

Poor Police Response

Disabled victims of hate crime

This report has been produced on behalf of the London Deaf & Disabled People Organisations' (DDPOs) Hate Crime Partnership. Disabled victims of hate crime are not getting the response from the Metropolitan Police they expect or deserve. The report brings together an overview to provide context, the results of our survey, London-wide case studies, UK-wide experience, and our analysis that combined suggest a systemic failure by the Metropolitan Police and other UK police forces in their response to hate crime against Disabled victims. We then offer recommendations to improve outcomes for Disabled victims of hate crime when reporting to police.

Thank you to the DDPOs involved in the partnership for providing their evidence and commitment to support Disabled victims of hate crime.

We are stronger together –

Louise Holden, Hate Crime
Partnership Project Manager at
Inclusion London.

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About Inclusion London

Inclusion London supports over 70 Deaf and Disabled Organisations working across every London borough. Through these organisations, our reach extends to over 76,000 Disabled Londoners.

About the London DDPO Hate Crime Partnership

The London DDPO Hate Crime Partnership is funded for 5 years from 2018. It is the only Pan-London partnership between Deaf & Disabled People's Organisations (DDPOs) working to combat hate crime against Disabled people in London. This is the only partnership of its kind in the UK.

We represent DDPOs at over 20 key strategic meetings a year to influence policy and decision makers. We work closely with the wider MOPAC Hate Crime Partnership (Community Alliance to Combat Hate or CATCH) via Stay Safe East, led by Galop, who provide support across all hate crime strands and whose membership includes DDPOs from this partnership.

The 24 DDPOs currently involved in this partnership offer different levels of Hate Crime support, including Specialist HC Advocacy, Peer Advocacy and Support, Awareness raising and Third-Party Reporting Centres.

As the lead organisation of this partnership, Inclusion London provides capacity building to strengthen the network of support, hate crime data and insights and strategic policy and campaigning work so that no Disabled person needs to suffer alone if they experience Hate Crime.

Overview

The last few years have been challenging for us all, with the COVID-19 pandemic putting pressure on all public services after over a decade of austerity and cutbacks. These disproportionately affect Disabled people, as our full report, 'Abandoned, forgotten and ignored – the impact of Covid-19 on Disabled people'¹ shows. With services already stretched to breaking point, the pandemic has highlighted just how fragile public services can be and how this has negatively impacted every aspect of Disabled people's lives.²

Although there are many factors that prevent the reporting of hate crime against Disabled people, we are focusing on the how the police respond to Disabled victims trying to report a crime with the additional element of being targeted because they are Disabled.

We have been hearing from DDPOs recently that when they are supporting a Disabled victim of hate crime with specialist hate crime advocacy, they are experiencing significant barriers to reporting to the Metropolitan Police. The DDPOs are spread across different boroughs in London. The barriers include:

- Victims not being believed or being dismissed, sometimes mocked, by police officers when they say they feel targeted due to their impairment.
- Police officers downgrading crimes to anti-social behaviour and referring to safer neighbourhood teams.
- Police officers prioritising counter claims over the initial report by the Disabled victim.
- Cases being closed due to lack of evidence despite evidence being available.

We know DDPOs support a greater number of Disabled victims of hate crime than official figures suggest because of other barriers experienced that include:

¹ <https://www.inclusionlondon.org.uk/disability-in-london/coronavirus-updates-and-information/campaigns-news-during-coronavirus-crisis/abandoned-forgotten-and-ignored-the-impact-of-covid-19-on-disabled-people/>

² <https://www.inclusionlondon.org.uk/disability-in-london/coronavirus-updates-and-information/campaigns-news-during-coronavirus-crisis/abandoned-forgotten-and-ignored-the-impact-of-covid-19-on-disabled-people/>

- No confidence in criminal justice process.
- Inadequate access to specialist trained police officers to take statements.
- Fear of being ridiculed or abused by police officers.
- Not understanding that what they are experiencing is a crime.
- Wanting different outcomes from a prosecution, like moving home.
- Fear of retaliation, especially if the perpetrator is known to them, like a neighbour, carer, or family member.
- Length of time it takes to get a prosecution; victims just want to get on with their lives.
- Defendant getting a non-custodial sentence so still in local community or living nearby.
- Abuse and harassment are daily occurrence and they just put up with it.
- Think that is just how things are.

There has been a decrease in police 'receipts'³ passed to the CPS, which means fewer cases being assessed by the CPS for criteria to get to court. Once a case gets to court, if the defendant is found guilty, it is up to the Judge to decide whether to include an uplift in sentence to acknowledge the impact of hate crime.

