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Disability Hate Crime Report

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This report has been compiled to explain what a Disability Hate Crime is what is happening within the Criminal Justice System, both nationally & locally and to look at what LCIL can do in Leicestershire.

Disability Hate Crime

What is disability hate crime?

There are many definitions of what constitutes a disability hate crime; these are the ones that are now being used.

Disability hate crime is when someone is being abused or harassed because they are disabled.

“Harassment of a disabled person is any behaviour which is perceived to be attributable to their impairment, which is unwanted and offensive, which discriminates and treats a person less favourably because of that person’s disability”.

¹Disability hate crimes, like other forms of hate crime, are motivated by contempt, hatred or hostility towards a particular group of people, because of who they are. In the case of disabled people hate crime is an extreme articulation of the prejudice and discrimination disabled people face on a day-to-day basis. This prejudice has been given the name “disablism”. Scope defines disablism as:

Disablism: discriminatory, oppressive or abusive behaviour arising from the belief that disabled people are inferior to others.

ACPO (Association of Chief Police Officers) definition of hate crimes:

“Hate crimes and incidents are taken to mean any crime or incident where the perpetrators prejudice against an identifiable group of people is a factor for who is victimised.”

(The ACPO hate crime manual is currently being re-written.)

¹ Page 8- Katherine .Q. (2008) Getting away with murder. Scope, Disability Now, United Kingdom’s Disabled People’s Council (UKDPC).

²The government defines hate crime as "any incident which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice and hate".

A disability hate crime is a criminal offence motivated by hatred or prejudice towards a person because of their actual or perceived disability. Disability hate crime is not a separate offence but is recognised under section 146 of the Criminal Justice Act (CJA) 2003, which imposes a duty on the courts to increase the sentence for any offence aggravated by hostility towards the victim based on their disability.

Hate crime can take many forms, including physical attack, the threat of attack, verbal abuse, harassment, graffiti, bullying, vandalism, malicious complaints, kidnap, rape, torture and murder.

What are the possible effects of Disability hate crimes?

- Anger
- Embarrassment
- Distress
- Unsafe
- Fear
- Upset
- Loss
- Unhappiness
- Quality of life

Examples of harassment and hate incidents against disabled people:

- Name calling
- Spitting
- Being pushed and jostled
- Stopping someone getting on or off a bus
- Throwing things at a disabled person
- Bullying at school

The Medical Model

- Focuses on the individual's impairment
- Sees the impairment as problematic
- This requires some form of cure or treatment

² Page 8- Katherine .Q. (2008) Getting away with murder. Scope, Disability Now, United Kingdom's Disabled People's Council (UKDPC).

The Social Model

- Emphasises the way society is structured and organised that disables people.
- Examples – Steps instead of ramps, accessible formats.

Why is hate crime so important?

- Has a greater impact on the victim
- Affects wider community
- Has an impact on community cohesion
- Affects confidence in the Police and others
- Prevents escalation in seriousness
- It is a Government Priority
- **But most importantly**
- Because it's why we do what we do

Is hate crime and violence against disabled people different?

- If we get help from others for everyday living tasks, we don't always have control over who does this
- Our impairment or our access needs may be used to disempower us e.g. taking away someone's aids, equipment or medication, force feeding etc
- Violence happens behind closed doors: at home, in day centres, in residential "homes", in sheltered housing (often called "vulnerable adult abuse")
- Disabled people may be more likely to know their attacker?
- Disabled people are more likely to experience violence or hate in their home environment
- Disability hate crime is often hidden
- Disabled people face particular barriers when reporting hate crime and getting action taken.

Hate crime is a human rights issue

Does society think that the life of a disabled person is worth as much as the life of a non- disabled person?

Hate crime is part of a pattern of discrimination in our lives as disabled people. It begins with treating us as "other". It can end in murder.

Crown Prosecution Service

The Crown Prosecution Service (CPS) has been at the forefront of the judicial work on Disability Hate Crime.

At a conference entitled Prosecuting Disability Hate Crime in October 2008 Sir Ken Macdonald, QC, the then Director of Public Prosecutions said “These crimes sustain prejudice and discrimination in our society. They attack all of us. They make our country ugly. People who commit them use violence to keep people in their place - literally.”

