



SUPPORT FOR DISABLED VICTIMS AND WITNESSES OF CRIME

Information and guidance

Introduction

This guide is about the support available to disabled victims and witnesses of crime.

Inside this you will find information about the types of support available and where to access them.

Also included:

- How the CPS approaches crimes against disabled people
- Support for disabled victims and witnesses of crime
- Example of support given to a disabled victim during a prosecution

How the CPS approaches crimes against disabled people

As a group, disabled people are at a higher risk of crime than the general population. They also experience unequal access to justice and safety.¹

The Crime Survey for England and Wales found people with limiting disabilities are:



Crimes against disabled people may be disability hate crimes. This is where the person carrying out the crime (the perpetrator) is motivated by hostility or shows hostility towards the victim's disability. This means they are targeting someone because of their hostility towards someone's difference, or perceived difference.

The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the disabled person for financial gain or some other criminal purpose.

Hostility can be described as:

ILL-WILL
SPITE
AGGRESSION
ANTAGONISM
PREJUDICE
CONFRONTATION

¹ Victim Support, 'An Easy Target? Risk factors affecting victimisation rates for violent crime and theft', April 2016, Polly Rossetti, Tamar Dinisman, Ania Moroz, www.victimsupport.org.uk

The **CPS Public Policy Statement on Crimes Against Disabled People** explains the way the CPS deals with and prosecutes these cases and what victims and witnesses can expect from the CPS.

The CPS' approach incorporates the **Social Model of Disability**, which says disability is caused by the way society is organised as opposed to a person's impairment or difference. The model looks at ways of removing barriers which restrict life choices for disabled people. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives. View the Public Policy Statement [here](#).

The CPS will not make judgements about a person's credibility or reliability as a witness because of an impairment and will challenge others that do.

Support for disabled victims and witnesses of crime

Everyone is different and the support needed by one victim or witness to go through the criminal justice process will be different to the support needed by another victim or witness.

Some impairments are physical and may be obvious to other people. Other impairments can be hidden – such as mental health problems, learning disabilities and autism. There are things we can do to help people whatever their impairment, which can be tailored to individuals.

It is for the individual to choose whether they take up any offers of support. Support from the [Citizens Advice Witness Service](#) is available at any point during the court process. More detailed information about the support available to you as a disabled victim of crime can be found in the [Code of practice for Victims of Crime \(Victims' Code\)](#) and the [Witness Charter](#). General support can also be accessed through the following agencies:

- Disability Rights UK
- Dimensions UK
- Foundation for People with Learning Difficulties
- Mencap
- MIND
- National Autistic Society
- National Hate Crime Report and Support Centre Wales
- People First
- SCOPE
- Stop Hate UK
- True Vision
- Victim Support

RECOGNISING HATE CRIME

When someone is hostile to another person because of their

DISABILITY

and they show their hostility by



INTIMIDATION



HARASSMENT




DAMAGING PROPERTY



VIOLENCE

it is **HATE CRIME**

What help is available?

Click on the **bold** text for further information 

REPORTING A CRIME

The police will support you when you call 999 or 101.

You can also report online via **Crimestoppers** or, for Hate Crime, **True Vision**.



DURING THE POLICE INVESTIGATION

The police will support you by carrying out an assessment of your needs.

You may be asked if you wish to give a **Victim Personal Statement** to say how the crime has affected you or made you feel.

You may also ask for decisions to be looked at again through the Police Victims' Right to Review Scheme.



AFTER SOMEONE IS CHARGED

The CPS will support you by working with the **Witness Care Unit (WCU)** to **assess your needs**. We will give you progress updates and talk to you about what to expect at trial.

We will ask for any **special measures** and may apply for **media reporting restrictions** in exceptional circumstances.

You may have access to a **pre-trial witness interview**. You may ask for decisions to be looked at again through the **CPS Victims' Right to Review scheme**.

You will be notified by the **Victim Liaison Unit (VLU)** if the CPS decides to stop the case or substantially alter the charge.

Citizens Advice Witness Service Support can help you with practical information and emotional support. They can also arrange for you to visit the court before the trial so you know what to expect on the day and offer enhanced services for vulnerable and intimidated witnesses.



AFTER THE TRIAL

The CPS and the Witness Care Unit will support you by informing you of the outcome of the trial and any **sentence** passed.