We know that recorded hate crime against Disabled people has risen year on year⁴, even despite estimates of up to 97% of disability hate crimes going unreported, according to Mencap⁵. The National Crime Survey also estimated that only 11.8% of hate crimes against disabled people were reported to the police in 2018/2019⁶. Even if we only consider the higher rates of hate reported, it suggests that the reality for many Disabled people is that they are

³ Term used for when police refer case to Crown Prosecution Service (CPS) with evidence

⁴ <https://www.gov.uk/government/collections/hate-crime-statistics>

⁵ <https://www.mencap.org.uk/get-involved/campaign-mencap/hear-my-voice/hear-my-voice-hate-crime>

⁶ <https://dimensions-uk.org/get-involved/campaigns/say-no-autism-learning-disability-hate-crime-imwithsam/know-more/often-disability-hate-crimes-committed/>

experiencing hate crime and not reporting it, which means many Disabled people are just not getting the justice or support they deserve.

Between April 2019 and March 2020, the Home Office Statistics state that there were 8,469 disability hate crimes recorded by the police. The National Victim Crime Survey (NVCS) puts this figure closer to 50,000, with a probable range of between 33,000 and 66,000.⁷

While NVCS data is not expected to be released until 2023; the police recorded 9,943 Disability hate crimes between April 2020 and March 2021⁸ which is a 17.4% increase on the previous year. If the NVCS data increases by the same approximate percentage, this could mean the figure is closer to 58,700, with a range of between 38,742 and 77,484.

From the 9,943 reported disability hate crimes, 255 (2.56%) made it to court. Amongst these 255 cases, were only 2% of the total of violent disability hate crimes reported; public order offences were more likely to go to court than violent crimes. 15% of all reported disability hate crime throughout the country were recorded to involve violence against the victim; so, using these figures, out of 1,491 instances of violent hate crime, 30 resulted in a charge or summons.

However, some police forces are reporting increases in violent hate crimes disproportionate to previous years, far higher than the overall 15% of disability hate crimes as described in the Home Office data. West Midlands Police stated that they classified 95% of the disability hate crimes they recorded in the last year as violent⁹ and noted, in particular, a marked increase in the numbers that involved assault or the use of weapons¹⁰; Cambridge Police saw violent disability hate crimes increase by more than half, despite their overall disability hate crime numbers remaining similar to the previous year¹¹; and Dyfed-Powys Police saw the numbers of violent disability hate crime increase in proportion

⁷ <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2019-to-2020>

⁸ <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2020-to-2021>

⁹ <https://www.itv.com/news/central/2021-10-06/violent-disability-hate-crime-doubles-in-the-west-midlands-in-a-year>

¹⁰ <https://www.coventrytelegraph.net/news/coventry-news/violence-involving-weapons-among-huge-21824227>

¹¹ <https://www.cambridge-news.co.uk/news/cambridge-news/hate-crimes-against-disabled-people-21772983>

from just over half of recorded disability hate crimes in 2019/20 to two-thirds in 2020/21¹².

Another area of growing research in hate crime, that of hate relationships¹³, also highlights that Disabled people are often the most frequent victims of these types of hate crime and emphasises the need for policy and practice to take an intersectional approach¹⁴, as victims are often failed further by only having one aspect of their identity acknowledged and considered.

In hate relationships, people are repeatedly victimised by someone they know personally, or they have knowledge of due to living near them. This victimisation can go on for years, targets an aspect or multiple aspects of the individual's identity, causes harm to the individual's wellbeing and health, and often consists of "low level" incidents that, on their own, do not meet the threshold of a crime. As a result, services do not provide the support and assistance needed by the victims. The Fiona Pilkington case, in which a mother killed herself and her Disabled daughter, is an extreme example of the devastating impact years of torment and abuse can have on Disabled people and their families.¹⁵

In research carried out by the University of Durham and Connected Voices, the researchers found that:

'The majority of these cases (hate relationships) involve clients whose intersecting identities include at least two protected characteristics under hate crime legislation that influenced the nature of the discrimination faced (e.g. race and disability). In these cases, disability was most often not recorded as the motivation for hate crime/incidents.'¹⁶

¹² <https://www.dyfed-powys.police.uk/SysSiteAssets/foi-media/dyfed-powys/disclosure-2021/june/final-response-374.2021.pdf>

