

# CPS Yorkshire and Humberside: Hate crime sentence uplift examples



Cases finalised between April and June 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. Despite the number of cases concluding in the Crown and Magistrates' Courts being lower than usual due to the impact of the COVID-19 pandemic, we have still seen a number of successful outcomes in hate crime prosecutions locally. Below are examples of hate crime cases prosecuted by CPS Yorkshire and Humberside between April and June 2020 which resulted in a conviction and an uplifted sentence.

## **Racially aggravated cases:**

1. The defendant refused to pay for items in a shop and then became racially abusive to two members of staff, threatening to smash the shop windows. He pleaded guilty at the first hearing to racially aggravated intentional harassment, alarm or distress by words or writing. He was sentenced to a total of eight weeks' imprisonment uplifted from six weeks (Humberside case).
2. The defendant was in custody when he racially abused a police officer by making racially offensive gestures at her. He threw one of his shoes at the officer, which hit her head causing her to require hospital treatment. He pleaded guilty at the first hearing to racially aggravated common assault. He was sentenced to four months' imprisonment suspended for 12 months, uplifted from three months, and a six week curfew uplifted from four weeks. He was also ordered to pay a £128 victim surcharge, £85 costs and £150 compensation (North Yorkshire case).
3. The defendant stole items from a room in a building which provides accommodation for homeless people. He was arrested and became unwell in custody. He was taken to hospital where he racially abused one of the accompanying police officers and spat at him. The racial abuse continued for the five hours he was waiting to be seen. He pleaded guilty at the first hearing to burglary and racially aggravated common assault. He was sentenced to a total period of two years' imprisonment, 16 months of which was for the racially aggravated offence uplifted from eight months (South Yorkshire case).
4. The defendant barged into his neighbour's house and assaulted her and racially abused her. He also assaulted her boyfriend. He pleaded guilty to racially aggravated common assault and common assault. He was sentenced to an 18 month Community Order uplifted from 12 months, a six month Alcohol Treatment Requirement and a 15 day Rehabilitation Activity Requirement. He was also ordered to pay a £95 victim surcharge and Restraining Orders were also imposed (West Yorkshire case).
5. The defendant caused a disturbance in a shop after being asked to leave. He then racially abused a police officer after he had been arrested and caused damage to his cell. He pleaded guilty at the first hearing to racially aggravated intentional harassment, alarm or distress by words or writing, using threatening or abusive words or behaviour likely to cause harassment, alarm or distress and criminal damage. He was sentenced to five week's imprisonment uplifted from four weeks (West Yorkshire case).

6. The defendant racially abused a police officer who had been called to assist a colleague who was dealing with him in the street. He pleaded guilty at the first hearing to racially aggravated intentional harassment, alarm or distress by words or writing. He was sentenced to five week's imprisonment uplifted from four weeks (West Yorkshire case).
7. The defendant and his friend barricaded themselves in a house and threatened to harm any officers who attempted to gain entry by cutting them with a knife and pouring boiling water on them. One of them boiled a kettle and attempted to throw the contents over officers out of a window. A police negotiator had to be called before officers forced their way into the house to arrest the two men. During the incident, the defendant racially abused one of the officers. He pleaded guilty to affray and racially aggravated intentional harassment, alarm or distress. He was sentenced to a total of two year's imprisonment, which included four months for the racially aggravated offence uplifted from three months. His friend also received two years' imprisonment for his role in the incident (West Yorkshire case).
8. The defendant racially abused a taxi driver and threatened to fight him. This was captured on the taxi dash cam. He pleaded guilty at the first hearing to racially aggravated common assault. He was sentenced to eight weeks' imprisonment uplift from six weeks. He was also ordered to pay a £128 victim surcharge (South Yorkshire case).
9. The defendant and victim are neighbours with a history of disputes over noise and litter. The defendant started shouting and swearing outside the victim's house causing another neighbour to intervene. The victim came out of her house and the defendant racially abused her before returning to her house to retrieve a hammer, which she threatened the victim with. She pleaded guilty at the first hearing to racially aggravated fear or provocation of violence by words or writing and using threatening, abusive or insulting words or behaviour with intent to cause fear of or provoke unlawful violence. She was sentenced to four weeks' imprisonment suspended for 12 months and a 25 day Rehabilitation Activity Requirement, uplifted from a Community Order. She was also ordered to pay compensation to the victim and her neighbour (South Yorkshire case).
10. The defendant was escorted to A&E by police officers while he was in custody. Whilst there, he racially abused another police officer. Some days later, he posted messages on social media threatening to harm himself and a police officer. He then sent a series of messages directly to the police threatening violence. He pleaded guilty to racially aggravated harassment and sending a letter, communication or article conveying a threatening message. He was sentenced to a total of 26 weeks' imprisonment which included 16 weeks for the racially aggravated offence uplifted from 12 weeks. He was also ordered to pay a £122 victim surcharge (Humberside case).
11. The defendant racially abused and spat in the face of a member of staff in a hostel after she told him to leave for drinking alcohol on the premises, which was not allowed. He pleaded guilty at the first hearing to racially aggravated common assault. He was sentenced to 26 weeks' imprisonment uplifted from 13 weeks. A suspended sentence he had received for previous matters was activated so he was sentenced to a further six weeks to be served consecutively, making a total of 32 weeks imprisonment. He was also ordered to pay £250 compensation to the victim (Humberside case).

