

# Hate Incidents and Crimes

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**Objective: To reduce incidents and crimes which are motivated by hatred and protect victims.**

The Association of Chief Police Officers (ACPO) defines a 'hate incident' as:

'Any incident which may or may not constitute a criminal offence that is perceived by the victim, or any other person, as being motivated by prejudice or hate.'

Hate crime is 'any incident which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate.' It is an action that goes beyond causing offence or being hostile, it is a criminal offence committed against a person or property.

Hate incidents and crimes are motivated by an offender's hatred of someone because of their:

- > race, colour, ethnic origin, nationality or national origins
- > religion
- > gender or gender identity
- > sexual orientation
- > disability.

Hate incidents can take many forms including:

- > physical attacks, assaults, damage to property, offensive graffiti, neighbour disputes and arson
- > threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate and unfounded, malicious complaints
- > verbal abuse or insults, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letter boxes and bullying at school or in the workplace

Brighton & Hove's Crime and Disorder Reduction Partnership is committed to dealing with hate crime and the prejudice and discrimination that fuel such hatred. In the next three sections of the Strategy, work is described which tackles hate crimes motivated by racist and religious hatred; by homophobia, transphobia, biphobia and prejudices towards disabled people.

Our sections of the Strategy which set out our work programmes for tackling domestic and sexual violence recognise the relationship between these crimes and gender-based violence and the new duties that are required by the Equality Act 2006. During 2009, the Partnership will consider how it can further integrate considerations of gender within the work on other priority crime areas. These considerations will ensure that the CDRP is fully compliant with all recent equality duties.

# Disability Hate Incidents/Crimes

**Objectives: To prevent and reduce disability hate incidents and crimes.**

**To improve trust and confidence of disabled people, their carers and organisation supporting disabled people to increase reporting of incidents and accessing casework support.**

**Definition** – *Disability hate incident is defined as:*

*‘Any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person.’*

The definition also includes incidents that occur through association with a disabled person, for example, family members or carers, and where an incident is perpetrated on someone presuming that they are disabled.

The **Disability Discrimination Act** says a disabled person is someone with ‘a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities’.

Over the years academics and campaigners have developed a new way of thinking about disability known as the **Social Model**. A key concept of the Social Model is that society disables people by the way things are arranged. Organise things differently, and they are suddenly enabled – though the impairment hasn't changed. The Social model regards disability as

‘the loss of or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical or social barriers.’<sup>1</sup>

In April 2005 the law was changed by section 146 of the Criminal Justice Act 2003. Section 146 imposed a duty upon courts to increase the sentence for any offence (for example, assault or criminal damage) aggravated by hostility based on the victim's disability (or presumed disability). For the purposes of Section 146 of the Criminal Justice Act 2003, disability is defined as ‘any physical or mental impairment.’<sup>2</sup>

<sup>1</sup> Borsay, A. (2004) *Disability and Social Policy in Britain since 1750*. Basingstoke: Palgrave in *Developing Appropriate Strategies for Reducing Inequality in Brighton and Hove*. Phase 1 Identifying the challenge Oxford Consultants for Social Inclusion (OCSI) and EDuce Ltd.

<sup>2</sup> See also ‘Policy for Prosecuting Cases of Disability Hate Crime’ CPS 2007 for fuller explanation of Section 146 and when it might apply.

Disabled people includes: people with physical and sensory disabilities, people with learning disabilities, those with mental illness and long term conditions.

### Why is this a priority?

Disabled people are four times more likely to be victims of crime when compared to the non-disabled people (British Council of Disabled People 2007).

National evidence suggests that disability hate crime is a serious issue. There is evidence to suggest that people with learning disabilities and / or with mental health conditions are at an increased risk and also experience higher levels of victimisation.

- 22% of disabled respondents had experienced harassment in public because of their impairment. This was an increase from 20% from the previous year (DRC 2002). Incidents of harassment were experienced more acutely by 15-34 year olds, with 33% having experienced harassment<sup>3</sup>.
- 9 in 10 people with learning difficulties had experienced bullying and harassment. 66% of people with learning difficulties had been bullied regularly, with 32% stating that bullying was taking place on a daily or weekly basis<sup>4</sup>.
- 71% of respondents with mental health issues reported being a victim in the last two years. Of these 62% reported name calling, 41% reported ongoing bullying, 22% reported physical assault, 17% had received hate mail and 13% had been spat at<sup>5</sup>.
- EHRC<sup>6</sup> research identified a number of 'hotspots' (where incidents occur): street, in and around home/ home based settings, institutional settings, places of education, work and on public transport.