¹³ Donovan, C., Clayton, J., Macdonald, S., Ungureanu, C. and Knight, M. (2021) Exploring 'hate relationships' through Connected Voice's Hate Crime Advocacy Service, Durham University, 2021 <https://www.durham.ac.uk/media/durham-university/research/research-centres/research-into-violence-and-abuse-centre-for/Connected-Voice-Hate-Relationships-Report-June-2021.pdf>

¹⁴ Crenshaw, Kimberle (1989) "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of Chicago Legal Forum: Vol. 1989: Iss. 1, Article 8. Available at: <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>

¹⁵ <https://www.theguardian.com/society/2011/may/24/disability-hate-crime-fiona-pilkington>

¹⁶ <https://www.durham.ac.uk/media/durham-university/research/research-centres/research-into-violence-and-abuse-centre-for/Connected-Voice-Hate-Relationships-Report-June-2021.pdf>

By failing to consider intersectionality from the very start of any policy and practice, organisations and services are poorly positioned to provide holistic and bespoke services to victims of hate crimes and hate relationships ¹⁷.

Although official figures do not disaggregate into types of ‘disability’ or impairment, we know that many Disability hate crimes are targeted toward people in vulnerable situations, like not having a good support network and living alone, and disproportionately affect people with Learning Difficulties / Disabilities and people experiencing mental distress and trauma. The Dimensions Charity, I am Sam campaign estimates that:

‘73% of people with learning disabilities and/or autism had experienced a hate crime, 53% of which were within the preceding year. However, only 48% of people said they had reported it to the police, which means learning disability and autism hate crimes are grossly under reported.’¹⁸

As already mentioned, while there are many reasons for high levels of under-reporting, what is becoming increasingly apparent, is how Disabled people are being failed by the police and other services that are involved with supporting victims of identity-based harm and hate crimes. This repeated failure — with responses, at times, being so poor as to re-traumatise victims — is part of a wider, systemic issue that has long been well-known to those from marginalised groups.

These systemic issues continue — often unchallenged and without repercussions — until either an investigation is forced by complaint, or they are uncovered during investigations of other matters. One investigation by the Independent Office of Police Conduct (IOPC) started at Charing Cross police station because of an allegation that a police officer had sexual intercourse at the station; however, the investigation found far wider reaching concerns during its course. The investigation found at least 10 officers at one station had engaged in some or all of the following:

¹⁷ Healy, J., 2019. Thinking outside the box: intersectionality as a hate crime research framework. *Papers from the British Criminology Conference*, 19, 60-83.

¹⁸ <https://dimensions-uk.org/get-involved/campaigns/say-no-autism-learning-disability-hate-crime-imwithsam/know-more/often-disability-hate-crimes-committed/>

- Bullying and inappropriate behaviour.
- Perverting the course of justice through evidence deletion.
- Racist, misogynistic, and discriminatory behaviour and language.
- Violence and manipulation of “vulnerable people”.*
- The use of and sharing of ableist images, commentary, and language.¹⁹

Multiple police officers, even in just the past few years, have been dismissed for using their positions of power to manipulate and exploit Disabled people, frequently those with mental distress and trauma, often for years before being reported or found out^{20 21}. Accounts throughout this report, both from DDPOs within the London DDPO Hate Crime partnership and taken from cases which made local or national news, will demonstrate further these persistent and widespread systemic issues.

We acknowledge there are multiple barriers to getting justice and/or a positive outcome for Disabled victims who have experienced a hate crime. However, we also acknowledge that overcoming personal internal barriers of shame and self-blame or pride to be able to report to then be faced with having a poor response from a police officer can not only affect that individual but also affect community confidence and how Disabled people participate in everyday life.²²

The DDPOs involved in the London DDPO HC Partnership have provided evidence of poor police responses across London, which is covered in the following report.

We call on the London Assembly and Mayor’s Office of Police and Crime (MOPAC) use this report as an opportunity to review and hold the Metropolitan Police Service (MPS) to account and for all stakeholders to take action to improve outcomes for Disabled victims of hate crime.

* Please see “Impact on Victim” further in the report for a discussion on the ongoing police and CJS use of “vulnerable people”.

