



Hate crime and crimes against older people report

2009- 2010

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Foreword by the Director of Public Prosecutions

I welcome the third Crown Prosecution Service (CPS) annual hate crime report.

Hate crime harms individuals, communities and society. What starts as ‘low level’ name calling can escalate to serious harm and even death. This report gives key information to the public about our performance in prosecuting these damaging crimes and demonstrates that we continue to improve. The CPS is getting better at identifying cases of hate crime, and more victims are supporting the criminal justice process. However, we recognise that there is still room for improvement and no space for complacency, so we remain committed to improving the quality of our prosecutions in all hate crime cases, and to addressing victim safety and support concerns. I am, therefore, confident that we will see a further increase in the volume of cases successfully prosecuted by the CPS in the coming years.

This report also includes information about our performance in prosecuting crimes against older people. These crimes take place in a context of an aging population in which older people can experience negative and even prejudiced attitudes. The effective and successful prosecution of crimes against older people is an age equality issue and we are determined to play our part in challenging negative attitudes towards older people manifested as crimes against them. The figures are encouraging and show that a large and growing number of crimes against older people were prosecuted and our successful outcome rate has improved in 2009-10.

The data contained in this report embodies the spirit of the CPS Core Quality Standards, providing accountability and transparency to the public and especially people and communities that are affected by hate crime and crimes against older people.

In 2009-10 the CPS continued to work closely with other government departments, agencies and the voluntary sector. This is important because if our approach to hate crime is to succeed, it must be truly cross government and multi-agency.

My thanks go to all the Area prosecutors and advocates dealing with these cases and the services who work with us to provide support for victims. This report contains examples of very good practice in prosecuting hate crime and crimes against older people. My aim is for this approach to be business as usual for the CPS.

Keir Starmer QC
Director of Public Prosecutions

Executive summary

This is the third CPS annual hate crime report and presents information on CPS performance in prosecuting racist and religious hate crime, transphobic and homophobic crime, and disability hate crime. Also included in this report is data on prosecutions where crimes against an older person have been identified.

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Hate crime: overall key findings

- In the four years ending March 2010, more than 53,600 defendants were prosecuted for hate crimes
- The conviction rate rose from 77% in 2006-07 to 82% in 2009-10
- Guilty pleas increased from 64% to 70%
- The proportion of cases failing due to key reasons such as victim issues (comprising retraction, non attendance and non supportive victim evidence), acquittals after trial and essential legal element missing increased from 63% to 67% of all unsuccessful outcomes
- The majority of defendants across the hate crime strands were men
- Data on victim demographics are less complete and remain under development. However, where gender is known, men formed the largest proportion of victims across all strands, at 68% of the total.
- The most commonly prosecuted offences were those against the person and public order offences (43% and 40% of the total respectively)
- 75% of hate crime defendants were identified as belonging to the White British category, and 79% were categorised as White
- 50% of defendants were aged between 25-59 and 30% between 18-24.

Racist and religious crime: key findings

- In the four years ending March 2010, more than 48,400 defendants were prosecuted for crimes involving racist or religious crime
- Convictions rose from 77% in 2006-07 to more than 82% in 2009-10
- Guilty pleas increased from 64% to 70%
- The most common reasons for unsuccessful outcomes included acquittals and victim non attendance at court. Cases failing due to victim issues including victim retraction, and those cases where the evidence of victims did not support the case increased from 20% to 22%
- The majority of defendants were men at 83%
- Offences against the person and public order offences were the most common (83%)
- In 2009-10, 75% of racially and religiously aggravated crime defendants were identified as belonging to the White British category
- 50% of defendants were aged between 25-59 and 30% between 18-24.

Homophobic and transphobic crime: key findings

- In the four years ending in March 2010, more than 3,900 defendants were prosecuted for homophobic or transphobic crimes
- Over the same period, convictions rose from 74% to 81%
- Guilty pleas increased from 58% to 68%
- Acquittals, conflicts of evidence and where the evidence of the victim did not support the case accounted for the majority of unsuccessful outcomes
- The number and proportion of unsuccessful outcomes due to victim difficulties increased from 06-07 to 09-10
- The majority of defendants were men (85%)
- Offences against the person were the most common offences
- 75% of defendants were identified as belonging to the White British category
- 45% of defendants were aged between 25-59 and 31% between 18-24.

Disability hate crime: key findings

- In the three years ending March 2010, 1,200 defendants were prosecuted for disability hate crime
- 76% of cases resulted in a conviction
- The guilty plea rate was 66%
- Acquittals after trial and an essential legal element missing accounted for more unsuccessful outcomes than victim issues
- 83% of defendants prosecuted were men
- Offences against the person were the most common offences. Public order, theft and handling were also common
- 72% of defendants were identified as belonging to the White British category
- 51% of defendants were aged between 25-59 and 24% between 18-24.

Crimes against an older person: key findings

- 2009-10 is the second year that performance information on crimes committed against older people have been captured
- In the two years ending March 2010, 2,997 defendants were prosecuted for crimes against an older person
- 82% of cases resulted in a conviction
- The guilty plea rate was 72%
- 16% of unsuccessful outcomes were due to victim issues
- 79% of defendants prosecuted were men
- Offences against property (including the categories theft, robbery, burglary and forgery) were the most common offences
- Offences against the person was the largest single category
- 63% of defendants were aged between 25-59 and 22% between 18-24
- 76% of defendants were identified as belonging to the White British category.

Introduction

The CPS aims to build confidence in communities affected by hate crime and improve transparency in its approach. The purpose of this report is to give the public and particularly affected communities clear information about the work of the CPS in tackling hate crime, and the detail of its performance in prosecuting hate crime. The best available data is presented and gaps are identified.

This is the third CPS annual hate crime report and provides information on our performance in prosecuting the following crimes in 2009-10:

- Racist and religious hate crime
- homophobic and transphobic hate crime
- disability hate crime.

This report also includes information about our performance in prosecuting crimes against older people.

Hate crime: the wider government context

During 2009-2010 the CPS worked with criminal justice partners and across government to deliver its actions in the Home Office Hate Crime Action plan launched in September 2009. Following the General Election, the CPS has been a key member of the cross-cutting Hate Crime Strategy Board, sponsored by the Ministry of Justice and the Home Office, which brings together officials from across Government, provides leadership for this agenda and co-ordinates strategy and action to prevent and tackle hate crime.

Community engagement in hate crime prosecution

In 2009-2010 the CPS continued to develop the Hate Crime Scrutiny Panel approach to continuous improvement through intense community engagement. The Hate Crime Scrutiny Panels (HCSP) include the CPS, community stakeholders, an independent facilitator and legal adviser. Community members are drawn from local groups which have direct experience of hate crime. They consider what went well and not so well, and, if there are any lessons to be learned for the future. The efficiency and effectiveness of the HCSPs is being reviewed during 2010-2011 with a view to making further improvements to the process.

CPS Community Involvement Panels (CIP) have also been established across the country. They are on a regional basis and have a more general focus on CPS business, performance and strategy. The CIPs have an important role in monitoring and improving CPS performance and scrutinise local performance information to make recommendations for improvement.

The national CPS Community Accountability Forum is consulted on significant hate crime policy developments.

Continuing improvement through performance management

2009-10 was the second year of assessing Areas' performance against the hate crime indicator across the monitored strands. Each Area was assessed on a six monthly basis, with reports to the Director of Public Prosecutions and Chief Executive, either by a written report or meeting. All Areas had at least one meeting a year.

In 2010-11 the CPS is moving away from centrally managed performance targets towards a validation measure system which provides performance information at a regional level, and which is focused on driving improvements down to local Areas. As a result this report includes data at a regional, or CPS Group, level and at Area level.

Raising awareness and training

In May 2009, the CPS developed and published information leaflets aimed at victims of hate crime and organisations that support them. In March 2010 the CPS launched the hate crime e-learning module, which is required learning for all CPS prosecutors. Seminars addressing the latest policy and practice development were held for all hate crime coordinators in November 2009 and March 2010. Classroom based training aimed at specialist prosecutors is being finalised and rolled out later in 2010-2011.

Hate crime: key findings

The CPS has reported on its performance in relation to the prosecution of hate crime and domestic violence as part of the performance review process since 2005. From 2007, domestic violence figures have been reported in the Violence against Women annual report. Figures for earlier periods have been revised in the present report to exclude domestic violence, giving a more accurate picture of hate crime prosecution activity. Performance data on hate crimes are recorded within the Compass Case Management System (CMS), and extracted from the related Compass Management Information System.

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

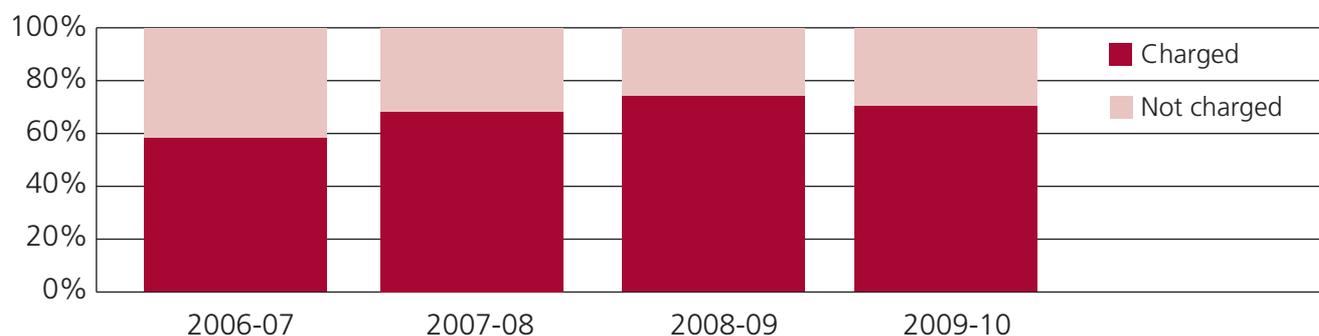
Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals, dismissals after trial and dismissals no case to answer, judge directed acquittals and jury acquittals.

Charging

Statutory charging of defendants by the CPS was fully rolled out in April 2006. In the four years following that date the number of cases identified as involving hate crimes that were referred to the CPS for a charging decision rose by 6% (887).

The proportion of cases charged rose from 59.4% of hate crime cases referred to the CPS in 2006-07 to 70.8% in 2009-10. The proportion of cases charged within each hate strand is reported in the relevant section of this report. Charging rates varied across the strands. In 2009-10, 71.3% of racially and religiously aggravated crimes were charged compared with 66.1% of homophobic crimes and 70.3% of disability hate crime.

Table 1 – Pre-charging decisions *



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Charged	8,390	59.4%	10,060	69.4%	9,675	72.3%	10,627	70.8%
Request for further evidence	297	2.1%	150	1.0%	95	0.7%	104	0.7%
No prosecution	2,919	20.7%	2,773	19.1%	2,167	16.2%	2,581	17.2%
All other decisions	2,527	17.9%	1,511	10.4%	1,442	10.8%	1,708	11.4%
Total	14,133		14,494		13,379		15,020	

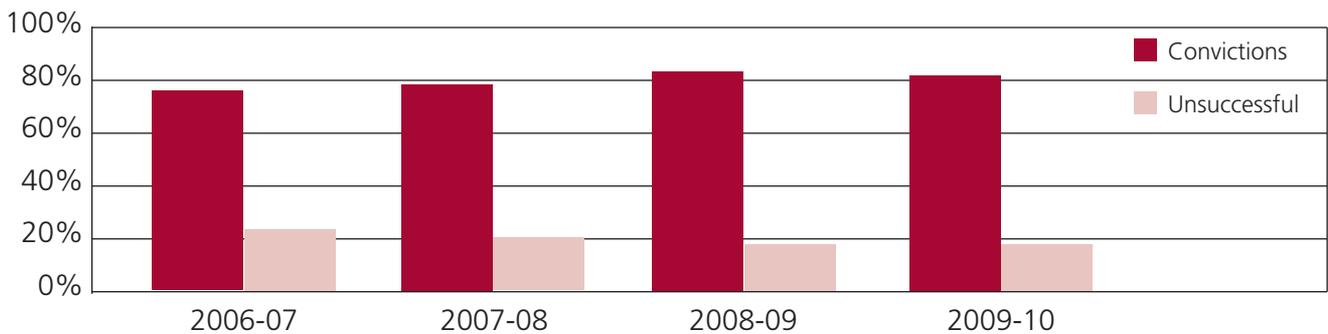
Statutory charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from the 2007-08 report.

Convictions

In the four years ending March 2010, more than 53,600 defendants were prosecuted for hate crimes. Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 77% in 2006-07 to 82% in 2009-10.

Table 2 - Completed prosecutions by outcome



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	9,621	76.8%	11,317	79.8%	10,690	82.0%	11,405	81.9%
Unsuccessful	2,914	23.2%	2,869	20.2%	2,340	18.0%	2,516	18.1%
Total	12,535		14,186		13,030		13,921	

The table below shows a detailed breakdown of prosecution outcomes for hate crimes in 2009-10. Comparisons of outcomes in 2009-10 and earlier years will be found in the chapters covering racial and religious crimes, homophobic and transphobic, and disability hate crime, which follow. In the four year period ending March 2010 guilty pleas increased from 64.0% to 69.7%, contributing to an improved conviction rate of 82% overall in 2009-10. Prosecutions dropped by the CPS, including judge ordered acquittals, discontinuances, and those in which no evidence was offered, fell from 14.6% to 10.6%.

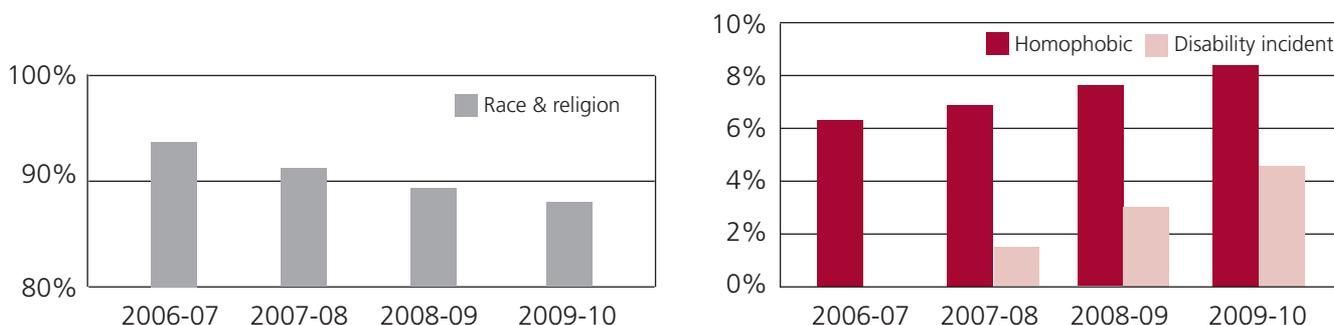
Table 3 - Prosecution outcomes

	2009-10	
	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,482	10.6%
<i>of which - no evidence offered</i>	807	5.8%
Dismissed after trial	551	4.0%
Judge directed acquittal	51	0.4%
Jury acquittal	210	1.5%
All other unsuccessful outcomes	222	1.6%
Unsuccessful outcomes	2,516	18.1%
Guilty plea	9,700	69.7%
Conviction after trial	1,657	11.9%
Proved in absence	48	0.3%
Convictions	11,405	81.9%
Total prosecutions	13,921	

Prosecution by hate crime type

The table and charts below (4) show prosecutions by hate crime type from 2006-07 to 2009-10. Racial and religiously aggravated crimes comprised the largest proportion of the total at 93% in 2006-07 and 87% in 2009-10. The collection of data for disability hate crimes commenced in April 2007.

Table 4 – Completed prosecutions by hate crime type



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Racist & religious	11,713	93.4%	13,008	91.7%	11,624	89.2%	12,131	87.1%
Homophobic	822	6.6%	995	7.0%	1,013	7.8%	1,152	8.3%
Disability	0	0.0%	183	1.3%	393	3.0%	638	4.6%
Total	12,535		14,186		13,030		13,921	

Unsuccessful prosecutions

Cases may fail because of evidential reasons, (e.g. conflicts of evidence), public interest reasons, (e.g. the loss or harm has been put right, or where there may be an adverse effect of the victim's physical or mental health), because a case is unable to proceed, (e.g. the victim refuses to give evidence or retracts), because proceedings are subject to an administrative finalisation, (e.g. a bench warrant for the arrest of a defendant remains unexecuted, or the defendant has died), and other reasons. In 2009-10, 5.0% of unsuccessful outcomes were due to administrative reasons and 30.6% were due to evidential reasons, lower than previous years; 11.4% were unsuccessful for public interest reasons; 19.8% were unable to proceed, and 33.1% fell into other reasons, higher than previous years.

Table 5 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those where there was a conflict of evidence; where an essential legal element was missing; where the defendant was the subject of indictments or sentences in respect of other proceedings, and acquittals after trial. Within these key reasons, acquittals after trial remained the largest single category, rising from 20.0% in 2006-07 to 27.7% in 2009-10, while there was a smaller rise in the proportion failing owing to victim issues, from 19.6% to 21.1%. Within this total the proportions failing because the victim did not attend rose from 7.5% to 9.8%, whilst those unsuccessful because the victim retracted or the evidence of victims did not support the prosecution case remained broadly the same. However, cases failing because an essential legal element was missing fell from 13.1% to 9.7%. The proportion failing because of key reasons rose by nearly five percentage points from 62.5% to 67.4%.

