

Disability Hate Crime



CPS

Policy for
Prosecuting
Cases of
Disability
Hate Crime

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What do we mean by disability hate crime?

There is no legal definition of a disability hate crime. However, when prosecuting cases of disability hate crime, and to help us apply our policy on dealing with such cases, we adopt the following definition:

“Any criminal offence, which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person’s disability or perceived disability.”

Safety and security and the right to live free from fear and harassment are basic human rights. Our policy is to prosecute disability hate crime fairly, firmly and robustly.

I am being targeted because of my disability – what can the court do?

If someone pleads or is found guilty of a crime against you, and the court is satisfied that the crime was motivated by hostility because of your disability, then the court must treat this hostility as something that makes the offence more serious. The court must state this openly so that everyone knows this is the case.

If I have mental health issues or learning disabilities, will you listen to me and take me seriously?

Yes. We will apply our policies on Supporting victims and witnesses with Mental Health issues and Supporting victims and witnesses with Learning Disabilities. We will not make assumptions about your reliability or credibility. We will consult with you and, if appropriate, your relatives, carers or medical experts to consider what can be done to support you to give your evidence.

If someone is not able to take part in the criminal proceedings, for example even with appropriate support they cannot understand information given to them or remember that information, we will work with the police to see what other evidence might be available to prove the case in court.

What does the CPS do?

The CPS is the main public prosecution service for England and Wales, headed by the Director of Public Prosecutions. Although we work closely with the police, we are independent of them. The police are responsible for investigating criminal offences and for gathering the evidence. We have the responsibility for deciding (in all but the most minor cases) whether a suspect should be charged with a criminal offence and, if so, what the charge(s) should be.

How does the CPS decide whether to charge someone?

We apply the Code for Crown Prosecutors. In order to bring a prosecution there must first be

sufficient evidence to provide a realistic prospect of conviction. If the case does not pass this evidential stage it must not proceed, no matter how serious or sensitive it may be.

If the case does pass the evidential stage, we must then decide if a prosecution is needed in the public interest (the public interest stage). We regard any offence based on hostility, because of perceived or actual disability, as being more serious. As a result, it will usually be in the public interest in disability hate crime cases to bring a prosecution.

What if I don't want to go to court?

Your views as the victim of a crime are important when deciding whether a case should proceed or not, but they are not the only factor. We prosecute cases on behalf of the public at large and not just in the interests of any particular individual.

If a victim has withdrawn support for a prosecution, we have to find out why. We will explore all options fully and offer whatever support we can including, where appropriate, through our Witness Care Units, before we decide whether or not to proceed with a prosecution. Generally speaking, the more serious the case, the more it will be in the public interest to proceed with a prosecution, even if the victim says they do not wish us to.

What do Witness Care Units do?

We have Witness Care Units in all CPS Areas, run jointly by the police and CPS. Witness Care Officers provide a single point of contact and

individually tailored support for each witness to help them give their best evidence. If you are a victim of crime a Witness Care Officer will manage your care from the point of charge until the conclusion of the case.

What support will I be given in court?

Support could include, for example, transport to and from court; giving evidence through a live link rather than in the court room; ensuring time is given for taking medication; asking questions in a way the person can best understand or having an intermediary to explain questions being asked and answers being given.

When you attend court as a witness, the CPS prosecutor presenting the case will introduce themselves and answer any general queries that you may have. If you are kept waiting, we will make sure you are told the reasons for the delay and the estimated time when you will be required to give evidence.

Wherever possible, we will try to make sure that separate waiting facilities are made available for prosecution witnesses so that you do not have to mix with the defendant or his or her friends or family.

The following publications provide further information on how prosecution decisions are reached and what victims and witnesses can expect from the criminal justice system –

- CPS Policy for Prosecuting Cases of Disability Hate Crime
- The Code for Crown Prosecutors
- The Prosecutors' Pledge
- The Code of Practice for Victims of Crime (Victim's Code)

These publications are public documents and are available on the CPS website: www.cps.gov.uk

Or copies can be obtained from:

CPS Communications Branch, 50 Ludgate Hill,
London EC4M 7EX

Tel: 020 7796 8442

Fax: 020 77968351

Email: publicity.branch@cps.gsi.gov.uk

Translations into other languages, and audio copies are available.

Help or advice can be obtained from:

Equality and Human Rights Commission

www.equalityhumanrights.com

Main switch board 0845 604 6610

Text Line 0845 604 6620

Wales – Cardiff

Main Switch Board 0292 0663710

Main helpline and advice line 0845 604 8810

Text line and bi-lingual line 0845 604 8820

Scotland –

Main Switchboard 0845 604 5510 Text line

0845 604 5520

Victim Support

www.victimsupport.org.uk

Victim Support is the national charity which helps people affected by crime. The organisation provides free and confidential support to help victims deal with their experience, whether or not they report a crime.

United Kingdom's Disabled People's Council (UKDPC)

www.bcodp.org.uk

Tel 01332 29555 Fax 01332 295580

UKDPC is an umbrella organisation that represents some 80 organisations run and controlled by disabled people to promote full equality and participation within society.

Ann Craft Trust

www.anncrafttrust.org

Tel 0115 9515400 Fax 01159515232

The Ann Craft Trust works with staff in the statutory, independent and voluntary sectors to protect people with learning disabilities who may be at risk from abuse. The Ann Craft Trust also provides advice and information to parents and carers who may have concerns about someone they are supporting.

MIND

www.mind.org.uk

Tel 020 8519 2122 Fax 020 8522 1725

MIND works to create a better life for everyone with experience of mental distress by advancing the views, needs and ambitions of people with mental health problems.

VOICE UK

www.voiceuk.org.uk

Tel 01332 295775 Fax 01332 295670

Voice UK supports people with learning disabilities and other vulnerable groups who have experienced crime or abuse and offers support to families, carers and professional workers.

Further copies of this leaflet may be obtained from:

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Rose Court
2 Southwark Bridge
London SE1 9HS

Tel 020 335 70913

Email publicity.branch@cps.gsi.gov.uk

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