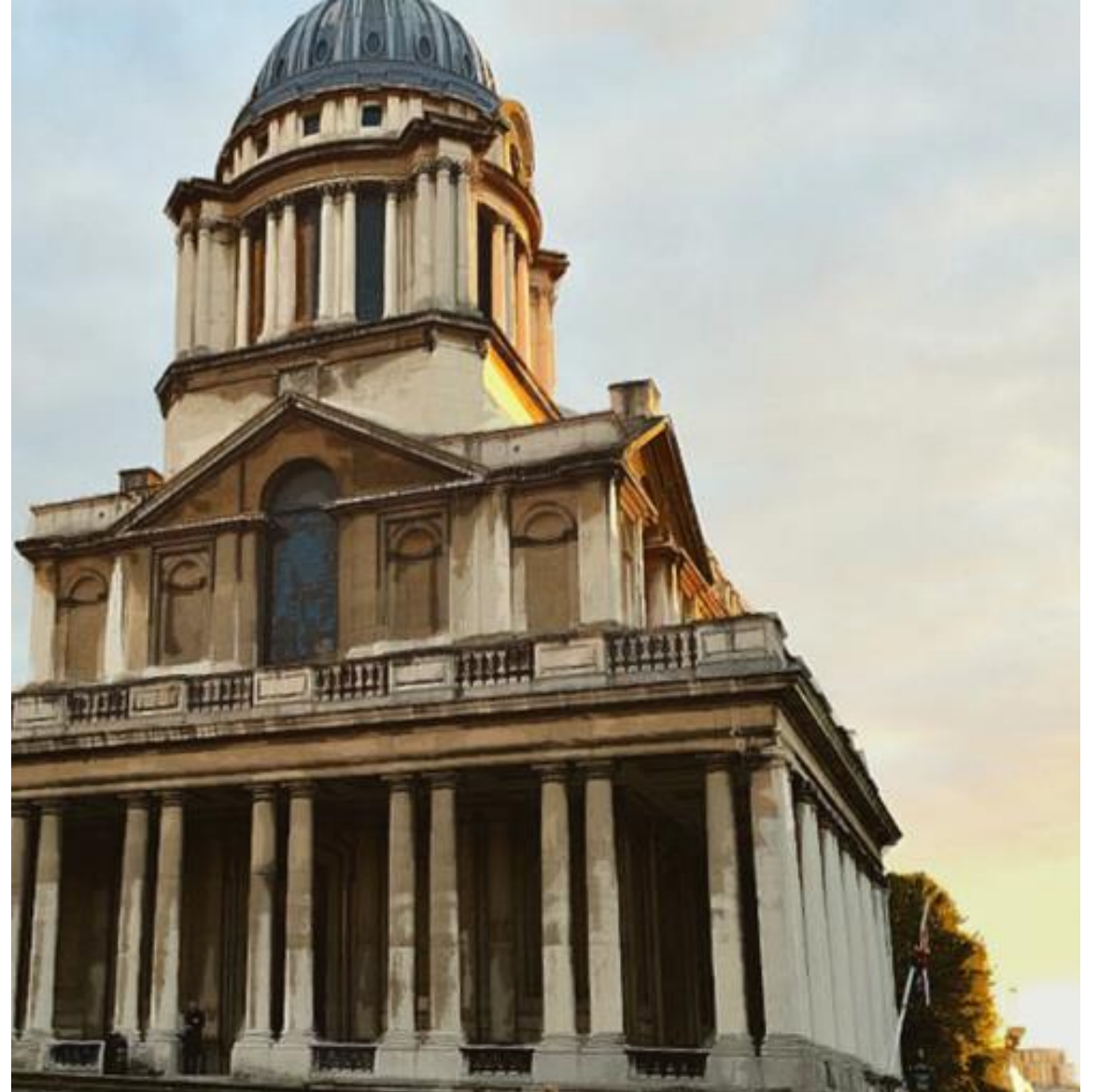


Disability Hate Crime

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Disability Hate Crime and the Law, “not fit for purpose”

“Not fully recognised”

- Not a criminal offence
- Enhanced sentencing
- Does not appear on a perpetrators criminal record
- No incitement to hatred offence

Disability Hate Crime and the Law: “not fit for purpose”