Table 5 – Key reasons for unsuccessful prosecutions

	2009-10	
	Volume	%
Victim retraction	143	5.7%
Victim non-attendance	246	9.8%
Evidence of victim does not support case	142	5.6%
Total victim issues	531	21.1%
Conflict of evidence	151	6.0%
Essential legal element missing	244	9.7%
Other indictment/sentence	74	2.9%
Acquittal after trial	697	27.7%
Total key reasons	1,697	67.4%
All other reasons	692	27.5%
Administrative finalisations	127	5.0%
Total	2,516	

The analysis of reasons for each individual strand of hate crime is reported in the relevant section of this report. There were differences in key reasons across the strands. While there were rises in case failures due to victim issues in homophobic crimes, in disability hate crime there was a 6.6 percentage point fall in unsuccessful outcomes for these reasons. Acquittals after trial and the absence of an essential legal element were the largest other reasons for failure across all strands.

Table 6 shows the volume and proportion of victim issues in relation to all outcomes. Case failures due to victim difficulties decreased, from 570, or 4.5%, in 2006-07 to 531, or 3.8%, in 2009-10. Total unsuccessful outcomes fell from 23% in 2006-07 to 18% in 2009-10.

Table 6 – Comparison of key reasons for unsuccessful outcomes

	2009-10	
	Volume	%
<i>Total unsuccessful due to victim issues</i>	531	3.8%
Total unsuccessful	2,516	18.1%
Total convictions	11,405	81.9%
Total prosecutions	13,921	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category, to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 82% of hate crime prosecutions in 2009-10 (42% and 40% respectively). Criminal damage accounted for a further 5%. A similar pattern was recorded for men, with 42% being categorised as offences against the person, 40% as public order and 6% as criminal damage. There was a slightly different pattern for women, offences against the person being higher at 45% and criminal damage lower at 4%. However public order offences were similar at 40%. A further 4% of prosecutions against women were recorded in the theft and handling category. Men comprised 82% of defendants whose principal offences were identified as offences against the person and public order, slightly lower than the previous year.

Offences against the person was the largest category in all the hate crime strands (42% for racial and religiously aggravated cases, 48% for homophobic, and 52% for disability hate crimes) with public order the second largest for racially and religiously aggravated, and homophobic cases (41% and 38%). Public order offences were also the second largest category in disability hate crime at 11% however robbery and theft and handling offences accounted for a further 15%. Sexual offences accounted for a further 6%.

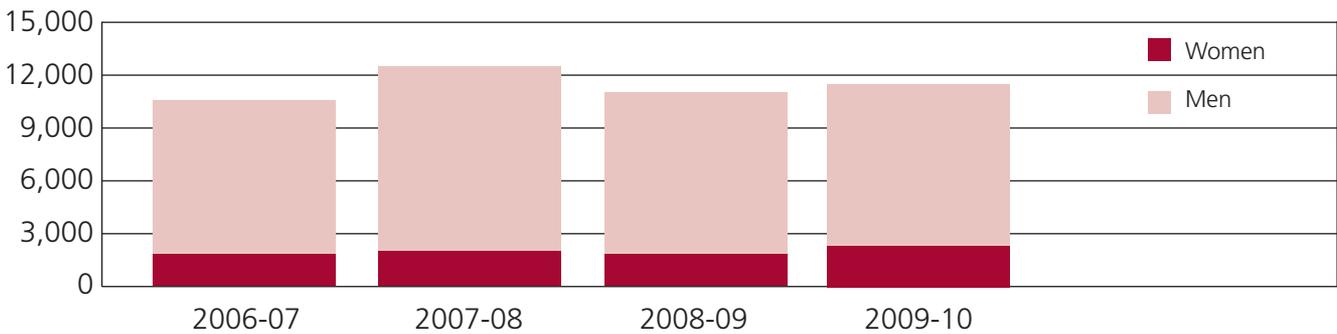
Equalities

(i) Defendants

Gender

Table 7 provides a breakdown of the gender of defendants and of victims respectively. The proportion of men prosecuted fell slightly from 85% in 2006-07 to 83% in 2009-10. In the latter period, men were 83% of defendants in racially and religiously aggravated crimes, 85% in homophobic crimes and 83% in disability crimes.

Table 7 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	1,887	15.1%	2,137	15.1%	2,020	15.5%	2,344	16.8%
Men	10,645	84.9%	12,047	84.9%	11,007	84.5%	11,573	83.1%
Unknown	3	0.0%	2	0.0%	3	0.0%	4	0.0%
Total	12,535		14,186		13,030		13,921	

Ethnicity

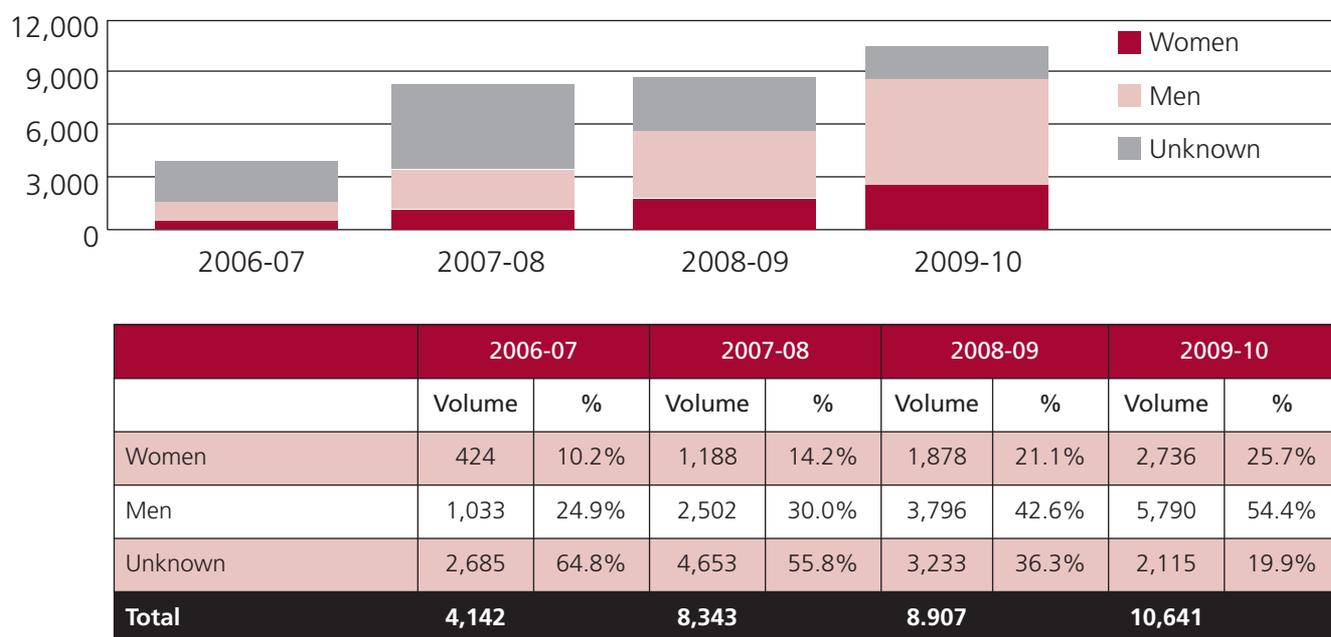
Data on defendant ethnicity is collected by the CPS in accordance with the agreed criminal justice system (CJS) definitions for the 16+1 ethnic categories. The proportions within each category remained similar to the previous year. In 2009-10, 75% of hate crime defendants were identified as belonging to the White British category, and 79% were categorised as White. 5% of defendants were identified as Asian, and a further 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest, and in a further 5% of cases ethnicity was not provided to the CPS by the police.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 18-24 years (30%) and those aged between 25-59 years (50%) were the most numerous categories, a similar pattern to 2007-08 at 30% and 45% respectively. A further 16% were aged between 14-17 years, lower than in 2007-08 when 21% of defendants were recorded in this category. Age varied across the strands, in racial and religious crimes a similar pattern was recorded whereas in homophobic and disability hate crimes 76% and 75% of defendants respectively were recorded in the 18-24 and 25-59 age bands (18-59) with a further 21% and 22% aged 17 or under.

(ii) Victims**Gender**

Table 8 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. Recording of gender has improved from 35% of victims in 2006-07 to 80% in 2009-10. The completeness and accuracy of this information while improving, remains under development. Of those victims whose gender has been identified the highest proportion are men, at 71% in 2006-07 and 68% in 2009-10. Where gender has been identified, 70% of victims of racially and religiously aggravated crimes were men, 60% were men in homophobic crimes, and 51% were men in disability hate crimes.

Table 8 – Gender of victims *

* Data from 2006-07 was reported for all victims whether civilian or not, data from 2007-08 onwards only reports civilian victims.

Other equality data

Data on victims is extracted from the Witness Management System (WMS). The completeness and accuracy of this information remains under development, although it is improving. 58% of victim's ethnicity remains not stated or not provided and 24% of age band data is recorded as not provided, this data is therefore not included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton¹ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

¹ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a case management system (CMS) and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the CPS hate crime annual report.

Table 9 – Hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	6,700	
Referrals offered	4,103	61.2%
Referrals made (of those offered)	1,715	41.8%
Types of referrals made **		
Total referrals	1,904	
Hate crime agency referrals	30	1.6%
Victim Support agency referrals	230	12.1%
Witness Services agency referrals	1,368	71.8%
Other referrals	276	14.5%
Total victims *	6,700	
Other support explored (total victims)	2,529	37.7%
<i>(ii) Attendance measures</i>		
Required to attend	5,097	76.1%
Actual attendance	4,518	88.6%
Pre-trial court visit accepted	1,112	21.8%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

Referrals to support services

During the year 4,103 or in 61.2% of cases, referrals were offered to hate crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing and of these 1,715 or 41.8% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 71.8% of referral types were to the Witness Service, 12.1% to Victim Support and 1.6% to a hate crime agency. The remaining 276, or 14.5%, were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

37.7% of hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 21.8% of victims required to attend court accepted pre-trial court visits.

Attendance at court

76.1% of hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 88.6% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Racially and religiously aggravated hate crime

The CPS has reported on the prosecution of racist and religious hate crime (RARA) since April 2005. The Service recognises that RARA hate crime remains pervasive in society, targets a wide range of ethnic groups and attacks the roots of social cohesion. We are determined to play our part in bringing these offences to justice and in supporting victims and witnesses. The findings in this section show that the CPS's performance in prosecuting this type of hate crime has continuously improved over the past five years. RARA hate crime comprised the highest volume of offences at 12,927 and demonstrated the highest successful outcome rate at 82.4%. The guilty plea rate has increased by 4.5% and the rate at which the CPS drops cases has decreased by about 2%. This is particularly encouraging because it suggests that cases are being better prepared and that more victims and witnesses have been able to avoid what can be a difficult experience in court.

The volume of cases referred to the CPS from the police and charged by the CPS increased following a dip in 2008-09, which is also encouraging. The successful prosecution rate has remained the same, despite an increased volume. Requests by the CPS to the police for further evidence remained low suggesting a good prosecution team approach. The most significant reason for cases failing in 2009-2010 was acquittal after trial.

Greater Manchester: anti semitism

In June 2009 the three defendants drove a car around the Broughton area deliberately squirting liquid at members of the Jewish community, including a group of children, and shouting racist abuse.

Two of the defendants pleaded guilty to eight charges of racially aggravated common assault and were sentenced to four months' imprisonment. A third defendant pleaded guilty to one charge of racially aggravated common assault and was given a twelve month community order.

All three defendants were issued five year anti-social behaviour orders banning them from entering the neighbourhood, home to the largest Jewish community in the UK outside of London.

Anti Muslim case: Leicestershire

In December 2009, the defendant pulled down the veil of a Muslim woman. The incident was originally charged as a 'low-level' public order offence. However, a senior crown prosecutor reviewed the file and advised a charge of religiously aggravated common assault.

The victim attended a meeting of a local community group, with police and CPS representatives present, to speak about her experience of the criminal justice process. She reported that, although there were lessons to be learned when dealing with Muslim women when crimes are first reported, she was very grateful to the CPS for taking the incident seriously and charging the more serious offence and that she had been well supported throughout the court process. The defendant changed his plea to guilty on the day of the trial and was fined £1,000, given a 16-week suspended prison sentence and 150 hours' community service.

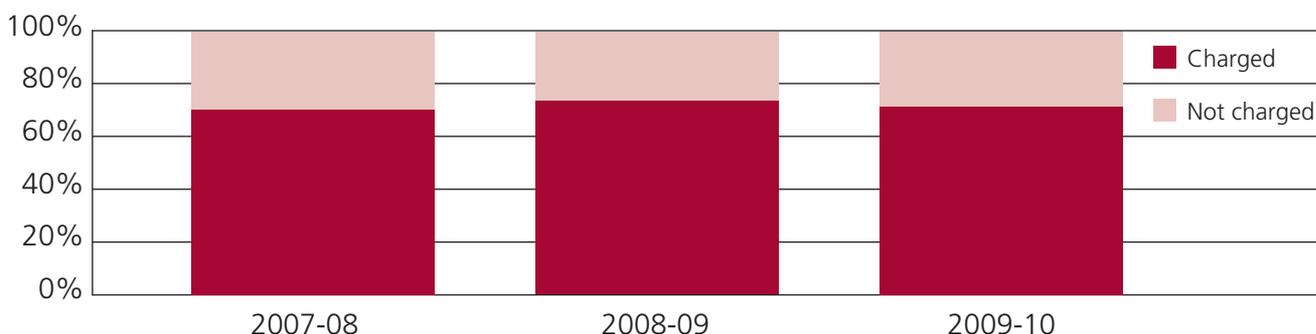
Racially and religiously aggravated hate crime: key findings

The CPS data is drawn from the CPS's administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Charging

The rate of CPS decisions to charge defendants rose from 70.1% of racially or religiously aggravated cases referred to the Service in 2007-08 to 71.3% in 2009-10.

Table 1 – Pre-charge decisions*



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	9,115	70.1%	8,673	73.2%	9,214	71.3%
Request for further evidence	134	1.0%	84	0.7%	85	0.7%
No prosecution	2,426	18.7%	1,836	15.5%	2,132	16.5%
All other decisions	1,321	10.2%	1,252	10.6%	1,496	11.6%
Total	12,996		11,845		12,927	

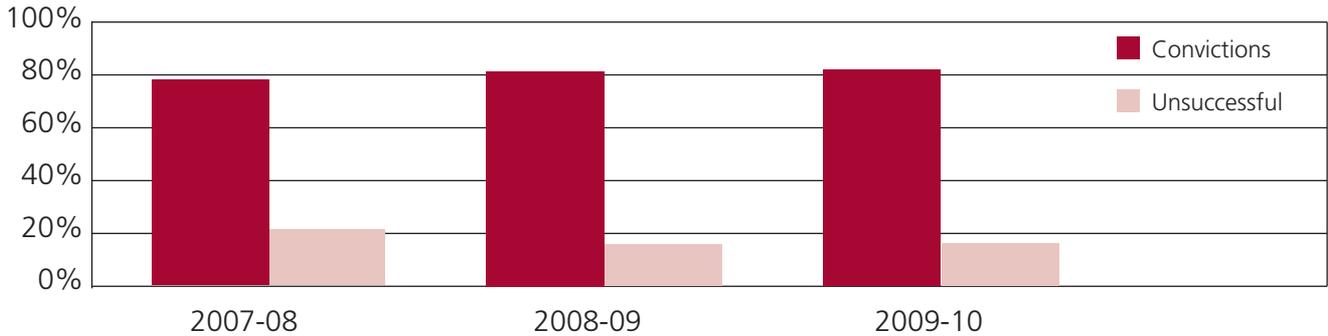
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in the 2007-08 report

Convictions

Table and chart 2 below provide a breakdown of prosecutions over the last three years, showing that convictions rose from 80% in 2007-08 to 82% in 2009-10.

