

# Disability Rights UK

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# Let's Stop Disability Hate Crime

## A guide for disabled people

**In association with:**



# **Disability Rights UK**

Disability Rights UK – formed through a merger of Radar (The Royal Association for Disability Rights), Disability Alliance and National Centre for Independent Living on 1 January 2012. Our vision is a society where all disabled people can participate equally as full citizens. We aim to be the largest national pan-disability organisation led by disabled people.

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### A guide for disabled people

“I'm 66 and have suffered verbal and physical abuse for as long as I can remember. I learnt in my teens that ignoring these people and 'walking' away is the only way to cope with them. I have little confidence or trust in anyone apart from my very closest family members.”

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## Let's Stop Disability Hate Crime

A guide for disabled people

### Introduction

“Most people don't know about disability hate crimes, who they can contact or what can be done about it. It is just not seen as a problem or taken seriously.”

Hopefully, only a few people will be the victim of crime at some point during their life. If you are the victim of a crime, at any time, it is important that you report it. You should also consider whether the crime is a disability hate crime.

Recognising that a crime is a disability hate crime can be difficult:

- What does hate mean?
- Was what happened hate?

Connecting hate with why a crime took place can be complicated. A disabled person might not think that being bullied, harassed, abused, shouted at, taken advantage of, or picked on because they are disabled is a hate crime. In spite of this the law might view them as hate crimes if they meet the definition.

In this guidance we are focusing on the Police and Crown Prosecution Services agreed definition of hate crime to give people a better understanding of how the law works.

## **What is a crime and what is a disability hate crime?**

### **What is a crime?**

Put simply, a crime is an act which breaks the law of the land. There are a wide range of offences which might be considered crimes including things like:

- theft (when someone takes something that belongs to someone else and keeps it without their permission);
- malicious wounding, grievous bodily harm or actual bodily harm (when someone attacks someone or any crime that would cause physical injury to someone)<sup>1</sup>;
- harassing someone (when someone worries or bothers someone else)<sup>2</sup>;
- putting someone in fear of violence (making someone fear they are going to be attacked)<sup>3</sup>; or
- destroying or damaging property belonging to another<sup>4</sup>.

Any crime has the potential of being a disability hate crime.

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<sup>1</sup> Offences Against the Person Act 1861

<sup>2</sup> Protection from Harassment Act 1997

<sup>3</sup> ibid

<sup>4</sup> Criminal Damage Act 1971



## **What makes a crime a disability hate crime?**

If someone commits a crime that is motivated by hostility, or prejudice, because the victim is a disabled person, or is perceived as a disabled person then the crime will be a disability hate crime.

Not all crimes that target disabled people are disability hate crimes. Sometimes it can be quite difficult to tell. For example, if a person mugs a disabled person. They may have attacked the disabled person because they are prejudiced against disabled people: in which case, it would be a disability hate crime. However, if they have mugged several people and not only disabled people: then it might not be a disability hate crime.

In a case like this, it is unlikely that the victim would know either way whether the crime was, or was not, a disability hate crime. But if the victim believes that the crime was motivated by prejudice or hostility, it should be reported as a disability hate crime.

It is also worth noting, that anybody who has been the witness of a disability hate crime can report it to the police.

## **What is a disability hate incident?**

If someone does something that is not a crime but is perceived to be motivated by hostility or prejudice because the victim is a disabled person, or perceived as a disabled person then it will be a disability hate incident.

It is equally important that hate incidents are reported as there is some evidence that low level hate incidents can lead to more serious disability hate crimes. If something is done about hate incidents they may not turn into disability hate crimes.

### **What sort of crimes could become disability hate crimes?**

Technically any crime could be a disability hate crime. Some of the offences that might be disability hate crimes or incidents include:

- Offensive language which may include name calling, and insults;
- Abusive verbal or written comments which are intended to threaten or intimidate (they will also include the use of e-mail, social networks, mobile phones);
- Physical assault;
- Domestic violence;
- Financial exploitation;
- Damage to property;
- Sexual abuse and assault; and
- Threats and intimidation.

