



PUBLIC PROSECUTION SERVICE FOR NORTHERN IRELAND

Statistical Bulletin: Cases Involving Hate Crime 1 April 2022 to 31 March 2023

This document can be made available in a range of alternative formats

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Introduction

The Public Prosecution Service

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

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

For further information on the role and structure of the PPS, please visit www.ppsni.gov.uk

Hate Crime

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

PSNI: Cases involving hate crime

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

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

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

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

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

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

- Race;
- Religion;
- Sexual orientation; and
- Disability.

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

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

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

The accompanying explanatory notes (see pages 17-19) provide more detail in respect of the definitions outlined above.

About this Bulletin

This bulletin is set out in two parts:

- In Part One, Figures 1 – 9 present key statistics in relation to cases involving hate crime submitted to the PPS by the PSNI.
- In Part Two, Figures 10 - 13 present key statistics in relation to cases considered by a prosecutor to have involved hate crime which was ‘aggravated by hostility’.

The statistical information provided in this bulletin includes caseloads, prosecutorial decisions and the outcomes of prosecutions at court. Figures are provided for the full 2022/23 financial year (i.e. 1 April 2022 to 31 March 2023) and include comparisons with the equivalent period in 2021/22.

Summary of key points

Part One: Cases Involving Hate Crime Submitted by the PSNI

- During the 2022/23 financial year, the PPS received 419 files involving hate crime. This was an increase of 75 on 2021/22 (344).
- Of the 419 files received in 2022/23, 153 (36.5%) related to racial crimes, with a further 113 files (27.0%) relating to sectarian crimes.
- The majority of files received fell into the category 'violence against the person' (66.1%). The number of cases involving violent offences increased by 17.4%, from 236 in 2021/22 to 277 in 2022/23.
- Prosecutorial decisions were issued in respect of 473 persons, an increase of 9.2% on 2021/22 (433).
- Twenty-two of the twenty-five defendants dealt with in the Crown Court were convicted of at least one offence, while the conviction rate in the Magistrates' and Youth Courts was 68.3%.

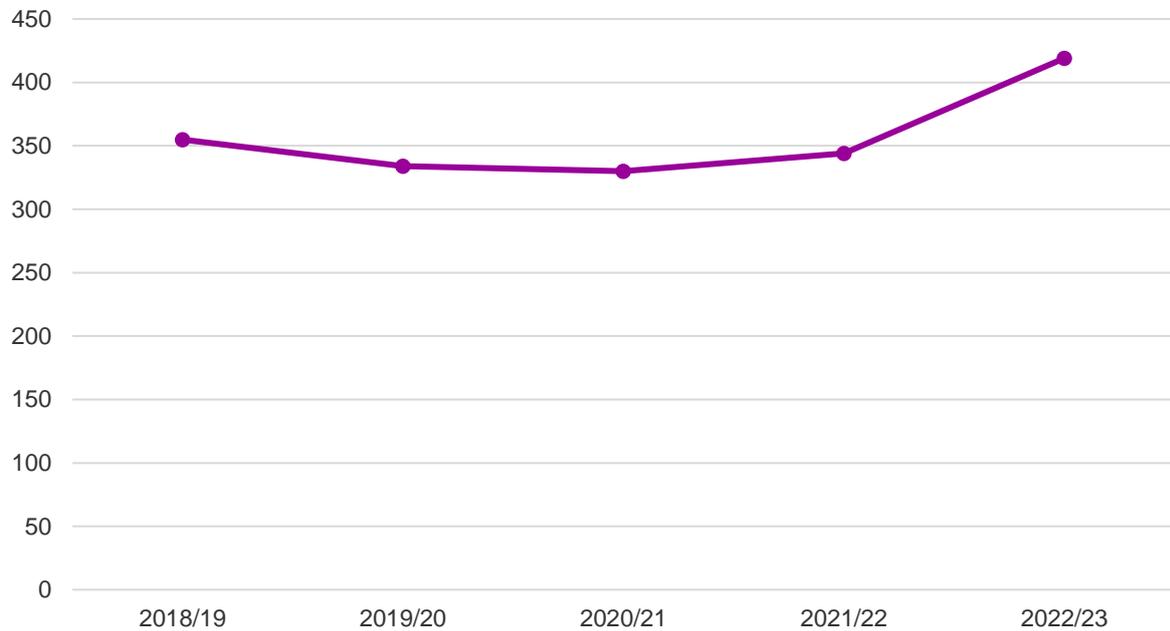
Part Two: Cases Considered by a PPS Prosecutor to have Involved Hate Crime which was 'Aggravated by Hostility'