Table 2 - Completed prosecutions by outcome

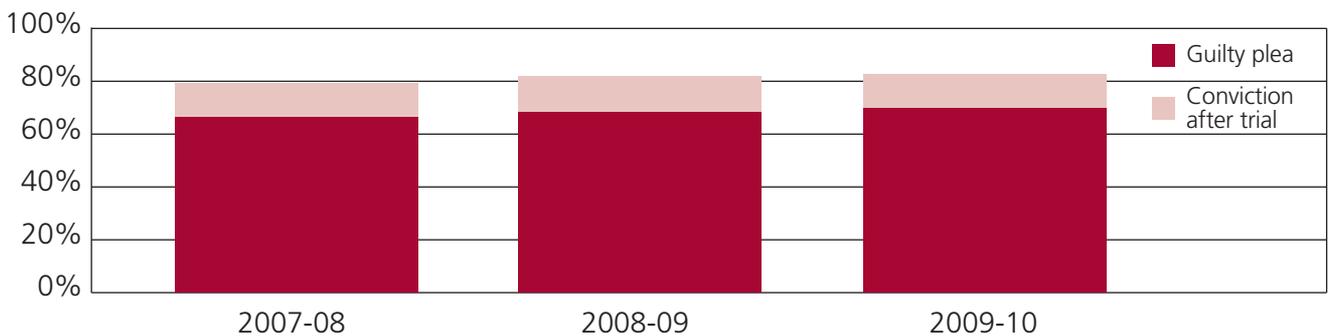


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	10,398	79.9%	9,576	82.4%	9,993	82.4%
Unsuccessful	2,610	20.1%	2,048	17.6%	2,138	17.6%
Total	13,008		11,624		12,131	

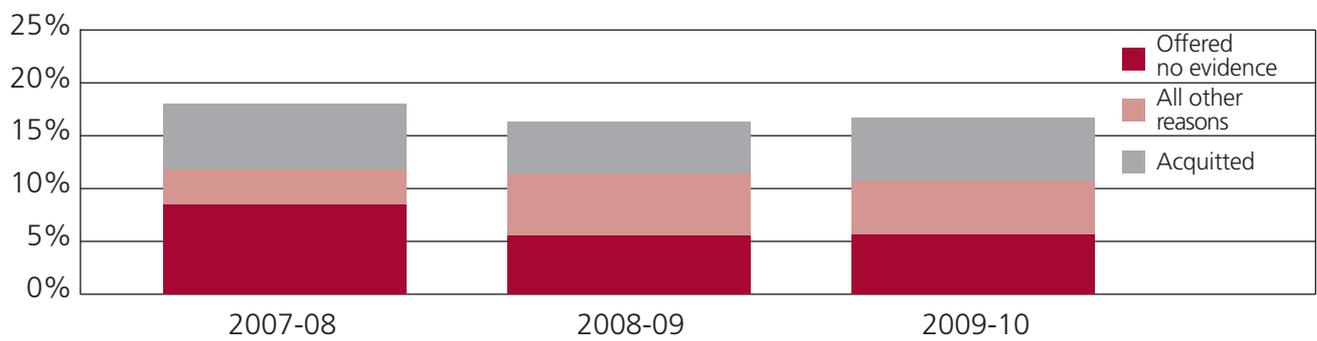
The table and charts below show a detailed breakdown of prosecution outcomes for racial or religiously motivated crimes in 2007-08, 2008-09 and 2009-10. Guilty pleas increased from 67% to 70%, contributing to an improved conviction rate of 82.4% overall in 2009-10. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from almost 13% to just over 10%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,631	12.5%	1,248	10.7%	1,260	10.4%
<i>of which - no evidence offered</i>	942	7.2%	673	5.8%	698	5.8%
Dismissed after trial	478	3.7%	415	3.6%	472	3.9%
Judge directed acquittal	40	0.3%	18	0.2%	42	0.3%
Jury acquittal	160	1.2%	161	1.4%	169	1.4%
All other unsuccessful outcomes	301	2.3%	206	1.8%	195	1.6%
Unsuccessful outcomes	2,610	20.1%	2,048	17.6%	2,138	17.6%
Guilty plea	8,648	66.5%	8,112	69.8%	8,501	70.1%
Conviction after trial	1,708	13.1%	1,423	12.2%	1,451	12.0%
Proved in absence	42	0.3%	41	0.4%	41	0.3%
Convictions	10,398	79.9%	9,576	82.4%	9,993	82.4%
Total prosecutions	13,008		11,624		12,131	

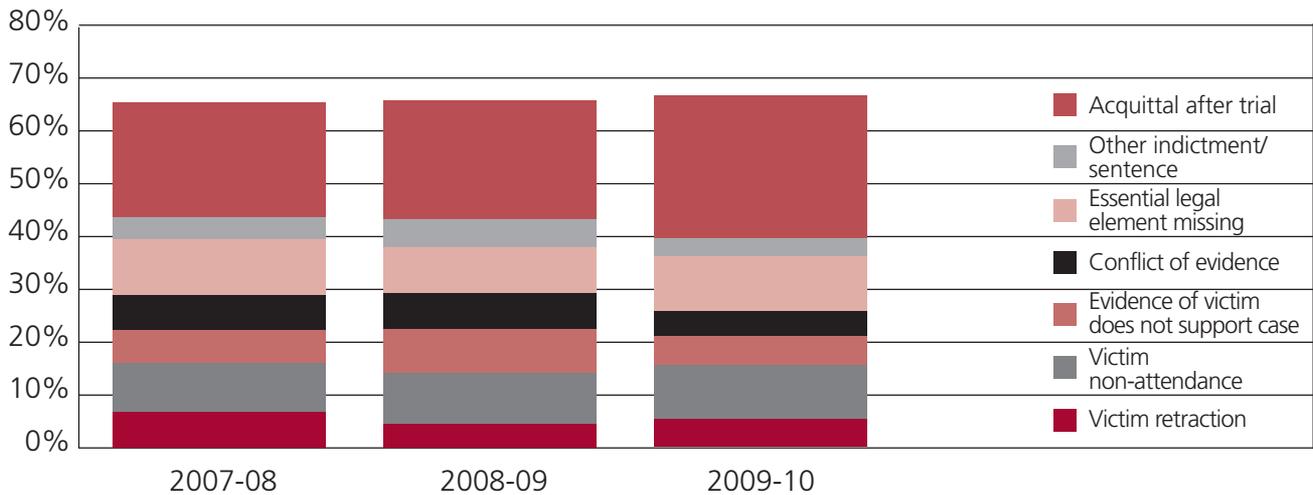
Unsuccessful prosecutions

Cases may fail due to evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2007-08 to 2009-10. In 2009-10, 5.4% were unsuccessful for administrative reasons lower than in 2007-08 (7%); 29.4% for evidential reasons, a four percent decrease from 33.8% recorded in the earlier period; 11.3% for public interest (similar to the 10.7% recorded in 2007-08); 20.7% were unable to proceed (similar to 21.1% in 2007-08), and 33.2% fell into other reasons, nearly six percentage points higher than in 2007-08 (27.4%).

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons including victim issues (comprising victim retraction, where the evidence of the victim did not support the case, and cases in which a victim failed to attend a court hearing), where an essential legal element was missing, those where there was a conflict of evidence, and those where there was an acquittal after trial. Within these key reasons, cases failing due to victim issues remained broadly similar at 23% to 22% during the period under review.

Cases failing because an essential legal element was missing or where defendants were either subject to other indictments, or sentences in respect of other proceedings reduced during the period from 11.3% to 9.9% and from 4.1% to 2.9% respectively. However, acquittals rose sharply by over 6 percentage points from just over 21% to over 27%. The proportion failing because of key reasons rose from 65% to 67% of all unsuccessful outcomes.

Table 4 – Key reasons for unsuccessful prosecutions

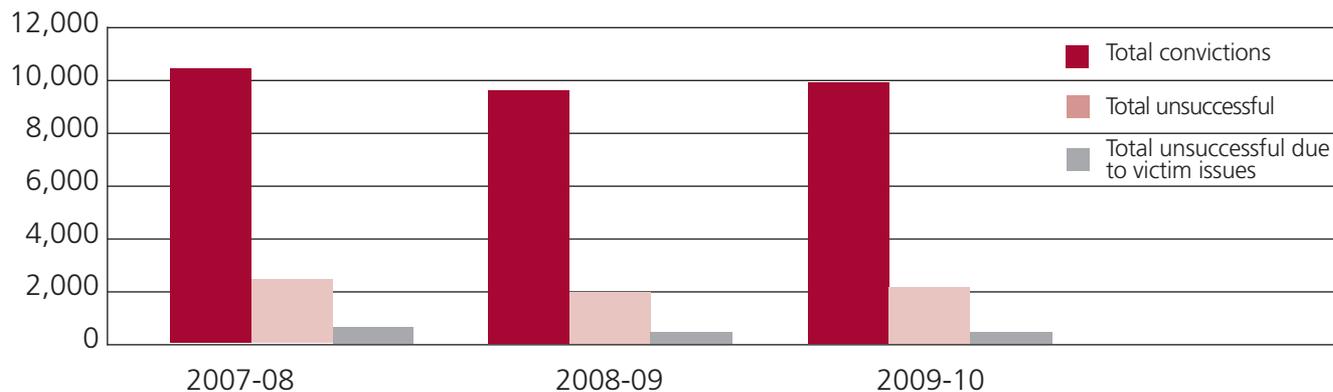


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	170	6.5%	95	4.6%	121	5.7%
Victim non-attendance	240	9.2%	198	9.7%	224	10.5%
Evidence of victim does not support case	176	6.7%	157	7.7%	114	5.3%
Total victim issues	586	22.5%	450	22.0%	459	21.5%
Conflict of evidence	155	5.9%	145	7.1%	114	5.3%
Essential legal element missing	295	11.3%	198	9.7%	211	9.9%
Other indictment/sentence	106	4.1%	78	3.8%	61	2.9%
Acquittal after trial	557	21.3%	498	24.3%	590	27.6%
Total key reasons	1,699	65.1%	1,369	66.8%	1,435	67.1%
All other reasons	729	27.9%	537	26.2%	587	27.5%
Administrative finalisations	182	7.0%	142	6.9%	116	5.4%
Total	2,610		2,048		2,138	

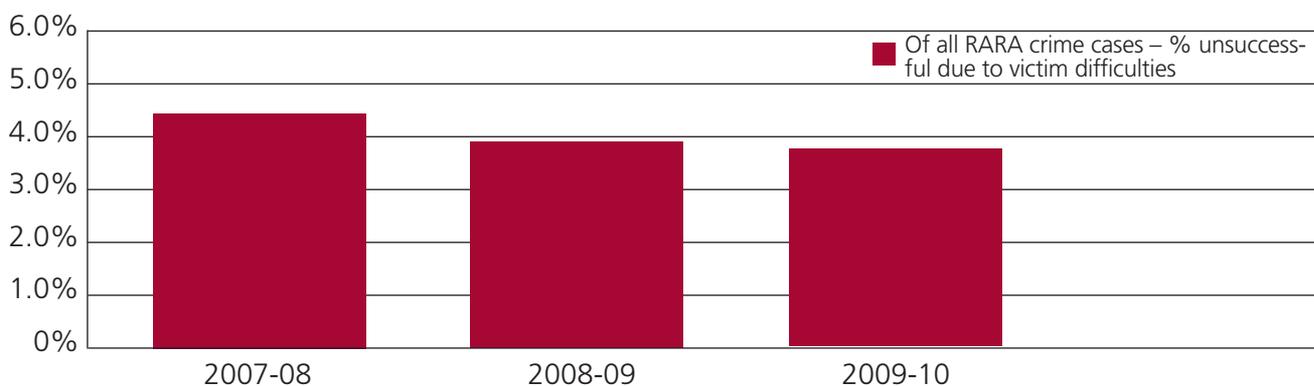
Table and charts 5 show the volume and proportion of victim issues in relation to all outcomes. The volume of those unsuccessful due to victim difficulties decreased, from 586 in 2007-08 to 459 in 2009-10, while the proportions remained similar 4%-5%. Total unsuccessful outcomes, however, fell from 20.1% in 2007-08 to 17.6% in 2009-10.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	586	4.5%	450	3.9%	459	3.8%
Total unsuccessful	2,610	20.1%	2,048	17.6%	2,138	17.6%
Total convictions	10,398	79.9%	9,576	82.4%	9,993	82.4%
Total prosecutions	13,008		11,624		12,131	

Principal offence category

At the conclusion of proceedings, each defendant is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 83% (42% and 41% respectively) of racial and religiously aggravated crime prosecutions in 2009-10. Criminal damage accounted for a further 6%, unchanged from the previous year. A similar pattern was recorded for men, with 41% being categorised as offences against the person and as public order, and a further 6% as criminal damage. There was a slightly different pattern for women, offences against the person and public order being a little higher at 44% and 42% respectively and criminal damage lower at 4%. Theft and handling offences were also more prevalent for women at 4%. Men comprised 82% of defendants whose principal offence was identified as offences against the person or as public order, slightly lower than 2007-08 and 2008-09.

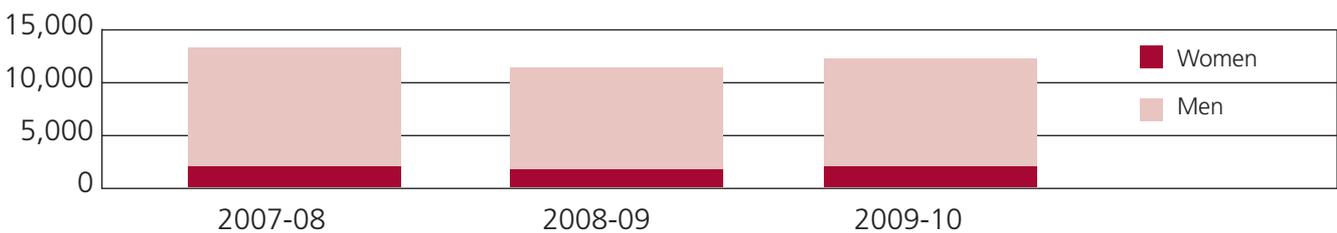
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men reduced slightly to 83% from 85% in the period under review.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	1,970	15.1%	1,794	15.4%	2,065	17.0%
Men	11,036	84.8%	9,827	84.5%	10,062	82.9%
Unknown	2	0.0%	3	0.0%	4	0.0%
Total	13,008		11,624		12,131	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 75% of racially and religiously aggravated crime defendants were identified as belonging to the White British category, and 79% were categorised as White. 5% of defendants were identified as Asian, and 5% were identified as Black the same as the previous year. 4% of defendants did not state an ethnicity on arrest and 5% of defendant ethnicity was not provided to the CPS by the police.

Age

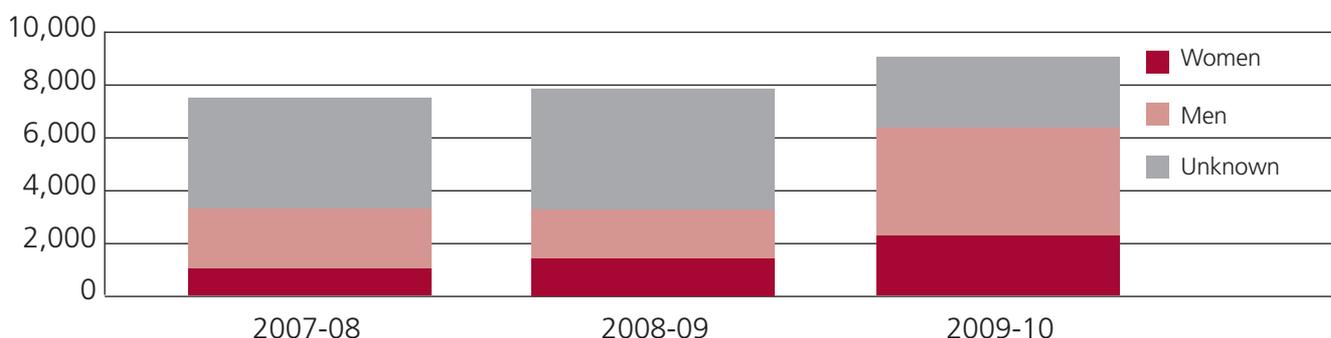
Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (15%), 18-24 years (30%) and those aged between 25-59 years (50%) were the most numerous categories accounting for 95% of defendants the same overall proportion recorded in these age bands in 2007-08. A further 2% were aged between 10-13 years little changed from 2007-08.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available only from April 2006. The completeness and accuracy of this information have improved with 80% of victim gender identified in the latest year compared to 44% in 2007-08, however, work to improve recording continues. Of those victims whose gender has been identified, the highest proportion were men, at 68% in both 2007-08 and 2008-09 increasing slightly to 70% in 2009-10.

Table 7 – Gender of victims



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	1,055	13.9%	1,623	20.5%	2,197	24.2%
Men	2,278	30.0%	3,430	43.3%	5,086	56.0%
Unknown	4,250	56.0%	2,864	36.2%	1,798	19.8%
Total	7,583		7,917		9,081	

* Data from 2006-07 was reported for all victims whether civilian or not, data from 2007-08 onwards only reports civilian victims.

Other equality data

Data on ethnicity is available from April 2006. The completeness and accuracy of this information remains under development – for example 59% of victim’s ethnicity remains not stated or not provided and 24% of age band data are recorded as not provided, this data has therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton² or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a CMS and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the racial and religious crime: key findings chapter of the CPS hate crime annual report.

Table 8 – Race and religious hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	5,765	
Referrals offered	3,550	61.6%
Referrals made (of those offered)	1,426	40.2%
Types of referrals made **		
Total referrals	1,574	
Hate crime agency referrals	24	1.5%
Victim Support agency referrals	179	11.4%
Witness Services agency referrals	1,151	73.1%
Other referrals	220	14.0%
Total victims *	5,765	
Other support explored (total victims)	2,154	37.4%
<i>(ii) Attendance measures</i>		
Required to attend	5,765	76.8%
Actual attendance	3,922	88.6%
Pre-trial court visit accepted	905	20.4%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

² A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

Referrals to support services

During the year 3,550 or in 61.6% of cases, referrals were offered to victims of racist and religious hate crime associated with cases where a not guilty plea has been entered or with a witness related hearing, and of these 1,426 or 40.2% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 73.1% of referral types were to the Witness Service, 11.4% to Victim Support and 1.5% to a hate crime agency. The remaining 220 or 14% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

37.4% of race and religious hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 20.4% of victims required to attend court accepted pre-trial court visits.

Attendance at court

76.8% of race and religious hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 88.6% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Homophobic and transphobic crime

The CPS recognises the serious nature of homophobic and transphobic crime and the particular issues facing lesbian, gay, transgender and bisexual people in coming forward to play their part as victims and witnesses. For example, many people will not want to be 'outed' by the criminal justice process and our public policy statement is clear that we will do all that we can to protect people's sexual orientation and gender identity.

Since April 2005 the CPS has reported on the prosecution of homophobic and transphobic crimes as part of the CPS Area performance review process. While we recognise the distinct nature of these crimes, within this report homophobic and transphobic crimes are grouped under the category 'homophobic'.

The Criminal Justice and Immigration Act 2008 ('the 2008 Act') received Royal Assent on 8 May 2008. Section 74 and schedule 16 of the 2008 Act amended part 3A of the Public Order Act 1986 ('the 1986 Act') so as to create the offence of intentionally stirring up hatred on the grounds of sexual orientation.

The offence is committed if a person uses threatening words or behaviour, or displays any written material, which is threatening, if he intends thereby to stir up hatred on the grounds of sexual orientation. The offence can be committed in a public or private place, but not within a dwelling, unless the offending words and behaviour were heard outside the dwelling, and were intended to be heard.

These types of allegations are by their very nature sensitive. For that reason, and to ensure a consistent approach, any allegation under this legislation is referred to the Counter Terrorism Division and requires the consent of the Attorney General for a prosecution to go ahead. The provisions came into force on 23 March 2010, and legal guidance was disseminated to all CPS prosecutors.