12. The police were called to a disturbance in the street. On arrival, they encountered the defendant asleep on a car with an injury to his shoulder. He became abusive to the officers and spat at one of them. He was escorted to hospital for medical treatment but he became abusive to hospital staff and security in a prolonged incident which included the defendant spitting and being racially abusive. He pleaded guilty at the first hearing to racially aggravated common assault, common assault on an emergency worker and two further common assault charges. He was sentenced to a total of 14 months' imprisonment, which included eight months for the racially aggravated offence uplifted from four months (Humberside case).
13. There had been ongoing issues between the defendant and his neighbour. The defendant embarked on a campaign of harassment which included shouting racial abuse at his neighbour from the street and threatening to harm him and his dog. He pleaded guilty to racially aggravated harassment. He was sentenced to a £250 fine uplifted from £150. He was also ordered to pay a £32 victim surcharge and a Restraining Order was also imposed (North Yorkshire case).
14. The defendant stole alcohol from the same supermarket on four occasions during which he threatened the security guards with violence and racially abused them. He then resisted arrest and kicked out at the officer. He pleaded guilty to four counts of theft from a shop, racially aggravated fear or provocation of violence by words or writing, using threatening, abusive or insulting words or behaviour with intent to cause fear of or provoke unlawful violence, common assault and resisting a constable in the execution of their duty. He was sentenced to a total of six months' imprisonment suspended for 12 months, which included two months for the racially aggravated offence, uplifted from one month. He was also sentenced to a 12 month Community Order and a 30 day Rehabilitation Activity Requirement. He was also ordered to pay a £122 victim surcharge (West Yorkshire case).
15. The defendant is currently the subject of a Civil Court Order in relation to ongoing behaviour towards her neighbours. On this occasion, she shouted racial abuse through the wall at her neighbour during the night and racially abused him again the following morning and threw stones at his house. She kicked the officer while he was arresting her. She pleaded guilty to racially aggravated intentional harassment, alarm or distress by words or writing, assault by beating of an emergency worker and using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. She was sentenced to two months' imprisonment uplifted from one month to run concurrently with her Civil Order. She was also ordered to pay £100 compensation to the police officer (West Yorkshire case).

#### **Homophobic and transphobic cases:**

1. The defendant shouted homophobic and transphobic abuse at the victim outside the victim's property whilst brandishing a large piece of wood before smashing a window. He was then abusive to the attending officers, shouting homophobic abuse at the female officers. His abusive behaviour continued inside the police car where he spat at the officers. He pleaded guilty at the first hearing to using threatening, abusive or insulting words or behaviour with intent to cause fear of or provoke unlawful violence, common assault of an emergency worker and criminal damage. He was sentenced to eight weeks' imprisonment suspended for 12 months uplifted from a community penalty. He was also ordered to pay £122 compensation and £85 costs. A 12 month Restraining Order was also imposed (West Yorkshire case).