¹⁹ <https://www.policeconduct.gov.uk/investigations/inappropriate-conduct-charing-cross-police-station-metropolitan-police>

²⁰ <https://www.newstatesman.com/politics/2021/08/secret-police-quarter-officers-sacked-serious-offences-are-hidden-public>

²¹ <https://www.politicshome.com/news/article/hundreds-of-police-officers-accused-of-abusing-powers-for-sexual-gain>

²² <https://eprints.mdx.ac.uk/25907/1/JHealy%20thesis%20EMBARGO.pdf>

'... until more of us talk about this issue with an explicit terminology that articulates its pervasive and toxic nature, Disabled people will continue to be failed by the organisations and institutions who have a duty to uphold their full human rights within society.' (Chapman, 2020)²³

Impact on victim

Definition of hate crime

Legal definition

The police and the CPS have agreed the following definition for identifying and flagging hate crimes:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

"There is no legal definition of hostility, so we use the everyday understanding of the word, which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike."²⁴

Specific to Disability hate crime

The problem with certain types of hate crime against Disabled people is the person committing the crime may not show any 'hostility' at first and what is happening is not at the level of a crime. But incidents can build up over time and become more serious, which can mean they are then something that should be reported to the police or a third-party reporting centre.

If a crime is committed (any crime) and it is due to a perceived hostility toward you because you are Disabled, when the perpetrator is sentenced, they will get a more severe sentence or penalty, if found guilty.²⁵

²³ <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/still-getting-away-with-murder-disability-hate-crime-in-england/>

²⁴ <https://www.cps.gov.uk/crime-info/hate-crime>

²⁵ <https://www.legislation.gov.uk/ukpga/2020/17/contents/enacted>

For more specifics of hate crime against Disabled people via our website at <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/am-i-being-targeted-due-to-my-disability/>

*Language and how, given the right circumstances, we are all vulnerable

The police and criminal justice system frequently refer to Disabled victims of crime as “vulnerable”, as will be seen in this report in some direct quotes from their documents. Disability rights campaigners and activists reject this concept that to be Disabled is to be inherently vulnerable; anyone can be vulnerable depending on the situation and context of a given moment. Some activists and campaigners fear that by focusing on the “vulnerability” of the victim, the emphasis is being shifted away from the perpetrator towards victim blaming²⁶.

However, due to language written into legislation and the nature of hate crime laws, the criminal justice system relies on the concept of vulnerability to put forward hate crime uplifts and to support victims who were exploited or manipulated into assisting in criminal activity, such as in cuckooing or county-lines. This idea of “vulnerability” can also play a role in pursuing prosecutions or action in the event of “mate crimes”, where the hostility criteria for hate crime prosecution can often not be demonstrated.

The language around crimes committed against Disabled people — such as “mate crime”, “cuckooing”, “vulnerable” — can sometimes verge on infantilising or risk downplaying the severity of the crimes. Some terms, such as “mate crime”, were never intended to be criminal definitions. They were originally accessible ways to explain complicated hate relationships when supporting learning disabled people²⁷. However, many of these terms have been co-opted into wider use, in part due to their appearance in newspaper articles detailing the murders of individuals such as Steven Hoskin and Raymond Atherton^{28 29}.

Impact on victims

²⁶ The Real Change Challenge. Mate Crime: A Challenge for the Police, Safeguarding and Criminal Justice Agencies (<https://arcuk.org.uk/safetynet/files/2012/08/RCC-Mate-crime-PCJA.pdf>)

²⁷ Doherty, Ged (2015). *Do mates hate? A framing of the theoretical position of mate crime and an assessment of its practical impact*. *The Journal of Adult Protection*, 17(5), 296–307. doi:10.1108/jap-12-2014-0041

²⁸ Williams, R. (2010), “‘Mate crime’ fears for people with learning disabilities”, *The Guardian*, 14 September, available at: www.guardian.co.uk/society/2010/sep/14/learning-disabilities-mate-crime (accessed 13 May 2012).

²⁹ Thomas, P. (2013), “Hate crime or mate crime?”, in Roulstone, A. and Mason-Bish, H. (Eds), *Disability, Hate Crime and Violence*, Routledge, Abingdon, Oxon, pp. 135-146.

There has been lots of research³⁰ showing that the long-term individual impact of being a victim of hate crime is more than for victims of other crime. This is due to the personal nature of hate crime, where a person is targeted because of who they are. It affects how that person sees themselves and their place in society.

2018 research by Middlesex University³¹ states that,

“The repetitive, ongoing pattern that is common to disability hate crime is also reported by participants of this study Hayley describes the cumulative effect of disability hate crime as:

“demoralising all the time... you’re scared from week to week what’s gonna happen next... [continues] all I’ve got to look forward to is more hate and more rhetoric”.

In a similar vein, Stuart adds:

“words like stumpy, peg-leg, hop-a-long, all the pirate jokes of course erm... the effect seemed to be quite cumulative”.