Our performance in prosecuting homophobic and transphobic crime is encouraging. The volume of cases increased by around 100 cases, and the percentage of successful outcomes remained about the same.

Work is planned in 2010-2011 to improve our understanding of the prevalence of cases based on hostility towards transgender status that the CPS deals with.

Transgender and homophobic hate crime: CPS Northumbria

The victim was in the process of gender reassignment and worked as a security officer in a shop. The defendant was barred from the shop for previous abuse, for which she was cautioned. She later repeated the abuse calling the victim a 'tranny' and, later, a 'lesbian and dyke'. She pleaded not guilty and the case was prosecuted by the Area hate crime coordinator. The hate crime coordinator met the victim at court and secured the use of a private room to answer any questions she may have, and to establish what information, if any, she wanted the court to have about her gender reassignment treatment. The hate crime coordinator kept her informed personally throughout the morning about what was happening. The Witness Care officer at Court ensured that she received appropriate support.

This specific support encouraged the victim to remain engaged with the criminal justice process. As a result of the victim attending court on the day of the trial, the defendant pleaded guilty. A sentence uplift under s.146 Criminal Justice Act 2003 was applied by the court for the homophobic remarks. Because of her lack of record, the defendant was given a six month conditional discharge, however as a result of the aggravating feature, this was uplifted to 12 months. The sentence was fully explained to the victim at court.

Homophobic hate crime: key findings

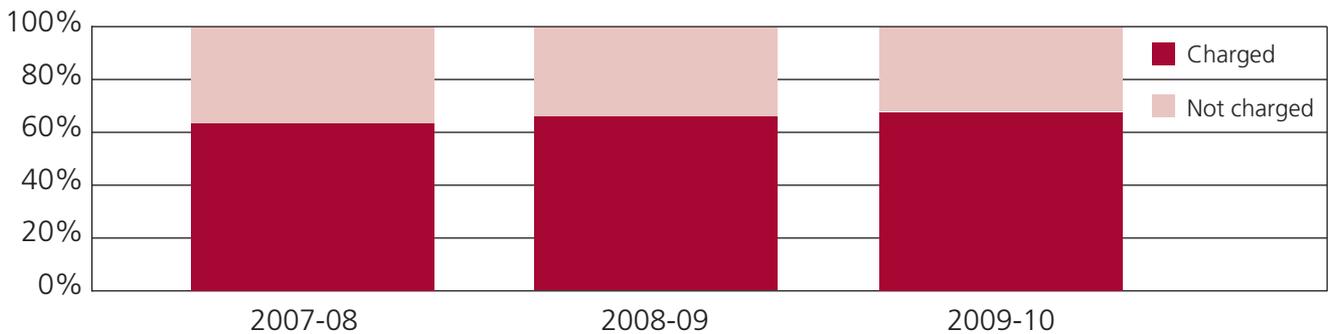
The CPS data is drawn from the CPS’s administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals, dismissals after trial and dismissals no case to answer, judge directed acquittals and jury acquittals.

Charging

The CPS decided that a defendant should be charged in 62.2% of homophobic crime cases referred to the Service in 2007-08, rising to 66.1% in 2009-10.

Table 1 – Pre-charge decisions*



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	758	62.2%	710	65.1%	907	66.1%
Request for further evidence	14	1.1%	6	0.6%	9	0.7%
No prosecution	272	22.3%	222	20.4%	292	21.3%
All other decisions	175	14.4%	152	13.9%	165	12.0%
Total	1,219		1,090		1,373	

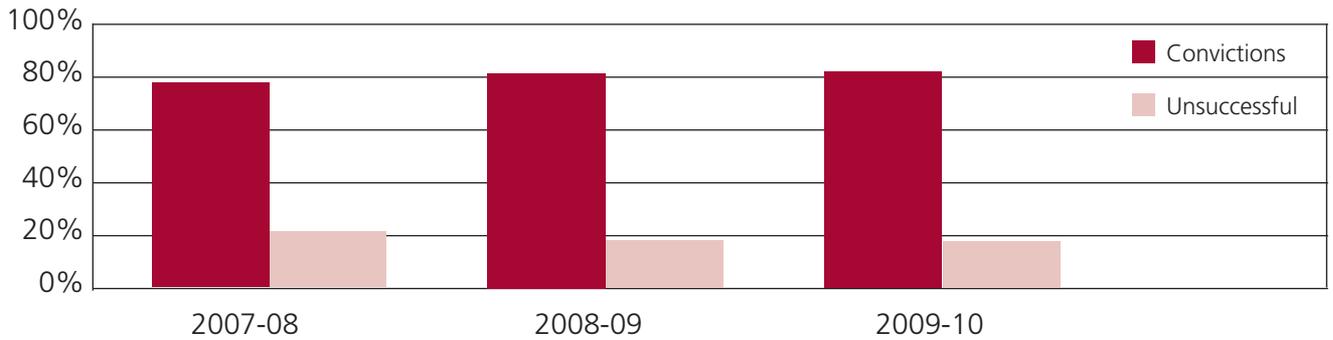
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in the 2007-08 report

Convictions

In the three years ending March 2010, 3,160 defendants were prosecuted for crimes involving homophobia. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 78% in 2007-08 to 81% in 2009-10.

Table 2 - Completed prosecutions by outcome



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	778	78.2%	815	80.5%	929	80.6%
Unsuccessful	217	21.8%	198	19.5%	223	19.4%
Total	995		1,013		1,152	

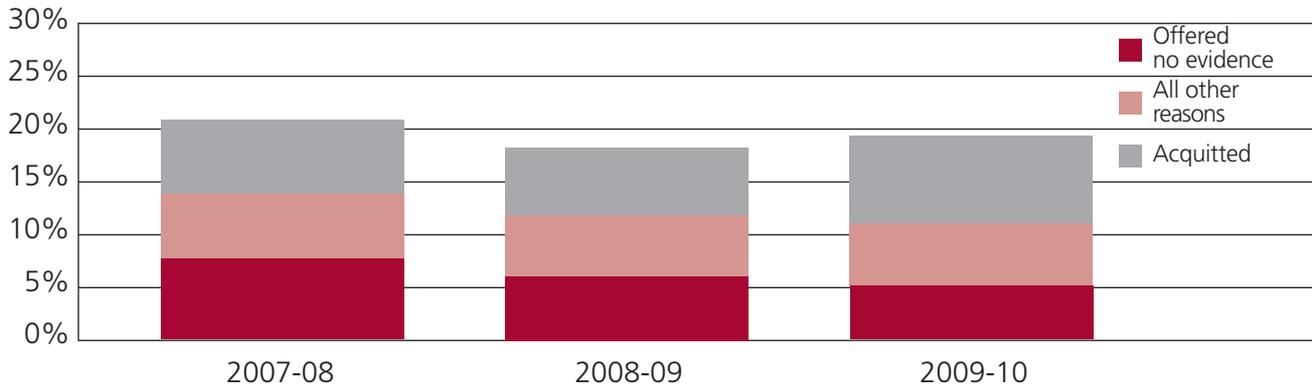
The table and charts below show a detailed breakdown of prosecution outcomes for homophobic crimes in 2007-08, 2008-09 and 2009-10. Guilty pleas increased slightly from 67% to 68% in the three year period however, the conviction rate remained steady at 81% in both 2008-09 and 2009-10. Prosecutions dropped by the CPS, including discontinuances and cases in which no evidence was offered, fell from 14% to 12%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	137	13.8%	115	11.4%	139	12.1%
<i>of which - no evidence offered</i>	67	6.7%	62	6.1%	63	5.5%
Dismissed after trial	53	5.3%	48	4.7%	51	4.4%
Judge directed acquittal	2	0.2%	3	0.3%	0	0.0%
Jury acquittal	6	0.6%	9	0.9%	19	1.6%
All other unsuccessful outcomes	19	1.9%	23	2.3%	14	1.2%
Unsuccessful outcomes	217	21.8%	198	19.5%	223	19.4%
Guilty plea	662	66.5%	683	67.4%	780	67.7%
Conviction after trial	114	11.5%	130	12.8%	142	12.3%
Proved in absence	2	0.2%	2	0.2%	7	0.6%
Convictions	778	78.2%	815	80.5%	929	80.6%
Total prosecutions	995		1,013		1,152	

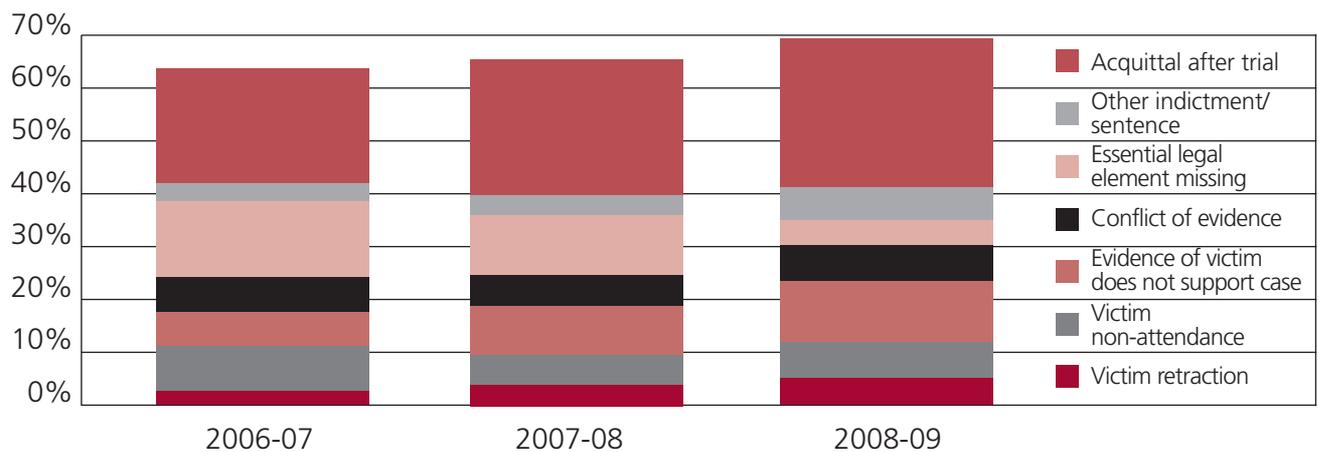
Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons. The proportions falling within each category showed some differences from 2007-08 to 2009-10. In 2009-10, 2.7% were unsuccessful for administrative reasons and 35.4% for evidential reasons both lower than the figures recorded in previous years. In the same period those unsuccessful for public interest reasons, at 14.3%, were unable to proceed, at 14.8%, and cases failing because of other reasons, at 32.7%, all rose compared to earlier years.

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim does not support the case), those where an essential legal element was missing, conflicts of evidence, and those in which the defendant was acquitted. Within these key reasons, acquittals after trial remained the largest single category, rising during the period under review from 22% in 2007-08 to 28%. There were increases in the proportion failing owing to victim retraction, from 2% to 5%, while

those failing because the evidence of the victim did not support the case rose from 6% to nearly 10%. The proportion failing because of victim issues rose by five percentage points during the period, from 17.1% to 22.0% of all unsuccessful outcomes. Cases failing because an essential legal element was missing fell from 15% to 6%, while those unsuccessful owing to a conflict of evidence rose from 7% to 8%. The proportion of total key reasons for case failures rose from 65% to 70% over the three year period.

Table 4 – Key reasons for unsuccessful prosecutions

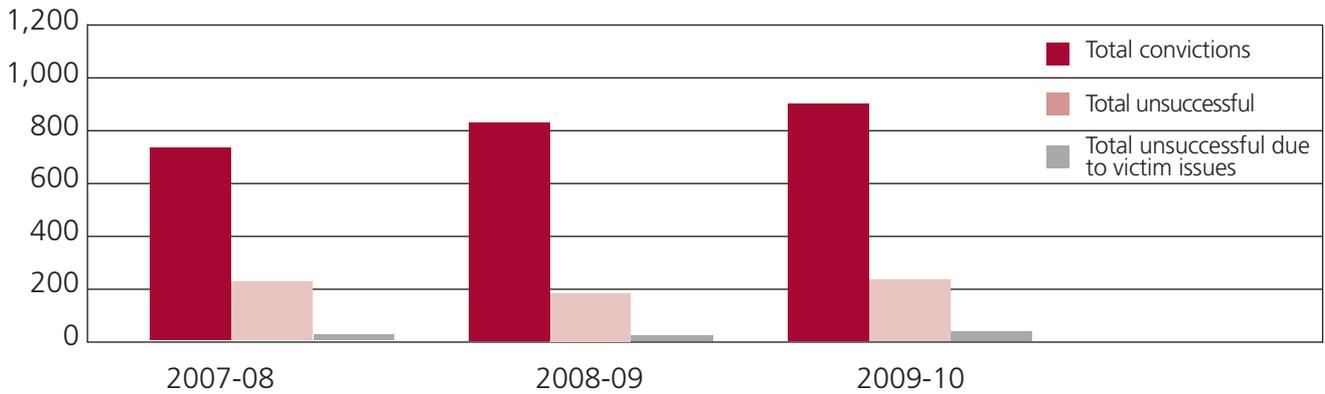


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	5	2.3%	8	4.0%	11	4.9%
Victim non-attendance	19	8.8%	12	6.1%	16	7.2%
Evidence of victim does not support case	13	6.0%	19	9.6%	22	9.9%
Total victim issues	37	17.1%	39	19.7%	49	22.0%
Conflict of evidence	15	6.9%	11	5.6%	18	8.1%
Essential legal element missing	32	14.7%	24	12.1%	13	5.8%
Other indictment/sentence	9	4.1%	7	3.5%	13	5.8%
Acquittal after trial	47	21.7%	50	25.3%	62	27.8%
Total key reasons	140	64.5%	131	66.2%	155	69.5%
All other reasons	65	30.0%	52	26.3%	62	27.8%
Administrative finalisations	12	5.5%	15	7.6%	6	2.7%
Total	217		198		223	

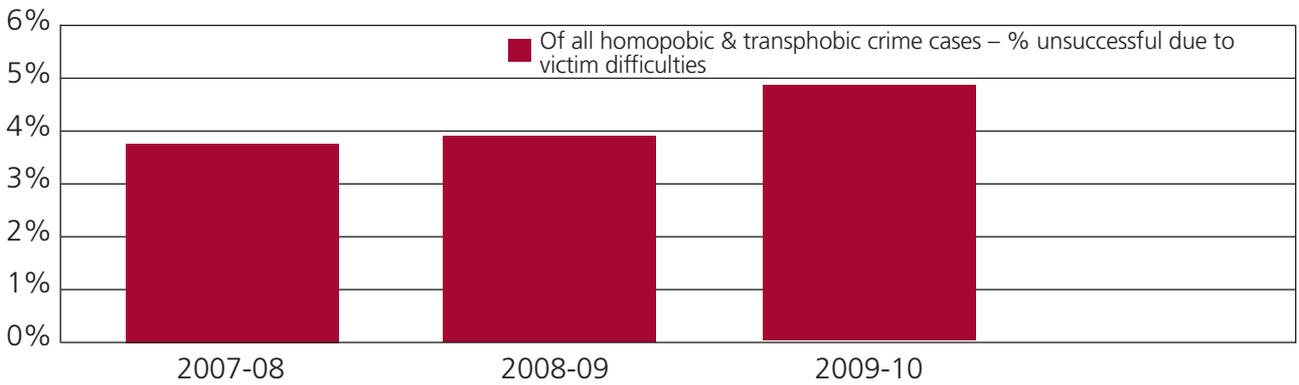
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties increased, from 37, or 3.7%, in 2007-08 to 49, or 4.3%, in 2009-10. Total unsuccessful outcomes fell from 22% in 2007-08 to 19% in 2009-10.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	37	3.7%	39	3.8%	49	4.3%
Total unsuccessful	217	21.8%	198	19.5%	223	19.4%
Total convictions	778	78.2%	815	80.5%	929	80.6%
Total prosecutions	995		1,013		1,152	

Principal offence category

At the conclusion of proceedings, each defendant is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person and public order offences were the most numerous categories, representing 48% and 38% of homophobic crime prosecutions in 2009-10. Additionally, just under 4% were categorised as criminal damage. A similar pattern was recorded for men, with 47% being categorised as offences against the person, 39% as public order, and 4% as criminal damage. There was a slightly different pattern for women, offences against the person being higher at 53% and public order a little lower at 36%

while criminal damage offences were recorded against less than 1% of women. Theft and handling, burglary and robbery accounted for a further 4% of offences recorded against women. Men comprised 83% of defendants whose principal offence was identified as offences against the person.

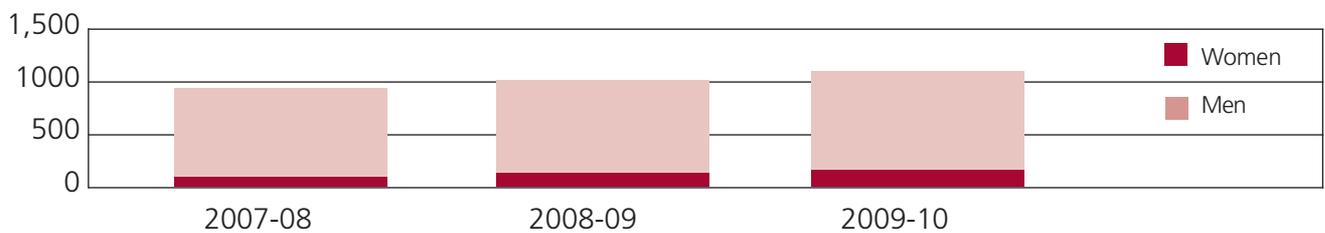
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men fell from 87% in 2007-08 to 85% in 2009-10.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	134	13.5%	143	14.1%	171	14.8%
Men	861	86.5%	870	85.9%	981	85.2%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	995		1,013		1,152	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 200910, 75% of homophobic crime defendants were identified as belonging to the White British category, and 79% were categorised as White, a little lower than the previous year at 78% and 81% respectively. 3% of defendants were identified as Asian, and a further 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest and 7% of defendant ethnicity was not provided to the CPS by the police.

