

Disability Hate Crime



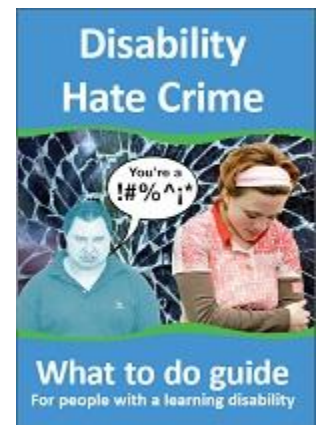
Professionals Guide

Guidance for anyone working with
people with Learning Disabilities

What and Who is this Toolkit for?

This is a toolkit for support providers, local agencies and other professionals involved with people with learning disabilities to offer guidance about facilitating discussion regarding disability hate crime, including how to tackle it and making a report.

This guidance should be used with the 'Disability Hate Crime – What to do guide for people with a learning disability' as part of a toolkit to help people with learning disabilities, and their supporters, to understand what hate crime is and how it should be reported.



A Disability Hate Crime occurs when a crime is committed against an individual because of their disability. If anyone is bullying or harassing someone with a learning disability, and you believe the reason for this is their disability, tell the Police and they will investigate this incident.

The Offences (Aggravation by Prejudice) (Scotland) Act 2009 came into force in March 2010. It protects disabled people who are victims of crime motivated by their disability more effectively than previous legislation. Where it can be proven that an offence has been motivated by malice or ill-will based on the victim's disability (or perceived disability), sexual orientation or transgender identity, the court **must** take that motivation into account when determining sentence.

Bullying and Harassment

Bullying is when someone you know or work with is;

- being called abusive names,
- being pushed, hassled or threatened,
- being beaten up, spat at or kicked,
- having their things taken or damaged,
- being made fun of or called names by anyone.

This includes any name calling or threats received via text message, emails or social networking sites like Facebook, Twitter or Myspace. Bullying may amount to a Disability Hate Crime so please REPORT IT!!

Harassment is any unwelcome comments (written or spoken) or conduct which:

- violates an individual's dignity,
- creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can take various forms including violence, threats, abuse and damage to property. It can involve verbal abuse, name calling, offensive graffiti or post and can be received via text message, emails or posted on any social networking sites. It may cause physical injury, mental stress, anxiety or insecurity. Harassment is a criminal offence, so if someone is being harassed please REPORT IT!!

How will the police treat a bullying or harassment incident? Don't hesitate to report bullying or harassment to the police. Police Scotland can offer help and support. They deal with such reports regularly and give them high priority. If the bullying and harassment is targeted at someone because they have a disability or it's thought that they do, this is a Disability Hate Incident or Disability Hate Crime. Police Scotland will deal with your report both sensitively and professionally.

Hate Crime or Hate Incident?

It is important to understand the difference between a hate crime and a hate incident.

If someone undertakes a course of action that is not itself a crime but is motivated by hostility or prejudice, because the victim is a disabled person, or perceived as a disabled person, then it will be recorded as a disability hate incident.

It is equally important that hate incidents are reported as there is evidence that hate incidents can lead to more serious disability hate crimes. If all hate incidents are reported then disability hate crimes may not develop. It is known that people with learning disabilities do not report all hate crime incidents (where they are the victim) for various reasons. We must do what we can to change this.

The 'What to do Guide' gives some examples of the different type of disability hate crimes. Working through these examples in the booklet may give your client a better understanding of what exactly constitutes a hate crime.



Been abused or harassed?
Seen abuse or harassment?

Report it!

What is important is giving any victim the choice of how they want to report the hate crime. Supporting people to choose which route to take when reporting any disability hate crime allows them to regain some control of the process and can be both beneficial and empowering.

Why Should We Report it?

It is important that anyone who believes that they have been a victim of a hate crime or incident are supported to report this to Police Scotland. If someone is being targeted due to their disability the police will note the circumstances, investigate and then decide if any crime has been committed. This results in a report being sent to the Procurator Fiscal.

Police Scotland are working to make sure that people with learning disabilities feel safe within their communities and a key part of this is tackling hate crime. The police can't tackle hate crime if it is not reported.

There are many reasons why people may not want to report Hate Crime.

Some reasons why people are reluctant to report might be;

- they do not understand what hate crime is,
- they do not know how to make a report,
- they think nothing will be done,
- they may be scared of the consequences of reporting,
- they may just ignore the problem and hope it goes away,
- they may be tolerant of this type of behaviour,
- they may think this happens to all learning disabled people,
- they may not think it serious enough to trouble the police,
- they might not want to make a fuss.

Ideally victims should go straight to the police to make a report. Professional and family support is crucial if this is difficult for someone.

Reporting Options

The challenge for all of us is to help change these negative attitudes and opinions thereby increase reporting, allowing the impact of disability hate crimes to be properly acknowledged. Giving people the confidence to speak out is an important starting point as well as knowing where to turn if they feel a hate crime is being committed.

As support providers and local agencies we all have a duty of care to report hate crime. To do this effectively we have to make the process easy for people with learning disabilities to understand. It is also essential to provide appropriate support for their emotional wellbeing throughout the entire process. Reassurance of the help available and the importance of reporting is essential.