An individual may be targeted not only by reason of their disability but also because of their other identities (for instance: ethnicity, faith, sexual orientation) or due to their age. Disabled people may therefore experience multiple discrimination or incidents due to an intersection / overlap of identities; for example, a disabled person may be targeted due to their age and ethnic background.

- Mind (2007) report also found that lesbian, gay, bisexual and trans respondents with mental health issues were more likely to be the victim of anti-social behaviour and crime.

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<sup>3</sup> DRC. (2003) Attitudes and Awareness Survey.

<sup>4</sup> Ibid.

<sup>5</sup> Mind. (2007) Another Assault

<sup>6</sup> Equality and Human Rights Commission. (2009) Promoting the safety and security of disabled people.

- The prevalence of learning disabilities as well as mental health issues in minority ethnic populations is not well known. Hence, the extent of hate incidents due to disability is hidden.

Hate incidents can have a dramatic impact on people's daily lives, threaten their sense of well being, and increase fear of crime. Disabled people often experience hate incidents in the context of other abuse in the domestic or residential care settings. Very often incidents against disabled people are confused & conflated as due to 'their vulnerability' rather than owing to the prejudice of the perpetrator and therefore not appropriately identified or recorded. Hence, accurate data on prevalence of disability hate incident is not available.

This lack of recognition also means that actions are not taken to address disabled people's needs and concerns and has significant impact on social inclusion, opportunities and freedom. The most damaging effect of hate incidents/ crimes is normalising ('it is part of everyday life') and institutionalising these prejudices, this in turn inhibits people from reporting and seeking support and redress.

**National direction:** Valuing People (2001) and Valuing People Now (2009) set out the cross government strategy for people with learning disabilities based on four key principles: **Rights, Independence, Choice and Inclusion**. Effective partnership working between the agencies and particularly the Learning Disability Partnership Board and the Crime and Disorder Reduction Partnership (CDRP) is key to delivering change. The CDRP should mainstream their response to hate incidents against people with learning disabilities within their overall response to hate incidents / crimes. Our work should result in improved outcomes in terms of social inclusion, empowerment (greater choice and control) and equality for people with learning disabilities, their families and their carers.

### The local picture

Tackling disability hate incident is a priority for the city within the context of the changing population profile. Although, estimates of disability in all its severity levels are difficult to obtain, we have some information about the proportion of people needing care as a result of disability from the Department of Work and Pensions.

Brighton and Hove has a higher proportion of Disability Living Allowance claimants than the region and England as a whole.

Disability Living Allowance is provided to people who need help with personal care or getting around. Nearly 12,000 people were claiming Disability Living Allowance across Brighton and Hove in February 2007. This represents 4.5%

of the city’s population, higher than the comparable rate for the region (3.2%) and England (4.3%) but slightly below other ‘small cities’ (5%)<sup>7</sup>.

In addition, there are 5,200 Attendance Allowance claimants in Brighton and Hove of whom 2,400 receive the higher rate for 24 hour care. Attendance Allowance is provided to people over the age of 65 who are so severely disabled, physically or mentally, that they need a great deal of help with personal care or supervision. In total, fewer than 20% of all people aged over 60 in Brighton and Hove receive disability related benefits<sup>8</sup>.

Learning Disability Partnership Board believes that we have approximately 6000 people with learning disabilities in the city of which only 702 were accessing services in September 2008<sup>9</sup>. Presently, around 400 people are identified as deaf by the Sussex Deaf Association, these figures are not exhaustive. A significant challenge facing all services in future is to obtain accurate details about the numbers of disabled people, which services they access, reaching all the disabled people and linking them into appropriate services.

Local consultation with disabled people and their organisations points to significant under reporting of disability hate incidents. This is also evident from the criminal justice agency monitoring schemes. The Sussex Police and the Crown Prosecution Services monitor disability hate crime, which is statistically very low in comparison to the levels of reported racist, religiously motivated, homophobic, transphobic and biphobic incidents/crimes. For the period of 2008- 2009, no disability hate crime reports were made in Brighton & Hove.

Comprehensive and improved data collection and monitoring of disability hate incidents and crimes will be key priorities and challenges.

### Current status of work

This is a new area of work for the CDRP and both the strategy and the services are evolving. A high priority is to increase reporting and offer support to disabled people reporting incidents. Currently, Sussex Police are a partner within the Partnership Community Safety Team (PCST) and are committed to reporting disability hate incidents through a common hate incident report form to us. PCST have employed a caseworker to offer casework and advocacy services to those reporting

**Main Partners**

Advocacy groups of disabled people  
Adult Social Care  
Learning Disability Partnership Board  
Sussex Police  
Partnership Community Safety Team  
Primary Care Trust  
Children and Young People’s Trust  
Social housing providers  
Crown Prosecution Service

Court services  
Voluntary Organisations supporting disabled people

<sup>7</sup> Developing Appropriate Strategies for Reducing Inequality in Brighton and Hove. Phase 1 Identifying the challenge Oxford Consultants for Social Inclusion (OCSI) and Educe Ltd.

