

# Justice for all

Simone Aspis of the UK Disabled People's Council outlines the latest developments on disability hate crime, and the need for police to see beyond the perception of vulnerability to achieve justice for victims with disabilities.



Recently the House of Lords debated the Government's proposals to extend inciting hatred on the grounds of race to include sexual orientation and religious belief by amending the Public Order Act 1983 Part 3.

However, at the same time the Government has quietly done a u-turn on extending the offence to include inciting hatred against disabled people. This seems ironic at a time when disabled people are victimised by gangs within their neighbourhood.

The recent case of Brent Martin, who was beaten to death for a £5 bet, highlights the growing need to strengthen disability hate crime legislation and its implementation. Brent's case was not an isolated one; Steven Hoskin and Gregory Baker were also victimised to their deaths by local gangs who showed no remorse for intimidating and dehumanising their disabled victims.

While it's mainly the most violent cases that are reported in the press, disabled people are at much higher risk of being a victim of crime, because of their perceived vulnerability, and the fact that they often live in areas of high deprivation, poverty and anti-social behaviour.

The Greater London Authority estimates that half of all disabled Londoners have been victims of crime. A similarly high prevalence of crime experienced by disabled people was found by the charity Scope when carrying out its research.

Amongst disabled people, it's those with learning difficulties and mental health conditions who are most

targeted by criminals.

It is not just crime which disabled people experience, but the fact that they are targeted because they are disabled. The problem can then be exacerbated by the police who mistakenly perceive a disabled person as vulnerable, and often fail to make full use of the legislation – namely the Criminal Justice Act 2003, section 146 – which allows judges the power to increase a sentence if the crime was aggravated by the victim's disability.

The United Kingdom Disabled People's Council, the leading umbrella organisation which represents more than 100 organisations run and controlled by disabled people, has decided to focus its campaigning this year on disability hate crime, because of strong evidence provided by our members, the possible Public Order Act amendments and a range of other criminal justice system initiatives which are happening. In addition, we think there are actions that the police and CPS can take to ensure disability hate crime is taken seriously.

Anne Novis, the UKDPC's company secretary, is co-chair of the Metropolitan Police Service's Disability Independent Advisory Group and has worked with the police across London and in her own neighbourhood. Her insight is based both on her own and other disabled people's experiences of crime, and the constant failure of the police to record it as disability hate crime. So what can the police do to ensure that disability hate crime is taken seriously, and that full implementation of the Criminal Justice Act section 146 happens?

Unfortunately, the basics are still not in place or widely known amongst the public, disabled people and their supporters. It still remains the case that many police stations are inaccessible for some people with disabilities, so the police may need to meet a disabled person in their own home or, if this is inappropriate, to arrange an agreed accessible venue. Making contact can be difficult, especially for deaf victims if there is no minicom or British Sign Language



Disabled victims Brent Martin (left), Steven Hoskins (above) and Gregory Baker

Picture: PA/Handout

interpreters are not available.

On a busy shift, will police have the personnel on duty to take the time to record the crime and, where appropriate, arrange and wait for supporters, personal assistants or facilitators to be on hand as necessary?

Some disabled people may need more time and greater support to give the evidence that is required, and cases should not be dismissed simply because the description of a criminal cannot be obtained – a person with visual impairments is unlikely to give any description, but they have the right to have the crime investigated.

Officers should never assume that a person is an unreliable witness because they sound incoherent, cannot recall the facts, or because they sound or behave differently during the interview. Be empathetic, do not treat disabled victims as though they are criminals themselves.

When investigating and collecting evidence of the crime, ask the victim if they believe the reason they were targeted was because of their disability, impairment or health conditions. Were there actions, behaviour or words which could be associated with hatred of disabled people? The police would benefit from disability equality training on what would constitute disability attacks, together with how to communicate with disabled people and deal with them effectively.

Always presume there is a possible disability hate crime, rather than an attack on a 'vulnerable' person. If disabled people are telling the police that they are victims of hate crime, then it should be recorded as such. It is for the judges and juries rather than the police to determine whether the accused is guilty of a disability hate crime offence.

It would also help if police worked with local disability organisations to develop third party reporting schemes, somewhere for disabled people to report crimes rather than directly to the police. It would be helpful if police arranged regular visits to local disability rights organisation, so that disabled people could report any criminal activity.

While police investigate the worst crimes such as murder, they often overlook the negative impact of what the criminal justice system would perceive as less significant crimes of daily harassment, bullying and petty theft on their victims.

The police are now subject to the disability equality duty, and as such must properly record, investigate and charge criminals, as well as sending their cases to the CPS ready for prosecution, however insignificant it may be perceived by the police. A clear message needs to be sent out that any form of disability hate crime will not be tolerated.

**The UKDPC aims to ensure that disabled people enjoy the same human and civil rights that non-disabled people take for granted. They do this by building the capacity of their local organisations, provide training and a transcription service and through their campaigns.**

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