Age

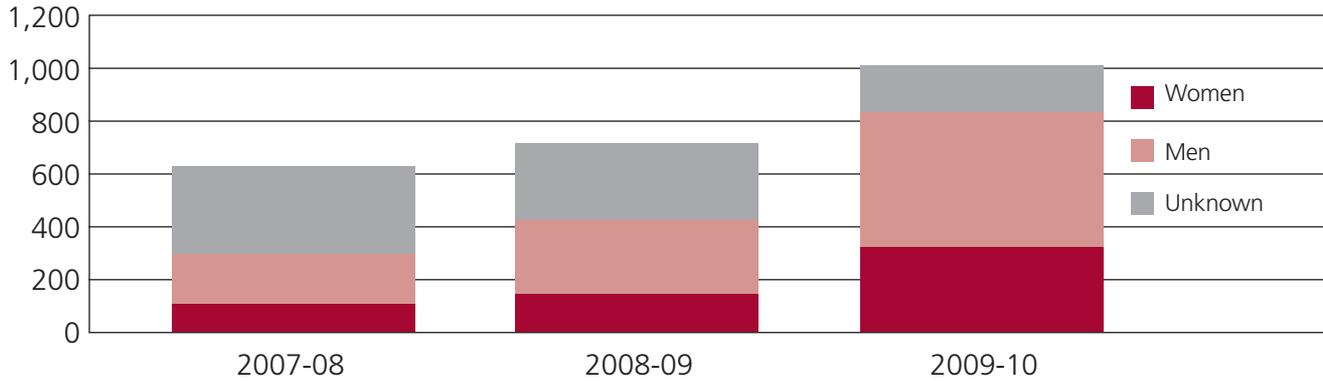
Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (19%), 18-24 years (31%) and those aged between 25-59 years (45%) were the most numerous categories accounting for 95% of defendants similar to 2007-08 when 96% of defendants were recorded in these age bands. A further 3% were aged between 10-13 years slightly higher than in 2007-08 when 2% of defendants were recorded in this category.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available only from April 2006. Despite improvements in recording victim gender, in the three year period under review from 48% to 82% of gender recorded, the completeness and accuracy of this information remains under development. Of those victims whose gender has been identified the highest proportion were men, at 65% in 2007-08 and 60% in 2009-10.

Table 7 – Gender of victims



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	103	16.7%	149	21.0%	336	33.0%
Men	191	31.0%	281	39.6%	493	48.5%
Unknown	322	52.3%	280	39.4%	188	18.5%
Total	616		710		1,017	

Other equality data

Data on ethnicity is available from April 2006, and data on religion or belief, age and disability from April 2007. The completeness and accuracy of this information remains under development – for example, 54% of victim’s ethnicity remains not stated or not provided and 22% of age band data is recorded as not provided, this data has therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton³ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

³ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution’s case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

During the period under review, a number of CPS Areas were either not using the WMS, or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a CMS and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that this data has been included in the homophobic and transphobic crime: key findings chapter of the CPS hate crime annual report.

Table 8 – Homophobic and transphobic hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	637	
Referrals offered	404	63.4%
Referrals made (of those offered)	198	49.0%
Types of referrals made **		
Total referrals	222	
Hate crime agency referrals	5	2.3%
Victim Support agency referrals	30	13.5%
Witness Services agency referrals	144	64.9%
Other referrals	43	19.4%
Total victims *	637	
Other support explored (total victims)	264	41.4%
<i>(ii) Attendance measures</i>		
Required to attend	503	79.0%
Actual attendance	446	88.7%
Pre-trial court visit accepted	142	28.2%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

Referrals to support services

During the year 404 or in 63.4% of cases, referrals were offered to homophobic hate crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing and of these 198 or 49% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 64.9% of referral types were to the Witness Service, 13.5% to Victim Support and 2.3% to a hate crime agency. The remaining 43 or 19.4% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

41.4% of homophobic hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 28.2% of victims required to attend court accepted pre-trial court visits.

Attendance at court

79% of homophobic hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 88.7% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Disability hate crime

Disability hate crime has been a key focus for the CPS during 2009-2010. The Service has taken a number of steps to improve its understanding of disability hate crime and its performance in tackling it. For example, further guidance to prosecutors in relation to improving identification and prosecution of disability hate crime cases was published in March 2010 and the themed review of disability hate crime performance is due to be completed in December 2010. The figures set out later in this report demonstrate a marked improvement in the number of cases coming through to the CPS, however, the Service is aware that there are still improvements to be made.

The percentage of successful outcomes performance on disability hate crime improved for the first time and the volume of cases prosecuted continued to increase on previous years. The continued increase in volume, combined with the improvement in successful outcomes is very encouraging.

Case study: Disability hate crime

A mother with her two children, a daughter who was 21 years old and visually impaired, and a son who was 16 and has Aspergers syndrome, lived two doors from the defendant. They were subjected to a course of harassment over nine months. The harassment came from a group of youths, the defendant being the main instigator and ring leader. As well as verbal abuse, stones being thrown and damage to property, the defendant attacked the visual aid of the visually impaired woman causing her to fall. Verbal abuse included calling the daughter a 'fat pirate' (she wore a patch), the son was called a 'stupid fucking spacka'.

The CPS authorised a charge under s.2 Protection from Harassment Act. The charging lawyer immediately identified this as a hate crime and referred to s.146 on the charging records. The defendant pleaded not guilty and a full summary trial was conducted in the magistrates' court on 28 October 2010. The defendant was convicted and sentenced to 22 weeks' imprisonment (the maximum being 26). The court applied section 146 at the sentencing stage and granted the application for a restraining order. The defendant appealed his sentence and the area hate crime co-ordinator conducted the appeal.

The judge and magistrates were appalled by the defendant's behaviour and dismissed the appeal. At the conclusion of the case, the mother rang the witness care service and thanked the witness care unit for a good service.

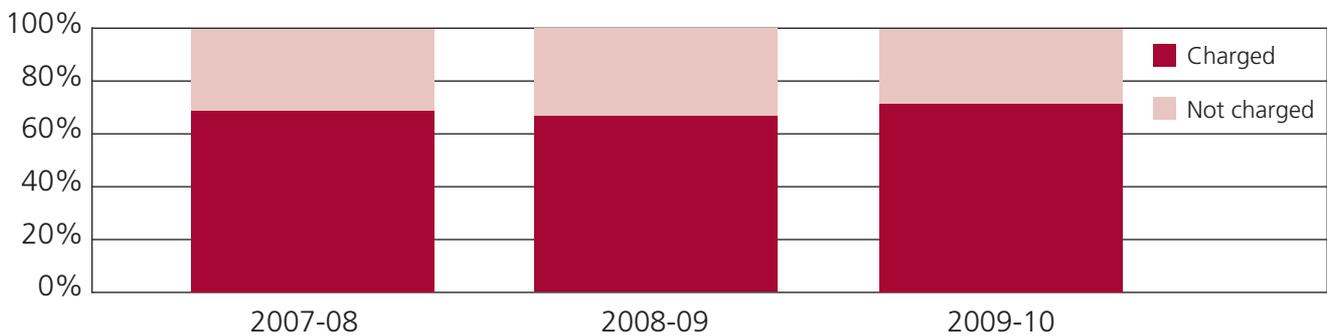
Disability hate crime: key findings

Charging

The CPS data is drawn from the CPS’s administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

The CPS decided that a defendant should be charged in 70% of all disability hate crimes referred to the Service in 2009-10: higher than the 67% charged in 2007-08.

Table 1 – Pre-charge decisions*



All defendants	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Charged	187	67.0%	292	65.8%	506	70.3%
Request for further evidence	2	0.7%	5	1.1%	10	1.4%
No prosecution	75	26.9%	109	24.5%	157	21.8%
All other decisions	15	5.4%	38	8.6%	47	6.5%
Total	279		444		720	

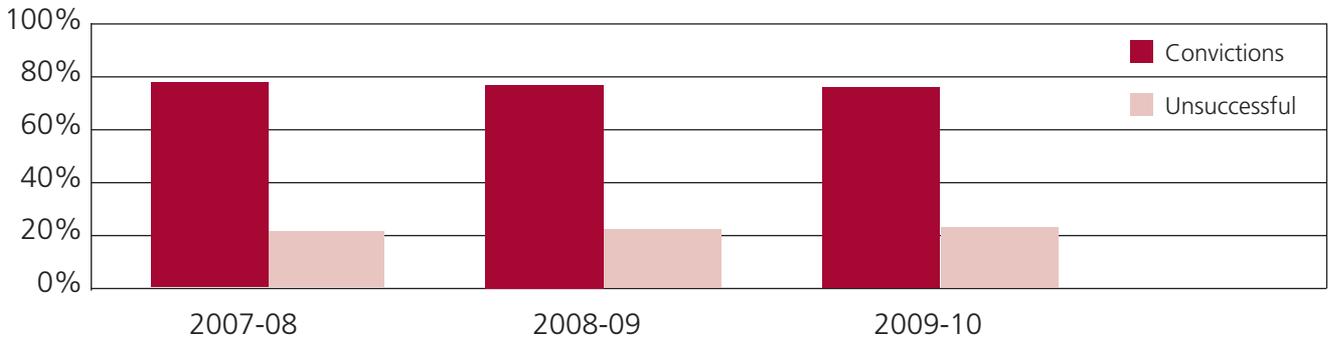
Statutory Charging was fully rolled out on 3 April 2006.

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in the 2007-08 report.

Convictions

In the three years ending March 2010, 1,214 defendants were prosecuted for disability hate crimes. Table and chart 2 below provide a breakdown of outcomes, showing that 76% of completed cases resulted in a conviction in 2009-10.

Table 2 - Completed prosecutions by outcome

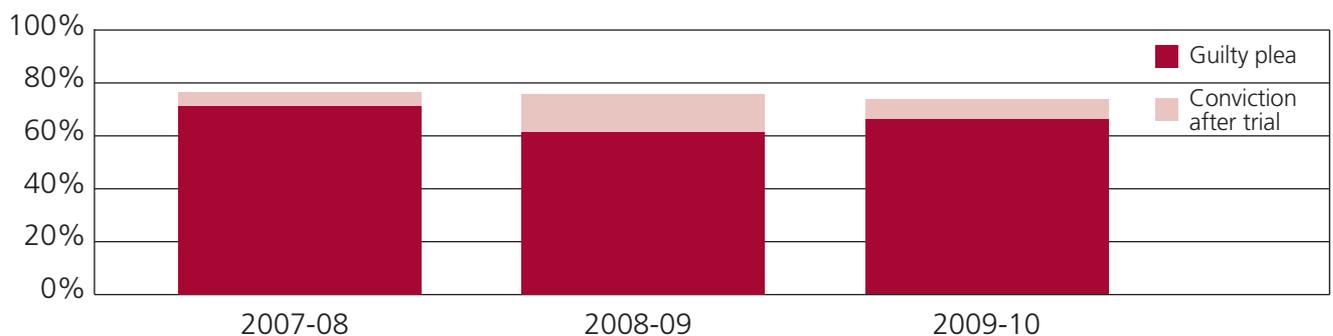


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Convictions	141	77.0%	299	76.1%	483	75.7%
Unsuccessful	42	23.0%	94	23.9%	155	24.3%
Total	183		393		638	

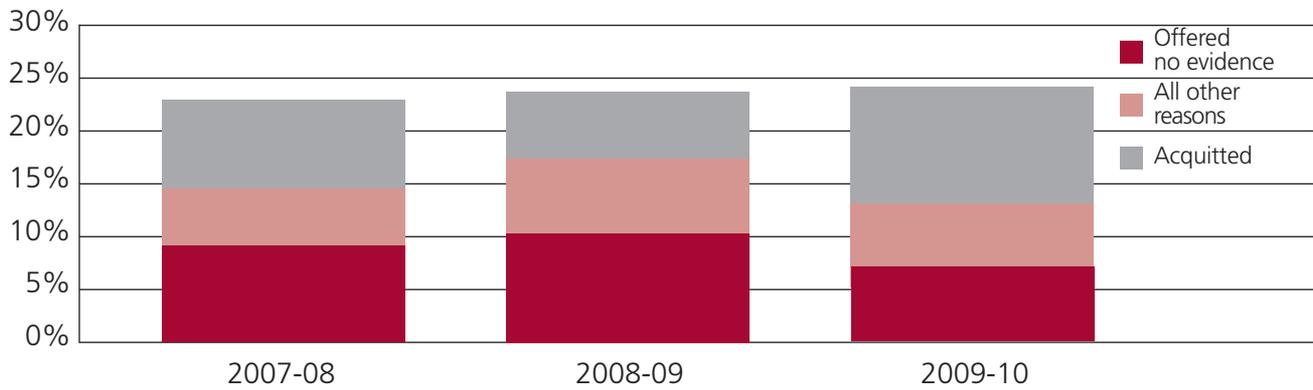
The table and charts below show a detailed breakdown of prosecution outcomes for disability hate crimes in the three years ending 2009-10. Guilty pleas represented 66% of the total, a fall of eight percentage points on 2007-08 when 72% of all defendants pleaded guilty but five points higher than the proportion of guilty pleas in 2008-09. However the conviction rate remained stable at 77%-76% in the period, mainly due to a rise in convictions after trial in the three year period from 6% to 10%. Prosecutions dropped by CPS, including discontinuances and cases in which no evidence was offered, fell from 15% of total outcomes to 13%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	27	14.8%	69	17.6%	83	13.0%
<i>of which - no evidence offered</i>	16	8.7%	41	10.4%	46	7.2%
Dismissed after trial	12	6.6%	11	2.8%	28	4.4%
Judge directed acquittal	0	0.0%	1	0.3%	9	1.4%
Jury acquittal	2	1.1%	3	0.8%	22	3.4%
All other unsuccessful outcomes	1	0.5%	10	2.5%	13	2.0%
Unsuccessful outcomes	42	23.0%	94	23.9%	155	24.3%
Guilty plea	131	71.6%	240	61.1%	419	65.7%
Conviction after trial	10	5.5%	57	14.5%	64	10.0%
Proved in absence	0	0.0%	2	0.5%	0	0.0%
Convictions	141	77.0%	299	76.1%	483	75.7%
Total prosecutions	183		393		638	

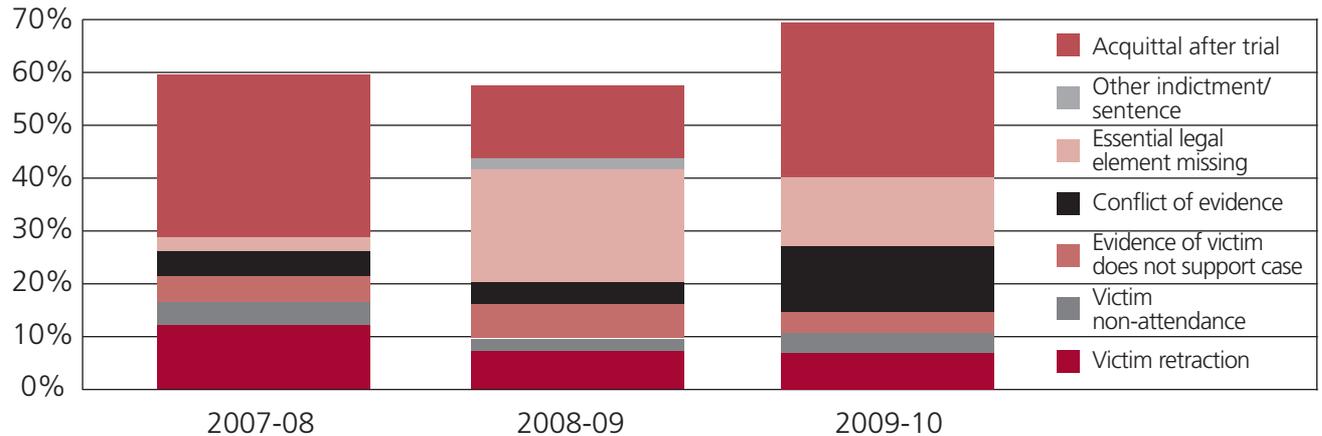
Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons (including those resulting in bindover and acquittal after trial). In 2009-10 the evidential category was the largest at 40.0% of all reasons for unsuccessful outcomes, and cases failing for other reasons accounted for a further 33.5%. 3.2% were unsuccessful for administrative reasons; the proportion unsuccessful for public interest reasons was little changed in the period under review at 8.4% compared with 7.1% in 2007-08; and 14.8% were unable to proceed, a fall on the 19% recorded in 2007-08.

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim did not support the case), those where an essential legal element was missing, where there was a conflict of evidence, and those in which the defendant was acquitted. Within these key reasons, an essential legal element missing, conflicts of evidence and acquittals after trial were the largest single

categories at 13%, 12% and 29% respectively. Within victim issues, the proportions of victim retractions fell from 12% to 7%; victim non attendances and where the evidence of the victim did not support the case both reduced from 5% to 4%. Cases failing because of the overall key reasons rose from 60% to 69%.