- The PPS issued 296 prosecutorial decisions in 2022/23, nearly four-fifths (79.1%) of which were for prosecution (202) or diversion from the courts (32). This compared with the 299 prosecutorial decisions taken in 2021/22, of which 76.9% were for prosecution (207) or diversion from the courts (23).
- The majority of the 296 decisions in 2022/23 related to offences which were either aggravated on the basis of race (119) or religion (88). Sixty-five decisions related to offences aggravated on the basis of sexual orientation. The remaining decisions related to offences aggravated on the basis of disability or multiple motivations.
- Twenty-four of the thirty-one defendants dealt with in the Crown Court in 2022/23 were convicted of at least one offence. Just under three-quarters (72.0%) of those dealt with in the Magistrates' and Youth Courts were convicted, more than in 2021/22 (68.2%).

- Of the total of 176 defendants convicted during 2022/23, 40 were recorded as having received an enhanced sentence due to the aggravating feature of their offence(s).

Part One: Cases Involving Hate Crime Submitted by the PSNI

Figure 1: Cases Involving Hate Crime - Files Received, 2018/19 to 2022/23

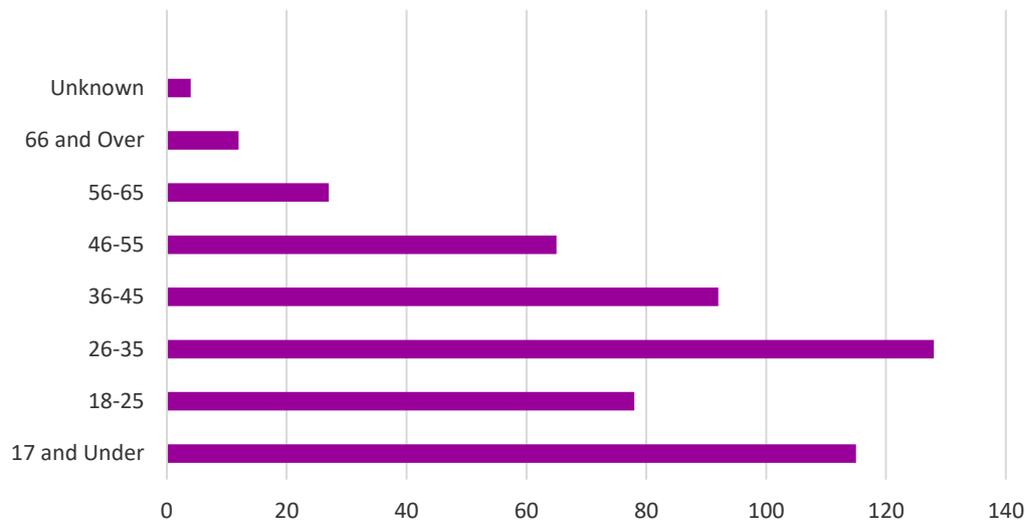


Source: Public Prosecution Service for Northern Ireland Statistical Bulletin: Cases Involving Hate Crime 2022/23 Table 1a Files Received from Police by PPS Region / Function

Files Received

During the 2022/23 financial year, the PPS received 419 files involving hate crime. This was an increase of 75 on 2021/22 (344).

Figure 2: Cases Involving Hate Crime - Files Received by Suspect Age, 2022/23

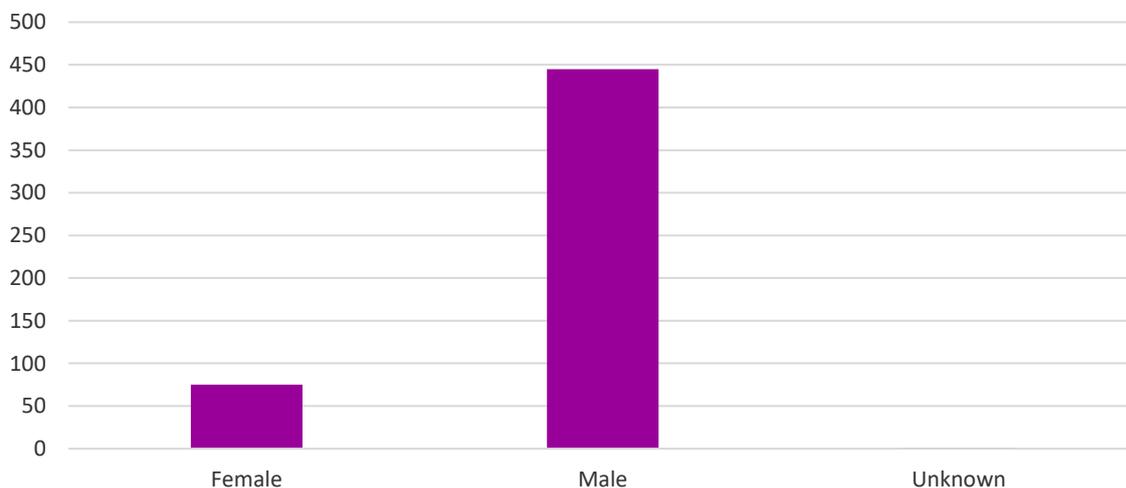


Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 1b Files Received by Suspect Age.