### **Who commits disability hate crimes?**

Anyone can commit a disability hate crime. In most cases you will not know them directly. Research found that 56%<sup>5</sup> of disabled

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<sup>5</sup> Scope attitudes survey 2010

people had felt that a stranger had acted in a hostile, aggressive or violent way because they were disabled.

A wide range of different people can commit a disability hate crime. They can be young people (24% of defendants of disability hate crime were aged between 18 and 24<sup>6</sup>) to older people (51% of defendants were aged between 25 – 59<sup>7</sup>).

These can be young people who yell abuse when a disabled person walks by; a carer who takes advantage of a disabled person by taking their money; a student who bullies a disabled student; to a retired person who harasses a disabled neighbour because they don't want them to make their home accessible.

There are also some people who might make friends with a disabled person so that they can take advantage of them. They use their friendship to cover the fact that they are committing crimes at the disabled person's expense.

There are many examples of supposed friends stealing people's money and or possessions; there have also been cases where disabled people have been severely attacked by the people who are supposed to be their friends.

Whether you know the person committing the crime, or they are a stranger if they are committing a crime, it needs to be reported.

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<sup>6</sup> CPS Hate Crimes and crimes against older people report 2009-2010

<sup>7</sup> *ibid*

## **Why should I report disability hate crime or incidents?**

If you are the victim of a crime you should always report it to the police; whether it is a disability hate crime, or not. The main reason would be to ensure that the person who committed the crime is caught and brought to justice.

“Doesn’t seem much point, no one is going to do anything about it and it will only make things worse if I do.”

Also by reporting crime, and especially disability hate crime, you are enabling your local police force to get a better picture of crime in your area. This could mean that further crimes, and disability hate crimes, are prevented because the police have a better understanding of the amount of crime there is and they can use that information to better tackle it.

A police force has been holding a series of road shows about disability hate crime to break down barriers between the police and disabled people. At one of these road shows there were a lot of comments about incidents on buses. As a result of these comments the police force worked with the bus companies on this issue. Now the bus drivers are more confident to intervene when incidents take place on their buses. The police also keep an eye on the buses and occasionally travel on the buses to deter incidents.

## **Reporting a disability hate crime**

### **Who can report a disability hate crime?**

Anyone can report a hate crime – whether you are the victim, someone who witnessed a disability hate crime, or someone a victim has told about a crime or incident, like a friend, family member or someone who works for them.

### **How can I report disability hate crime?**

If you or someone else's life is in danger, or a serious crime is taking place, you should always call the police using the emergency number (999).

If you cannot make voice calls, you can now contact the 999 emergency services by SMS text from your mobile phone. However, you will only be able to use this service if you have registered with emergencySMS first.

[www.emergencysms.org.uk](http://www.emergencysms.org.uk)

In all other cases you should contact your local police force on their contact number (these can normally be found on their website, the True Vision site, the DirectGov website, or in the local telephone directory).

[www.direct.gov.uk/en/Diol1/DoltOnline/DG\\_4017475](http://www.direct.gov.uk/en/Diol1/DoltOnline/DG_4017475)

[www.report-it.org.uk/contact\\_us1](http://www.report-it.org.uk/contact_us1)

## **Who should I report disability hate crime to?**

You should report a disability hate crime to the police. However, if you don't feel confident about telling the police yourself, you can tell someone else, for example, a friend or member of your family. They can support you or tell the police on your behalf about the disability hate crime.

There are also a lot of organisations who might be able to support you, for example, a local Disabled Persons' Organisation, a disability hate crime third party reporting site, the local Citizens Advice Bureau, local voluntary service or Victim Support.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

You may also be able to report a crime, or disability hate crime, online through the 'True Vision' hate crime reporting site.

[www.report-it.org.uk/your\\_police\\_force](http://www.report-it.org.uk/your_police_force)

If you think you have been the victim of a disability hate crime, or incident, you need to make sure that when you report the crime you make it clear that you think it was a disability hate crime.

## **What is a third party reporting site?**

Third party reporting sites give people the opportunity to report hate crime in locations other than police stations. They can be

better tailored to the requirements of disabled people and offer a more supportive and encouraging environment to report the disability hate crime.

They will have an agreed way to pass information about the report onto the police. When the third party reporting site passes the information on they don't have to reveal the victim's details. They may also be able to tell you about local support services.