Table 4 – Key reasons for unsuccessful prosecutions

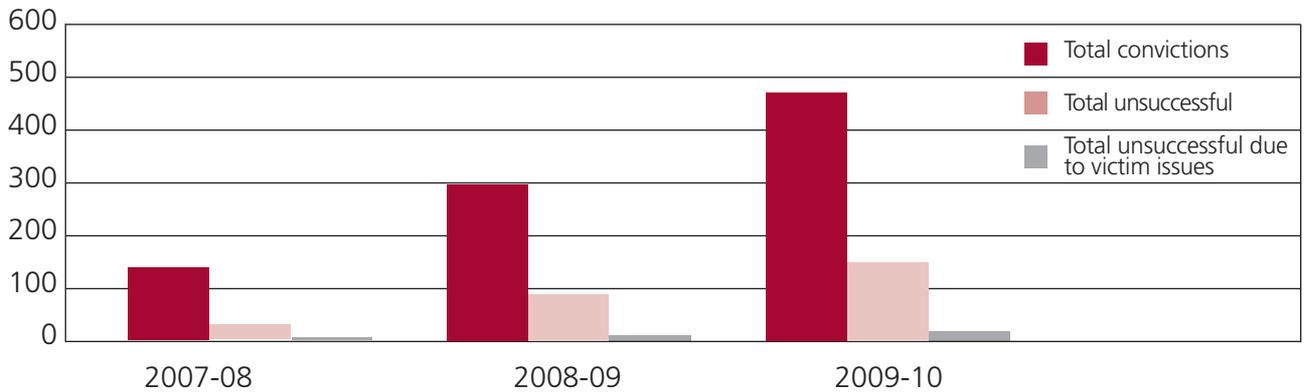


	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Victim retraction	5	11.9%	7	7.4%	11	7.1%
Victim non-attendance	2	4.8%	2	2.1%	6	3.9%
Evidence of victim does not support case	2	4.8%	6	6.4%	6	3.9%
Total victim issues	9	21.4%	15	16.0%	23	14.9%
Conflict of evidence	2	4.8%	4	4.3%	19	12.3%
Essential legal element missing	1	2.4%	21	22.3%	20	12.9%
Other indictment/sentence	0	0.0%	2	2.1%	0	0.0%
Acquittal after trial	13	31.0%	12	12.8%	45	29.0%
Total key reasons	25	59.5%	54	57.4%	107	69.1%
All other reasons	17	40.5%	38	40.4%	43	27.7%
Administrative finalisations	0	0.0%	2	2.1%	5	3.2%
Total	42		94		155	

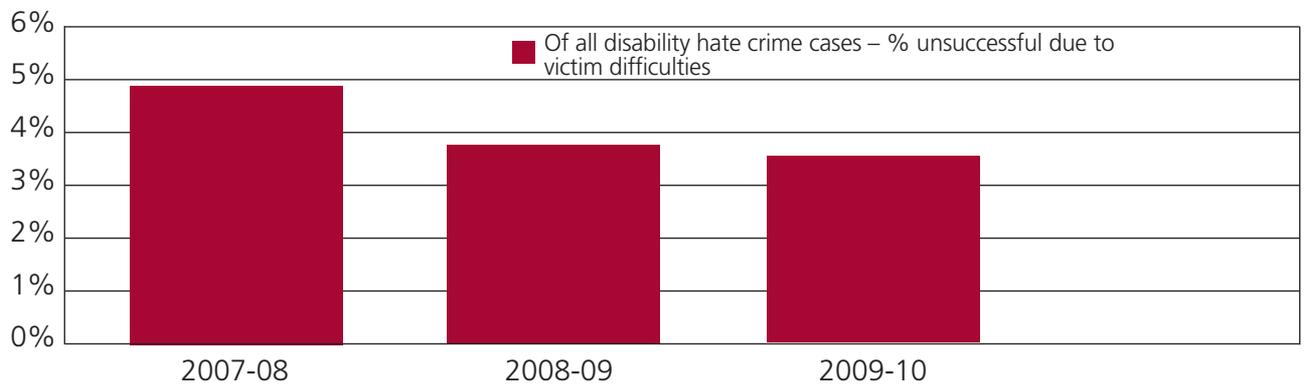
Table and chart 5 show that victim issues represented 23 defendants, or 4%, in 2009-10. Unsuccessful outcomes amounted to 24% of the total in 2009-10 compared to 23% in 2007-08.

Table 5 – Comparison of key reasons for unsuccessful outcomes

Key reasons in relation to all outcomes



% Victim issues



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	9	4.9%	15	3.8%	23	3.6%
Total unsuccessful	42	23.0%	94	23.9%	155	24.3%
Total convictions	141	77.0%	299	76.1%	483	75.7%
Total prosecutions	183		393		638	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 52% of disability hate crime prosecutions in 2009-10 similar to the 53% recorded in 2007-08. Public order, theft and handling, sexual offences and robbery accounted for a further 11% (13% in 2007-08), 8% (8%), 6% (2%) and 7% (4%) respectively. The proportions recorded as burglary fell from 9% to 5%. A similar pattern was recorded for men, with 52% being categorised as offences against the person, 11% as public order, 6% as theft and handling, sexual offences 7% and 7% as robbery. There was a slightly different pattern for women,

offences against the person and public order being similar at 51% and 11%. Theft and handling and robbery were far higher at 16% and 9% while fraud and forgery offences accounted for a further 5%. Men comprised 84% of defendants whose principal offence was identified as offences against the person, and women comprised 35% of defendants categorised with a theft and handling offence. The pattern of offences differed from that for other hate crimes, with a lower level of public order offences and a higher proportion of property offences (theft and handling, burglary and robbery).

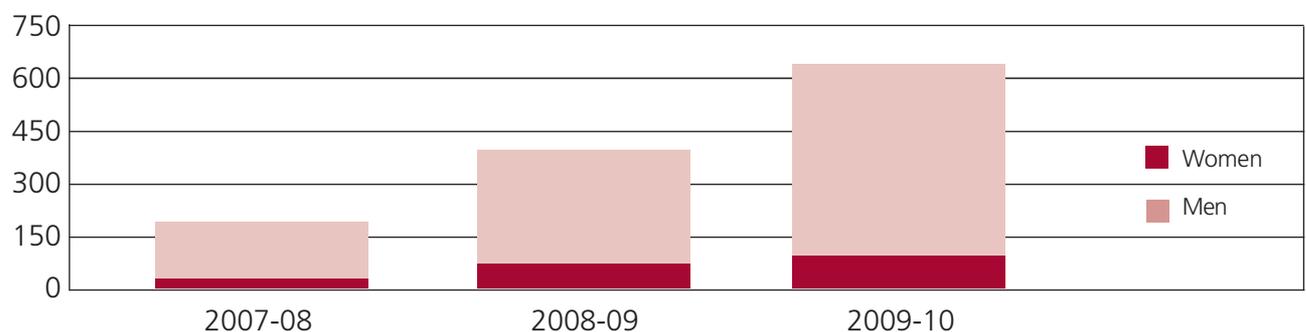
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. 83% of defendants prosecuted were men, similar to the other hate crime strands.

Table 6 – Completed prosecutions by gender of defendant



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	33	18.0%	83	21.1%	108	16.9%
Men	150	82.0%	310	78.9%	530	83.1%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	183		393		638	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 72% of disability hate crime defendants were identified as belonging to the White British category, and 75% were categorised as White, compared with 78% and 80% in 2008-09. 2% of defendants were identified as Asian, and 8% were identified as Black compared with 4% in 2007-08. 3% of defendants did not state an ethnicity on arrest and 8% of defendant ethnicity was not provided to the CPS by the police.

Age

Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (19%), 18-24 years (24%) and those aged between 25-59 years (51%) were the most numerous categories accounting for 94% of defendants similar to 2007-08 when 90% of defendants were recorded in these age bands.

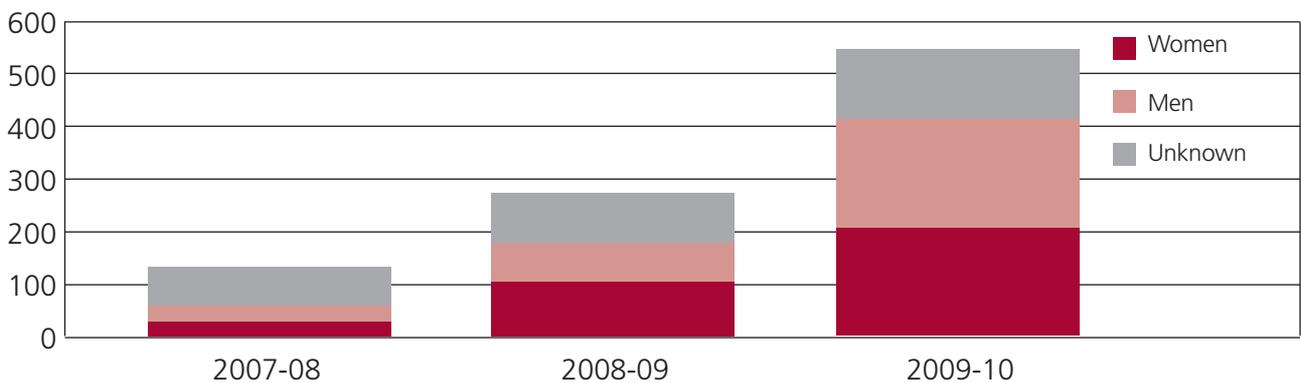
A further 3% were aged between 10-13 years lower than in 2007-08 when 5% of defendants were recorded in this category.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available for disability hate crimes from April 2007: however, despite improvements in data recording from 44% of gender recorded in 2007-08 to 76% in 2009-10, the completeness and accuracy of this information remains under development. Of those victims whose gender was identified in 2009-10, 51% were men and 49% women. This contrasts with the other hate crime strands where a higher proportion of victims were men.

Table 7 – Gender of victims*



	2007-08		2008-09		2009-10	
	Volume	%	Volume	%	Volume	%
Women	30	20.8%	106	37.9%	203	37.4%
Men	33	22.9%	85	30.4%	211	38.9%
Unknown	81	56.3%	89	31.8%	129	23.8%
Total	144		280		543	

*Data from 2006-07 was reported for all victims whether civilian or not, data from 2007-08 onwards only reports civilian victims.

Other equality data

Data on ethnicity is available from April 2006, and data on religion or belief, age and disability from April 2007. The completeness and accuracy of this information remains under development – for example 33% of victim’s ethnicity remains not stated or not provided and 16% of age band data are recorded as not provided, these data have therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Victim care measures

The data in the tables and commentary below relates to cases where a not guilty plea to at least one offence has been entered at first hearing or have a witness related hearing, such as a trial, Newton⁴ or special reasons hearing or appeal against conviction and, the Witness Care Unit was involved in supporting the victim. Where victims and witnesses, in cases that are particularly serious or sensitive, are supported by Specialist Police Units, information demonstrating the support provided will not be included in these data.

During the period under review, a number of CPS Areas were either not using the WMS or not using the system fully; therefore data provided in this report are not complete. The WMS is intended for use as a case management system and not as a monitoring tool; therefore data may not be as consistent or robust as other data contained in this report. This is the first time that these data have been included in the disability hate crime: key findings chapter of the CPS hate crime annual report.

Table 8 – Disability hate crime victim care measures

	2009-10	
	Volume	%
<i>(i) Referrals to support agencies or other support explored</i>		
Total victims *	298	
Referrals offered	149	50.0%
Referrals made (of those offered)	91	61.1%
Types of referrals made **		
Total referrals	108	
Hate crime agency referrals	1	0.9%
Victim Support agency referrals	21	19.4%
Witness Services agency referrals	73	67.6%
Other referrals	13	12.0%
Total victims *	298	
Other support explored (total victims)	111	37.2%
<i>(ii) Attendance measures</i>		
Required to attend	166	55.7%
Actual attendance	150	90.4%
Pre-trial court visit accepted	65	39.2%

* Victims associated with cases where a not guilty plea has been entered at the first hearing or that have witness related hearings (trial, part-heard trial, Newton hearing, special reasons hearing or an appeal against conviction)

** The number of referral types are likely to exceed the numbers of referrals made because a victim can be referred to more than one agency.

⁴ A Newton hearing is where the defendant pleads guilty to the charge but disputes the factual basis of the prosecution's case against him. Usually it means that the defendant is claiming that he played a more minor role in the offence which would mean a lesser sentence. The process is similar to a trial except there is no jury.

Referrals to support services

During the year 149 or in 50% of cases, referrals were offered to disability hate crime victims associated with cases where a not guilty plea has been entered or with a witness related hearing and of these 91 or 61.1% were made. Referrals can be made to a number of specialist support agencies and data collected indicates that 67.6% of referral types were to the Witness Service, 19.4% to Victim Support and 0.9% to a hate crime agency. The remaining 13 or 12% were the subject of a referral to another agency. A victim (or witness) can be referred to more than one agency.

Referrals to Victim Support or specialist agencies are also likely to have been made earlier on in the criminal justice process by the police or other agencies. It is likely that some of the victims referred to Victim Support will have been referred to a specialist service following a needs assessment by this agency.

37.2% of disability hate crime victims, associated with cases with a witness related hearing or where a not guilty plea has been entered, had other support needs explored in relation to their attendance at court, such as child care or transport. 39.2% of victims required to attend court accepted pre-trial court visits.

Attendance at court

55.7% of disability hate crime victims, associated with cases with a witness related hearing, were required to attend court, and of these 90.4% attended. The high attendance figure suggests that the support provided by witness care units is helping victims remain engaged with the criminal justice process.

Special measures

CPS data on special measures is not sufficiently robust for publication in this report. A research project will be undertaken for 2010-2011 that aims to help the CPS gain insight into areas where it is known that improvements might be needed, including identification of the need for special measures; communication between agencies and with witnesses regarding special measures; and the timeliness of special measures applications.

Sentence uplifts

This information has been collected since April 2007, but still remains under development. The CPS plans to work with other government partners such as Her Majesty's Courts Service to improve data collection and quality.

Crimes against the older person

The CPS recognises that crimes against older people take place in a context of a growing older population in which older people can experience negative and prejudiced attitudes. This year the volume of cases charged by the CPS has significantly increased. In addition, the successful prosecution rate has improved, which is encouraging.

Case study: Liverpool

The victim was a 78-year-old woman who was a patient at the hospital where the defendant worked. The defendant was the senior nursing sister on duty when the patient was admitted. She stole the victim's debit card and used it to shop and withdraw money at local cash points in Southport Merseyside.

Although the fraud offences were technically against the card issuer, the victim was the person who suffered great distress as a result of the offence. Sadly, the victim died during the case but a successful application was made to admit her evidence under the hearsay provisions.

The evidence against the defendant was circumstantial and in the main consisted of CCTV footage, however the prosecution were able to satisfy the jury and the def was convicted this month. The defendant is serving an eight month sentence.

Crimes against the older person: key findings

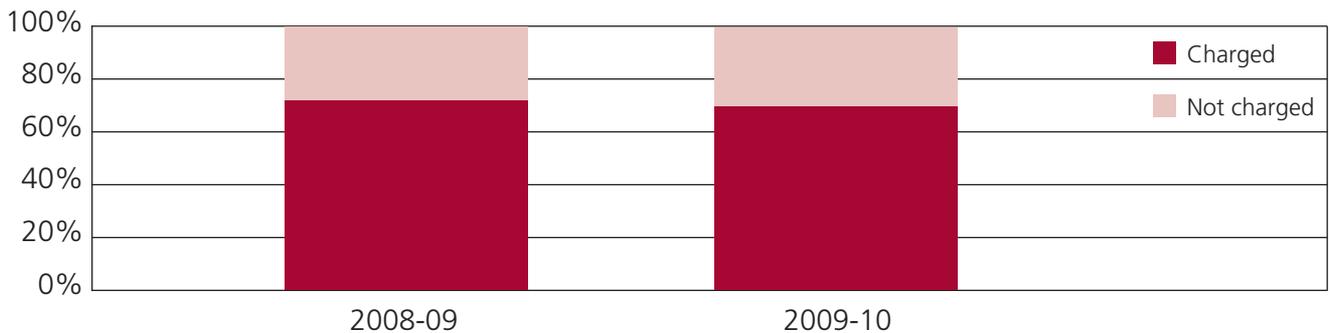
The CPS began monitoring the effectiveness of prosecutions where crimes against the older person are flagged in April 2008. Data reported in these key findings tables and charts are for the periods 2008-09 and 2009-10.

The CPS data is drawn from the CPS’s administrative IT system, and is used for internal performance management. Therefore, this data should not be considered as official Government statistics; as in common with any large scale recording system, inaccuracies can occur as a result of errors in the data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Charging

In the two years ending March 2010, 3,690 defendants identified as involving crimes against the older person were referred to the CPS for a charging decision. The table and chart below show that a decision to charge was made in 2,628 or 71% of these. In 2009-10 a decision to charge was made in 70% of those submitted to the CPS: lower than the 73% charged in 2008-09.

Table 1 – Pre-charge decisions

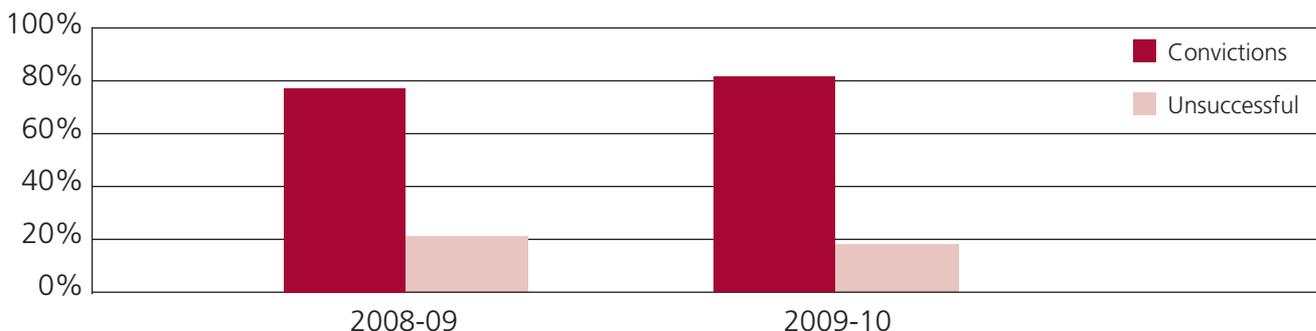


	2008-09		2009-10	
	Volume	%	Volume	%
Charged	1,086	72.7%	1,542	70.2%
Request for further evidence	21	1.4%	35	1.6%
No prosecution	279	18.7%	374	17.0%
All other decisions	108	7.2%	245	11.2%
Total	1,494		2,196	

Convictions

In the two years ending March 2010, 2,997 defendants were prosecuted for crimes against older people. Table and chart 2 below provide a breakdown of outcomes, showing that 82% of completed cases resulted in a conviction in 2009-10.