Files Received from Police by Suspect Age

The largest proportion of suspects (24.6%) on files received by PPS were recorded as being in the 26-35 age category.

Figure 3: Cases Involving Hate Crime - Files Received by Suspect Gender, 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 1c Files Received by Suspect Gender.

Files Received from Police by Suspect Gender

Of the 521 suspects on files received during 2022/23, over four-fifths (85.4%) were recorded as being male.

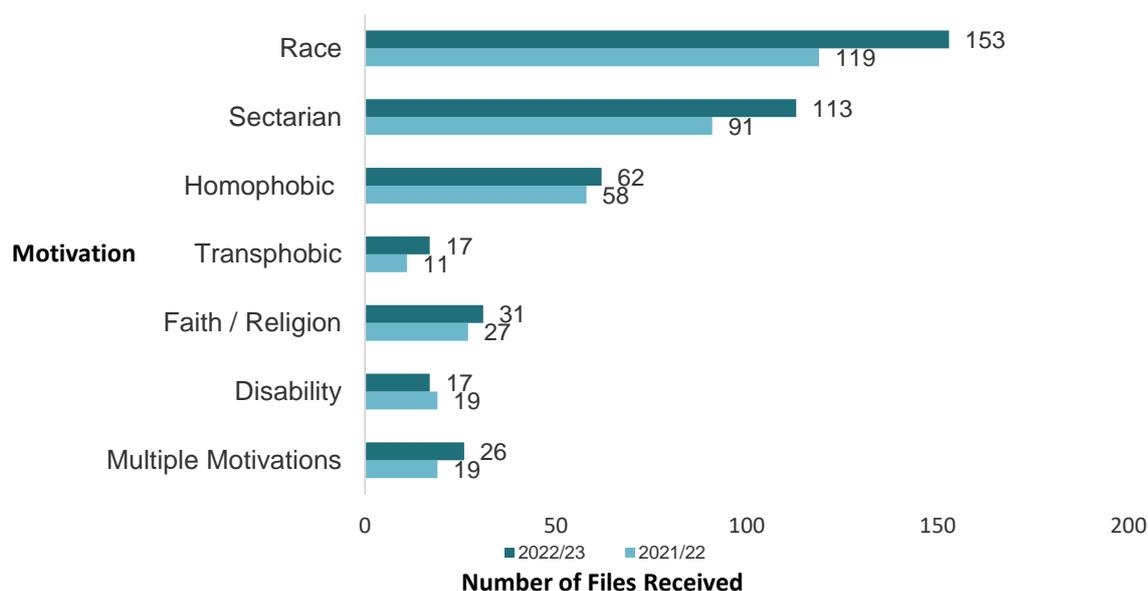
Files Received from Police by Victim Age

The largest proportion of victims (25.3%) on files received by PPS were recorded as being in the 36-45 age category.

Files Received from Police by Victim Gender

Of the 530 victims on files received during 2022/23, almost three-fifths (59.8%) were recorded as being male.

Figure 4: Cases Involving Hate Crime - Files Received by Motivation Type, 2021/22 and 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 2 Files Received from Police by Offence Classification