They can be run by a range of different organisations, from disabled people's organisations to the local council.

### **What can I do if the person I report to doesn't believe me or take it seriously?**

If you feel the person you have reported to has not taken your report seriously then you should talk to friend, a family member or a local disabled people's organisation.

If telling a friend or family member would be difficult a good disabled person's organisation would be able to support you. They will also have a better understanding of your access needs so that you can give a good account of what you have experienced.

Some people find reporting crime a difficult or traumatic experience but it is important that they are reported. Even if you have tried before to report a disability hate crime, or incident, to the appropriate authority and were dissatisfied with the experience or

don't want to go through it again, we would encourage you to report it to someone.

You do not have to report it directly to the police. There are alternatives ways to report a disability hate crime, or incident. You can report it to someone else, for example a third party reporting site or a disabled people's organisation.

You can also report it online using the reporting form on the True Vision website.

[www.report-it.org.uk/your\\_police\\_force](http://www.report-it.org.uk/your_police_force)

### **What sort of things do I need to tell them when I report the crime?**

You will need to give as much information as you can about:

- What happened;
- When it happened;
- Where it happened,
- Whether the victim was injured and what were the injuries;
- Details of any property that was stolen or damaged during the incident; and
- Why you think it was a disability hate crime.

You will also need to give details about the person, or persons, who committed the crime:

- How many people were there;



- If you know them who are they and where do they live;
- If you don't know them, what did they look like;
- Was there anything about them that made them stand out, for example, a tattoo or coloured hair; and
- Did they use a car and if they did what sort of car was it and what colour was it.

When you report the crime there are pieces of evidence that might help:

- A diary of all the incidents and crimes that you have been the victim of, recording the times that they happened and what happened;
- Printed copies of any letters, e-mails, social networking posts, texts etc which are relevant to the crimes or incidents; and
- Photographs of any damage to your property.

It is advisable not to clean, fix, delete or throw away any evidence before you have reported the disability hate crime.

When this information is reported to the police: you do not have to give your personal details if you do not want to. You can report anonymously. But if you don't give your details, the police will not be able to contact you if they need more information and may not be able to investigate fully.

You can report anonymously on the True Vision website or by contacting Crimestoppers.

[www.report-it.org.uk/your\\_police\\_force](http://www.report-it.org.uk/your_police_force)

[www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)

## **What if I think there is more than one reason for the hate crime?**

The motivation for crime can be quite complex. Not all disabled people who had been the victim of a hate crime thought it was because they were disabled. Some thought it was motivated by their race, religion, or sexual orientation or a mixture of any of them.

If you believe that a hate crime has been motivated by more than one type of prejudice: you must make sure the person you report it to notes down which types of hate crime you think it could be. This will mean that each hate crime motivation can be investigated thoroughly.

## **What if I can't report because the police station or third party reporting site is inaccessible?**

There is a range of different ways that you can report a disability hate crime. You can telephone your local police station, police force, or third party reporting site. You can also report disability hate crime online. You can download or print off a reporting form from the internet and send it to your local police station or force.

## **What should I do if I am scared of further hate crime because I reported it?**

This is one of the most difficult issues associated with reporting disability hate crime. If you don't report the crime, or incident, it may never be dealt with, but if you do report the crime the person

who committed the crime may continue, or may increase, what they are doing.

You should always report it. When you make your report let the person know that you are scared that there will be reprisals and you want your report to be kept confidential.

If the authorities are going to do something about the crime, it may take some time. So when you have reported the hate crime make sure that you do not put yourself in a situation that would give the person who committed the crime the opportunity to commit further crimes, or incidents, against you. If they do you need to report those crimes as well. It might be useful to keep a diary of any further incidents and make sure the person you report them to know that they should be linked to an earlier incident or crime.

Even if you are very worried about reporting the crime, or incident, it is worth considering, that if you don't report it someone else might. This will mean that the authorities won't know that you are concerned about reprisals.

### **What should I do if I need to report someone close to me?**

Sometimes, the person who commits the crime can be a friend, relation, someone you trust, an organisation or someone who works for you. These can be particularly difficult to report especially if you are worried that there might be reprisals.