“When disabled people report these incidents, they often feel that they're not believed. They are often told that it's unlikely that perpetrators will be found and dealt with. They're advised to take precautions, not to go out. In some cases they're even told to move house. Of course, quite grotesquely, this reaction turns criminal activity against disabled people into their problem rather than everybody else's. It compounds injustice. It is shameful.”

“We have hate crime laws because we recognise the particular harm these crimes inflict on whole communities. We recognise that they represent a crude assault on human rights. Victims suffer on many levels. They lose the fundamental freedom to live their lives the way they want, and to live without fear. A failure to tackle this not only makes us complicit in the most shocking way. It also disempowers the courts from sentencing appropriately to reflect accurately culpability and harm. This is the urgency of the situation.”

“Everybody has heard of Stephen Lawrence. Most people have heard of Jody Dubrowski. And so they should. Things remain far from perfect, there is much still to do, but the centre of gravity has shifted on racist and homophobic crime. We understand it better. There has been a sea change.

This is simply not the case when it comes to disability hate crime. We have not made the shift. We are still making excuses for ourselves. Indeed I believe we are in the same place prosecuting disability hate crime today, that we were in 10 or 15 years ago prosecuting race hate crime: we are failing the victims of prejudice because we are often refusing to recognise what is staring us in the face. And it is staring us in the face.”

Safety and security, and the right to live free from fear and harassment, are fundamental human rights and the Crown Prosecution Service (CPS) recognises the wider community impact of disability hate crime where it strikes at all disabled

people by undermining their sense of safety and security in the community. For this reason they regard disability hate crime as particularly serious.

Such crimes are based on ignorance, prejudice, discrimination and hate and they have no place in an open and democratic society. The CPS also recognises that some disabled people may be victims of crime due to their perceived vulnerability or because they have unequal access to safety. For example, relationships where there may be unequal power between the parties such as where the defendant is the victim's carer.

Securing the confidence of those affected by disability hate crime and those that are targeted because of their perceived vulnerability because they are disabled is an essential part of the CPS approach to dealing effectively with such cases. The CPS wants to make sure that all people have equal access to justice

The Crown Prosecution Service state in their document Disability Hate Crimes: "We know that those affected by disability hate crime are sometimes reluctant or unable to report the incident without support. Even if extra support is not required, we know that disabled people may not report incidents to the police for fear of repeat victimisation. This may also be the case where disabled people are targeted because of their unequal access to safety or on account of the environment in which they live, for example, in a hospital, care home or in their own home.

Even if incidents have been reported disabled people may be reluctant to give evidence if the perpetrator is prosecuted, or may need particular support and help to do so. We will do everything that we can to make giving evidence in court as easy as possible. It is important to us that crimes against disabled people are reported and prosecuted and that disabled people have equal access to justice."

Successful prosecutions for hate crimes have increased over the last few years, according to a new report from the Crown Prosecution Service.

Keir Starmer QC, Director of Public Prosecutions, said: "The CPS can be rightly proud of its record on prosecuting crimes that are motivated by hostility towards people based on their ethnicity, religion, sexual orientation or disability.

The CPS Policy for prosecuting disability hate crime cases was published in February 2007. CPS worked closely with disabled people themselves and organisations supporting disabled people in developing the policy statement and guidance for prosecutors. Following publication, a monitoring flag for disability incidents was introduced into the CPS case management system in April 2007.

The CPS has also actively raised awareness of the new policy and monitoring requirements through a poster and postcard campaign raising awareness by creating a Co-ordinators' Network, training prosecutors and reviewing the systems for flagging and monitoring of cases.

Future work in this area will focus on supporting Areas to understand how to identify and build robust disability hate crime cases in the form of new Guidance and working with Areas to produce action plans in response to the planned disability hate crime review which is ongoing until 2011. Over the past year, analysis of disability incident data has revealed challenges and shortcomings in CPS recording. Work is underway to tackle these issues, and we are confident of achieving clear improvements in data quality.

The Attorney General's Vision

- 'Hierarchy of Hate':
"I have heard arguments that say that by broadening our attention we dilute the effort to eradicate racism – I cannot accept that argument. The same bigotry that fuels racism fuels other types of hate."
- Challenge to give consistently high Level of service:
"We must seek to provide the same high degree of service to all hate crime victims. This must mean that all areas achieve the same high standard; I can assure you that I would never allow this to mean that our efforts to combat racism should be diluted in any way."