“Perpetrators not appropriately punished”

- No criminal justice outcome
- Current proof of Disability Hate Crime difficult to establish
- Issues concerning identification and recording of DHC by police

Law Commission report and recommendations December 2021

Main recommendations for DHC:

- Extending aggravated offences to all other existing characteristics including disability
- The legal test for the application of hate crime laws should be the same for aggravated offences and enhanced sentencing

Practical Challenges to the Application of the Law

Lack of identification of Disability Hate Crime

Police response to Disability Hate Crime

Inaccurate recording of Disability Hate Crime

Understanding the extent of Disability Hate Crime in London: A Scoping Study with the Metropolitan Police Service 20-21

- Pilot study across 6 London boroughs
- Reviewed 100 reports flagged as DHC between Jan – Dec 2019
- Examined whether DHC had been identified and recorded correctly and what factors influenced this.

Understanding the extent of Disability Hate Crime in London

The police service and Crown Prosecution Service (CPS) define DHC as:

- ‘Any incident/crime 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.’

Understanding the extent of Disability Hate Crime in London: Identification of DHC

- 40 reports had accurate details of the disability of the victim
- 41 had the disability recorded from a drop -down list as either: physical impairment, learning difficulty or mental health.
- 15 reports did not have any disability recorded for the victim despite being flagged as DHC
- 4 reports had the disability recorded as 'other'

Understanding the extent of Disability Hate Crime in London: Identification of DHC

5 of the victims from the 100 reports were unable to be contacted by the police

Example

- Victim who was deaf reported criminal damage
- Perceived to be because of their disability and their sister's disability.
- The police tried to call the victim on the telephone but received no answer
- No attempt to visit the victim and the report was subsequently closed.

Understanding the extent of Disability Hate Crime in London: Identification of DHC

Individuals with a disability are somehow responsible for becoming victims of DHC

- 9 reports flagged as DHC also had a VA flag
- From 44 crime reports flagged with VA 10 of those reports the content suggested the potential for a DHC, but there was no DHC flag applied

Understanding the extent of Disability Hate Crime in London: Identification of DHC

Identifying a DHC impacts the response to the victim

- 46 reports where a victim's disability was recorded either in specific detail, or from the drop-down list the police investigated the report speaking to the victim and gathering evidence.
- 19 reports where no disability of the victim was recorded or the disability was recorded as 'other' only 6 were investigated.

Understanding the extent of Disability Hate Crime in London: Recording DHC

Previously....

- Joint inspection by HMICFRS and HMCPSI in October 2018 and HMICFRS inspection in July 2018 both found the recording of DHC was not accurate and potentially the figures are higher
- Previous studies indicated that the police find it difficult to identify the motivation of hostility, and that gathering evidence of hostility is complex (Richardson et al, 2016).

Understanding the extent of Disability Hate Crime in London: Recording DHC

- 48 reports investigated in some way which included where the victim was spoken to and/or evidence gathered such as CCTV viewed and witness statements taken.
- 42 reports had details of the victim's disability, either specifically or from the drop -down list
- 9 reports recorded no evidence as being found.

Understanding the extent of Disability Hate Crime in London: Responding to a DHC flag

- 15 reports did not record the victim as having a disability
- 4 reports were investigated as anti-social behaviour
- 15 were investigated as either a neighbour dispute, family dispute or landlord/tenant dispute
- Only 1 report specifically states that the incident reported was a DHC

Understanding the extent of Disability Hate Crime in London: Accurate recording matters

In 2015, errors found in the recording of DHC by the police and the Crown Prosecution Service (CPS)

- 44 reports examined where the VA flag had been used, 10 of these suggest that a DHC flag should have also been applied
- 4 reports resulted in a racially/ religiously aggravated assault, yet the DHC flag remained on the report.

Examining the identification and recording of Disability Hate Crime in London: A study with the Metropolitan Police Service

- Extended to all 32 London boroughs
- Extended time period (Jan 2019- Dec 2021)

Examining the identification and recording of Disability Hate Crime in London: A study with the Metropolitan Police Service

- Analyse DHC recording patterns across 32 London boroughs.
- Identify the factors that relate to the correct identification and recording of DHC
- Examine patterns in the outcomes of reported DHC offences.

Disability Hate Crime

THANK YOU

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