He says it is the personal nature of disability hate crime that means it has a greater impact, describing how a non-disability related argument has far less relevance than something that is targeted at him because of his disability:

“because it’s exposing the area of vulnerability and weakness isn’t it? And making it highly personal. They are targeting you as an individual for their, you know, vilification... you know it’s not just a random strike out of the blue”

Sarah says:

“I self referred to a mental health... [continues] because I was getting to the point where I wanted to end it and I can’t end it because of my kids”

³⁰ <https://www.taylorfrancis.com/chapters/edit/10.4324/9780203578988-4/personal-injuries-hate-crime-1-paul-iganski-spiridoula-lagou?context=ubx>

³¹ <https://eprints.mdx.ac.uk/25907/1/JHealy%20thesis%20EMBARGO.pdf>

Key findings

- In our survey, all the organisations supporting Disabled victims of hate crime said they had experienced a poor response from the Metropolitan Police with multiple cases.
- Poor responses were London-wide.
- Similar poor responses have been reported across the UK.
- Poor responses mean victims are less likely to report again.
- Disabled community have extremely low confidence in the police.
- Evidence to suggest Disablist attitudes held by police officers.

London experience

Case Studies from DDPOs

One Lambeth based DDPO reported victims of hate crime having to wait hours, days, and sometimes even weeks, to give their statement, as their local police forces only had one or two staff trained to take reports from victims with communication support needs. Other DDPOs, including Stay Safe East, reported similar issues, with police often lacking knowledge of how to work with victims with a range of communication support needs or how to make reasonable adjustments when taking reports from Disabled people.

Another DDPO told Inclusion London how one individual — who they were supporting to report a hate crime to the police where he was threatened with a knife — was told because he wasn't harmed there "wasn't much the police could do". Also brought up was how, on more than one occasion, police officers were advising the person being reported as the perpetrator that they could make a counter-claim, then these were being given priority over the initial report made by the Disabled victim.

Across all DDPOs providing data in the HC Data Collation project, for the quarter of July-September, one third of the individuals they supported did not want to report the hate crime to the police. The main reasons for this were:

- Didn't think there was enough to "prove to the police" that it had happened / lack of evidence.
- Fear of going to the authorities.

- Weren't believed by the police before, so don't want to go through the experience again.
- Distrust of the police.

Of the cases that were included in the HC Data Collation Project, there was a marked majority of Disabled female victims: 14 female, 7 male, and 5 not recorded.

Two of our DDPO partners, Stay Safe East and Merton Centre for Independent Living, provided case study summaries of their casework involving police.

These case studies include Disabled victims who are:

- Visually Impaired
- Deaf
- Experiencing mental trauma / distress
- People with Learning Difficulties / Disabilities

The criminal behaviours alleged are:

- Cuckooing
- Drug Dealing
- Identity Fraud
- Running a brothel
- Financial abuse
- Emotional abuse
- County Lines (coercion)
- Physical assault
- Harassment
- Intimidation of a witness
- Threats to life
- Racist verbal abuse

All the case studies involve significant poor practice, including:

- Evidence – not being collected, being lost, delays in obtaining.
- Statements – not being taken, delays due to communication support needs not being met.
- Timelines not being met.
- Investigations – not being carried out.

- Referral to safeguarding adults' team / safer neighbourhood team despite significant risk to the victim.
- No arrests despite significant risk to the victim.
- Closing cases – due to lack of evidence (despite evidence being provided/available) or due to no investigation taking place.
- Not flagging crimes for Disability hate crime.

We had been in contact with the Metropolitan Police, who had offered to investigate specific cases the advocates were dealing with. Despite numerous follow-ups, we have received no response.

Please see Appendix I for further information on the case studies provided following our call for evidence from DDPOs.

Results from our survey

We sent a survey to DDPOs involved in the London DDPO HC Partnership to share their experiences of supporting a Disabled victim of hate crime to report to the MPS over the last six months.

We received six responses. Each response is from a DDPO who represents the Disabled people in their borough. Please note that this is not six individual's responses but responses from DDPO staff who are supporting many clients each.

Each DDPO who responded had similar experiences across London.

When asked, 'If you are supporting disabled victims of hate crime to report to police, how would you rate the overall level of satisfaction with their response', all responded with, 'poor'.

When asked to elaborate on what was poor in the response, DDPOs responded with:

"The police don't believe the survivors, stop attending calls completely, always saying there is no evidence when they even try to investigate, clients sometimes mocked."