It is equally important that you report these crimes as well. However, you must make sure that you do not leave a trail that can be found by the person you are reporting. If you report a disability hate crime online you can cover your tracks by deleting your browser history and deleting any e-mails relating to your report.

#### How to Delete Your Browser's History:

- Go to Control Panel;
- Double click Internet Options;
- Make sure the General tab is selected;
- Click Clear History in the History box;
- Click OK when asked if you want to delete all items in your history folder; and
- Click OK at the bottom of the General box to exit.

#### How to Permanently Delete E-mails:

- Click on the inbox or sent items folder in your e-mail program;
- Left click to highlight any e-mails that you would like to delete;
- Press the delete key on the keyboard; and
- Right click on the deleted items folder and select empty deleted items.

## **Who should I report to if disability hate crimes happen when I'm on a bus or a train?**

### **Train**

"I have been physically knocked down when using London Underground for getting in someone's way because I cannot walk quickly. I am also sometimes threatened when going up staircases where no alternative exists."

The British Transport Police are responsible for policing the rail network. They also police the London Underground, Docklands Light Railway, the Midland Metro tram system, Croydon Tram link and the Glasgow Subway.

So if you are the victim of a disability hate crime or incident on the rail network you should report it to the British Transport Police on 0800 40 50 40 or if it is an emergency you should ring 999.

### **Bus and Taxi**

Policing on the bus network and for taxis is the responsibility of the local police authority where they serve. So you should contact your local police force.

You can report a hate crime or incident through the True Vision website, whatever transport you are travelling on.

## **Who should I report to if the disability hate crime happens when I am at school, college or university?**

Disability hate crimes, and incidents, do happen at schools, colleges and universities. If you are the victim of a hate crime you should report it. In the first instance, you should probably tell your teacher or tutor.

If you do not think you will be taken seriously, or you are scared that there will be reprisals you should report it to someone else, for example, student services or the National Union of Students. Some schools have set up websites so that students can report bullying or hate crime online.

If a hate crime has been committed it should be reported to the police: ask that your school, college or university to report it on your behalf.

## **What should I do if I am the target of disability hate crimes where I live?**

You should be able to report the crime to your local council. They may work with the police to deal with the issue. They also have powers to deal with the person, or people, who are committing the crimes.

## **What should I do if I am the target of disability hate crime by telephone, text, social networking sites etc?**

You should keep copies of any letters, e-mails, social networking posts, texts which are relevant to the crimes, or incidents, so you can show them to the person you report the crime to.

If someone is targeting you on the telephone, or by text, you should keep a diary of when the calls have taken place and write down what was said. You could also use the 1471 facility to find out the number that called you so that you can add that to your diary.

If you receive texts or e-mails that you think are disability hate crimes you must not delete them until you have reported the crime in case the person dealing with the crime wants to see them.



## **How can I avoid disability hate crime?**

It is never right for a disabled person to have to change the way they live or have to move home to avoid being the victim of disability hate crime. Too often it is easier for the authorities to move or 'protect' the disabled victim rather than deal with the perpetrator.

However, there are some simple hints that might help you to avoid this happening to you:

- Be aware of what is going on around you, if you think that something is going to happen: do something about it, for example, go somewhere where there are people about;
- If you think there might be a problem where you're going, go with a friend if possible;
- If it is dark use streets and roads with good lighting;
- Make sure you know where you are going so that you can look confident of where you're going;
- When you get home have your keys ready so you can get through the door quickly;
- If you are travelling by car have your keys ready so that you can get into your car quickly;
- If you need to use public transport sit near the driver;
- It might be useful to carry some money to pay for a taxi; if you are particularly worried. However, you need to make sure it is a licensed taxi. Alternatively, make sure you have the telephone number of a taxi firm you trust.

There are a number of websites that provide more information about keeping safe, for example, [www.suzylamplugh.org.uk](http://www.suzylamplugh.org.uk).

### **How can you tell if a taxi is licensed?**

In London: Transport for London licences taxis and Private Hire Cars. A licensed taxi will have a plate on the back of the car which shows their taxi licence number. A Private Hire Vehicle will have a disc on their front and rear window showing their licence status.

