

# Crown Prosecution Service Policy

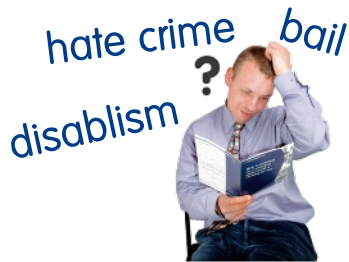
## Public Policy Statement on the Prosecution of Crimes Against Disabled People



The Crown Prosecution Service (also called the CPS) will say if we think that someone should go to court when the police think they have done a crime.



This policy is about the way we work when we take people to court who have done a crime against someone with a disability.



Some of the words are in **blue**. These are explained in the policy.



There are also questions for you to answer. We want you to tell us what you think about this policy. These questions are in **red** boxes.

## CPS Policy

We will:



- Make sure that we find out about **crimes against disabled people** as soon as we can. This also includes **hate crimes**.



- Do our best to make sure we have enough information for a court to work out if they think it is true that someone has done a crime.



- Ask for a bigger sentence if we think someone broke the law because a person had a disability. This could mean a longer time in prison or paying a bigger fine (more money).



- Ask for a bigger sentence if we think that what happened was made worse because someone had a disability.



- Work with other organisations like the police, so that we can be better at our work.



- Make sure more people know about disability hate crime. Make sure more people feel it is ok to report this type of crime.



- Check how well this policy works.



These are the things we will think about when we take someone to court - these things are to do with the person having a disability:



- **Crimes against disabled people** can happen if a someone thinks that disabled people are less important than other people.



- Some people may think that disabled people are easy targets if they want to do a crime.



- We believe that the problems disabled people may have do not come about because of their disability. These problems happen because of the barriers they face in their lives - this means things that might stop people. This is called the **social model of disability**. There is more about this on page 10.



When we take someone to court, we think about how important this is for everyone - not just the people affected by the crime. We call this the "public interest test".



It would be important to take someone to court if they had done a crime because they thought someone with a disability was less important than other people.



Or if they did a crime because they wanted to do something bad to someone because they had a disability.



If we think 1 of these things has happened, then it is more likely that we will take someone to court.



## Question 1

This section **CPS Policy** is about how we work when we take people to court. Do you think this covers all the right things?

## Crimes against disabled people



When we talk about **crimes against disabled people** we mean any crime that is to do with disability. This also covers:



- The effect of the crime on a victim who has a disability



- The person who did the crime knowing or thinking that the victim had a disability



A person with a disability could be someone who:

- Finds it hard to move around
- Finds it hard to see or hear
- Has a learning disability
- Has a mental illness

## Disability hate crime



A crime against a disabled person can also be a disability **hate crime**.





If someone did a crime because a person has a disability, then the court can give them a bigger sentence.



We have agreed with the police what we mean by **hate crime**. A **hate crime** is:

Any crime which people think has happened because a person has a disability or someone thinks that person has a disability.

A **hate crime** can be lots of things:



- Hurting someone physically or sexually
- Threats - someone saying they will do something bad to someone



- Damaging other people's things
- Behaving in a way that makes someone feel scared or worried



- Following or watching someone
- Anti-social behaviour



**Hate crime** can affect a whole community. This is why we need to take people to court.

## Discrimination against disabled people



This part is about the way people think about people who have a disability. Crimes against disabled people often happen because people think disabled people are less important. We will try to find information so that a court can decide if this is true.



People can be victims of crime for other reasons, like race or religion. If this happens then we will ask for a bigger sentence.

## Internet and social media



The Internet and social media (like Facebook, WhatsApp, Instagram and Snapchat) mean that there are now other ways that people can break the law.

If a hate crime has happened on-line or through social media, we will:



- Show that we know about Internet and social media and how they can be used for hate crime
- Show that we know about the law to do with this type of hate crime
- Think about how this might affect other people
- Treat on-line hate crime in just the same way as other hate crimes



## Situational risk and “vulnerable victims”



This part is about the way we think of disabled people and what happens around them.



We know that disabled people are often called “vulnerable”.



We think this makes it sound as though disabled people are weak and that they cannot cope without help. When people think like this, they might do things or make decisions that have a bad effect on disabled people. For example, with independence or safety.



Another bad effect can be that some people think that disabled people cannot be good witnesses in court.



So, instead of calling someone “vulnerable”, we talk about **situational risk** or people being in an “at risk situation”. This means that other people might try to take advantage and do something bad to a disabled person.





