecutorial decisions were issued, over two-thirds (67%) were issued with a decision for prosecution (208) or for diversion from the courts (26). This was lower than in 2015/16 (70%).

**Cases Considered to be Hate Crimes which were 'Aggravated by Hostility':  
Number of Prosecutorial Decisions Issued by Type 2015/16 and 2016/17**



### Reasons for No Prosecution (Table 8)

- Of the 113 decisions issued for no prosecution during 2016/17, the vast majority (97%) did not pass the evidential test. The remaining 3% did not pass the public interest test.

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

- During 2016/17, 23 defendants were dealt with in the Crown Court. This was an increase of 5 on the 2015/16 financial year (18).<sup>2</sup>

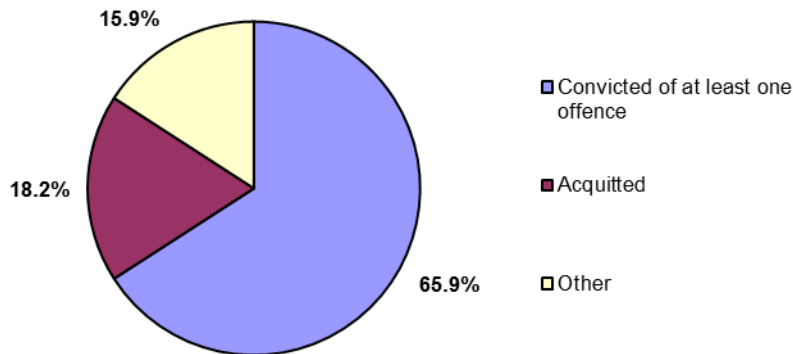
<sup>2</sup> In May 2015 the Law Society and the Bar Council for Northern Ireland withdrew criminal defence services in response to the new Crown Court legal aid fee scheme introduced by the Department of Justice. As a result, no new cases were conducted in the Crown Court over the period May 2015 to February 2016.

- Of these 23 defendants, 20 were prosecuted in court on the basis that the alleged offences were aggravated by hostility. This compared to 11 out of 18 in 2015/16.
- The conviction rate was 87.0% compared to 77.8% in 2015/16.
- Two of the 20 defendants convicted during 2016/17 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 to 1 out of 14 in 2015/16.

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

- A total of 214 defendants were dealt with in the Magistrates' and Youth Courts during 2016/17, a decrease on 2015/16 (329).
- Of the 214 defendants, 150 (70%) were prosecuted in court on the basis that the alleged offences were aggravated by hostility. This compared to 240 out of 329 in 2015/16 (73%).
- The conviction rate was 65.9% compared to 74.2% in 2015/16.
- Forty-two (30%) of the 141 defendants convicted during 2016/17 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 to 88 out of 244 in 2015/16 (36%).

**Cases Considered by a Prosecutor to have Involved Hate Crime which was 'Aggravated by Hostility': Defendants Dealt with in the Magistrates' and Youth Courts 2016/17**



**Table 7: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Prosecutorial Decisions Issued by Decision Type**

2015/16 and 2016/17

		Number of persons (decisions issued)				
		Type of Decision <sup>1</sup>				
		Indictable prosecution	Summary prosecution	Diversion	No Prosecution	All Decisions Issued
Year	Aggravation Classification <sup>2</sup>	Number	Number	Number	Number	Number
2016/17	Race	2	97	10	44	153
	Sexual Orientation	3	25	3	23	54
	Religion	7	61	13	38	119
	Disability	0	1	0	6	7
	Multiple Motivations	0	12	0	2	14
	<b>All decisions</b>	<b>12</b>	<b>196</b>	<b>26</b>	<b>113</b>	<b>347</b>
2015/16	Race	7	137	17	76	237
	Sexual Orientation	2	31	4	18	55
	Religion	10	115	24	51	200
	Disability	0	2	1	9	12
	Multiple Motivations	1	9	0	2	12
	<b>All decisions</b>	<b>20</b>	<b>294</b>	<b>46</b>	<b>156</b>	<b>516</b>
<b>Change (Number of Decisions Issued) 2015/16 to 2016/17</b>		<b>-8</b>	<b>-98</b>	<b>-20</b>	<b>-43</b>	<b>-169</b>

<sup>1</sup> See explanatory notes, page 24.

<sup>2</sup> See explanatory notes, page 23.