2. The defendant stole some meat from a shop before racially abusing one of the police officers who arrested him. He also shouted homophobic abuse at the other officer. He then continued to racially abuse the officer in the police car and spat at him. He pleaded guilty at the first hearing to racially aggravated intentional harassment, alarm or distress by words or writing and intentional harassment, alarm or distress by words or writing and theft. He was sentenced to 18 months' imprisonment uplifted from a community order. He was also ordered to pay a £132 victim surcharge (South Yorkshire case).
3. The defendant caused damage to his girlfriend's house and police were called. He verbally abused the arresting officer using homophobic language. He pleaded guilty to criminal damage and using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. He was sentenced to a 12 month Community Order including a six week curfew uplifted from a fine. He was also ordered to pay a £90 victim surcharge (West Yorkshire case).
4. The victim assaulted a number of staff and residents in the care home in which she lives. The assault against one of the victims included the use of homophobic language. She pleaded guilty to criminal damage and four common assaults. She was sentenced to an 18 month Community Order uplifted from 12 months and an eight day Rehabilitation Activity Requirement. She was also ordered to pay £25 compensation to all but one of the victims (Humberside case).
5. The defendant sent a series of racially abusive text messages to the care home in which he used to live. The messages were about a member of staff at the home. He pleaded guilty at the first hearing to sending by public communication network an offensive, indecent, obscene or menacing message. He was sentenced to a 12 month Community Order and a 30 day Rehabilitation Activity Requirement. He was also ordered to pay £100 compensation to the victim, which was the sentence uplift (West Yorkshire case).
6. The defendant had been acting in a threatening manner at a hotel before locking himself in his room and cutting himself. He became abusive to the paramedics whilst travelling in an ambulance to hospital. He spat at one and racially abused the other. He pleaded guilty to racially aggravated intentional harassment, alarm or distress and assault of an emergency worker. He was sentenced to six months' imprisonment uplifted from three months (West Yorkshire case).

**COVID-19 hate crime cases:**

1. The defendant had been arrested for another matter. On the way to the police station, he claimed to have coronavirus and coughed at one of the officers. Whilst in a holding cell, he racially abused one of the officers and repeatedly coughed at both of them. He pleaded guilty at the first hearing to racially aggravated intentional harassment, alarm or distress by words or writing and two counts of common assault on an emergency worker. He was sentenced to a total of 36 weeks' imprisonment, which included 20 weeks for the racially aggravated offence uplifted from eight weeks. He was also ordered to pay compensation to the officers (West Yorkshire case).
2. The defendant was stopped by police after being seen driving in an unsatisfactory manner. He claimed to have Coronavirus. He tested positive for drugs and was arrested but refused to provide a blood sample in custody. He became aggressive towards officers, kicking and spitting at one and racially abusing another. He pleaded guilty at the first hearing to racially aggravated intentional harassment, alarm or distress by words or

writing, assault of an emergency worker, failing to provide a specimen for analysis and contravening a requirement as to restriction of movement during an emergency period (Coronavirus). He was sentenced to a total of 16 weeks' imprisonment, which included 16 weeks concurrent for the racially aggravated offence uplifted from eight weeks. He was also ordered to pay £100 compensation to one of the officers. (Humberside case).

3. The police were called to a domestic disturbance. They arrested the defendant and she became aggressive towards officers. She attempted to bite one officer, she spat at another saying she hoped he would get Coronavirus and she pulled a cannula from her arm spraying blood over another officer, whom she also racially abused. She pleaded guilty at the first hearing to racially aggravated common assault, possession of a Class B drug and four counts of common assault of an emergency worker. She was sentenced to a total of 22 weeks' imprisonment suspended for 12 months, which included twelve weeks for the racially aggravated offence uplifted from eight weeks. She was also sentenced to a 20 day Rehabilitation Activity Requirement and a four week curfew. Her drugs were destroyed and she was ordered to pay compensation to each of the officers (South Yorkshire case).
4. The defendant racially abused the doctor who had treated him in hospital and threatened to spit on him claiming he had Coronavirus. He then damaged some items in the hospital and threw a chair at security staff hitting one of them in the face. He pleaded guilty at the first hearing to racially aggravated fear or provocation of violence by words or writing, criminal damage and assault by beating of an emergency worker. He was sentenced to a total of 16 weeks' imprisonment suspended for 12 months, which included eight weeks for the racially aggravated offence uplifted from four weeks (West Yorkshire case).

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