Outside of London: Taxis and Private Hire Vehicles are licensed by your council (district, borough or unitary authority). They may have their own rules about how they licence Taxis and Private Hire Vehicles. It may be worth checking with your council about how to tell a taxi is licensed in your area.

Both Taxi and Private Hire Vehicle Drivers should have a badge showing their licence number. So if you are unsure ask to see their badge or for their number before using them. If you are concerned you should speak to their control as they will have a record of who the driver was.

[www.direct.gov.uk/en/TravelAndTransport/Publictransport/TaxisAndPrivateHireVehicles/DG\\_10036418](http://www.direct.gov.uk/en/TravelAndTransport/Publictransport/TaxisAndPrivateHireVehicles/DG_10036418)

## **What happens after I report a disability hate crime?**

### **What will the police do with my report?**

The police will investigate the crime to gather evidence. These investigations can take a long time.

When the police first receive a report of a hate crime they should gather information. From this they should be able to assess the level of response that will be required.

They should conduct immediate research into the background of the victim, this should include information on:

- Any previous history that may identify repeat victimisation.
- Any description/possible location of suspect(s).
- Possible location of any witnesses.
- Officer safety.

The Police's duty is to provide support for the victim and actively investigate the incident. They should take positive action, not just record it.

There are some fundamental principles set out in the ACPO guidance that should underpin any hate crime investigation:

- The victim must be contacted within 24 hours of a police officer being assigned the investigation unless the victim specifically request otherwise;
- The police officer should monitor the level of risk to the victim throughout the investigation and put in place appropriate interventions to reduce or remove any risks. For example, they should consider what could be done to deter reprisals by the suspect;
- They should ensure the victim is kept informed. The police officer should tell the victim if the suspect has been charged and released on bail and any bail conditions. If the suspect breaks those conditions they can be arrested and brought back before the court. The victim must also be informed before a suspect is released from police custody and told why they have been released;
- The police should arrange for a police officer to be a single point of contact for the victim. If they are unavailable for any significant length of time then a deputy should be appointed and introduced to the victim;
- The police officer must remain sensitive to the wishes and needs of the victim and balance this with the requirements of the investigation process. For example, if the victim would prefer the police officer to contact them by telephone rather than in person.

## **Achieving best evidence**

### **What is a witness statement?**

Victims of crime, and witnesses to crime, are asked to make a witness statement to the police. The witness statement is the victim or witness' account of what happened. It may be in writing, or video recorded. When the statement has been taken the victim will need to agree it as a true account of their experience. If the case goes to trial the statement may be used in evidence in court and the victim, or witness, may be asked questions about the statement.

### **What is a victim's personal statement?**

The police will also ask the victim if they want to make an additional statement a victim's personal statement. The victim (or in some cases their family) must decide whether they would like to make the additional statement. They do not have to if they don't want to.

The purpose of the personal statement is to give the victim the chance to explain the effect that the crime has had on them physically, emotionally, or financially. The personal statement can also provide extra information such as:

- How the crime has made a difference to the victim's lifestyle;
- How vulnerable, or intimidated, the victim might feel;
- Any worries the victim may have if the defendant is released on bail;

- Compensation the victim might wish to claim for; or
- Any additional information that the victim might think would be useful.

The personal statement will be part of the case papers and therefore be seen by the prosecutor; but also by other people involved in the case including the defendant; their solicitor; and the judge or magistrates. During the trial the victim may be asked questions about the personal statement if the case goes to court.

### **What can be done to help with giving evidence?**

The Police and Crown Prosecution Service have a range of support that they can use to make sure that the victim, or witness, of a disability hate crime is able to give the best evidence they can during criminal proceedings. The Youth Justice and Criminal Evidence Act 1999 sets out who is eligible for specific support during criminal proceedings and a range of special measures that can be used to aid the disabled victim or witness.

Not all disabled people will be entitled to the special measures. The law states that only witnesses over 17 with learning disabilities; physical disabilities; or mental health issues will be eligible for support.