Table 2 – Completed prosecutions by outcome

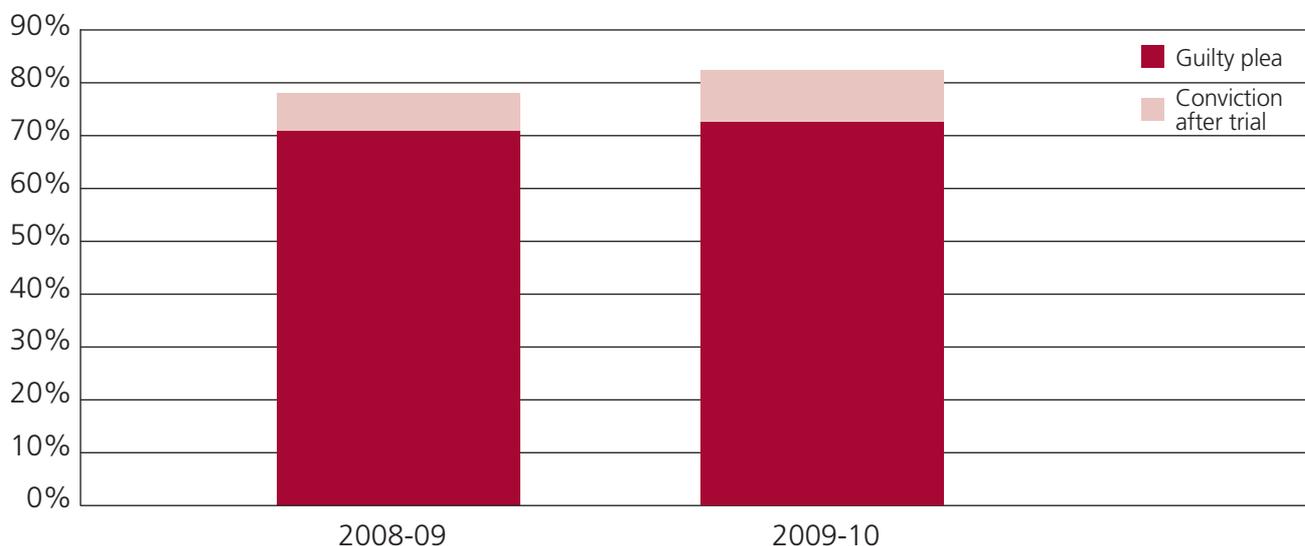


	2008-09		2009-10	
	Volume	%	Volume	%
Convictions	790	78.7%	1,641	82.3%
Unsuccessful	214	21.3%	352	17.7%
Total	1,004		1,993	

The table and charts below show a detailed breakdown of prosecution outcomes for crimes against the older person in the two years ending 2009-10. Guilty pleas and convictions after trial represented 72% and 10% of the total respectively compared to 70% and 8% in the previous year contributing to an improved conviction rate in the period from 79% to 82%. Prosecutions dropped by CPS, including discontinuances and cases in which no evidence was offered, fell from 14% of total outcomes to 10%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2008-09		2009-10	
	Volume	%	Volume	%
Prosecutions dropped <i>inc discontinued, no evidence offered & withdrawn</i>	140	13.9%	204	10.2%
<i>of which – no evidence offered</i>	65	6.5%	97	4.9%
Dismissed after full trial	38	3.8%	54	2.7%
Judge directed acquittal	1	0.1%	12	0.6%
Jury acquittal	16	1.6%	33	1.7%
All other unsuccessful outcomes	19	1.9%	49	2.5%
Unsuccessful outcomes	214	21.3%	352	17.7%
Guilty plea	707	70.4%	1,438	72.2%
Conviction after trial	83	8.3%	201	10.1%
Proved in absence	0	0.0%	2	0.1%
Convictions	790	78.7%	1,641	82.3%
Total prosecutions	1,004		1,993	

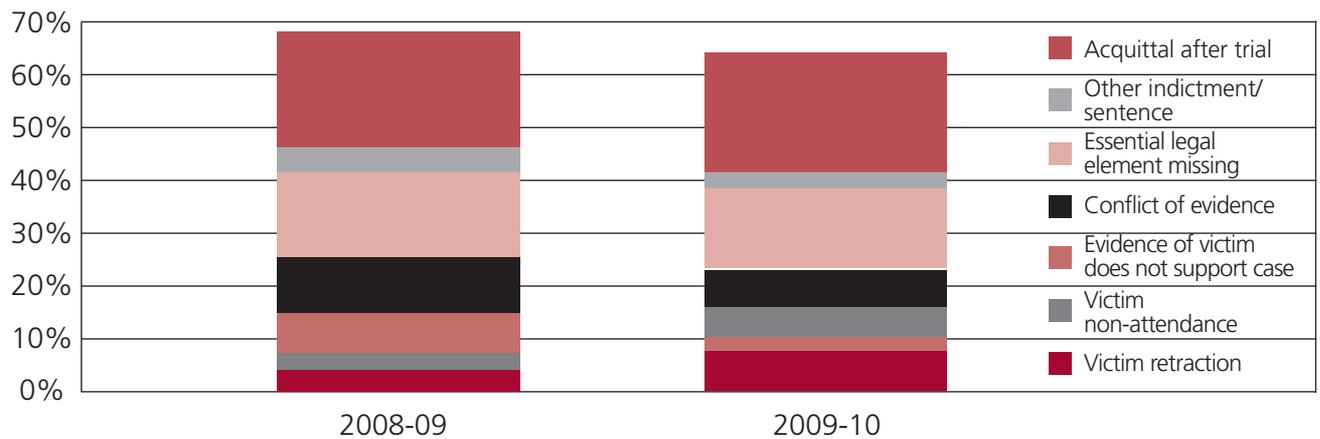
Unsuccessful prosecutions

Cases may fail through evidential reasons, public interest reasons, because a case is unable to proceed, because proceedings are subject to an administrative finalisation, and for other reasons (including those resulting in bindover and acquittal after trial). In 2009-10 the evidential category was the largest at 39.5% of all reasons for unsuccessful outcomes, and cases failing for other reasons accounted for a further 27.3%. 7.1% were unsuccessful for administrative reasons; 15.6% for public interest reasons; and 10.5% were unable to proceed. Although proportions varied when compared to the previous year, there was a broadly similar pattern of reasons for case failures with evidential and other reasons the largest categories at 78.9% of total unsuccessful outcomes in 2008-09.

Table 4 gives a more refined analysis, showing the proportion failing due to key reasons, including victim issues (comprising victim retraction, cases in which a victim failed to attend a court hearing and where the evidence of the victim did not support the case), those where an essential legal element was missing, where there was a conflict of evidence, and those in which the defendant was acquitted. Within these key reasons, an essential legal element missing, conflicts of evidence and acquittals after trial were the largest single categories at 14%, 8% and 23% respectively. Within victim issues, the proportions of victim retractions

rose from 4% to 8%; victim non attendances and where the evidence of the victim did not support the case both fell from 4% to 3% and from 7% to 5% respectively. Cases failing because of the overall key reasons fell from 68% to 65%.

Table 4 – Key reasons for unsuccessful prosecutions

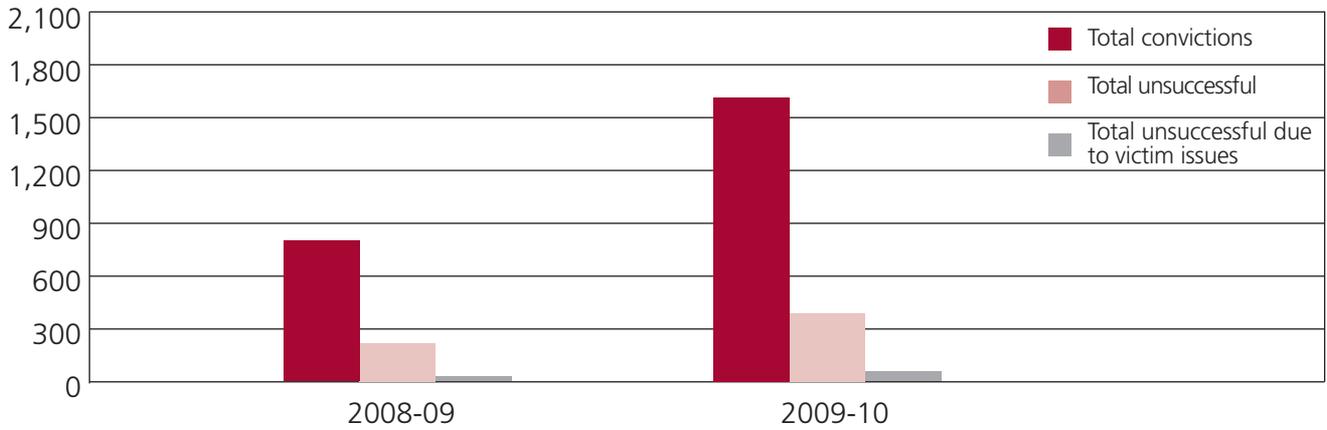


	2008-09		2009-10	
	Volume	%	Volume	%
Victim retraction	8	3.7%	27	7.7%
Victim non-attendance	8	3.7%	10	2.8%
Evidence of victim does not support case	14	6.5%	19	5.4%
Total victim issues	30	13.9%	56	15.9%
Conflict of evidence	25	11.7%	28	8.0%
Essential legal element missing	35	16.4%	50	14.2%
Other indictment/sentence	9	4.2%	13	3.7%
Acquittal after trial	47	22.0%	80	22.7%
Total key reasons	146	68.2%	227	64.5%
All other reasons	58	27.1%	100	28.4%
Administrative finalisations	10	4.7%	25	7.1%
Total	214		352	

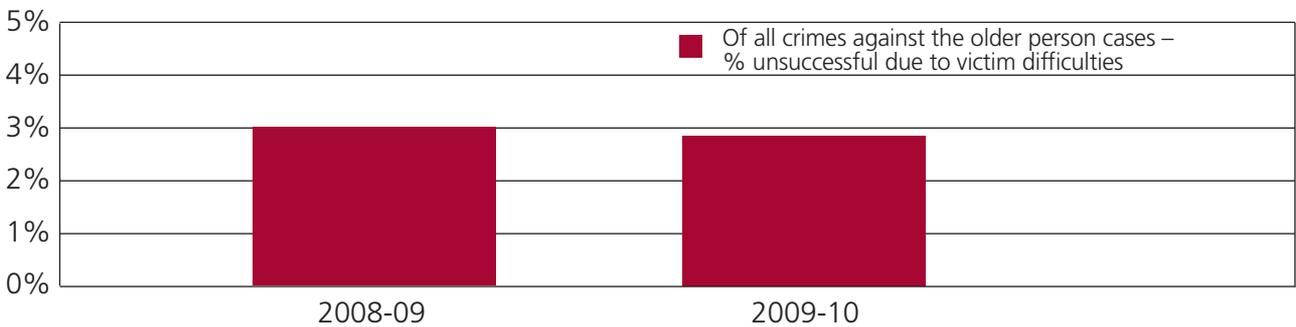
Table and chart 5 show that victim issues represented 56 defendants, or 3%, in 2009-10. Unsuccessful outcomes amounted to 18% of the total in 2009-10 compared to 21% in 2007-08.

Table 5 – Comparison of key reason for unsuccessful outcome

Key reasons in relation to all outcomes



% Victim issues



	2008-09		2009-10	
	Volume	%	Volume	%
Total unsuccessful due to victim issues	30	3.0%	56	2.8%
Total unsuccessful	214	21.3%	352	17.7%
Total convictions	790	78.7%	1,641	82.3%
Total	1,004		1,993	

Principal offence category

At the conclusion of proceedings, each defendant is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against property, burglary (22%), theft and handling (20%), robbery (7%) and fraud and forgery (11%) were the most numerous categories, representing 60% of crimes against the older person prosecutions in 2009-10 a little higher than the 55% recorded in 2008-09. Offences against the person was the largest single category accounting for 27% similar to 2008-09, at 28%. A similar pattern was recorded for men, with 58% being categorised as offences against property and 27% as offences against the person. There was a slightly different pattern for women, offences against the person being similar at 26% while property offences accounted for 68%. The largest category for women were theft and handling offences, comprising for 36% of the total. Men comprised 80% of defendants whose principal offence was identified as offences against the person, and women comprised 36% of defendants categorised with a theft and handling offence.

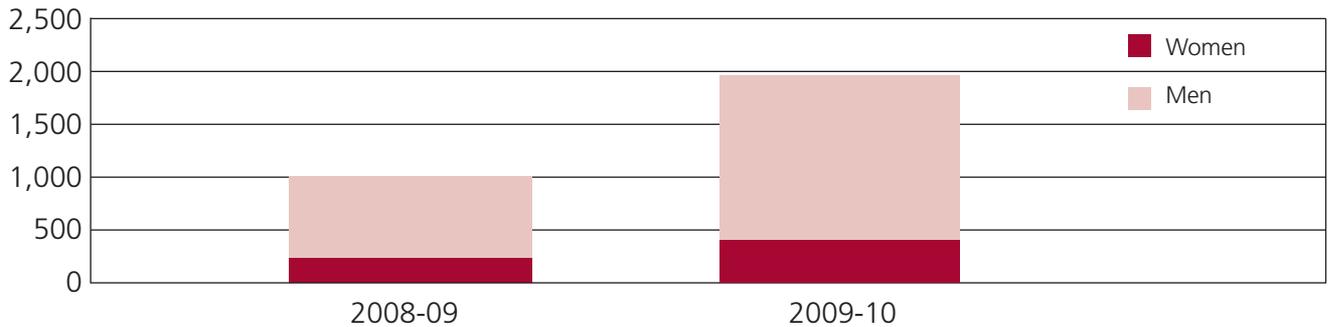
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. 79% of defendants prosecuted were men and 21% were women in 2009-10.

Table 6 – Completed prosecutions by gender of defendant



	2008-09		2009-10	
	Volume	%	Volume	%
Women	243	24.2%	425	21.3%
Men	760	75.7%	1,568	78.7%
Unknown	1	0.1%	0	0.0%
Total	1,004		1,993	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories. In 2009-10, 76% of crimes against the older person defendants were identified as belonging to the White British category, and 81% were categorised as White, compared with 77% and 83% in 2008-09. 4% of defendants were identified as Asian, and 4% were identified as Black. 3% of defendants did not state an ethnicity on arrest and 4% of defendant ethnicity was not provided to the CPS by the police.

Age

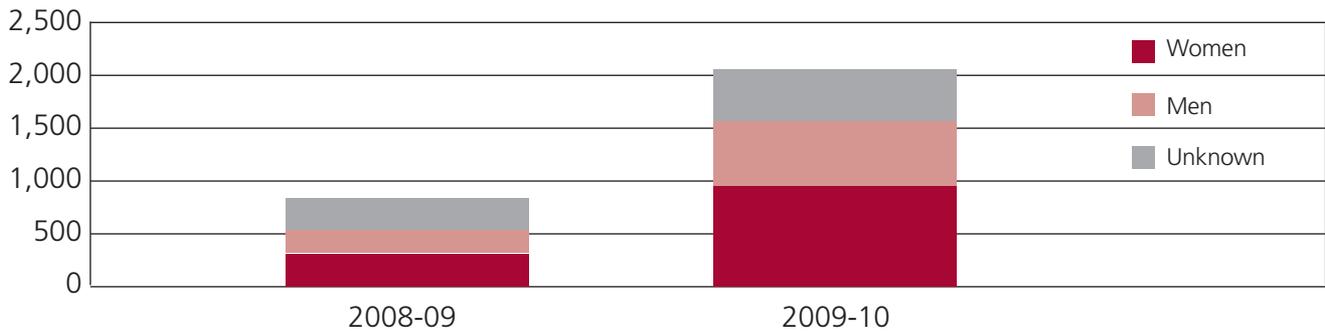
Data on the age of defendants is collated by the CPS with reference to a series of age bands. Individual ages cannot be disaggregated from these bands. Defendants aged between 14-17 years (9%), 18-24 years (22%) and those aged between 25-59 years (63%) were the most numerous categories accounting for 94% of defendants similar to 2008-09 when 95% of defendants were recorded in these age bands. Just over 2% were aged between 60-69 years similar to 2008-09 when nearly 3% of defendants were recorded in this category.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the WMS, and are available for crimes against the older person from April 2008. The completeness and accuracy of this information remains under development. Of those victims whose gender was identified in 2009-10, 59% were women and 41% men similar to the previous year.

Table 7 – Gender of victims *



	2008-09		2009-10	
	Volume	%	Volume	%
Women	303	36.0%	924	45.5%
Men	203	24.1%	648	31.9%
Unknown	335	39.8%	457	22.5%
Total	841		2,029	

* Data only reports civilian victims.

Other equality data

Data on ethnicity, religion or belief, age and disability is available from April 2008. The completeness and accuracy of this information remains under development – for example 58% of victim’s ethnicity remains not stated or not provided and 28% of age band data are recorded as not provided, these data have therefore not been included in the present report. Work is ongoing in 2010-2011 to improve data collection and quality.