What the Criminal Justice System is doing

- Improving data
- Common Definitions
- APACS
 - Confidence – Comparison between BCS and reported crime
 - Sanctioned detection rate
 - Repeat victims
 - Victim satisfaction levels
 - Enhanced sentencing
- ACPO NCTT
- Case Tracking through the CJS
- Home Secretary's Violent Crime Action Plan
- Refresh of ACPO Manual
- Hate Crime Audit
- Internet Hate Crime
- Internal Hate Crime
- True Vision

- Victim's Fund money
- Refresh of Manual to include:
 - Minimum standards of Investigation
 - Internet Hate Crime
 - Review of Third Party reporting
 - Internal Hate Crime
 - Non-Crime Incidents
 - Action Plan to 'fill the gaps'

Disability Hate Crime – key findings

- ³2007-08 is the first year that performance information on disability incidents has been captured.
- In the year ending March 2008, 183 defendants were prosecuted for disability incidents.
- In 2007-08, 77% of cases resulted in a conviction.
- In 2007-08, the guilty plea rate was 72%.
- Acquittals accounted for more unsuccessful outcomes than victim issues, similar to racist and religious incidents and homophobic and transphobic crimes. 82% of defendants prosecuted were men.
- Offences against the person were the most common offences. Burglary, theft and handling were also common.
- In 2007-08, 83% of defendants were identified as belonging to the White British category

Offences against the person were the most numerous category, representing 53% of disability incident crime prosecutions in 2007-08. Public order, burglary and theft and handling accounted for a further 13%, 9% and 8% respectively.

A similar pattern was recorded for men, with 52% being categorised as offences against the person, 14% as public order, 10% as burglary and 9% as theft and handling. There was a slightly different pattern for women, offences against the person being higher at 56%, while public order, burglary and theft and handling were all lower at 6%. Men comprised 80% of defendants whose principal offence was identified as offences against the person.

A slightly different pattern of offences, compared with other hate crimes, is noted, with less offences against the person overall, and a higher proportion of theft and handling.

³Page 6- (2008) Hate Crime Report 2007-2008. Crown Prosecution Service.

Nationally

There is no official government data on the prevalence of disability hate crimes – statistics are collected on racially and religiously aggravated offences but not specifically on disability hate crimes. In addition, until April 2007, the Crown Prosecution Service (CPS) did not collect disability hate crime prosecution data separately. However, anecdotally, disability hate crime seems to be widespread and there is a significant gap between reported crime against disabled people and their experiences.

Statistics show that 7 out of 10 disabled people experienced crime in the last 2 years. (Superintendent Paul Giannasi- Race for Justice Task Force)

The Home Office has agreed to alter the British Crime Survey (BCS) so that it includes more information on hate crime. The BCS will change, possibly from next year, so that all respondents who have been a victim of crime will be asked whether the incident was aggravated by hate, and, if so, what sort. This will provide data for all hate crimes, rather than just for those motivated by racial and religious hatred.

Failure to recognise disability hate crime when it occurs is the biggest barrier to tackling it. A report published last August by Scope, UK Disabled People's Council and Disability Now, entitled Getting Away with Murder showed that the language used to describe crimes against disabled people was a key factor in this. Disabled crime victims were usually described as "vulnerable" or attacks detailed as "senseless" or "motiveless" – in many cases these terms were used as an explanation for crimes motivated by hostility towards disabled people.

Routine use of the word "vulnerable" often masks the real motivation for such crimes and undermines the gravity of the offence. This confusion between vulnerability and hostility means that disability hate crimes are not always identified, and so are not prosecuted and punished for what they are.

The importance of language in all this cannot be under-estimated – it influences the way we view ourselves and others. Just look at the recent uproar over how Prince Harry described an Asian colleague. "Paki" is associated with abuse and violence against Asian communities and we are right to be shocked.

Likewise, disability hate crime has its origins in wider disablist attitudes ingrained in our society where disabled people are often viewed as inferior, and where derogatory terms such as "spaz" are casually employed without any thought to the offence they cause.