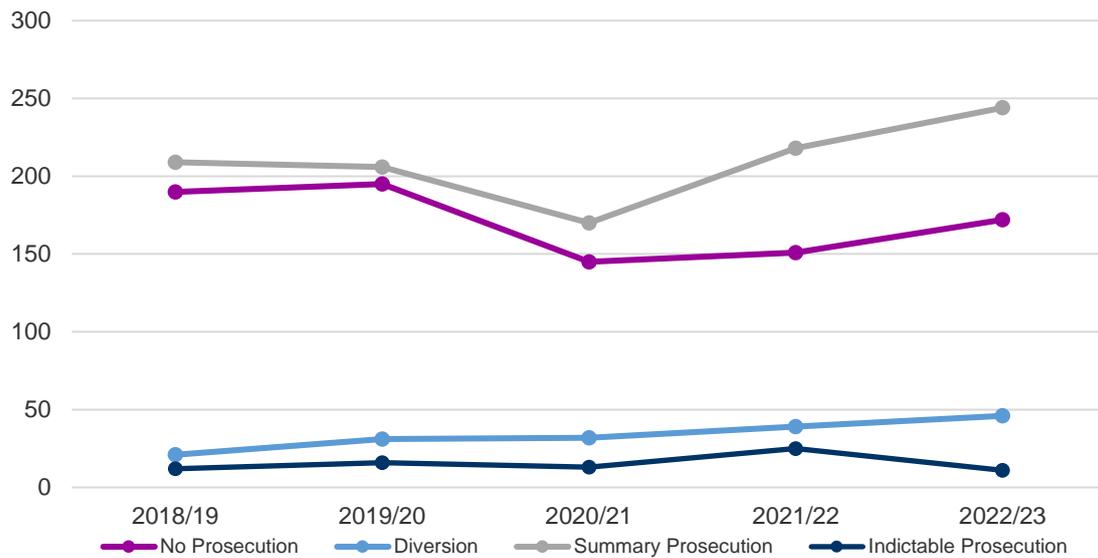
Files Received from Police by Motivation Type

Of the 419 files received in 2022/23, 153 (36.5%) related to racial crimes, with a further 113 files (27.0%) relating to sectarian crimes.

Files Received from Police by Offence Classification

During 2022/23, the majority of files received involving hate crime (66.1%) fell into one category, 'violence against the person'. Comparing 2021/22 with 2022/23 the number of files received within the 'violence against the person' category increased from 236 to 277.

Figure 5: Cases Involving Hate Crime - Prosecutorial Decisions Issued by Decision Type, 2018/19 to 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 3a: Cases Involving Hate Crime - Prosecutorial Decisions Issued by Decision Type.

Prosecutorial Decisions Issued by Decision Type

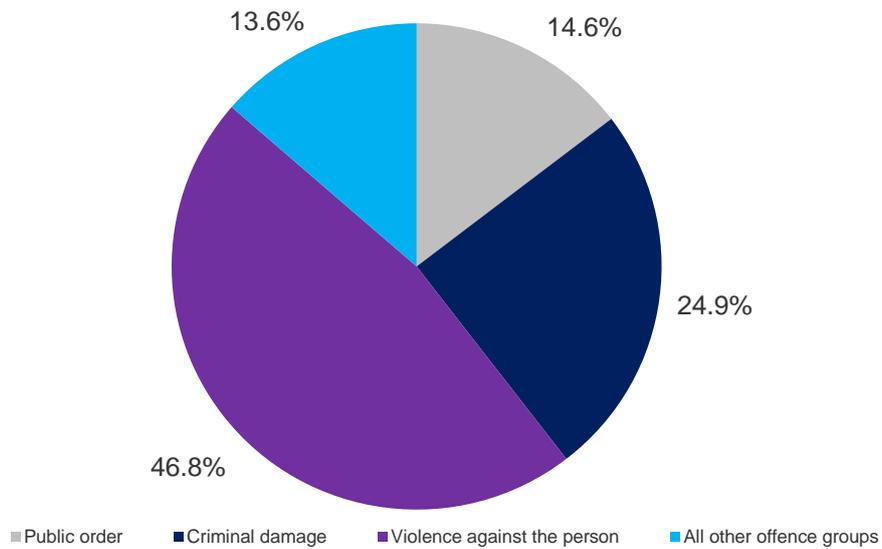
During 2022/23, prosecutorial decisions were issued by the PPS in respect of 473 persons in cases involving hate crime. This was an increase of 9.2% on the total issued during 2021/22 (433).

The evidential Test for Prosecution was met in the majority of cases during 2022/23. Of the 473 persons for whom decisions were issued, 63.6% were issued with a decision for prosecution (255) or for diversion from the courts (46). This was slightly lower than in 2021/22 (65.1%).

Prosecutorial Decisions Issued by Decision Type and Suspect Gender

From a total of 473 decisions issued involving hate crime in 2022/23, 82.9% were issued in respect of a male suspect.

Figure 6: Cases Involving Hate Crime - Prosecutorial Decisions Issued by Primary Offence Classification, 2022/23