"There is a feeling from clients that reporting doesn't make any difference; that if police officers do flag incidents/crimes as hate, they do

so as a tick-box exercise and don't appreciate what this means for the client. There is mis-categorisation or diminishing of someone's experience as "just" ASB [Anti Social Behaviour] or a neighbour dispute, particularly since covid when there has [sic] been so many incidents between neighbours which have involved prejudice. I've also experienced an attitude where clients with mental health issues are taken less seriously."

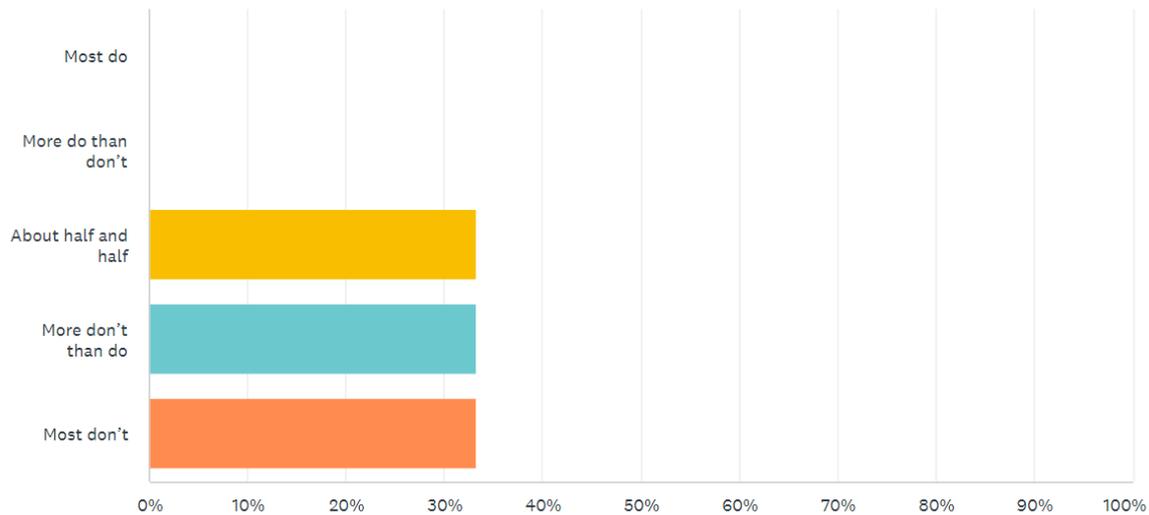
"Whilst advocating for various disabled clients at Stay Safe East, I have experienced a common issue in every case which is not receiving correspondence from the OIC [Officer In Charge]. Despite of calling and writing to the OICs various times, majority of them do not respond. Another difficulty which my client and I have faced is OIC or attending officer did not provide an interpreter although they were made aware that the client has very limited English and this has happened several times in a particular case."

"It has become significantly harder to get in contact with officers and to get any responses once initial contact is made. In cases with multiple instances, crimes are not linked, even with the same perpetrator. Lead officer seems to shift frequently and it has become nearly impossible to get any representative from the Met to attend Safeguarding Meetings. It wasn't this difficult to get responses across the board before and it seems to be worsening."

"Poor communication with victims, lack of knowledge about vulnerable people and support needs (e.g. having appropriate support during interviews/home visit appointments), quick to dismiss incidents before investigating further than a statement."

"Unsympathetic."

We asked, 'Do you think the police officers taking the reports of disability hate crime understand about law relating to Disability Hate Crime?'



(Graph showing responses to question: About half and half – one third; More don't than do – one third ; Most don't: one third. Percentages are auto-generated by software but are not best means of representing this data)

When asked to elaborate:

“When the police feels [sic] a client calling repeatedly is wasting police time and even threatening to get the victims arrested for wasting police time.”

“One officer told a service user that hate crime only covers sexuality and race not disability, recommendations for victims following reporting have been contradictory which leads to more hold ups down the line.”

To access the full survey results - <https://www.surveymonkey.com/stories/SM-KJVCSEFJQ/>

UK wide experience

We wanted to see if other areas outside of London had difference experiences. Unfortunately, what we found seems to support our understanding that there is a systemic issue in UK police forces that needs further investigation and calls for action to improve. Throughout the UK, organisations have highlighted problems with getting support for disability hate crime and with getting it taken seriously.

“Mate Crime” throughout the UK

The Brandon Trust³² report that “mate crime”, the term used when someone deliberately befriends someone intending to exploit them, is one form of hate crime that is rarely reported by victims; due to the long-term and manipulative nature of “mate crime”, it could be reported at even lower rates than other presentations of hate crime.