As Sir Ken Macdonald, former head of the CPS, has pointed out: "Section 146 (of the CJA) requires evidence of hostility and this is not the same as taking advantage of vulnerability."

But as "vulnerability" is applied practically wholesale to disabled people, making this distinction is more challenging.

Would you call yourself a "vulnerable" person?

You probably wouldn't but if someone labelled you "vulnerable", how would it make you feel? In need of protection, worthy of pity, inferior or, perhaps, incapable of attracting hatred?

Disabled people are often described as "vulnerable" – by the government, legal system and media. The government definition of a vulnerable adult is: "An adult who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation".

The legal definition of vulnerability is wider and includes those targeted because of their "age, youth, disability or the job they do".

While we appreciate the need for definitions in government policy or the law, these particular descriptions put forward a view of disabled people as intrinsically vulnerable.

As a disabled people we would argue that vulnerability is situational, not innate. We could be vulnerable in circumstances where someone wishes me harm, but this vulnerability does not extend to every aspect of my life. Aside from the fact there is something inherently disempowering about the word "vulnerable", its use – or indeed misuse – becomes more sinister in the context of disability hate crime.

Disability Now, the magazine covering disability issues, has put together a dossier of what it believes are disability hate crimes.

Disabled people targeted

Over two years Disability Now identified fifty-one cases of people with a wide range of disabilities being attacked. Detailed in this dossier are some truly horrific attacks:

- In Cornwall in 2006, Steven Hoskin, who had learning disabilities, was murdered by people he thought were his friends. He was led around on a dog's lead and then made to hang from a viaduct by his fingertips. He fell to his death when they stamped on his hands.
- In the Forest of Dean a few months later, Kevin Davies who had epilepsy and learning difficulties died after being tortured and kept in a shed. His tormentors were jailed for unlawful detention.
- And in April of last year, Colin Greenwood, who was blind, was kicked to death by two teenagers in Sheffield. He told the woman who went to help him he had stopped using his white stick because it attracted attention and he'd been attacked before.

Katharine Quarmby, news editor at Disability Now, was shocked by what she found: "I think it tells us that disabled people are targeted by a certain number of people in the population and they are seen as easy targets because of their disabilities."

Brent Martin was, according to his family and friends, a caring and trusting man.

Mr Martin had spent nearly a decade in psychiatric hospitals and had only been back with his mother for two months when he was set upon while waiting at a bus stop.

Even when the 23-year-old - who had learning difficulties - was being subjected to an onslaught of violence, Newcastle Crown Court was told he did not lift an aggressive finger to his attackers.

The men, all trained boxers from Sunderland, repeatedly punched, kicked, stamped on and butted their victim during the attack in August 2007.

He was found lying in a pool of blood and later died in hospital. At their trial in January, Newcastle Crown Court heard it was over a £5 bet to see who could knock him out first.

Judge John Milford described the attack as "sadistic conduct on an extremely vulnerable victim".

The two teenagers - one aged 16, the other 17 - and a 21-year-old man who killed him were each jailed for between 15 and 22 years

He was vulnerable and the court was told the young men convicted of his murder punched, kicked and stamped on him for their own sport. One of these youths told others: "I am not going down for a muppet."

This was, according to campaigners, a clear case of someone being picked on because of their disabilities.

On appeal all three jailed for life for killing a disabled man have had their minimum sentences cut.

Mr Justice Goldring said: "There is no doubt at all that the behaviour of these appellants was quite appalling." He described it as a "very bad case of gratuitous gang violence directed at a vulnerable victim".

Commenting on his decision, Jon Sparkes, chief executive of Scope, said: "These criminals kicked and beat a man to death and it would seem their main motivation for doing so was that he was disabled. However, this crime was never investigated or prosecuted as a disability hate crime.

The criminal justice system needs to change and change fast to ensure that all hate crimes, be they against disabled people or other minority groups, are treated as such and given the appropriate sentencing."

The ruling was "an unpleasant reminder of the low value often attached to disabled people's lives in our society", he added. The decision to reduce the terms by up to three years sent out the wrong message about crimes against disabled people.