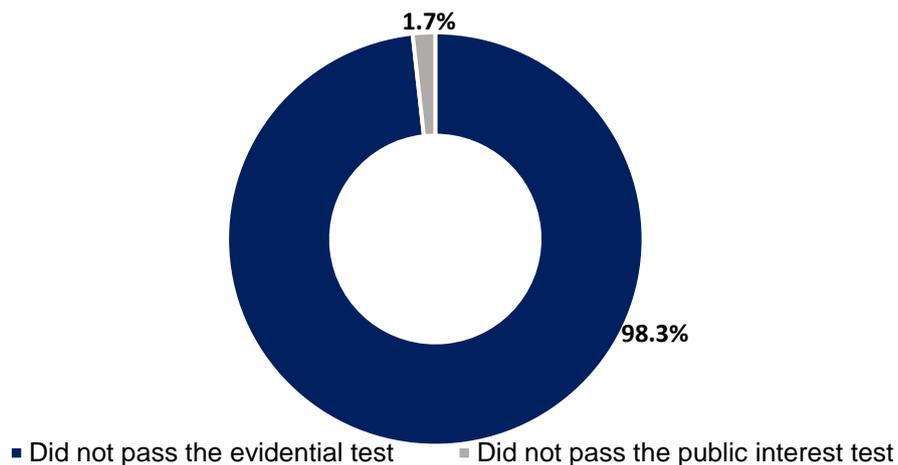


Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 4a: Prosecutions and Diversions Issued by Primary Offence Classification.

Prosecutions and Diversions Issued by Primary Offence Classification

Of the 301 decisions for prosecution or diversion issued during 2022/23, just under half (46.8%) were for ‘Violence against the person’ offences.

Figure 7: Cases Involving Hate Crime - Reasons for No Prosecution Decisions Issued, 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 4b: Cases Involving Hate Crime - Reasons for No Prosecution.

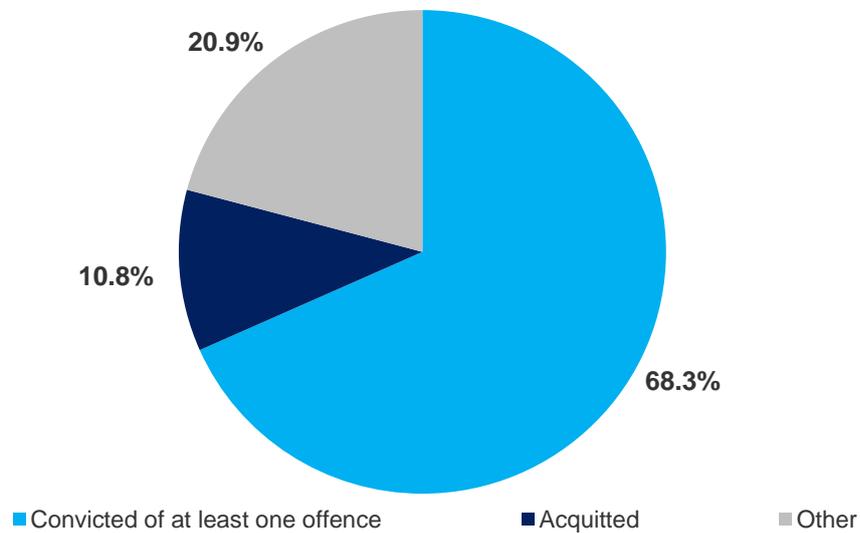
Reasons for No Prosecution

Of the 172 decisions for no prosecution issued during 2022/23, the vast majority (98.3%) did not pass the evidential test. The remaining 1.7% did not pass the public interest test.

Defendants Dealt With in the Crown Court by Outcome

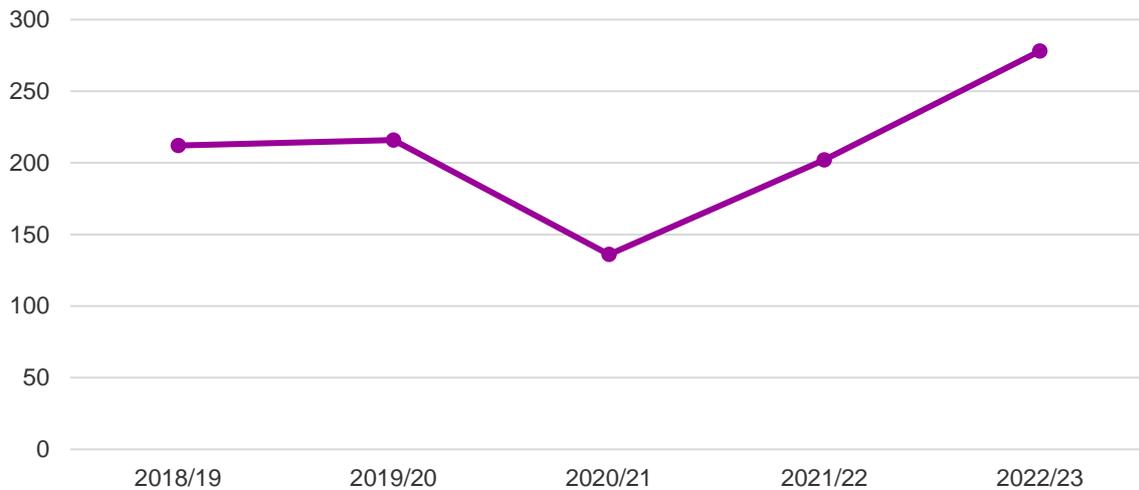
During 2022/23, 25 defendants were dealt with in the Crown Court. This was an increase of 12 on the 2021/22 financial year. Twenty-two of the twenty-five defendants dealt with during 2022/23 were convicted of at least one offence.