When they are sentencing, Judges can tell the person who committed the crime they have to pay you compensation if something has been lost or damaged or if you have been hurt. There is more information on this in the **victims' code**.

The National Probation Service can support you if you opt into the **Victim Contact Service (VCS)**.



GOING TO COURT

The CPS will support you by helping you read witness statements in court.

You will be introduced to the CPS representative who will be prosecuting the case in court before you give your evidence. We can provide more information about **special measures at court** and the **Prosecutors' Pledge**.

If you have a speech impairment you may be able to write down your evidence at court. Qualified sign language interpreters or lipspeakers can help you if you are deaf or have a hearing impairment.

Interpreters can also help you give evidence in a different language.

The CPS will try to release you from the court building as soon as possible after you have given evidence. Sometimes the CPS may ask someone from the courts or police to let you know you can leave.

Her Majesty's Court and Tribunals Service (HMCTS) will support you by providing, where possible, a separate room to wait in and offering materials in formats such as braille, large print or audio if you have a sight impairment. Wheelchairs may be available if you have a mobility issue.

Citizens Advice Witness Service Support can help with practical and emotional support at court.

Judges and magistrates have an **Equal Treatment Bench Book** which explains how they should treat people fairly in court.



Special Measures

Special measures are things which help victims and witnesses give evidence in court. The CPS can ask for special measures on behalf of victims and witnesses with disabilities. The court makes the final decision on whether special measures will be given or not.

Special measures include, but are not limited to:



Screens/curtains in the court room so the witness does not have to see the person accused of carrying out the crime (defendant)



Evidence given in private (without the press or public there)



A live video link allowing the witness to give evidence somewhere other than the courtroom



Providing someone who helps the victim or witness answer questions (an intermediary)



The use of communication aids or interpreters

More information about [legal guidance on special measures](#) is available from the CPS.

Example of support given to a disabled victim

Arun was charged with assault by beating after punching and kicking his mother, Moubani, who suffers from osteoporosis and arthritis. While carrying out the assault Arun used derogatory language about Moubani's disability. He also assaulted his girlfriend, Priya.

Moubani explained being able to see her son in court would cause her significant distress. A special measures application was made to the court to use screens so she would not have to see Arun while she gave evidence.

Arun was found guilty and sentenced to an 18-month community order, increased by six months in recognition of the hostility Arun had shown towards Moubani's disability. In addition, he was given a 20-day rehabilitation order, which was increased by 10 days, also because of the hostility Arun had demonstrated towards his mother's disability.

He was fined £120, ordered to pay both costs of £450 and compensation to both Moubani and Priya, and given a restraining order forbidding contact with either of them.

Example of support given to a disabled witness

Jane and her husband Mark took their son Tom, the victim, to the hospital's Accident and Emergency department. Tom was found to have serious injuries and a healing fracture. Jane was the only person who had seen what happened. She had a learning disability and difficulties expressing herself.

Jane told the police Mark had lost his temper because Tom was crying. She explained that Mark had physically assaulted Tom and had been violent in the past.

Jane gave evidence over a video link with help from someone to explain the questions she was asked. This person is called an intermediary. She also had a pre-trial visit to the court room and met the lawyers. The intermediary made sure the court understood Jane had difficulty explaining "when" something had happened so questions must be linked to specific events like birthdays. This meant that Jane felt calmer and more confident when she was explaining what happened.

Mark was convicted and sentenced to 14 years' imprisonment.

All names have been changed in these examples.

The CPS defines disability as any physical or mental impairment. This definition fully incorporates the definition of disability for the purposes of the Equality Act 2010.

This guide has been produced by the Crown Prosecution Service (CPS) with involvement from the Police, HM Courts and Tribunal Service, Her Majesty's Prison and Probation Service, National Probation Service and the Citizens Advice Witness Service.

This guide was produced with the support of CPS Disabled Staff Network and Nottingham Mencap.



About the Crown Prosecution Service

The CPS is responsible for prosecuting most cases heard in the criminal courts in England and Wales. It is led by the Director of Public Prosecutions and acts independently on criminal cases investigated by the police and other agencies. The CPS is responsible for deciding the appropriate charge in more serious or complex cases and provides information, assistance and support to victims and witnesses.

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