The special measures include:

- Examination of the victim, or witness, through an intermediary, who may assist them to give their evidence

during the investigation or in court. For example, this could be a personal assistant, or advocate, who is present during an interview to make sure that a witness with a learning disability can understand questions asked by detectives;

- Screens may be made available to shield the witness from the defendant;
- A live televised link to enable the witness to give evidence during the trial from outside the court;
- Evidence given in private;
- Exclusion from the court of members of the public and the press (except for one named person to represent the press) may be considered in cases involving sexual offences or intimidation;
- Removal of wigs and gowns by judges and barristers;
- A video recorded interview with the witness before the trial may be admitted by the court as the witness's evidence;
- A video recorded cross examination can also to be considered if the witness has already been permitted to give their evidence on video prior to the court case; and
- Aids to communication may be permitted to enable the witness to give best evidence whether through a communicator or interpreter, or through a communication aid or technique, provided that the communication can be independently verified and understood by the court.

If special measures are not allowed, or the witness or victim does not want or need them: they might want some other form of

support to make their appearance in court less stressful. For example, taking someone (a friend or supporter) with them to sit in the courtroom while they are giving their evidence. The Police will need to let the Crown Prosecution Service know what support would help so that they can ask the court to allow it.

### **What if I am unable to get special measures but need reasonable adjustments?**

The function provision in the Equality Act 2010 also places the Police, Crown Prosecution Service and courts under a duty of reasonable adjustment.

They must provide a reasonable adjustment where: a provision, criterion or practice; a physical feature; or the lack of an auxiliary aid or service, puts disabled people at a substantial disadvantage compared with nondisabled people. The aim of the duty is to ensure, as far as is reasonable, disabled people are not substantially worse off during this process than nondisabled people. It should be noted that there are exceptions to the duty and it will not apply to someone who is exercising a judicial function.

Once the crime has been investigated they will pass the case to the Crown Prosecution Service in all but minor and routine cases.



## **What does the Crown Prosecution Service do once they have been passed the case?**

They make a decision about whether the suspect should be prosecuted. They will consider whether there is enough evidence to secure a conviction of the suspect. If they think there is enough evidence they will then consider whether the case is in the public interest.

This will be different for each crime but may depend on issues like how serious the crime is and how it affects the victim and their family. However, if there is enough evidence for a case of disability hate crime, the public interest will almost always be in favour of prosecution.

## **What if the Crown Prosecution Service does not prosecute?**

If they decide not to prosecute they will tell you why they have stopped the case. Their decision will be based on publicly available legal guidance.

If you are not happy with the decision you can use the Crown Prosecution Service feedback and complaints procedure. (see page 42)

## **What happens if they charge the suspect?**

The police will pass your file on to the local witness care unit. They manage the care of victims, and witnesses, from when the suspect

has been charged until the end of the case. You will be given a dedicated witness care officer who will be your main contact and will keep you informed about what is going on in the case.

They will also identify any specific support needs you may have. This might include whether you need any special measures in the court room to give your evidence, for example, a TV link, examination through intermediaries; screens to shield you from the accused; and removal of wigs and gowns. They can also arrange for you to visit the court before the trial.

Before the trial the Crown Prosecution Service team will also talk to you about your statement and what will happen in court.

### **Will the defendant see me waiting to give evidence?**

The Court Service has a legal requirement to make sure that a witness has a separate place to wait in the courtroom away from the defendant, their friends and family.

### **Can I watch what is going on in the court?**

You will not be able to watch what is going on in the court until you have given your evidence.

### **What happens when I am called to the courtroom?**

- You will be shown to the witness box;
- You will be expected to stand up, however, if you find standing difficult, or, for example, you use a wheelchair, the magistrate or judge will let you sit down or remain seated (this may be something you should discuss with your witness care officer);
- You will be asked to take an oath: this means that you promise to tell the truth; and
- You will then be asked questions by the Crown Prosecutor. After they have finished their questions the person representing the defendant may ask you questions.

Once you have given your evidence the court will tell you that you can leave the witness box.

## **What happens when all the witnesses have given their evidence?**

When both sides have completed presenting their evidence they will summarise the evidence to support their case. Then the jury; the magistrates; or the district judge will decide whether the defendant is guilty or not.