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

2015/16 and 2016/17

		Number of persons (decisions issued)
Year	Reason for no prosecution <sup>1</sup>	
2016/17	Did not pass the evidential test	110
	Did not pass the public interest test	3
	<b>All no prosecution decisions</b>	<b>113</b>
2015/16	Did not pass the evidential test	151
	Did not pass the public interest test	5
	<b>All no prosecution decisions</b>	<b>156</b>
<b>Change (Number of No Prosecution Decisions Issued) 2015/16 to 2016/17</b>		<b>-43</b>

<sup>1</sup> See explanatory notes, page 24.

**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**

2015/16 and 2016/17

Year	Aggravation Classification <sup>3</sup>	Outcome <sup>1,2</sup>				Number of persons (defendants)
		Convicted of at least one offence <sup>4</sup>	Acquitted	Other	All defendants	Conviction Rate <sup>5</sup>
		Number	Number	Number	Number	%
2016/17	Race	6	2	0	8	
	Sexual Orientation	3	1	0	4	
	Religion	10	0	0	10	
	Disability	0	0	0	0	
	Multiple Motivations	1	0	0	1	
	<b>All defendants</b>	<b>20</b>	<b>3</b>	<b>0</b>	<b>23</b>	<b>87.0%</b>
2015/16	Race	3	0	0	3	
	Sexual Orientation	7	0	0	7	
	Religion	4	3	1	8	
	Disability	0	0	0	0	
	Multiple Motivations	0	0	0	0	
	<b>All defendants</b>	<b>14</b>	<b>3</b>	<b>1</b>	<b>18</b>	<b>77.8%</b>
<b>Change (Number of Defendants Dealt with) 2015/16 to 2016/17 <sup>6</sup></b>		<b>6</b>	<b>0</b>	<b>-1</b>	<b>5</b>	

<sup>1</sup> See explanatory notes, page 25.

<sup>2</sup> Of the 23 defendants dealt with during 2016/17, 20 were prosecuted in court on the basis that the alleged offences were aggravated by hostility (see explanatory notes, page 23).

<sup>3</sup> See explanatory notes, page 23.

<sup>4</sup> Based on information recorded by the Northern Ireland Courts and Tribunals Service. During 2016/17, 2 of the 20 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 23).

<sup>5</sup> During 2016/17, 5 defendants were convicted solely in respect of offences where there was no aggravating feature. Excluding these defendants, the overall conviction rate for 2016/17 was 65.2% (see explanatory note, page 25).

<sup>6</sup> In May 2015 the Law Society and the Bar Council for Northern Ireland withdrew criminal defence services in response to the new Crown Court legal aid fee scheme introduced by the Department of Justice. As a result, no new cases were conducted in the Crown Court over the period May 2015 to February 2016.

**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**

2015/15 and 2016/17

Year	Aggravation classification <sup>3</sup>	Outcome <sup>1,2</sup>				Conviction Rate <sup>5</sup>
		Convicted of at least one offence <sup>4</sup>	Acquitted	Other	All defendants	%
		Number	Number	Number	Number	
2016/17	Race	74	16	13	103	
	Sexual Orientation	13	4	8	25	
	Religion	46	19	12	77	
	Disability	1	0	0	1	
	Multiple Motivations	7	0	1	8	
	<b>All defendants</b>	<b>141</b>	<b>39</b>	<b>34</b>	<b>214</b>	<b>65.9%</b>
2015/16	Race	104	16	26	146	
	Sexual Orientation	18	5	6	29	
	Religion	111	9	22	142	
	Disability	3	0	0	3	
	Multiple Motivations	8	0	1	9	
	<b>All defendants</b>	<b>244</b>	<b>30</b>	<b>55</b>	<b>329</b>	<b>74.2%</b>
<b>Change (Number of Defendants Dealt with) 2015/16 to 2016/17</b>		<b>-103</b>	<b>9</b>	<b>-21</b>	<b>-115</b>	

<sup>1</sup> See explanatory notes, page 25.

<sup>2</sup> Of the 214 defendants dealt with during 2016/17, 150 were prosecuted in court on the basis that the alleged offences were aggravated by hostility (see explanatory notes, page 23).

<sup>3</sup> See explanatory notes, page 23.

<sup>4</sup> Based on information recorded by the Northern Ireland Courts and Tribunals Service. During 2016/17, 42 of the 141 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 23).

<sup>5</sup> During 2016/17, 10 defendants were convicted solely in respect of offences where there was no aggravating feature. Excluding these defendants, the overall conviction rate for 2016/17 was 61.2% (see explanatory note, page 25).

## 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 Race Relations (Northern Ireland) Order 1997.
- '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.

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 whole numbers and as a consequence some percentages may not sum to 100.

### **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 2017/18 financial year (1 April 2017 to 31 March 2018), will be published during Summer 2018.

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