Someone might try to use a situation to commit a crime against someone with a disability. Or they might see a situation as a chance to harm someone with a disability, either mentally or physically.



We always try not to use the word "vulnerable". But sometimes we have to use it when talking about the law.



## Question 2

Does this section called **Situational risk and "Vulnerable Victims"** show that we do not want to label people as "vulnerable"?

## The social model of disability



We believe that the problems disabled people may have do not come about because of their disability. These problems happen because of the barriers they face in their lives - this means things that might stop people.

These barriers or things that stop people can be:



- Buildings and services that are not accessible - not having a ramp or lift, or not having easy to read information



- Attitudes and the way people think



- Organisations that are not flexible and do not change to meet people's needs



Reporting a crime, giving a statement and being in court can be difficult for anyone. We know it can be even harder if someone has a disability.



We do not want people to think that disabled people cannot be good witnesses in court.



We have made a support guide that says what help people can get from the CPS, the police and other crime organisations.

We will:



- Not make guesses about how reliable someone may be and ask that others do the same



- Make sure that disabled people know what help they can get in court



- Be more likely to take people to court if they did a crime because someone has a disability



- Be careful about the words we use - we will only use the word "vulnerable" when we have to



- Remember that some people will use the fact that a person is disabled as a reason for doing a crime



### Question 3

Does this section show how the CPS uses **the social model of disability** in the way it works?

## Working with others



We work locally and across the whole country. We work with the police, others in the criminal justice system, community groups and people who know about hate crime.



This helps us to keep up to date crime and be better at our work to do with **hate crime**.

## Criminal investigation



We will ask the police for more information to help show that a person wanted to do something bad to someone because they have a disability. This means that we can then ask for a bigger sentence.



Sometimes this can mean that we ask the police to look at other reports of possible crimes or we ask them to speak to other organisations.

## Charging decisions



We use rules called the Code for Crown Prosecutors when we work out whether to take someone to court.

## Bail



Bail is when someone is let out of prison while they wait for their trial in court. Sometimes money is paid so that this can happen.



We understand that this can be a worrying time for victims. We know that disabled victims can be more affected by this. For example, this can happen if the person who did a crime is also the disabled person's supporter.



We will work with other organisations to help people get the support they need.



When we decide if we agree that someone can get bail and stay out of prison until their trial, we think about how this could affect a person who has a disability.



## Prosecution and sentencing



When we think a **hate crime** has happened we will work to show that the person did the crime because they wanted to harm someone who has a disability.



If the court decides this is true, then we can ask for a bigger sentence. We will do this even if a **hate crime** has not happened, but the crime has had a big effect on someone because they have a disability.



We will make sure that the court knows the effect the crime has had on a person and the whole community.



We also look at a victim's needs, to make sure they will be kept safe from the person who did the crime in the future.



### Question 4

Does this section on **Prosecution and sentencing** make it clear when the CPS will ask for a bigger sentence?

## Withdrawal



This is when a victim withdraws or takes back a complaint they have made about someone.



But we may still take someone to court, if we think that there is enough evidence or information to show that it is true that someone did a crime.

## Victim's Right to Review



Sometimes we say that someone should not go to court. A victim has the right to ask us to look again and check this decision.



We have a policy called Victim's Right to Review which we follow when this happens.

## Support



People do not always have enough support to give evidence and speak up about a crime.

We have made a guide so that people know what help victims and witnesses can get.

## Disabled defendants



The person who has done a crime can also be someone with a disability.



When this happens we also try to treat people fairly and make sure they have the right support.

## Equality Duty



This policy is one of the ways we are working to try and stop disabled people from being treated badly, speak up about treating people fairly and help people to get on with each other.

## Making sure we use this policy



We are keen to make sure that this policy is used well and we will check on how we are doing with this.

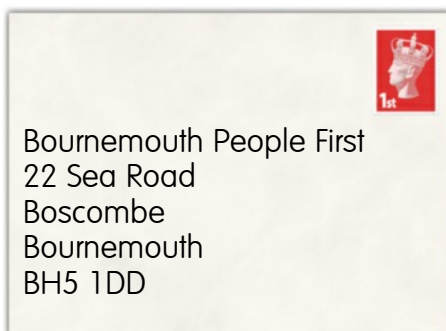
We will report on this every year.



## Question 5

Is there anything else you want to say about the CPS Policy on Prosecuting Crimes against Disabled People?

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