Superintendent Paul Giannasi, who is the project lead for 'Race for Justice', the cross governmental hate crime programme, acknowledged that while crimes against disabled people are often 'rigorously investigated and skilfully prosecuted', "the hate element has not always been recorded. I also believe that disability hate crimes are significantly under-reported to the police due to a lack of confidence from the victim and of awareness of the problem by carers, professionals and police officers". Hate crimes will also be included into the performance measurement framework – although this may take some time to achieve.

The government has made it clear that increasing confidence to report hate crime is a key priority. The Attorney General has set us clear objectives to improve our response to these crimes and importantly to provide the same high standards of service to all victims of hate crime.

Within ACPO and the Race for Justice Programme we have identified hate crimes against disabled victims as one of our greatest challenges. I am confident that there is the determination to meet Baroness Scotland's challenge but we can only, and must, achieve this in partnership with victims, families and those with a duty to care.

We need victims and partners to understand what is acceptable and what should be reported to the Police or another statutory body. "One of the most depressing elements of this work is hearing people with learning disabilities who think it is normal to be abused and spat at on a bus; that it happens to everyone. This is absolutely unacceptable and shows the extent of our task: to offer the level of protection that disabled people need, and most importantly have a right to expect."

The following is taken from the "Report on verbal and physical abuse towards blind and partially sighted people across the UK" by Action for Blind People January 2008.

Summary of Action for Blind Peoples Report

The survey has revealed some very shocking statistics and has shown that verbal and physical abuse towards blind and partially sighted people is prevalent and should be taken seriously.

Over 1.2 million visually impaired people have been verbally and or physically abused, many on more than one occasion and within the last six months.

Almost 20,000 blind and partially sighted people were physically abused today, four times more likely than a sighted person.

The majority of visually impaired people who experience verbal and physical abuse tend to turn to their family and friends for support; however it was alarming to see a great number didn't turn to or tell anyone.

It was shocking to see that sighted people are twice as likely to go the police as someone with a visual impairment and even more appallingly a very small number of VI⁴ people turned to a support group or helpline.

A considerably higher number of visually impaired people than sighted people felt

⁴ VI stands for visually impaired. 'Visually impaired' and 'blind and partially sighted' have the same meaning.

that they would not have been taken seriously if they had told anyone (31% v 17%) and many didn't know where or who to turn to – more than that of sighted people (24% v 8%).

There are two million VI people in the UK today; we have therefore extrapolated figures from this survey to demonstrate how these statistics relate to the wider VI population.

Have you ever been a victim of verbal and/or physical abuse?

- 60% of blind and partially sighted people have been a victim of verbal and/or physical abuse, 50% of sighted people
- 56% of visually impaired people have experienced verbal abuse and 47% of sighted people
- 24% of visually impaired people have experienced physical abuse and 21% of sighted people

If extrapolated to the entire visually impaired population (i.e. two million people) then this equates to the following:

- 1,200,000 visually impaired people have experienced verbal and/or physical abuse.
- 1,120,000 visually impaired people have experienced verbal abuse.
- 480,000 visually impaired people have experienced physical abuse.

Research by Mencap demonstrated that 90% of people with a learning disability had experienced bullying and harassment. Sixty-six per cent of people with a learning disability have been bullied regularly with 32% stating that bullying was taking place on a daily or weekly basis.

(Living in Fear, 2000)

These crimes were not dealt with as disability hate crimes

Laura Milne :

- Laura Milne had learning disabilities and was 19 years old.
- Lived in homeless accommodation in Aberdeen. Had regular contact with family.

- Described as naïve, easily manipulated and too trusting.
- Laura saw Stuart Jack, Debbie Buchan and Leigh Mackinnon as her friends. Buchan had “bullied” Laura since school.
- Laura and Buchan argued. Group punched and kicked Laura. Jack repeatedly stabbed Laura and cut her throat, killing her.
- Mutilated Laura’s body and tried to hide her body in a cupboard.
- Jack and Buchan later used mobile phone to record themselves boasting about the murder. Jack said of Laura “she’s worth fuck all”.
- Jack later stated he had murdered Laura for insulting his family.
- Jack admitted murder; jailed for minimum of 14 years. Buchan and Mackinnon admitted attempted murder; both jailed for 9 years.

