

Crown Prosecution Service Policy

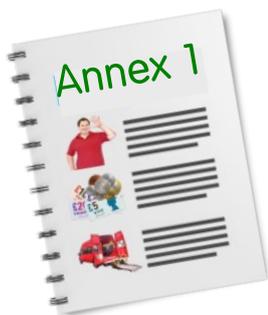
Prosecuting Crimes against Disabled People



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. The policy tells you what these words mean.



There is also some extra information that goes with this policy. The information is in documents called annexes. For example, where there is extra information you will see it says:

“ You can read more about this in Annex 1”.

These are not easy to read.



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

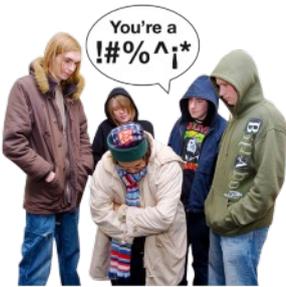
We will:



- 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.



- 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 better understand crimes against disabled people.



- Work with disabled people to check how well this policy is working. This will help us to get better at what we do.



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.



- The problems that disabled people may face do not happen 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**.



When we decide to take someone to court, we have to think, is this is in the public interest? This means is it important for everyone that this person goes to court? To help us decide, we think about:



- Did the crime happen because someone was treating a person with a disability in a worse way?



- Did the crime happen because someone has a disability?



If either of these things have 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?

Equality Duty



The CPS works to laws about equality and fairness in everything we do.

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:



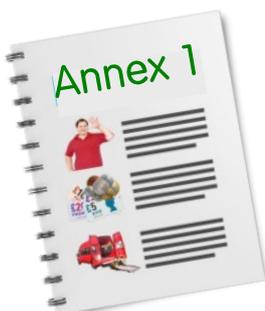
- The effect of the crime on a victim who has a disability



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



By disability, we mean something that has a bad, long-term effect on your every day life - this can be either mentally or physically.



You can read more about this in **Annex 1**

Disability hate crime



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

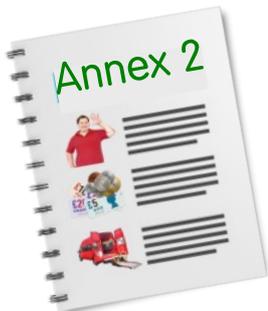


If someone did a crime because a person has a disability, then the court can give them a bigger sentence.



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.



You can read more about this in **Annex 2**

Disablism



This part is about the way people think about people who have a disability. Just like racist crime is linked to racism, **disablism** is linked to attitudes to disability.

We know that crimes against disabled people can happen because of the way people think about disabled people - some people might think disabled people are less important. This is called **disablism**. We will try to find information so that a court can decide if this is true.

Other types of hate crime



People can be victims of crime for other reasons, like race or religion. When this happens we will follow our policies on those types of crime.

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**” and an “at risk situation”. This means that it is what is happening around a person that is a problem, not the 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 face do not happen 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



- 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 know that having the right support helps to get rid of the barriers some disabled people face.



We have made a Support Statement that says what support 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 other criminal justice agencies



We work with the police and others in the criminal justice system. For example, agencies that help victims and witnesses.



This happens locally and nationally. It helps us to understand crimes against disabled people.

Criminal investigation



We will ask the police for more information if we think we need it. This includes if we are looking at taking someone to court for a disability **hate crime**.



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.



We look at whether there is enough information for a court to decide if it is true that someone did a crime.



We then look at whether it is in the public interest that someone goes to court. This means: is it important for everyone?



When we make a decision about crimes against disabled people, we will also think about:

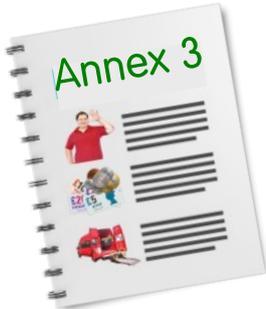
- What happened? What harm that was caused - this could be mental or physical harm?



- Did it happen because someone thought that disabled people are less important? Or did they want to hurt someone, because they are disabled?



- How much did this affect other people?
This also includes thinking about the effect on the disabled community.



You can read more about this in [Annex 3](#)

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.

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.



You can read more about this in [Annex 4](#)

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.



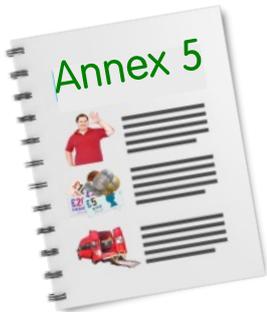
If the court decides this is true, then we can ask for a bigger sentence. We will do this even if a **hate crime** has not happened, but the crime has had a big effect on someone because they have a disability.



We will ask for compensation or money to make up for the harm caused by the crime.



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.



You can read more about this in [Annex 5](#)



Question 4

Does this section on [Prosecution and sentencing](#) make it clear when the CPS will ask for a bigger sentence?

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.

Disabled defendants



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

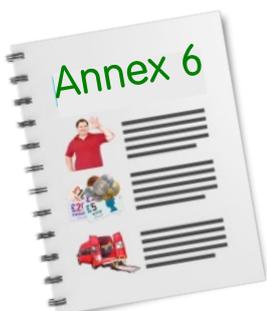


When this happens we also try to treat people fairly and make sure they have the right support.

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.



You can read more about this in [Annex 6](#)



Question 5

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

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