<sup>8</sup> Ibid.

<sup>9</sup> The learning disability commissioning strategy, Brighton & Hove 2009 – 2012.

disability hate incidents. The Crown Prosecution Services will share information about the numbers and outcomes of disability hate incidents and crimes with us. We are building evidence base and developing partnership responses.

### Community engagement and trust and confidence

We will continue to develop our community engagement processes and build stronger relationships with the disabled people, their carers and organisations supporting them to improve trust and confidence. We will be setting up a steering group, which will involve disabled people, their carers and organisations working with them to plan and deliver our work program.

### Where next?

The CDRP will focus on increasing reporting of disability hate incidents and providing support to those reporting. We aim to prevent and reduce disability hate incidents through developing effective partnership responses that

- increases the safety of disabled people and reduces harm,
- achieves successful outcomes in respect of those reporting incidents and the perpetrators,
- improves recording and monitoring of incidents, and
- reduces social tolerance of hate incidents against disabled people.
- pursues equality, empowerment and social inclusion for minority and disadvantaged groups in society.

We aim to develop an inclusive, responsive and flexible service to those reporting disability hate incidents.

### Links to other priority areas

Nationally, the Department of Work and Pensions estimates that there are over 10 million disabled people, including those with limiting longstanding illnesses. 4.6 million are over the state pension age. We also know that levels of 'impairment' / disability increase with age. For instance, 33 % of the people aged 50 to 65 report long-term impairment / disability<sup>10</sup>.

We also know that many young disabled people live with and are cared for by their elderly family members and may either be reporting hate incidents for the disabled people or may themselves be targeted due to their association with a disabled person.

It is therefore imagined that our work in the field of disability hate incidents will increase our engagement with older people.

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<sup>10</sup> This information is obtained from the Office for Disability at <http://www.officefordisability.gov.uk/resources/background0101.asp> - website accessed on 02/01/09

There are connected concerns and services with other areas of hate incidents, anti-social behaviour, children and young people, young offenders, safeguarding children and vulnerable adults, adult social care, housing, healthcare and mental health services.

### Implications for sustainability

Disability hate incidents adversely affect the health, wellbeing and quality of life of individuals and families, undermine community cohesion and increase fear of crime. Its economic cost is yet to be ascertained in terms of repairs to property, physical environment, health expenditure, loss of potential skilled/human resources and policing cost.

#### Performance Indicators

- LI: Number of disability hate incidents reported
  - LI: Number of disability hate incidents reported from people with learning disabilities
- Number of agencies actively engaged in using the hate incident report form.
- Number of reporting centres
- LI: Number of police recorded disability hate crimes
- LI: The detection and conviction rate of disability hate crimes
- LI: Number of disability hate crimes where the victim has been a victim of a disability hate crime in the last 12 months

#### Parallel plans

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| <ul style="list-style-type: none"> <li>• Government's White paper: Valuing People (March 2001) &amp; Valuing People Now (January 2009)</li> <li>• No Secrets – Department of Health and Home office statutory Guidance (2000)</li> <li>• Brighton &amp; Hove Multi-agency Carers' Strategy 2006 - 2009</li> <li>• National Strategy for Carers, 2008</li> </ul> | <ul style="list-style-type: none"> <li>• Anti-Bullying Strategy: Children &amp; Young People's Trust and national guidance: 'Safe To Learn'.</li> <li>• Inclusive Council Policy; and Reducing Inequalities Review</li> <li>• Saving Lives, Reducing Harm. Protecting the Public. An Action Plan for Reducing Violence 2008–11.</li> <li>• Disability Discrimination Act (1995, 2005) and Disability Equality Duty</li> </ul> |
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## Disability Hate Incidents and Crimes Action Plan

### Outcome Sought 1

**Increased reporting of disability hate incidents and crimes from all disabled people, including people with learning disabilities, their carers and others by developing a range of options to make reporting accessible to all.**

#### Actions

1.1 Devise and mainstream a multi-agency form that all statutory, voluntary and community organisations can use to report disability hate incidents to the Partnership Community Safety Team.

1.2 Develop and distribute self-reporting packs widely to increase reporting of disability hate incidents.

1.3 Develop accessible and easy to read reporting form that people with learning disabilities can complete on their own or with support from carers / staff.