Brent Martin:

- Brent Martin had learning disabilities and mental health needs. He was 23 years old and lived in Sunderland.
- After leaving psychiatric care, he found his own flat and a job.
- He fell in with a group of youths, including William Hughes, Marcus Miller and Stephen Bonallie.
- The youths used £3,000 Brent had saved to buy drink and cigarettes.
- May 2007, they bet each other £5 that they could knock Brent out with a single punch.
- Miller knocked Brent unconscious twice. Shortly afterwards, Bonallie also hit him.
- Brent suggests committing a house robbery. Later suggested in court that this was used as an excuse for what followed.
- Chased Brent over two housing estates, severely assaulting him.
- Brent left unconscious in the street. Dies two days later.
- Group pose for pictures and brag after the attack.
- Bonallie heard to say “I’m not going down for a muppet.”
- Hughes, Miller and Bonallie sentenced to life imprisonment. Their sentences later reduced on the grounds that the murder was not sadistic.

Steven Hoskin:

- Steven Hoskin had learning disabilities and was 39.
- Youths use Steven’s bedsit to drink and take drugs. They include Darren Stewart, Martin Pollard and Sarah Bullock.
- Stewart stole Steven’s money and assaulted him.
- Steven cancelled his weekly community care assistant service.
- July 2006, Steven is detained in connection with shoplifting. He reluctantly admits Stewart’s and Bullock’s involvement.

- That night Steven is assaulted, made to wear dog collar and has cigarettes stubbed out on his head.
- Steven forced to falsely confess to being a paedophile and to swallow 70 painkillers.
- March Steven to top of a viaduct and force him over the edge – he falls to his death.
- Stewart sentenced to 25 years for murder. Bullock sentenced to 10 years for murder. Pollard sentenced to 8 years for manslaughter.

Keith Philpott:

- Keith Philpott had learning disabilities and was 36 years old. Lived alone in a flat in Stockton-on-Tees.
- Youths used his flat to hang out, including Gemma Swindon.
- They fell out and Gemma told her brother Sean that Keith had sexually assaulted her - no indication this allegation true.
- Sean Swindon recruited self-confessed paedophile-hater Michael Peart.
- March 2005, tied Keith up at his flat and seriously assaulted him over several hours.
- Sean Swindon used a kitchen knife to disembowel Keith and he was left to die.
- Sean Swindon and Michael Peart found guilty of murder. Sentences increased on appeal - Swindon to minimum 28 years and Peart minimum of 22 years.

Raymond Atherton:

- David Raymond Atherton was 40 years old with learning disabilities.
- He lived in a flat in Warrington. Youths used his flat for drinking and taking drugs. They included Craig Dodd and Ryan Palin.
- He had a history of alcohol abuse and received regular social services visits.
- Dodd and Palin spent months “terroring” Raymond – assaults, harassment, shaving his hair, urinating on him, theft.
- Social services moved to another flat, but Dodd and Palin followed and “terroring” continued.
- Reluctant to report incidents or seek medical help – wanting to maintain independence.
- 8 May 2006, Dodd and Palin assaulted Raymond. They threw him into the Mersey, where he drowned.
- Dodd and Palin pleaded guilty to manslaughter. Dodd given minimum sentence 3 and a half years. Palin given 3 years.

Locally

In the period of the CPS report covering April 2007-April 2008 Leicestershire's overall figure for prosecuting all hate crime incidents was 1,825, there were 1,359 successful convictions (74.5%) and 466 unsuccessful prosecutions (25.5%) Of these, the numbers of CPS disability hate incident prosecutions were: Total prosecutions; 12 of these 8 (66.7%) were successful convictions and 4 (33.3%) were unsuccessful.

The Police Service is committed to identify and prosecute those guilty of all hate related crimes. Reporting incidents to police provides essential information which enables the police to prevent further incidents taking place and to identify those responsible. You are urged to report any Disability Related Incidents to the Police.

Tackling disability hate crime in our communities

Hate crime is everyone's responsibility

- Government
- Police
- Local councils
- Housing providers
- Health
- Voluntary sector
- Disabled people's organisations
- Local communities
-

All public sector organisations must have a strategy to promote inclusion and equality of disabled people and to prevent harassment, hate crime and violence.