Figure 8: Cases Involving Hate Crime - Defendants Dealt with in the Magistrates' and Youth Courts by Outcome, 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23 Table 6a: Cases Involving Hate Crime - Defendants Dealt with in the Magistrates' and Youth Courts by Outcome.

Figure 9: Cases Involving Hate Crime - Defendants Dealt with in the Magistrates' and Youth Courts, 2018/19 to 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 6a: Cases Involving Hate Crime - Defendants Dealt with in the Magistrates' and Youth Courts by Outcome.

Defendants Dealt With in the Magistrates' and Youth Courts by Outcome

A total of 278 defendants were dealt with in the Magistrates' and Youth Courts during 2022/23, an increase of 76 (37.6%) on 2021/22 (202). Of the defendants dealt with during 2022/23, 68.3% were convicted of at least one offence. This is greater than the conviction rate of 61.9% during the previous year.

Defendants Dealt With in the Magistrates' and Youth Courts by Outcome and Age

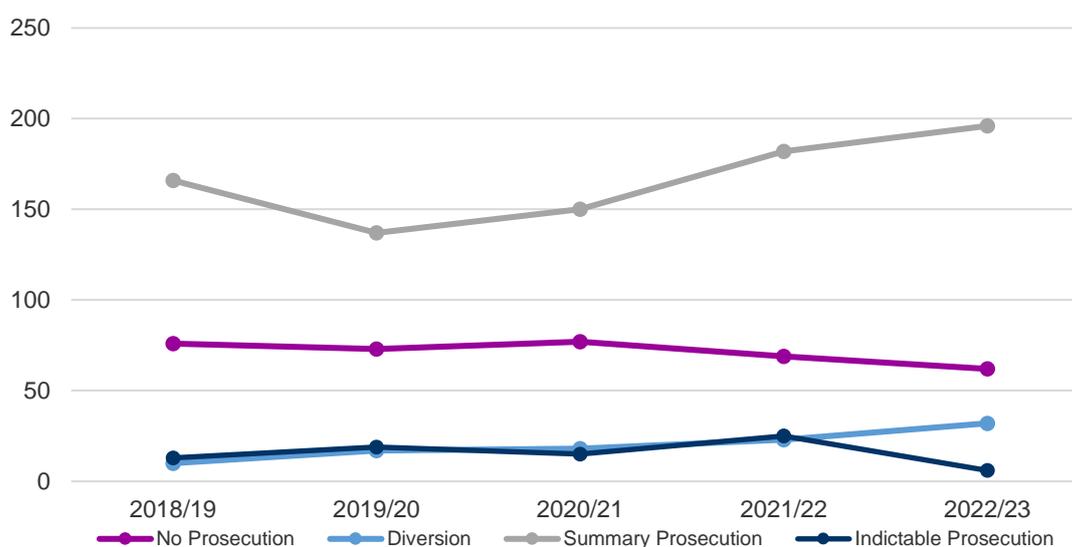
From a total of 278 defendants dealt with in the Magistrates' and Youth Courts during 2022/23, the largest proportion (32.0%) were recorded as being in the 26-35 age category.

Defendants Dealt With in the Magistrates' and Youth Courts by Outcome and Gender

From a total of 278 defendants dealt with in the Magistrates' and Youth Courts during 2022/23, over four-fifths (82.4%) were recorded as being male.

Part Two: Cases Considered by a PPS Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’

Figure 10: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Prosecutorial Decisions Issued by Decision Type, 2018/19 to 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 7a: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Prosecutorial Decisions Issued by Decision Type.

