

CPS Yorkshire and Humberside:

Hate crime sentence uplift examples



Cases finalised between October to December 2020

Under hate crime legislation the courts must pass increased sentences where prosecutors evidence that offences have been motivated by hostility towards a person's race, religion, disability, transgender identity or sexual orientation. We are now seeing more cases concluding in the Crown and Magistrates' Courts after a dip caused by the COVID-19 pandemic, and a high number of successful outcomes in hate crime prosecutions. Below are some examples of hate crime cases prosecuted by CPS Yorkshire and Humberside between October and December 2020 which resulted in a conviction and an uplifted sentence.

Religiously aggravated cases:

1. The defendant assaulted his partner and caused damage to her car. He made insulting comments towards the arresting police officer about her religion and made homophobic remarks to another officer. He pleaded guilty at the first hearing to assault by beating, criminal damage, and religiously aggravated intentional harassment, alarm or distress by words or writing and using threatening or abusive words or behaviour likely to cause harassment, alarm or distress in relation to his behaviour towards the officers. He was sentenced to a total of 16 weeks imprisonment suspended for 18 months. This included a 12-week concurrent sentence for the religiously aggravated offence, uplifted from six weeks. He was also ordered to complete a 20-day Rehabilitative Activity Requirement, 100 hours unpaid work and pay £85 towards prosecution costs (Humberside case.)
2. The defendant assaulted a teacher by throwing a bottle of water at her and used religious and racist words during the assault. He pleaded guilty to racially and religiously aggravated assault by beating and was sentenced to a six-month referral order, uplifted from four months. He was also ordered to pay a £22 victim surcharge (West Yorkshire case.)

Racially aggravated cases:

3. The defendant got into an argument with a taxi driver about the fare. He shouted racist abuse and assaulted the taxi driver by punching him and biting his cheek. He pleaded guilty at the first hearing to racially aggravated wounding and making off without payment. He was sentenced to a total of 34 months imprisonment, uplifted from 28 months, with an extra two months to be served consecutively as he was in breach of an existing Suspended Sentence Order. He was also ordered to pay a victim surcharge (West Yorkshire case.)
4. The defendant assaulted three members of city centre security staff in separate, unprovoked incidents. She punched two of the victims and spat on the third. When police officers arrived, she shouted racist abuse and said she had assaulted the victims because she is racist. She pleaded guilty to three counts of racially aggravated assault by beating. She was sentenced to a total of four months imprisonment, uplifted from two months (West Yorkshire case.)
5. The defendant racially abused two hotel receptionists and threatened to break a glass in their face after they told him he could not have other people staying in his room. He continued to use racist language after he

was arrested and placed in the police car. He assaulted an officer at the police station by kicking him in the shin and he requested a copy of the Quran whilst being booked into custody, which he proceeded to rip up in his cell. He pleaded guilty on the day of trial to assault by beating of an emergency worker, two counts of racially aggravated intentional harassment by words, and charge of criminal damage. He was sentenced to a 12-month Community Order, a 25-day Rehabilitation Activity Requirement and 250 hours' unpaid work, uplifted from 200 hours. He was also ordered to pay £500 to each victim, a £90 victim surcharge and £325 towards prosecution costs (West Yorkshire case.)

6. The defendant banged on the doors and windows of a takeaway before bursting in and shouting racist abuse at a member of staff, and punching the till causing it to fall to the floor. The defendant's actions were captured on CCTV but there was no sound. She pleaded guilty to racially aggravated intentional harassment, alarm or distress by words or writing. She was sentenced to an 18-month Community Order including a 25-day Rehabilitation Activity Requirement and a 12-week curfew, uplifted from eight weeks. She was also ordered to pay a £90 victim surcharge and £85 towards prosecution costs (North Yorkshire case.)
7. The defendant stood in his garden and shouted racist abuse at his neighbour as he was driving away from his house. He made threats to kill his neighbour's family. The threats and abuse were overheard by another neighbour. He pleaded guilty at the first hearing to racially aggravated fear or provocation of violence by words or writing. He was sentenced to eight weeks imprisonment suspended for 12 months, a 12-month Community Order and a 15-day Rehabilitation Activity Requirement, uplifted from a Community Order only. A Restraining Order was also imposed. He was also ordered to pay £85 towards prosecution costs and a £128 victim surcharge (South Yorkshire case.)
8. The defendant was refused entry to a supermarket by a security guard for being drunk. He racially abused the security guard and caused a disturbance outside the shop, throwing stones at the shop windows. He continued to racially abuse the security guard and spat at the store manager. He was found guilty after trial of racially aggravated intentional harassment, alarm or distress by words or writing and common assault. He was sentenced to a 12-month Community Order uplifted from nine months, a 20-day Rehabilitation Activity Requirement, uplifted from five days, and a six month Prohibited Activity Requirement preventing him from going to the supermarket. He was also ordered to pay £40 compensation to each victim and £150 towards prosecution costs (South Yorkshire case.)
9. The defendant entered a supermarket and swore and shouted racist abuse at a security guard before punching him. He also assaulted a sales assistant causing him to fall over. He pleaded guilty to racially aggravated common assault, assault by beating, and using threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence. He was sentenced to 16 weeks imprisonment for the racially aggravated assault, uplifted from eight weeks. He received 16 weeks imprisonment to run concurrent for the assault by beating, and 8 weeks to run concurrent for using words or behaviour in public with intent to cause fear of immediate violence. He was also ordered to pay £100 compensation to the sales assistant (Humberside case.)
10. The victim refused the defendant entry to a nightclub. The defendant became aggressive and racially abused the victim telling him to go back to his own country. The defendant pleaded guilty to behaving in public in a way that someone present may be caused harassment, alarm or distress by that behaviour that was racially aggravated. He was sentenced to a £200 fine uplifted to include £300 compensation for the victim (North Yorkshire case.)