Accessible reporting of hate crime

- Accessible ways to contact Police
- Positive response when disabled people report hate crime
- Log the incident as a hate crime and give the victim a crime reference number
- Meet people's access needs: home visits, Sign Language interpreters, phone, text phone, easy-read information etc
- Keep the victim informed of progress.

Third party reporting

- People can report hate crime to local Third Party reporting sites without having to talk to the police.

- Are these sites accessible?
- Work with your local Disabled People's organisation to set up a Third Party reporting site with independent advocacy-
- ... And help with the funding!

Training for police officers and other staff is essential. Involve disabled people in the training, or use disabled trainers. General information about hate crime must include images of disabled people, access information, and be relevant to disabled people.

There needs to be Community outreach programmes to tell disabled people they don't have to put up with hate crime, which will help to build disabled people's confidence in the police and criminal justice system through information and training

-Partnership with organisations of disabled people

(Safer neighbourhood, hate crime panels, community safety boards, safeguarding adults boards etc.)

-Engage with individual disabled people in local areas via Safer neighbourhood and other community based policing.

Leicestershire Constabulary

Aims:

The constabulary will take positive action against any behaviour that is motivated by hatred of disabled people.

If power of arrest exists for any offences highlighted within hate crime, they will be dealt with as soon as possible.

The constabulary aims to gain the trust and confidence of individuals and groups who are victims of hate crime and ensure that such attacks do not go unreported.

Offer support appropriate to the needs of the victim and also the witnesses.

Support

A hate crime is a crime that might normally have a minor impact but becomes with the hate element a very intimate and hurtful attack that is likely to undermine the victim's quality of life.

The constabulary will assist and monitor the level of support appropriate to the needs of the victims and witnesses, such as referrals to outside agencies such as the Racial Harassment Project and City Council.

Leicester Police does not want you to suffer in silence. Report every incident large or small. (“Together we can make a difference”)

A way to tackle hate crime is for local police and local people to develop a way to work together.

Incidents can be reported by:-

- Call 999 in an emergency
- Contacting 0116 222 2222
- Calling Crimestoppers on 0800 555 111

Leicestershire now has Hate Crime Officers their details and areas covered are:
For the CITY area – PC 1908 Jay NAVEKAR PC 455 John DICKINS
For the NORTH - PC 1948 Chris HAYTON.
For the SOUTH area – PC 63 Mark MORLEY

If dialling 01162222222 you just need to add the collar number when asked for i.e. 1948 for Chris Hayton

Reporting disability hate crimes

In a recent report by the Disabled People’s Capacity Building Network Disability LIB explains: “The overwhelming majority of DPOs work to a ‘Nothing about us without us’ model, explicitly or implicitly. This was the motto adopted by Disabled People’s International at its founding in 1981, and captures the idea that human rights are not possible without self-determination. From this springs the principle of DPOs being led and controlled by disabled people – that disabled people should be in charge of their own organisations; ‘Making decisions, not following them’.

DPOs seek to redress a history of disempowerment – of non-disabled people doing things ‘for’ disabled people, on their behalf, without their participation.” DPOs therefore have a crucial role to play in bringing disabled people together to tackle disability hate crime collectively. Disabled people experience hate crime therefore they need to be at the heart of developing appropriate responses to it. Statutory agencies need to embrace the principle of ‘Nothing about Us without Us’ and support the work of Disabled People’s Organisations if we are to stop disability hate crime.

The Greenwich Association of Disabled People (GAD) was the first group in the UK to set up a third party reporting site and a disability hate crime and domestic violence advocacy project in 2002. More DPOs have followed suit and set up their own third party reporting schemes, though many still struggle to find sustainable funding.

Anne Novis, who chaired GAD at that time and is now the co-chair of the Metropolitan Police Disability Independent Advisory Group, says that the project has increased reporting in Greenwich – but that more remains to be done. She adds: “I look forward to a time when disabled people can report such crimes confident of getting a responsive approach by police officers and prosecutors.”

The London Borough of Waltham Forest is unusual in that it has commissioned an independent voluntary sector organisation to provide support and advice to its Hate Crime Project Board and local Safety Net Partnership Board on all forms of hate crime and domestic violence.