There are now 3rd Party reporting sites across Scotland where victims (or witnesses) can go to report hate crime incidents without having to go to a police station.



A worker will help to fill out an online form which then gets sent to Police Scotland via the internet. Once this report has reached the police they will start their investigations. This will involve offering to visit the person who reported the crime. However, if this option is declined, the police may not be able to fully investigate the matter but it will still be recorded.

Anyone can also fill in an online reporting form either themselves or on behalf of someone else via the Police Scotland website.

[Hate Crime & Third Party Reporting - Police Scotland](#)



Signs to Watch Out for

People with learning disabilities may not always know that a hate crime is being committed against them. As support providers and local agencies there may be signs we can look out for to recognise if hate incidents or hate crimes are being committed.

Some of these signs may be;

- a change in attitude (e.g. more stressed, behaving differently)
- unexplained injuries and bruises,
- weight loss,
- money or possessions going missing,
- having new friends who are in their house all the time,
- the house being a mess all the time,
- the person not wanting to leave the house at certain times.

Communication

One crucial aspect of supporting people in relation to hate crime is communication. Each person has different communicative skills so each person must be supported differently. It's obviously important when reporting a hate crime to give the fullest and most complete information. This is why finding the most appropriate communication tool for each person is also important. There are a range of different ways to support people to maximise their ability to communicate. These could be;

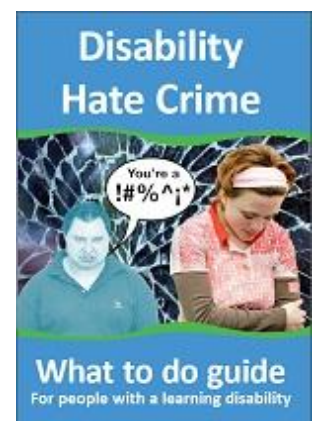
- verbal communication,
- using sign language (BSL or Makaton),
- using symbols and pictures (e.g. Talking Mats).

What to do if someone wants to report a hate crime

We may all react differently in situations when hate crimes are disclosed to us but what this toolkit provides is an effective way to support people through the process of hate crime reporting. The most important aspect is how the person who has been affected (usually the victim) is supported. One key factor throughout the process is information sharing.

Sometimes the person with learning disabilities may not understand that there has been a hate crime committed against them. In this situation it is up to whoever has witnessed the crime to report it. If you have witnessed a potential hate crime we all have a duty of care to report. If you think that you should do something, then don't waste time....REPORT IT!! You won't get in trouble for reporting a potential hate crime but.....you may get in trouble if you don't!

Ideally you should support the person to report this to the police straight away so it can be dealt with immediately. Helping explain what hate crime is using the 'What to do Guide' will both assist the person with what has happened to them as well as explain the process of what will happen next. Reassurance and support is essential to the victim at this time.



How Are Appropriate Adults Involved?

With the Police Scotland forces merger in April 2013, the various appropriate adult services have been left in their pre-merger state (i.e. as they were) although this is likely to change in the next few years. Their relevance and roles, however, are nationally universal.

Where an officer “has any reason to suspect that the interviewee has a mental disorder” then an appropriate adult should be provided. This should be done quickly, be arranged entirely by the police and involve no cost to the individual. The Appropriate Adult is completely independent of Police Scotland.

Their role is to facilitate communication between the interviewee and the officer(s) ensuring that all processes and procedures are fully understood. This may involve providing alternative wording or asking for questions to be reworded so that the interviewee clearly understands what is being asked. They do not advise the interviewee and will be present even if a solicitor attends to protect their individual rights.

This service is provided regardless of a person’s status i.e. whether they are a suspect, an accused, a witness or a victim. This also applies in the event of their making a complaint. These options apply to anyone aged sixteen or over (as anyone younger would normally be accompanied by a parent or guardian).

Social Media and Hate Crime

The use of social media is very popular through all society. Although it can be a great way for friends and family to communicate more regularly, it can also be used as a way to commit hate crimes. It's important for professionals to ensure that vulnerable people are not being abused online.

Some types of hate crime content can be;

- abusive messages of hate crime sent directly,
- web pages which contain pictures or videos which are grossly offensive or of an indecent, obscene or menacing character against people with learning disabilities,
- chat forums where there are messages.

Any of these can be reported either through the relevant social media administrator, via a 3rd Party Reporting Centre or just directly to Police Scotland. Something which is said over social media will be taken just as seriously as something said in person. Taking 'screenshots' (or 'printouts') of what has been said over social media can be used for evidence to support the reporting of hate crime. You may need to talk through these options in detail with the victim ensuring consent is given voluntarily for such actions.

Organisations that can help



Victim Support Scotland provides emotional support, practical help and important information to victims, witnesses and others affected by crime. Scottish Helpline: **0845 6039 213** (Monday to Friday: 8am-8pm).



Capability Scotland Capability Scotland Advice Service acts as a separate reporting centre for victims of hate crime. Victims, witnesses, carers or others can speak privately to a member of staff, and they will pass your information onto the police if you wish. You can call them on **0131 313 5510**.



Crime Stoppers You can call crime stoppers on **0800 555 111** and report a crime without giving your name.



You could also go to your local **Citizen's Advice Bureau**. To find your local office, contact **Citizens Advice Direct** on **0808 800 9060**

Together we can stop it...