11. The defendant boarded a bus and racially abused the driver. He also took a picture of the driver and made threats of violence. He pleaded guilty to racially threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence. He was sentenced to a community penalty, uplifted to four weeks imprisonment to run concurrent with a longer imprisonment for non-related offences (South Yorkshire case.)
12. The defendant entered a clothing store whilst intoxicated and caused a nuisance. He refused to leave when asked and assaulted the security guard whilst repeatedly shouting racially abusive words. The defendant was convicted of racially aggravated common assault and was sentenced to three months imprisonment uplifted to six months and suspended for 24 months. He was also ordered to complete 30 Rehabilitative Activity Requirements days and pay £750 compensation to the victim (West Yorkshire case.)
13. The defendant shouted threats at the victim before punching him to the head. The defendant was detained by hospital security staff who he told he had assaulted the victim because he was 'foreign'. The defendant made further racist comments to the security staff and to the police officers upon their arrival. He pleaded guilty to one count of racially aggravated assault by beating and was sentenced to 12 weeks imprisonment, uplifted to 24 but reduced to 22 weeks, due to COVID-19 prison conditions (Humberside case.)
14. The victim awoke in the early hours of the morning to hear her dog barking and a loud smash. She witnessed her neighbour pick up a concrete slab and throw it at the ground floor window of her property. Whilst throwing the slab the defendant made racially abusive comments about relatives of the victim. The defendant pleaded guilty to racially aggravated criminal damage. She was sentenced to a 12-month Community Order and 15 Rehabilitative Activity Requirement days, uplifted from 10. She was also ordered to pay a £100 fine, £100 compensation, and £45 towards prosecution costs (South Yorkshire case.)
15. The defendant verbally threatened and used racist words towards a security guard and a nurse whilst receiving hospital treatment. The defendant pleaded guilty to two charges of using racially threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence. He was sentenced to a 12-month Community Order and 60 hours unpaid work uplifted from a fine. He was also ordered to pay a victim surcharge of £90 and £85 towards prosecution costs (West Yorkshire case.)
16. A security guard confronted the defendant who had left the shop without paying for five bottles of spirits and a television. The defendant refused to return to the shop and shouted aggressively towards the security guard and used racially abusive words. The defendant pleaded guilty to one charge of theft from shop and one charge of using racially threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence. He was sentenced to 22 weeks imprisonment uplifted from 16 weeks for the racially aggravated public order offence, and 16 weeks imprisonment for the theft from shop (West Yorkshire case.)
17. A hospital doctor asked two security guards to sit with the defendant as he was concerned that the defendant would abscond before receiving treatment. The defendant punched one security guard to the face six times, was racially abusive, and caused damage to his glasses. He also attempted to kick and spit at the second security guard. The defendant pleaded guilty to one charge of racially aggravated assault by beating and one charge of common assault. He was sentenced to 10 weeks imprisonment uplifted from eight weeks

for the racially aggravated assault, and eight weeks for the common assault, to run concurrently (West Yorkshire case.)