Prosecutorial Decisions Issued by Decision Type

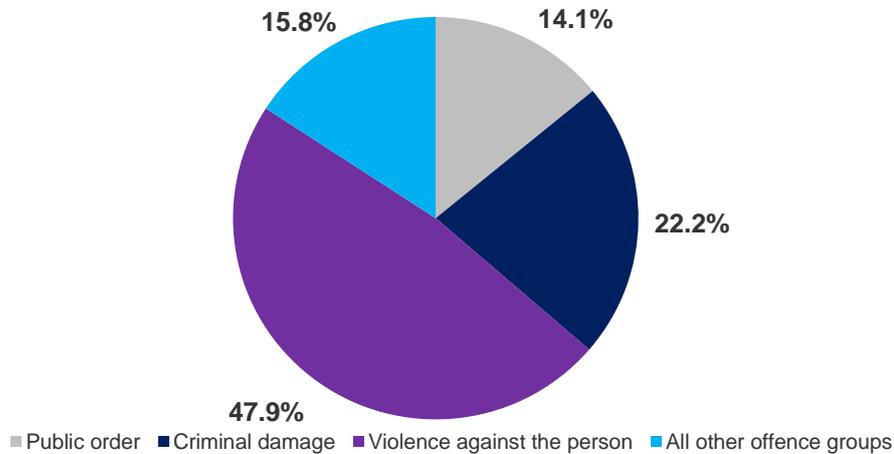
During 2022/23, prosecutorial decisions were issued by the PPS in respect of 296 persons in cases considered to have involved hate crime which was ‘aggravated by hostility’. This was three fewer decisions than the total issued during 2021/22 (299).

The evidential Test for Prosecution was met in the majority of cases considered by prosecutors during 2022/23. Of the 296 persons for whom prosecutorial decisions were issued, nearly four-fifths (79.1%) were for prosecution (202) or diversion from the courts (32). This was higher than 2021/22 (76.9%).

Prosecutorial Decisions Issued by Decision Type and Suspect Gender

From a total of 296 decisions issued by the PPS in respect of persons in cases considered to have involved hate crime which was ‘aggravated by hostility’, 80.4% were issued in respect of a male suspect.

Figure 11: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Prosecutions and Diversions Issued by Primary Offence Classification, 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 8a: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ – Prosecutions and Diversions Issued by Primary Offence Classification.

Prosecutions and Diversions Issued by Primary Offence Classification

Of the 234 decisions for prosecution or diversion issued during 2022/23, just under half (47.9%) were for ‘Violence against the person’ offences.

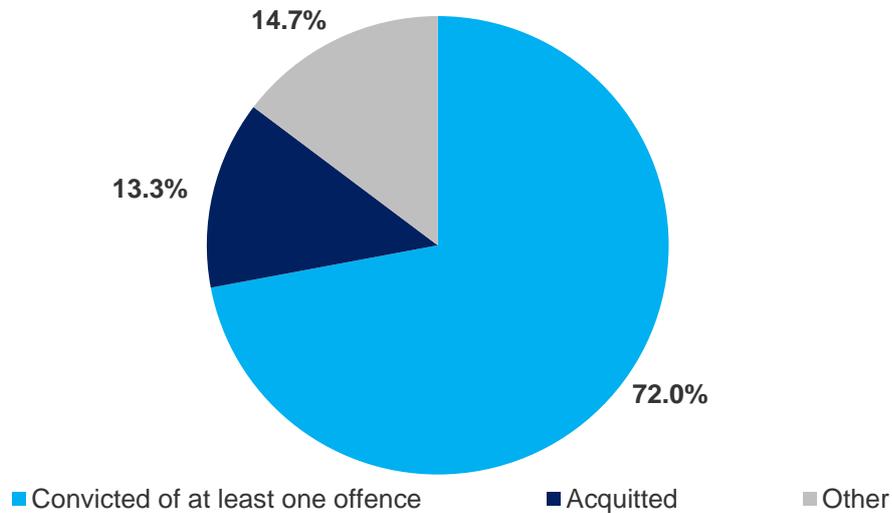
Reasons for No Prosecution

Of the 62 decisions issued for no prosecution during 2022/23, the vast majority did not pass the evidential test. The remainder did not pass the public interest test.

Defendants Dealt With in the Crown Court by Outcome

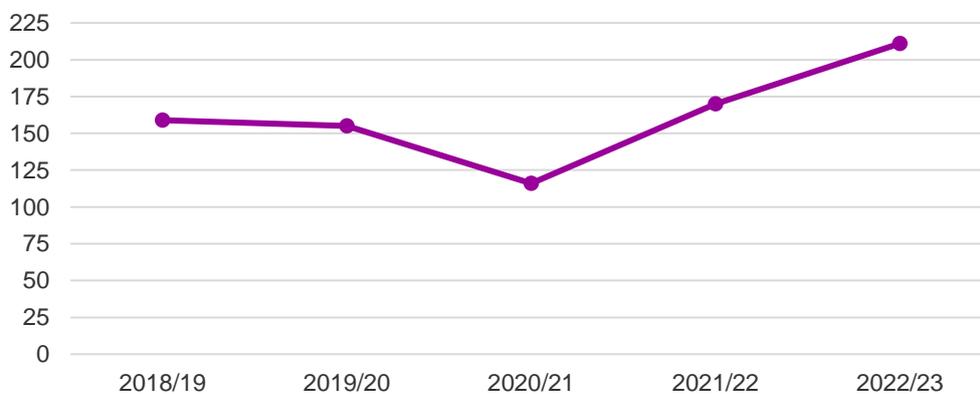
During 2022/23, 31 defendants were dealt with in the Crown Court. This was an increase of 21 on the 2021/22 financial year (10). None of the twenty-four defendants convicted during 2022/23 were recorded as having received an enhanced sentence due to the aggravating feature of the offence(s) involved. This compared with 1 out of 8 in 2022/23.