## **What happens if the defendant is found guilty?**

The magistrate, or judge, will decide what sentence should be given to the guilty person. They will consider a range of factors before making their decision. These may include things like the circumstances of the offender; sentencing guidelines; whether this is a disability hate crime; whether there is a need to protect the public, etc.

## **What happens if the judge treats the crime as a disability hate crime?**

If it can be shown during the court case that the crime was motivated by hostility, or prejudice, based on the victim's disability, or the crime is motivated by hostility, or prejudice, to disabled people. Then the law says the Judge can treat these as an aggravating factor in the crime and increase perpetrator's sentence<sup>8</sup>.

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<sup>8</sup> Criminal Justice Act 2003

It is important that there is evidence that can be used in court to show that the crime was motivated by hostility, or prejudice. If that cannot be shown the judge will not be able to treat it as an aggravating factor. Even if the Police or CPS have recorded the crime as a disability hate crime.

### **What sort of sentence will the offender get?**

When the judge or magistrate has considered all the factors there are four types of sentence that they can use:

- **Discharge** – this is when the court decides that given the character of the offender and the nature of the crime, punishment would not be appropriate. There are two types of discharge:
  - **Absolute discharge** – no further action is taken, since the offence was minor, or the court considers that the experience has been enough of a deterrent. The offender will receive a criminal record.
  - **Conditional discharge** – the offender is released and the offence registered as a criminal record. No further action is taken unless they commit a further offence within a time decided by the court.
- **Fines** – the court orders that the offender to pay a fine.
- **Community sentence** – these combine punishment with activities designed to change the offender's behaviour: to make amends sometimes directly to the victim of the crime.
- **Imprisonment** – for the most serious offences the court may impose a prison sentence.

### **What if I don't understand what the sentence is?**

After the offender has been sentenced and the trial is over the Crown Prosecution Service will explain the sentence to you and answer any questions you may have.

### **What if the offender appeals the conviction?**

People convicted of a crime can appeal their conviction and sentence to a higher court, for example, if someone is convicted in a Magistrate's Court they can appeal to the Crown Court, then the Court of Appeal and then they can apply for permission to appeal to the Supreme Court.

## **What can I do if I am not happy with the service I receive?**

### **Why do public authorities have to take my report seriously?**

All public authorities (for example, the police, local authorities, schools or transport authorities) are placed under a duty to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation.

If you are concerned that a public authority is not complying with the equality duty you can talk to the Equality and Human Rights Commission who are responsible for enforcing the duty.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **What if I am not satisfied with the service I receive from my local authority?**

First of all you must take up your complaint with your local council. Most councils will have a procedure you will have to follow when you want to make a complaint. If you are not content with the outcome when you have completed the whole complaints procedure. You may be able to take your complaint to the Local Government Ombudsman: but you will have to have completed all of the council's procedures.

[www.lgo.org.uk](http://www.lgo.org.uk)

## **What if I am not satisfied with the service I receive from the police?**

You should take up your complaint with your neighbourhood policing team. If you don't want to speak to your neighbourhood policing team or you are not happy about how they have dealt with your complaint you can contact your local police headquarters or police authority. If you are still not happy with the response to your complaint you can write to the Chief Constable.

If your complaint is about a person serving in the police force, or you don't think your complaint was investigated, or handled, correctly by the local police force, or authority, you can complain directly to the Independent Police Complaints Commission.

[www.ipcc.gov.uk/en/Pages/default.aspx](http://www.ipcc.gov.uk/en/Pages/default.aspx)

## **What can I do if I am not satisfied with the service I receive from the Crown Prosecution Service?**

The Crown Prosecution Service has a detailed complaints procedure which is set out in their publication Feedback and Complaints which can be found on their website.

[www.cps.gov.uk/contact/feedback\\_and\\_complaints/feedback\\_and\\_complaints\\_leaflet\\_english.pdf](http://www.cps.gov.uk/contact/feedback_and_complaints/feedback_and_complaints_leaflet_english.pdf)

They can only deal with complaints about their service, that you have been involved in, for example, as a victim, witness, or a solicitor acting for them and you must make your complaint within six months of what you are complaining about happening.



## **Where can I get more information?**

### **Action on Elder Abuse**

Works in the UK and Ireland to protect and prevent the abuse of older adults. They provide information and help to people who have been abused or are at risk of being abused.

