Progress and the Future of Policing Disability Hate Offences

Isla Dixon

Protect vulnerable people
Prevent crime
Deal with those who cause most harm
Bring people to justice
Innovate and continuously improve
Challenges Faced?

- Understanding of the term “hate crime”.
- Trust and confidence in reporting.
- Individual willingness to share details of their disability at time of recording.
- Understanding of officers and staff of disabilities at time of recording.
- Differences in National crime recording standards.
Progress Made Since 2016
National Disability Hate Crime
5 Year Period

2016/17

2017/18

2018/19

2019/20

2020/21
Leicestershire Police Disability Hate Crime
2016/17 - 2021/22

- 2016/17: 75
- 2017/18: 67
- 2018/19: 91
- 2019/20: 100
- 2020/21: 176
- 2021/22: 258
Disability by Type - 2021

- Mental Health: 37
- Mobility: 35
- Neuro diverse: 47
- Unknown: 88
- Physical: 5
- Down Syndrome: 1
- MS: 2
- Dementia: 3
- Hearing difficulties: 4
- Speech impediment: 3
- Asthma: 1
- Visual difficulties: 4
- Other: 3
- Epilepsy: 2
- Other: 3
- Asthma: 1
- Other: 3
Future of Policing Disability Hate Offences
TWO WAY CONVERSATION
How Can We Do That?

- Work with non-governmental organisations
- Encourage community to become members of our Independent Advisory Group
- Internal workforce training
- Training/Awareness sessions with community groups
- Partnership working with local businesses and support agencies
- Continual feedback
- Surveys
- Support community initiatives and events
- School/College/High Education engagement
STAMP IT OUT!
SAY NO TO HATE!
DISABILITY HATE CRIME: AN OVERVIEW
Mick Conboy: National Hate Crime Policy Lead
Perceptions of Disability, Sexuality and Hate Crime: Joshua Hepple
Crown Prosecution Service

- Prosecutes criminal cases investigated by the police in England and Wales;
- Makes decisions independently of the police, courts and government;
- Brings charges in hate crime and advises police in early stages of investigations;
- Prepares cases and presents them at court;
- Works closely with the police, courts, the Judiciary and other partners;
- Prosecutors follow the Code for Crown Prosecutors: to charge someone with a criminal offence, prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction, and that a prosecution is in the public interest.
Public Interest

“It is more likely that prosecution is required if the offence was motivated by any form of prejudice against the victim’s actual or presumed ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or if the suspect targeted or exploited the victim, or demonstrated hostility towards the victim, based on any of those characteristics.”
DISABILITY HATE CRIME – KEY PERFORMANCE INDICATORS

Chart Title

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<thead>
<tr>
<th>Category</th>
<th>2016/17</th>
<th>2020/21</th>
<th>Uplift</th>
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<tr>
<td>Convictions</td>
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<td>Guilty Pleas</td>
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<tr>
<td>Sentence Uplift</td>
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<td>20.0%</td>
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Policy and Engagement

Policy Statement revised in 2017/18
• National Scrutiny Panel on DHC
• Three month public consultation on DHC Policy
• Major issues added – “Vulnerability” and the Social Model of Disability

Further Support & Engagement
• Mandated Training
• HCC Network and ICEMs
• Hate Crime External Consultative Group
• Operational Guidance
• Deep dive and associated National Scrutiny Panel
• Prosecutor top tips and lessons arising
• Prosecutor checklist
Next Steps

• Law Commission Review and Government Response

• Government’s Hate Crime Strategy

• Toolkit for Prosecutors in cases involving disabled people

• Hate Crime Assurance checks to return post-pandemic

• Joint working with the police at local level
Changing the Law, Safeguarding Victims of Disability Hate

Disability Hate Crime conference: Known harms and future directions
University of Leicester, 16th June 2022.
Professor Mark Walters
Presentation outline

The key issues in law regarding the successful prosecution of disability hate crime

The justice gap for disability hate crime from 2016 – 2021

A review of the Law Commission proposals

The need for a new legal test
The key issues in law regarding the successful prosecution of disability hate crime

- Disability hate crimes are not included under the Crime and Disorder Act 1998 = hierarchy of hate

- Even if included, the offences proscribed under the CDA do not cover a significant proportion of the types of DHCs committed
  - Theft, robbery, burglary and fraud, and sexual offences made up 38% of DHC prosecutions in 2017

- The “hate-element” is prescribed in law as a motivation or demonstration of “hostility”

- = MAJORITY of DHC disappeared from the system
The “Justice Gap” for hate crime

- Estimated total hate crimes
- Estimated hate crimes reported to police
- Hate crimes recorded by police
- Prosecuted
- Convicted
- Sentence uplift

“Justice Gap”
The Justice gap for DHC in England and Wales 2016-17

*Estimated “Justice Gap” → 98.2%* (based on recorded incidents)

*NB: The gap reaches 99.8%* (based on estimated incidents)
The Justice gap for DHC in England and Wales 2019-20

Estimated “Justice Gap” → 99%
(based on recorded incidents)

NB: The gap reaches 99.8%
(based on estimated incidents)
50,000 estimated hate crimes (2020 data)