Total hate crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	11,405	81.9%	2,516	18.1%	13,921
Cymru/Wales	552	82.6%	116	17.4%	668
Dyfed Powys	46	80.7%	11	19.3%	57
Gwent	88	88.0%	12	12.0%	100
North Wales	178	79.1%	47	20.9%	225
South Wales	240	83.9%	46	16.1%	286
Eastern	618	83.7%	120	16.3%	738
Cambridgeshire	106	80.3%	26	19.7%	132
Essex	241	79.8%	61	20.2%	302
Norfolk	129	88.4%	17	11.6%	146
Suffolk	142	89.9%	16	10.1%	158
East Midlands	938	85.6%	158	14.4%	1,096
Derbyshire	200	85.5%	34	14.5%	234
Leicestershire	302	86.5%	47	13.5%	349
Lincolnshire	78	83.9%	15	16.1%	93
Northamptonshire	66	85.7%	11	14.3%	77
Nottinghamshire	292	85.1%	51	14.9%	343
London	1,547	73.9%	547	26.1%	2,094
Merseyside & Cheshire	581	77.1%	173	22.9%	754
Cheshire	162	80.2%	40	19.8%	202
Merseyside	419	75.9%	133	24.1%	552
North East	603	82.2%	131	17.8%	734
Cleveland	111	82.2%	24	17.8%	135
Durham	119	81.0%	28	19.0%	147
Northumbria	373	82.5%	79	17.5%	452
North West	1,638	83.5%	324	16.5%	1,962
Cumbria	99	88.4%	13	11.6%	112
Greater Manchester	983	83.2%	198	16.8%	1,181
Lancashire	556	83.1%	113	16.9%	669
South East	620	82.4%	132	17.6%	752
Kent	205	84.7%	37	15.3%	242
Surrey	117	92.1%	10	7.9%	127
Sussex	298	77.8%	85	22.2%	383
South West	618	86.8%	94	13.2%	712
Avon & Somerset	301	86.5%	47	13.5%	348
Devon & Cornwall	206	86.9%	31	13.1%	237
Gloucestershire	111	87.4%	16	12.6%	127
Thames & Chiltern	723	84.4%	134	15.6%	857
Bedfordshire	112	89.6%	13	10.4%	125
Hertfordshire	254	82.5%	54	17.5%	308
Thames Valley	357	84.2%	67	15.8%	424
Wessex	614	81.4%	140	18.6%	754
Dorset	88	83.3%	17	16.2%	105
Hampshire & IOW	446	82.3%	96	17.7%	542
Wiltshire	80	74.8%	27	25.2%	107
West Midlands	1,310	83.6%	257	16.4%	1,567
Staffordshire	183	88.4%	24	11.6%	207
Warwickshire	100	88.5%	13	11.5%	113
West Mercia	180	84.5%	33	15.5%	213
West Midlands	847	81.9%	187	18.1%	1,034
Yorkshire & Humberside	1,043	84.6%	190	15.4%	1,233
Humberside	179	92.7%	14	7.3%	193
North Yorkshire	92	81.4%	21	18.6%	113
South Yorkshire	273	87.5%	39	12.5%	312
West Yorkshire	499	81.1%	116	18.9%	615

RARA crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	9,993	82.4%	2,138	17.6%	12,131
Cymru/Wales	453	82.4%	97	17.6%	550
Dyfed Powys	31	79.5%	8	20.5%	39
Gwent	77	87.5%	11	12.5%	88
North Wales	138	79.8%	35	20.2%	173
South Wales	207	82.8%	43	17.2%	250
Eastern	541	84.3%	101	15.7%	642
Cambridgeshire	102	82.3%	22	17.7%	124
Essex	212	80.3%	52	19.7%	264
Norfolk	104	88.9%	13	11.1%	117
Suffolk	123	89.8%	14	10.2%	137
East Midlands	833	86.2%	133	13.8%	966
Derbyshire	181	86.6%	28	13.4%	209
Leicestershire	266	86.4%	42	13.6%	308
Lincolnshire	71	84.5%	13	15.5%	84
Northamptonshire	56	86.2%	9	13.8%	65
Nottinghamshire	259	86.3%	41	13.7%	300
London	1,362	74.5%	467	25.5%	1,829
Merseyside & Cheshire	479	76.8%	145	23.2%	624
Cheshire	140	82.4%	30	17.6%	170
Merseyside	339	74.7%	115	25.3%	454
North East	534	82.3%	115	17.7%	649
Cleveland	102	82.9%	21	17.1%	123
Durham	89	80.9%	21	19.1%	110
Northumbria	343	82.5%	73	17.5%	416
North West	1,462	84.4%	271	15.6%	1,733
Cumbria	84	89.4%	10	10.6%	94
Greater Manchester	864	84.1%	163	15.9%	1,027
Lancashire	514	84.0%	98	16.0%	612
South East	530	83.6%	104	16.4%	634
Kent	187	83.9%	36	16.1%	223
Surrey	103	92.8%	8	7.2%	111
Sussex	240	80.0%	60	20.0%	300
South West	542	87.1%	80	12.9%	622
Avon & Somerset	265	86.6%	41	13.4%	306
Devon & Cornwall	183	88.0%	25	12.0%	208
Gloucestershire	94	87.0%	14	13.0%	108
Thames & Chiltern	663	84.4%	123	15.6%	786
Bedfordshire	100	89.3%	12	10.7%	112
Hertfordshire	238	83.2%	48	16.8%	286
Thames Valley	325	83.8%	63	16.2%	388
Wessex	515	81.9%	114	18.1%	629
Dorset	67	82.7%	14	17.3%	81
Hampshire & IOW	382	82.9%	79	17.1%	461
Wiltshire	66	75.9%	21	24.1%	87
West Midlands	1,148	84.0%	219	16.0%	1,367
Staffordshire	150	88.8%	19	11.2%	169
Warwickshire	90	90.9%	9	9.1%	99
West Mercia	146	85.9%	24	14.1%	170
West Midlands	762	82.0%	167	18.0%	929
Yorkshire & Humberside	931	84.6%	169	15.4%	1,100
Humberside	152	93.8%	10	6.2%	162
North Yorkshire	77	80.2%	19	19.8%	96
South Yorkshire	244	87.1%	36	12.9%	280
West Yorkshire	458	81.5%	104	18.5%	562

Homophobic & transphobic crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	929	80.6%	223	19.4%	1,152
Cymru/Wales	63	87.5%	9	12.5%	72
Dyfed Powys	8	88.9%	1	11.1%	9
Gwent	5	83.3%	1	16.7%	6
North Wales	25	83.3%	5	16.7%	30
South Wales	25	92.6%	2	7.4%	27
Eastern	46	80.7%	11	19.3%	57
Cambridgeshire	2	33.3%	4	66.7%	6
Essex	20	80.0%	5	20.0%	25
Norfolk	15	88.2%	2	11.8%	17
Suffolk	9	100.0%	0	0.0%	9
East Midlands	68	84.0%	13	16.0%	81
Derbyshire	11	84.6%	2	15.4%	13
Leicestershire	19	82.6%	4	17.4%	23
Lincolnshire	6	85.7%	1	14.3%	7
Northamptonshire	7	87.5%	1	12.5%	8
Nottinghamshire	25	83.3%	5	16.7%	30
London	134	74.0%	47	26.0%	181
Merseyside & Cheshire	79	83.2%	16	16.8%	95
Cheshire	17	70.8%	7	29.2%	24
Merseyside	62	87.3%	9	12.7%	71
North East	42	85.7%	7	14.3%	49
Cleveland	6	85.7%	7	14.3%	49
Durham	14	82.4%	3	17.6%	17
Northumbria	22	88.0%	3	12.0%	25
North West	122	73.9%	43	26.1%	165
Cumbria	8	72.7%	3	27.3%	11
Greater Manchester	80	74.8%	27	25.2%	107
Lancashire	34	72.3%	13	27.7%	47
South East	53	79.1%	14	20.9%	67
Kent	9	100.0%	0	0.0%	9
Surrey	8	100.0%	0	0.0%	8
Sussex	36	72.0%	14	28.0%	50
South West	40	85.1%	7	14.9%	47
Avon & Somerset	21	84.0%	4	16.0%	25
Devon & Cornwall	13	86.7%	2	13.3%	15
Gloucestershire	6	85.7%	1	14.3%	7
Thames & Chiltern	41	87.2%	6	12.8%	47
Bedfordshire	7	87.5%	1	12.5%	8
Hertfordshire	13	76.5%	4	23.5%	17
Thames Valley	21	95.5%	1	4.5%	22
Wessex	69	78.4%	19	21.6%	88
Dorset	14	87.5%	2	12.5%	16
Hampshire & IOW	49	79.0%	13	21.0%	62
Wiltshire	6	60.0%	4	40.0%	10
West Midlands	100	84.7%	18	15.3%	118
Staffordshire	21	95.5%	1	4.5%	22
Warwickshire	6	75.0%	2	25.0%	8
West Mercia	21	91.3%	2	8.7%	23
West Midlands	52	80.0%	13	20.0%	65
Yorkshire & Humberside	72	84.7%	13	15.3%	85
Humberside	16	94.1%	1	5.9%	17
North Yorkshire	8	80.0%	2	20.0%	10
South Yorkshire	18	90.0%	2	10.0%	20
West Yorkshire	30	78.9%	8	21.1%	38

Disability hate crime	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	483	75.7%	155	24.3%	638
Cymru/Wales	36	78.3%	10	21.7%	46
Dyfed Powys	7	77.8%	2	22.2%	9
Gwent	6	100.0%	0	0.0%	6
North Wales	15	68.2%	7	31.8%	22
South Wales	8	88.9%	1	11.1%	9
Eastern	31	79.5%	8	20.5%	39
Cambridgeshire	2	100.0%	0	0.0%	2
Essex	9	69.2%	4	30.8%	13
Norfolk	10	83.3%	2	16.7%	12
Suffolk	10	83.3%	2	16.7%	12
East Midlands	37	75.5%	12	24.5%	49
Derbyshire	8	66.7%	4	33.3%	12
Leicestershire	17	94.4%	1	5.6%	18
Lincolnshire	1	50.0%	1	50.0%	2
Northamptonshire	3	75.0%	1	25.0%	4
Nottinghamshire	8	61.5%	5	38.5%	13
London	51	60.7%	33	39.3%	84
Merseyside & Cheshire	23	65.7%	12	34.3%	35
Cheshire	5	62.5%	3	37.5%	8
Merseyside	18	66.7%	9	33.3%	27
North East	27	75.0%	9	25.0%	36
Cleveland	3	60.0%	2	40.0%	5
Durham	16	80.0%	4	20.0%	20
Northumbria	8	72.7%	3	27.3%	11
North West	54	84.4%	10	15.6%	64
Cumbria	7	100.0%	0	0.0%	7
Greater Manchester	39	83.0%	8	17.0%	47
Lancashire	8	80.0%	2	20.0%	10
South East	37	72.5%	14	27.5%	51
Kent	9	90.0%	1	10.0%	10
Surrey	6	75.0%	2	25.0%	8
Sussex	22	66.7%	11	33.3%	33
South West	36	83.7%	16.3%	43	
Avon & Somerset	15	88.2%	2	11.8%	17
Devon & Cornwall	10	71.4%	4	28.6%	14
Gloucestershire	11	91.7%	1	8.3%	12
Thames & Chiltern	19	79.2%	5	20.8%	24
Bedfordshire	5	100.0%	0	0.0%	5
Hertfordshire	3	60.0%	2	40.0%	5
Thames Valley	11	78.6%	3	21.4%	14
Wessex	30	81.1%	7	18.9%	37
Dorset	7	87.5%	1	12.5%	8
Hampshire & IOW	15	78.9%	4	21.1%	19
Wiltshire	8	80.0%	2	20.0%	10
West Midlands	62	75.6%	20	24.4%	82
Staffordshire	12	75.0%	4	25.0%	16
Warwickshire	4	66.7%	2	33.3%	6
West Mercia	13	65.0%	7	35.0%	20
West Midlands	33	82.5%	7	17.5%	40
Yorkshire & Humberside	40	83.3%	8	16.7%	48
Humberside	11	78.6%	3	21.4%	14
North Yorkshire	7	100.0%	0	0.0%	7
South Yorkshire	11	91.7%	1	8.3%	12
West Yorkshire	11	73.3%	4	26.7%	15

Crime against the older person	2009-10				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	1,641	82.3%	352	17.7%	1,993
Cymru/Wales	101	78.0%	28	21.7%	129
Dyfed Powys	14	87.5%	2	12.5%	16
Gwent	12	85.7%	2	14.3%	14
North Wales	22	75.9%	7	24.1%	29
South Wales	53	75.7%	17	24.3%	70
Eastern	81	81.0%	19	19.0%	100
Cambridgeshire	20	80.0%	5	20.0%	25
Essex	19	79.2%	5	20.8%	24
Norfolk	24	82.8%	5	17.2%	29
Suffolk	18	81.8%	4	18.2%	22
East Midlands	101	80.8%	24	19.2%	125
Derbyshire	27	79.4%	7	20.6%	34
Leicestershire	19	79.2%	5	20.8%	24
Lincolnshire	22	95.7%	1	4.3%	23
Northamptonshire	2	66.7%	1	33.3%	3
Nottinghamshire	31	75.6%	10	24.4%	41
London	169	77.9%	48	22.1%	217
Merseyside & Cheshire	71	78.0%	20	22.0%	91
Cheshire	31	81.6%	7	18.4%	38
Merseyside	40	75.5%	13	24.5%	53
North East	116	89.2%	14	10.8%	130
Cleveland	29	87.9%	4	12.1%	33
Durham	31	93.9%	2	6.1%	33
Northumbria	56	87.5%	8	12.5%	64
North West	183	86.3%	29	13.7%	212
Cumbria	15	62.5%	9	37.5%	24
Greater Manchester	119	88.1%	16	11.9%	135
Lancashire	49	92.5%	4	7.5%	53
South East	159	87.4%	23	12.6%	182
Kent	44	88.0%	6	12.0%	50
Surrey	24	88.9%	3	11.1%	27
Sussex	91	86.7%	14	13.3%	105
South West	99	91.7%	9	8.3%	108
Avon & Somerset	45	93.8%	3	6.3%	48
Devon & Cornwall	15	93.8%	1	6.3%	16
Gloucestershire	39	88.6%	5	11.4%	44
Thames & Chiltern	97	74.6%	33	25.4%	130
Bedfordshire	9	75.0%	3	25.0%	12
Hertfordshire	32	82.1%	7	17.9%	39
Thames Valley	56	70.9%	23	29.1%	79
Wessex	87	82.1%	19	17.9%	106
Dorset	26	89.7%	3	10.3%	29
Hampshire & IOW	41	74.5%	14	25.5%	55
Wiltshire	20	90.9%	2	9.1%	22
West Midlands	229	77.9%	65	22.1%	294
Staffordshire	39	73.6%	14	26.4%	53
Warwickshire	27	93.1%	2	6.9%	29
West Mercia	53	81.5%	12	18.5%	65
West Midlands	110	74.8%	37	25.2%	147
Yorkshire & Humberside	148	87.6%	21	12.4%	169
Humberside	48	87.3%	7	12.7%	55
North Yorkshire	10	90.9%	1	9.1%	11
South Yorkshire	45	95.7%	2	4.3%	47
West Yorkshire	45	80.4%	11	19.6%	56

Glossary

Hate crimes

Racial & religious incidents: a racist or religious incident is any incident which is perceived to be racist by the victim or any other person.

Homophobic crime: any incident which is perceived to be homophobic or transphobic by the victim or by any other person.

Disability incidents: any incident where disability is a factor in the offence. This includes any incident which is perceived by the victim or any other person to be based upon prejudice towards, or hatred of, the victim because of their disability, and/or where the victim is targeted because of their perceived vulnerability.

Monitoring flags: sensitive case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case.

Crime against the older person: offences in the categories below, where the victim is aged 60 or older:

- where there is a relationship and an expectation of trust, for example, theft or assault by a carer or family member
- which are specifically targeted at the older person because they are perceived as being vulnerable or an easy target, for example, a distraction burglary or a mugging
- which are not initially related to the older person's age but later becomes so, for example, a burglary where the burglar does not know the age of the householder, but later exploits the situation on discovering that the householder is an older person
- which appear to be in part or wholly motivated by hostility based on age, or perceived age. For example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age.

Case outcomes

Pre-charge decisions: in all but minor cases, and those where a guilty plea is anticipated, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be, in accordance with the Director's Guidelines.

Charged: cases where the CPS's decision is to charge.

Request for further evidence: where further information or action is requested or deemed necessary.

No prosecution: those cases where the CPS's decision is not to prosecute, for evidential or public interest reasons.

All other decisions:	where a caution, reprimand or final warning are given; where the offence has been taken into consideration in relation to other charges; or where the defendant has failed to answer to bail and a warrant is outstanding.
Prosecutions:	all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
<u>Unsuccessful outcomes:</u>	all completed prosecutions where the defendant is not convicted, comprising the following:
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.
Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
<u>All other unsuccessful outcomes:</u>	comprising administrative finalisations, discharged committals and no case to answer.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely.
Discharged committals:	committal proceedings in which the defendant is discharged.
No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences- mostly motoring matters- which are heard by the court in the absence of the defendant.

Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
Public interest:	where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.
Unable to proceed:	where the evidence and the public interest support a prosecution, but circumstances make it impossible for the case to proceed.
Other reasons:	where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead: or where proceedings are adjourned indefinitely.

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non-attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
Conflict of evidence:	contradictions in prosecution evidence leads to an unsuccessful prosecution.
Essential legal element:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Other indictment or sentence:	the case does not proceed because the same defendant is the subject of either other indictments, or sentences in respect of other proceedings.
Acquittals after trial:	the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case.

Principal offence category: charged offences are allocated one of twelve offence categories to indicate the type and seriousness of the charges brought against the defendant.

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