0800 8808 8141

[www.elderabuse.org.uk](http://www.elderabuse.org.uk)

### **Citizens Advice Bureau (CAB)**

There are CABx in most towns in England and Wales. Their website can tell you where the nearest bureau is.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

[www.cas.org.uk](http://www.cas.org.uk) for Scotland

[www.citizensadvice.co.uk](http://www.citizensadvice.co.uk) for Northern Ireland

### **Crime stoppers**

Crime stoppers is an independent charity that helping to fight crime. They support the work of every police force across the UK and also provide a way for people to give information about crime anonymously.

[www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)

0800 555 111

## **Crown Prosecution Service**

The Crown Prosecution Service website provides a range of information about the process this can be found on their website.

[www.cps.gov.uk/index.html](http://www.cps.gov.uk/index.html)

They also have several detailed publications about disability hate crime which can be downloaded from their website at:

[www.cps.gov.uk/publications/prosecution/disability.html](http://www.cps.gov.uk/publications/prosecution/disability.html)

## **DirectGov**

Directgov is the UK government's digital service for people in England and Wales. It delivers information and practical advice about public services, bringing them all together in one place.

[www.direct.gov.uk/en/index.htm](http://www.direct.gov.uk/en/index.htm)

## **Disability Hate Crime Network**

The network campaigns for greater awareness of disability hate crime and promotes good practice.

Visit: [www.facebook.com](http://www.facebook.com) and search for the Disability Hate Crime Network

## **MENCAP**

MENCAP work in partnership with people with a learning disability, and their services support people to live life as they choose. They have launched their Stand by Me campaign to raise awareness of disability hate crime and put a stop to it.

[www.mencap.org.uk](http://www.mencap.org.uk)

## **Report Hate Safer Wales**

Report Hate Safer Wales is a unique scheme built in partnership with the police forces of Wales for the people of Wales. It enables victims, witnesses or other parties to report all hate incidents and hate crimes in confidence.

[www.saferwales.com](http://www.saferwales.com)

## **Stop Hate UK**

Stop Hate UK provides independent and confidential support to people affected by hate crime. They provide a hate crime reporting service in some areas of the UK.

0800 138 1625

[www.stophateuk.org](http://www.stophateuk.org)

## **SupportLine**

SupportLine provides a confidential telephone helpline offering emotional support. Their service is aimed particularly at people in at-risk groups, those who are socially isolated or vulnerable and victims of any form of abuse.

01708 765200

[www.supportline.org.uk](http://www.supportline.org.uk)

## **Suzy Lamplugh Trust**

The Suzy Lamplugh mission is to raise awareness of the importance of personal safety and to provide solutions that effect change in order to help people to avoid violence and aggression and live safer, more confident lives. They offer a range of personal safety tips and guidance on a wide range of subjects.

[www.suzylamplugh.org/personal-safety/personal-safety-tips/](http://www.suzylamplugh.org/personal-safety/personal-safety-tips/)

## **True Vision**

True Vision is the Police Service's own website. It provides information on hate crime, has posters and forms that you can download and use as well as being able to fill in an online hate crime report.

[www.report-it.org.uk/home](http://www.report-it.org.uk/home)

## **Victim Support**

Victim Support is the independent charity which helps people cope with the effects of crime. It provides free and confidential support and information to help deal with the experience.

0845 303 0900

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

## **VOICE UK**

Voice UK is a national charity supporting people with learning disabilities and other vulnerable people who have experienced crime or abuse. It provides a telephone helpline which is attended between 9 am and 4 pm Monday, Tuesday and Thursday, 9 am to 12 noon on Wednesday and 10 am to 5 pm on Friday.

080 880 2 8686

[www.voiceuk.org.uk](http://www.voiceuk.org.uk)

[www.disabilityhatecrime.org.uk](http://www.disabilityhatecrime.org.uk)

## **Women's Aid**

Works to end violence against women and children, and supports over 500 domestic and sexual violence services across the country.

0117 944 44 11

[www.womensaid.org.uk](http://www.womensaid.org.uk)

# Disability Rights UK

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250 City Road  
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[www.radar.org.uk](http://www.radar.org.uk)