Homophobic hate crime cases:

18. The defendant homophobically abused his neighbour's friend and threw a garden chair at her. He also caused damage to a gate and a fence panel belonging to his neighbour and shouted abuse at his neighbour. He pleaded guilty at the first hearing to criminal damage, common assault, using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress and breaching a court order. He was sentenced to a 12-month Community Order uplifted from Low Level to Medium Level, a 15-day Rehabilitation Activity Requirement and 120 hours' unpaid work. The Court also imposed a two-year Restraining Order and ordered the defendant to pay £120 compensation and a £90 victim surcharge (Humberside case.)
19. The defendant was arrested by police for a suspected assault on his partner. He became aggressive towards the officers and homophobically abused one of them for ten minutes. The homophobic abuse was captured on body worn video and the defendant pleaded guilty at the first hearing to using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. He was sentenced to a £100 fine uplifted from £75 and ordered to pay a £34 victim surcharge and £85 towards prosecution costs (West Yorkshire case.)
20. The defendant stood outside the victim's house and shouted abuse at him and his partner, which included homophobic insults. The abuse was captured on CCTV and continued after the police arrived. He pleaded guilty at the first hearing to using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. He was sentenced to an eight-week curfew uplifted from five weeks. He was also ordered to pay a £95 victim surcharge and £85 towards prosecution costs (South Yorkshire case.)
21. The defendant had been arrested on suspicion of two assaults on his ex-partner. Whilst in his cell, he tried to assault a female officer before removing all of his clothes and making sexual comments to her whilst touching his penis. A male officer took over and the defendant made homophobic comments towards him. The defendant pleaded guilty to exposure and two counts of using threatening, abusive or insulting words or behaviour with intent to cause fear of or provoke unlawful violence. He was sentenced to a total of 13 weeks imprisonment, uplifted from nine weeks, and made subject to sex offender notification requirements for seven years (West Yorkshire case.)
22. The defendant acted in an anti-social and threatening manner towards four elderly residents in a block of flats they shared over a three-month period. He could be heard shouting and swearing from his flat and from the communal areas at all hours, banging on the ceiling and making threats to kill people. His behaviour towards one of his neighbours included homophobic abuse. Upon arrest, the defendant was racially abusive towards the arresting police officers. He pleaded guilty to four counts of harassment and two counts of racially aggravated intentional harassment, alarm or distress by words or writing and using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. He was sentenced to a total of 12 months imprisonment suspended for two years. This included 12 months for each harassment charge to run concurrently and 16 weeks for each of the racially aggravated offences, uplifted from 12 weeks, also to run concurrently. He was also sentenced to a 25-day Rehabilitation Activity Requirement, a 26-week

curfew, and issued with an exclusion requirement preventing him from returning to his flat for 26 weeks. He was also ordered to pay a £156 victim surcharge and the Court issued a five-year Restraining Order (South Yorkshire case.)

23. The defendant was found by police officers slumped on a sofa with injuries and so an ambulance was called. He refused to go in the ambulance and became aggressive, causing officers to restrain him and put him in the ambulance. He spat at both officers on the way to the hospital and homophobically abused them. He pleaded guilty at the first hearing to two counts of common assault of an emergency worker and using threatening or abusive words or behaviour likely to cause harassment, alarm or distress. He was sentenced to an 18-month Community Order uplifted from 12 months (South Yorkshire case.)
24. The defendant headbutted and homophobically abused a police officer who was attempting to detain him following a domestic disturbance. He was taken to the police station by two other police officers and during the journey used racist language to describe the officer he had assaulted. The homophobic and racist language was captured on body worn video. He pleaded guilty at the first hearing to common assault of an emergency worker, using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress, and racially aggravated intentional harassment, alarm or distress by words or writing. He was sentenced to a 12-month Community Order with a 25-day Rehabilitation Activity Requirement uplifted from 20 days. He was also ordered to pay £85 towards prosecution costs, a £95 victim surcharge and £200 compensation (West Yorkshire case.)
25. The defendant was stopped by the police because he was driving erratically. Upon his arrest he made homophobic comments towards the attending PCSO. The defendant pleaded guilty to using threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence. He was sentenced to four months imprisonment suspended for 12 months, uplifted from two months imprisonment. He was also ordered to pay £200 compensation (West Yorkshire case.)
26. The defendant threatened and shouted homophobic words at a housing officer who had asked him to leave a flat that he was barred from entering. The defendant pleaded guilty to using threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence. He was sentenced to 10 weeks imprisonment uplifted from eight weeks (West Yorkshire case.)

Transphobic hate crime cases:

27. The victim was walking past some shops with her friends when she heard a group of youths shouting transphobic abuse at her. The group started to follow her after she shouted back. An altercation with the defendant followed whereby the defendant assaulted the victim by punching her to the head and kneeling her to the stomach. The defendant also smashed the victim's mobile phone against some railings. She pleaded guilty on the day of trial to assault by beating and criminal damage. She was sentenced to a four-month Youth Referral Order uplifted from a Conditional Discharge. She was also ordered to pay £60 compensation to the victim (West Yorkshire case.)

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