Figure 12: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Defendants Dealt with in the Magistrates’ and Youth Courts by Outcome, 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 10a: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Defendants Dealt with in the Magistrates’ and Youth Courts by Outcome.

Figure 13: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Defendants Dealt with in the Magistrates’ and Youth Courts, 2018/19 to 2022/23



Source: Public Prosecution Service for Northern Ireland Statistical Bulletin on Cases Involving Hate Crime 2022/23, Table 10a: Cases Considered by a Prosecutor to have Involved Hate Crime which was ‘Aggravated by Hostility’ - Defendants Dealt with in the Magistrates’ and Youth Courts by Outcome.

Defendants Dealt With in the Magistrates’ and Youth Courts by Outcome

A total of 211 defendants were dealt with in the Magistrates’ and Youth Courts during 2022/23, a 24.1% increase on 2021/22 (170). The overall conviction rate was 72.0% compared with 68.2% in 2021/22. Forty (26.3%) of the 152 defendants convicted during 2022/23 were recorded as having received an enhanced sentence due to the

aggravating feature of the offence(s) involved. This compared with 24 out of 116 (20.7%) in 2021/22.

Defendants Dealt With in the Magistrates' and Youth Courts by Outcome and Age

From a total of 211 defendants dealt with in the Magistrates' and Youth Courts during 2022/23, the largest proportion (37.4%) were recorded as being in the 26-35 age category.

Defendants Dealt With in the Magistrates' and Youth Courts by Outcome and Gender

From a total of 211 defendants dealt with in the Magistrates' and Youth Courts during 2022/23, almost four-fifths (79.6%) were recorded as being male.

Explanatory Notes

Cases Involving Hate Crime – Definitions Applied

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

There are six types of hate crime as listed below:

Race

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

Sectarian

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

Homophobic

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

Transphobic

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

Faith/Religious (non-sectarian)

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

Disability

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

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

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

Offences aggravated by hostility are provided for by the Criminal Justice (No. 2) (Northern Ireland) Order 2004. An offence is aggravated by hostility if:

(a) At the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on:

- (i) The victim's membership (or presumed membership) of a racial group;
- (ii) The victim's membership (or presumed membership) of a religious group;
- (iii) The victim's membership (or presumed membership) of a sexual orientation group;
- (iv) A disability or presumed disability of the victim; **or**

(b) The offence is motivated (wholly or partly) by hostility towards:

- (i) Members of a racial group based on their membership of that group;
- (ii) Members of a religious group based on their membership of that group;
- (iii) Members of a sexual orientation group based on their membership of that group;

(iv) Persons who have a disability or a particular disability.

The definitions applied in the legislation are as follows:

- 'Disability' means any physical or mental impairment.
- 'Membership', in relation to a racial, religious or sexual orientation group, includes association with members of that group.
- 'Presumed' means presumed by the offender.
- 'Racial group' has the same meaning as in the Racial Relations (Northern Ireland) Order 1997.
- 'Religious group' means a group of persons defined by reference to religious belief or lack of religious belief.
- 'Sexual orientation group' means a group of persons defined by reference to sexual orientation.

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

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

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

User Information

Data sources and validations

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

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

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

All statistics for the current financial year have been finalised.

Rounding conventions

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

Disclosure control

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

Official Statistics

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

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

Future publications

The next Statistical Bulletin on Hate Crime, covering the 2023/24 financial year (1 April 2023 to 31 March 2024), will be published during August / September 2024.

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Previous changes to this release

In September 2022, this publication was revised with the data tables removed from this statistical report to improve user functionality. Tables can be found in the accompanying Excel document. Clarity has been increased by introducing additional charts and graphs, compliant with accessibility guidelines, and by displaying selected figures over a 5-year trend. Additional breakdowns of age, gender and offence classification have also been provided within the data tables and charts in response to both user feedback and a specific recommendation by Criminal Justice Inspection Northern Ireland.

Further information

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

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