Association for Real Change have also identified particular difficulties in hate crimes that involve befriending, not least because it can be difficult for the victim to identify that they are being exploited until the manipulative relationship has become further developed.

Then, once the victim has identified they are being exploited and do report the crime, they are often disbelieved by the police, face hostile interviewing in the court room — if the case gets that far — which at times seems to be intended to confuse and discredit them, and then judged to be “unreliable” by juries, leading to the perpetrator going free.³³

West Midlands – hate crime has doubled, only one suspect taken to court

In the last year, disability hate crimes in the West Midlands doubled from 171 in 2019/20 to 352 in 2020/21³⁴. Of those 352, 336 were violent crimes — such as assaults or crimes involving a weapon — but only a single charge was brought. Local organisations reported that the number of hate crimes was likely to be much higher as many disabled people didn’t report hate crimes, for a variety of reasons, including believing that they wouldn’t be taken seriously and that nothing would be done.

Norfolk & Suffolk

Organisations and individuals in Norfolk and Suffolk have reported increasing levels of disability hate crime^{35 36}; however, when the police were asked to make a statement, they suggested that the true numbers were “likely to be

³² <https://www.brandontrust.org/whats-happening/hate-crime/workshops/>

³³ The Real Change Challenge. Mate Crime: A Challenge for the Police, Safeguarding and Criminal Justice Agencies (<https://arcuk.org.uk/safetynet/files/2012/08/RCC-Mate-crime-PCJA.pdf>)

³⁴ <https://www.birminghammail.co.uk/black-country/hate-crimes-against-disabled-people-21787686>

³⁵ <https://www.edp24.co.uk/news/crime/crimes-against-disabled-people-rise-in-norfolk-1278702>

³⁶ <https://www.edp24.co.uk/news/crime/norfolk-police-record-big-rise-in-hate-crimes-8408342>

lower than what was reported” and that the way they were recording hate crimes caused the increase.

The spokesperson for the police went on to say: “Recognising this issue, we recently changed the keyword system which has resulted in a significant reduction in the number of crimes which are defined as being motivated by disability hate.”

While it is possible that some non-hate crimes were recorded inaccurately, there are certainly questions about whether changing a system to reduce how many incidents meet the criteria for a disability hate crime is the approach that best supports victims or investigates the problem appropriately.

Autism Injustice personal stories

Autism Injustice³⁷ is a support and campaign group set-up to hold the Government and other public bodies accountable for the mistreatment and injustices perpetrated against autistic, and other neurodivergent, people through the police and criminal justice systems.

Some stories reported through their website show just how poor the police response to disability hate crime is, including the case of Daniel Smith³⁸ who has been the victim of disability hate crimes repeatedly but has, on multiple occasions, been arrested by the police and detained despite being the victim. Eventually, a settlement was reached in a civil case against Devon and Cornwall Police regarding their discrimination in their treatment of Daniel, however the same failings that led to that case being brought were repeated in a fifth hate crime incident.

Other individuals’ experience highlight why disabled people may distrust the police, such as Faruk Ali’s³⁹ experience, where he was victimised by two police officers who chased him and assaulted him. The officers were later dismissed from the force but cleared of criminal wrongdoing.

Recent police misconduct case

³⁷ <https://autisminjustice.org/>

³⁸ <https://autisminjustice.org/Stories/daniel%27s%20story.html>

³⁹ <https://autisminjustice.org/Stories/faruk%27s%20story.html>

A young Black woman in Newham approached a police officer for help, identifying herself as having additional support needs, and was, following escalation by the police, assaulted repeatedly, including being hit by the police officer at least 30 times with a baton.⁴⁰ At the time this report was published, the police officer has been dismissed, but no charges brought against him.

One of our DDPO partners that is led by and for people with Learning Difficulties, who was interviewed for a Disability News Service article said,

““I felt: this is a crime. This will have an impact on the person with learning difficulties for the rest of their life.

“It reinforces our lack of trust in the police, our belief that we do not have access to justice.

“It reinforces all of our beliefs that if this happens to me, I will not be believed.

“I think the violence will make us fear that we are not safe in our own communities.

“I fear that people with learning difficulties will be frightened to go out and will constantly think, ‘Who can I trust, who will believe me?’”⁴¹

It is our assertion that, although training and disciplining individual police officers is needed, so too is a review of the culture of the police service due to the barriers to justice being faced by Disabled people across London and the UK. Although we welcome training and acknowledge that poor practice is not ‘every officer’, we dispute that the negative interactions with the police are only a “tiny fraction of the daily interactions”, which was the rebuttal given by the NPAA when Autism Injustice reported the stories of systemic abuse and failure through their site⁴². There is no evidence that reporting has improved through recent training for police officers, so we need a systemic review.

