

Disability 01

Report

The VICTIM was searching for a carpark at a shopping complex and noticed the OFFENDER parked in a disabled carpark. The VICTIM asked the OFFENDER if he needed the carpark and explained why he should not use it if he is not disabled.

The OFFENDER responded, *'Fuck off, what are you talking about', 'Get over yourself' and 'Are you even in a wheelchair?'* The OFFENDER got out of his car and while proceeding to the VICTIM's car, he stated *'I'll smack your head in.'*

The VICTIM is a wheelchair user. When the OFFENDER approached his car and saw that he was in a wheelchair, he said, *'If you weren't in a wheelchair, I would have smacked your head in'* and walked off.

The OFFENDER went to the shops, and when he returned the VICTIM partially recorded him. The OFFENDER then proceeded to kick the VICTIM'S car, leaving a dent, and threatened to kick it again.

Recognise

What is the **offence** and **offence code**, if any?

Is this hate motivated? If so, what is the **prejudicial motivation**?

Record

What **flags**, if any, should apply to this event?

What **information** would you record? (Language, symbols, and actions)

Why is it important to record this offence **accurately**?

Respond

What is an appropriate response that will **reduce the harm** caused to the victim?

What aspects of the **victim's life experience** should inform your response?

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| Recognise Questions | Recognise Answers |
|---|---|
| What is the offence and offence code, if any? | Offence: Behaves Threateningly (Manually) (1733) and Wilful Damage (5127) |
| Is this hate motivated? If so, what is the prejudicial motivation? | Yes, perceived as hate motivated by by the VICTIM. Motivated by prejudice against the VICTIM because they have a physical disability. |
| Record Questions | Record Answers |
| What flags, if any, should apply to this event? | Perceived Hate as 'Contributing Factor' Hate type: Disability Perceived prejudice: Physical |
| What information would you record? (Language, symbols, and actions) | Specific Language: <ul style="list-style-type: none"> <i>'Are you even in a wheelchair?'</i> <i>'I'll smack your head in.'</i> <i>'If you weren't in a wheelchair, I would have smacked your head in'</i> Actions: <ul style="list-style-type: none"> Kicking the VICTIM's car and leaving a dent Speaking threateningly to the VICTIM <ul style="list-style-type: none"> We record the detail of language and/or symbols and/or actions of an offender to evidence the hate motivation. Evidence of the hate motivation means this aggravating factor can be taken into consideration by the judge at sentencing - Sentencing Act 2002 s9(1)(h). Evidence of the hate motivation is required to proceed to other alternative resolution pathways. |

| Why is it important to record this offence accurately? | <p>Accurate and consistent recording can:</p> <ul style="list-style-type: none"> • provide important intel for Police vetting processes such as firearms licencing, when determining if someone is a 'fit and proper person'. • track any escalation of behaviour or patterns of offending. • provide intel on matters of national security to help prevent offending that is violent and extremist. • develop trust and confidence in communities targeted by hate crime. |
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| Respond Questions | Respond Answers |
| What is an appropriate response that will reduce the harm caused to the victim? | <p>Your response can reduce or inflame the harm caused to the victim. In responding we need to talk about what we can do, not what we can't.</p> <p>We can</p> <ol style="list-style-type: none"> 1. verbally acknowledge the harm caused to the victim. 2. let them know additional process for their complaint. 3. let them know that their complaint is taken seriously and that it will be recorded. 4. offer them a referral to a support agency, such as victim support. |
| What aspects of the victim's life experience should inform your response? | <ul style="list-style-type: none"> • Experiencing daily prejudice, persecution and micro-aggressions can cause harm to the person, their whānau, and their communities. • Victims of hate crime and hate incidents are not chosen at random; victims are selected because of a protected characteristic they have or are perceived to have. • Victims of hate crime and hate incidents have a greater vulnerability and increased emotional impact than with comparable crimes. • This results in increased levels of fear and anxiety amongst their wider community. • Often victims have international experience that informs their fear, such as violent attacks against members of their community overseas. |