1.4 Develop web-based and on-line reporting facilities that suits the needs of disabled people.

1.5 Enhance facilities to report and access services by creating reporting centres in the statutory, community and voluntary sector with particular focus on organisations supporting disabled people and their carers.

1.6 Develop easy to read and accessible publicity material to inform people about reporting schemes, reporting centres, and support services. Target publicity and support to organisations working with disabled people and their carers.

1.7 Increase reporting from the marginalised and vulnerable groups within the disabled population through joint work with the Refugee Forum, Migrant Workers Steering Group and the Racial Harassment Forum. For instance, engage with and increase reporting from disabled people including people with learning disabilities from the refugee, asylum seeker, LGBT, Black and Minority Ethnic communities, disabled people with mental health issues and people with compound or multiple disabilities.

1.8 Translate the information and make it available widely. Make the information available at public places.

### Outcome Sought 2

**Deliver improved responses, casework support and services to those reporting disability hate incident by working in partnership with key agencies.**

#### Actions

2.1 Deliver a consistent high quality casework service to those reporting incidents, regardless of where they choose to report and wherever they access support.
2.2 Prioritise work with repeat victims (people who have reported more than one incident in any 12 months period) to support and protect them from further victimisation.
2.3 Create multi-agency Casework Panel to improve the response to disability hate incidents and to support victims. Build up membership from organisations working with disabled people.
2.4 Routinely ask those reporting disability hate incidents for their feedback regarding services and respond accordingly to improve standard of services.
2.5 Ensure clients are aware of statutory sector complaint procedures; for instance, ensure that the Council, Police, NHS, CPS complaint procedures are accessible (available in easy read format) and learn from complaints made.
2.6 Deliver a rolling programme of training to key statutory, voluntary and community agencies including staff from day centres, supported housing, social care, health care and organisations working with disabled people and people with learning disabilities. The training programme will raise awareness and improve recognition of disability hate incidents, mainstream the use of reporting forms and clarify referral pathways, effective interventions, link organisations to casework panel and multi-agency working. We will seek to involve disabled people in training wherever possible.
2.7 Review, build on and mainstream learning from national and local research to ensure best practice.
2.8 Safeguarding Adults Procedure to incorporate hate crime practice guidance
<b>Outcome Sought 3</b>
<b>Effective monitoring systems to develop crime reduction strategies and improved accountability / reporting to the disabled people and their organisations.</b>
3.1 Design and maintain a city-wide centralised monitoring system of disability hate incidents. Through this data we will be able to build a better picture, identify how big the problem is, and what we need to do to tackle this problem.
3.2 Produce regular reports on levels, trends and patterns of disability hate incident and distribute them to the relevant forums including Learning Disability Partnership Board and make the report available on our website. This monitoring data will enable us to direct future preventative and development work.
3.3 Map and analyse hotspots for disability hate incidents to assist in problem solving and to assess the effectiveness of work undertaken.
<b>Outcome Sought 4</b>

**Prevent and deter offenders, bring offenders to justice wherever possible and reduce re-offending through improved rates of detection, prosecution and effective court outcomes**

4.1 To review policies and practices relating to the recording and referral of disability hate incidents within Sussex Police and the Crown Prosecution Service, identify gaps and develop plan to address them. Monitor police and other criminal justice agency records to ensure early identification and tagging of disability hate incidents.

4.2 Monitor and increase the number of disability hate crimes recorded and detected along with the number of arrests, cautions, prosecutions and convictions. Increase the number of successful prosecutions and reduce the number of discontinued cases.

4.3 Work towards developing early intervention programmes with young people in young people's settings.

4.4 Develop a mechanism to identify and manage risk presented by offenders persistently targeting disabled people.

4.5 Develop and monitor tracking of criminal cases to check progress and provide feedback to the victims and communities.

4.6 Work with perpetrators and their families to address their prejudices against disabled people by effective interventions and referral to appropriate services.

**Outcome Sought 5**

**Increased public awareness and improved understanding of hate incidents against disabled people.**

**Actions**

5.1 Develop a city wide awareness campaign relating to disability hate incidents. Promote greater understanding of hate incidents against people with learning disabilities in Brighton & Hove.

5.2 Develop easy to read information and posters targeting general public, also specifically targeting people with learning disabilities. Translate the information and make it available in different formats.

5.3 The Partnership Community Safety Team and statutory partners of the Crime and Disorder Reduction Partnership to regularly consult and engage with disabled people, their carers and organisations working with disabled people in developing priorities and services.

5.4 Address safety concerns of disabled people and raise awareness of risks, reporting mechanisms and support available.

5.5 Prioritise promotion of clear and consistent disabled friendly messages and raise awareness of disability hate incidents in young people's settings using a variety of young person friendly media and training.