The Board involves the council, community safety, housing providers and voluntary sector agencies, including local disabled people’s organisations. Ruth Bashall, who serves on the board as Chair of Disability Action Waltham Forest, says that the board’s ability to monitor progress, and raise awareness and work across different local agencies, provides a good model for other authorities seeking to tackle hate crime effectively.

Leicestershire Centre for Integrated Living & Disability Hate Crime

Currently Leicestershire Centre for Integrated Living have been at the forefront of collating documents relating to Disability Hate Crimes and forwarding them to Leicestershire Constabulary Hate Crime Officers/Diversity Unit and to Leicester City Council Officers who are leading on Hate Crimes. Equality & Access Team members have attended various conferences and summits relating specifically to Disability Hate Crimes.

We have built a good relationship with PC Jayvadan Navekar (Jay) who is the City Hate Crime Officer for Leicestershire Constabulary. He has held an event with the Disabled Parents’ Alliance, which was his first training event, and is keen to continue to work with Leicestershire Centre for Integrated Living.

It cannot be ignored that Disability Hate Crimes are occurring in Leicester. In his speech at the Disability Hate Crime Summit held on 20th January 2009,

Superintendent Paul Giannasi of the Race for Justice Task Force who is rewriting the Association of Chief Police Officers (ACPO) hate crime manual stated that disabled people must be involved in the process if anything is to change, he said that this was in line with the Disability Movement's slogan "Nothing about us without us"

At the summit Anne Novis, United Kingdom Disabled Peoples Council said, "Awareness of Disability Hate Crime can only be tackled if disabled people are part of the solution"

Recommendation:

Currently there is NO Third Party Disability Hate Crime Reporting Centre in Leicester. We recommend that discussions are held with Leicestershire Constabulary to ascertain the possibility of funding to enable Leicestershire Centre for Integrated Living becoming a Reporting Centre.

The Metropolitan Police's Disability Independent Advisory Group (DIAG) is a diverse group of deaf and disabled people. Their role is to be a "critical friend" for the police: they advise when asked and relay concerns on issues such as communication with deaf people, disability hate crime, stop and search, domestic violence and how disabled people are treated by the police in emergencies and by custody officers.

Recommendation:

DIAG has been copied in a number of Constabularies and we recommend that Leicestershire Centre for Integrated Living should work with Leicestershire Constabulary to set up such a group. This will ensure that the voices of Disabled People are heard and acted upon and that they are part of the process.

The section below explains how the Metropolitan Police Service went about setting up DIAG:

A police force agrees to work with local disabled people to set up a DIAG. The group is not intended to replace engagement with local representative groups of disabled people, but rather to provide a pool of expertise on issues relating to disability and policing. The goal is to recruit a group of disabled people who have diverse impairments, who reflect a broad cross-section of community experience and who have a track record in working on police and community safety issues. Job descriptions and person specifications are drawn up reflecting these requirements, in consultation with disabled people. Application packs are provided in alternative formats, including easy read. The application forms request that applicants disclose their gender, age, religion, sexuality and race, as

well as indicate the nature of their impairment. The vacancies are widely advertised, taking into account the best routes for attracting attention of disabled people. Over 100 applications are received and members are selected against agreed criteria, which include the need to reflect a broad range of diversity experience. Group members are paid an attendance fee, as well as expenses for attending the meetings.

To carry out the above the following procedure was set into action:

A working party was set up. The working party mutually agreed that it would not assume the role of a DIAG, but would handle the initial planning roles aiming to get a formal DIAG set up and running.

Most of the planning and preparation work was done with minimal involvement from MPS staff; independent working was considered a more appropriate way to enhance and advance the initial discussion and action about the proposed DIAG. The working group took proactive decisions that ensured the agreed closing date of launch would be met. One of those decisions was that materials were prepared in a 'range of formats' ready for dispatch on request. In brief the roles and responsibilities of the working group drew on individual expertise.

Conclusion:

As the report highlights, there is a great need for awareness and action to be taken, so that disability hate crime is no longer the "hidden crime", and victims gain the support needed. It is essential that police services and other government agencies interact with organisations of disabled people. We urge the Board to give consideration to the two recommendations made within this report. We must remember "Nothing about us, without us" is essential to help combat disability hate crimes.

Eric Day & Jai Parmar