9,208 recorded by police

292 prosecutions

236 convictions

36.6% (approx. 86 cases) sentence uplift

The Justice gap for DHC in England and Wales 2020-21

Estimated “Justice Gap” → 99.1%
(based on recorded incidents)

NB: The gap reaches 99.8% (based on estimated incidents)
Law Commission Response

1. Include disability under the CDA  
   - ✔️

2. Include the word “prejudice” as well as “hostility”  
   - ❌

3. Sexual offences/property offences still excluded  
   - ❌
The need for a new legal test

• Introduce a discriminatory model of hate crime
  • Crime committed “by reason” of the victim’s perceived disability
  • Follow causation rules (was the victim’s perceived identity a substantial or significant reason why the offender committed the crime). *

• Would need further police/legal practitioner training on how test ought to be applied

• * Further guidance and various examples provided in Criminalising Hate: Law as Social Justice Liberalism (Palgrave, forthcoming Oct 2022) Ch 6.
DISABILITY RIGHTS UK HATE CRIME CHARTER:

TACKLING EVERYDAY HATE AGAINST DISABLED PEOPLE

bethany.bale@disabilityrightsuk.org
Disabled Women's Experiences of Unwanted Touching: An Intersectional Understanding

Dr Hannah Mason-Bish
University of Sussex
“If men were to catcall disabled women, I imagine it would be like the world has flipped upside down and disabled women were suddenly found to be sexy, and just passing by would mean being exposed to unwanted shit [...] instead we get assaulted by words of pity and fear while pretending we’re not really here or wishing we did not exist. We get assaulted by ableism or inspiration porn like:

God bless you.
How amazing you are for wanting to keep loving life.
I’m so sorry.
Bless your heart.
I will pray for you.
I will pray for you to heal.
May I lay hands on you in the name of the Lord?” (Palacios, 2017).
Missing from #MeToo

Hostility on the streets – pity, ‘help’ and hate

Lack of research

Whaley (2016) it’s only a given if your body is seen by the patriarchy as a sexual object’ Nobody Catcalls the Woman in the Wheelchair
Want to help a disabled passenger?
#JustAskDontGrab

Bronwyn Berg
@BergBronwyn

If you see a person in a wheelchair (especially a woman) being pushed by someone and she’s screaming Stop! No! Help! For the love of humanity help her!
A guy grabbed my wheelchair today and just started pushing me, not a single passerby helped even though I was screaming for help

65.9K  12:07 AM - Jan 13, 2019

19.6K people are talking about this
The PROJECT

- WordPress site sharing stories

- To explore how disabled women experience touching in public and how this might be intrusive; unwanted or non-consensual
- To explore whether or not it impacts on or limits the freedom of movement that disabled women have and what measures they might take to avoid it.
- To begin to draw out the deeper intersectional nature of these experiences and impact this might have on their identity
‘This is just one example’

Every day is filled with ‘unexpected violations’

‘This sort of thing has happened so many times that I almost barely register it anymore…so many of them blur into one’ Danielle

The unwanted touching sits in the context of wider daily interactions

‘Almost every time I leave my apartment, at least one person will touch me without consent to try to move me wherever they think I want to go. I hate being touched, and it makes me incredibly anxious to know that strangers feel free to touch me without permission’ Alyssa
The Helping Hand

Unknown intent – ‘It’s horrible not knowing if someone is genuinely wanting to help or if they are exploiting my vulnerability and that excuse of ‘helping’ to manhandle me.’

Lack of dignity and panic

Middle aged women

A ramp agent at my home airport refused to acknowledge that I had declined his assistance, saying no each time I asked him to stop pushing me. He pushed me so quickly that he hit the edge of the ramp and dumped me out of my chair. He groped both of my breasts and then walked away. When I complained to the airline they said he knew I was struggling and was only trying to help.

Genevieve
Escalation

The response from the grabber is generally one of defensiveness and usually passive aggression along the lines of “I was only trying to help”. They very rarely apologise for their misjudgement. I have never been legitimately grabbed – i.e. in order to prevent an accident.

Denise

In one case I was sitting in my chair on a pavement waiting for my friends car and a man literally just grabbed my chair and wheeled me across the road to “help” despite my shouts for help and that I didn’t even want to cross the road. I genuinely thought I was being kidnapped. He was completely baffled when I wouldn’t stop shouting and telling him to get the hell off me and was really angry at me for not “appreciating his help” and called me an ungrateful bitch and said “fuck you cripple” to me. Cerise
Being Silenced

I often feel that I am infantilised as a disabled woman, that there is a perception that I am unable to judge situations for myself, that my body is somehow public property, and that I should just be grateful for having complete strangers paw at me. I’m frustrated at how often my words go unheard – I feel robbed of my agency and independence, Denisha
I’ll never forget the realization that I can expect everyone to laugh at me and no one to support me when I am harassed in public. There is nothing I can do to force people to see me as a human being and respect my boundaries. It is hell. Alyssa

**Impacts**

- Serious danger
- Squashing of personality
- Staying indoors
Public Spaces, Private Places

Centring of Agency, Consent and Dignity

Continuums of Touching and Gendered Dimensions

Covid reflections