⁴⁰ <https://www.independent.co.uk/news/uk/crime/benjamin-kemp-met-police-newham-b1840477.html>

⁴¹ <https://www.disabilitynewsservice.com/why-has-police-officer-who-hit-disabled-teenager-more-than-30-times-with-a-baton-not-been-prosecuted/>

⁴² NPAA Response (<https://autisminjustice.org/discussion%20&%20comments/>)

Our analysis

Statistics on hate crime

Pulling together the data between the reported disability hate crimes and those that move through the criminal justice system can be complicated. CPS data provided for 2020-21 is presented in tables emphasising the percentages of hate crimes charged out of legal decisions, not out of all reported. In the tables detailing prosecutions, they present the data as percentages of convictions out of prosecutions.

These figures are correct, but when they are referenced in media or publications to discuss hate crime, they can be misleading depending on how they are used. Using London as an example, the CPS data shows that 61.5% (N: 12) of disability hate crimes prosecuted resulted in a conviction⁴³. This 61.5% is out of 19 cases prosecuted. Applying percentage statistics to sample sizes below 100 can, at best, give a poor representation of the statistics, and, at worst, misrepresent the data entirely.

Those 19 cases which were prosecuted were those charged out of 24 where a legal decision was made, which were decided from 30 pre-charge decision cases. While direct comparison with recorded hate crimes is also complicated — as it can take years for a case to go through the justice system and so data may be spread across multiple years — in 2020/21 there were 527 recorded disability hate crimes, in 2019/20 there were 487, and in 2018/19 there were 413. Even using the smallest of those numbers, the 19 cases which were prosecuted only represents 4.6% of the hate crimes that were recorded.

How data is presented needs careful consideration. While even 61.5% is one of the lower prosecution rates for hate crime throughout the country, it looks a lot better than 4.6%.

When combined with the other issues at various stages of the process discussed throughout this report, these data representation issues, and the lack of a central database where the information is provided in an accessible format, makes accurate data analysis on disability hate crime throughout the justice system difficult.

⁴³ <https://www.cps.gov.uk/publication/cps-data-summary-quarter-4-2020-2021>

Impact on Disabled community

Most Disabled victims who want to report will have experienced a build-up of incidents and harassment before deciding to report. This means perpetrators are getting away with committing hateful acts and crimes over long periods of time with no personal consequences and no support and intervention for the victim.

There is strong evidence that not all disability hate incidents or crimes are resolved through criminal justice solutions, and we are finding that a high number of Disabled victims we are supporting want non-criminal justice outcomes; however, with widespread reductions in or loss of funding for DDPOs, community, and grassroots organisations, alternative means for support are inconsistent.

The consequences for the Disabled community are experienced in multiple ways and impact confidence in reporting:

- Knowing someone who has had a poor response.
- News stories about inadequate outcomes for Disabled victims.
- Reports on police misconduct cases involving Disablist attitudes towards victims.
- Police officers who are dismissed for gross misconduct but not being prosecuted for their actions.

London Assembly holding Metropolitan Police to account

In 2019, Inclusion London gave evidence at the MOPAC London Assembly sub-committee on hate crime against Disabled people.⁴⁴

As well as recommending the reinstatement of Disability Hate Crime Matters⁴⁵, we presented evidence of how institutional Disablism manifests in how public perceptions of Disabled people are influenced by how political rhetoric is reported on in the press and how this leads to Disabled people being victimised. As well as Greenwich University research commissioned by us and

⁴⁴ <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/inclusion-londons-evidence-on-hate-crime-to-london-assembly/>

⁴⁵ <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/disability-hate-crime-matters-event-report-next-steps/>

published in 2011⁴⁶, this has also been mentioned in research by Middlesex University published in 2018.⁴⁷

The Metropolitan Police reassured the committee members that they were putting into place new training for police officers on issues relating to hate crime and they felt this was sufficient. We agreed with the sub-committee that the new training would be monitored and receipts and flagging statistics analysed to note any improvement because of the training. We have not seen any report to this effect and would welcome an update on this with a view to recommending the reinstatement of DHC Matters as this is a proven way to improve flagging.

Message not getting through to frontline police officers

Inclusion London have been working with the Metropolitan Police for three years via various strategic and working groups. Over these three years, the message has been one of full commitment to changing the culture and response on the frontline. However, despite making promises to follow up cases that our DDPO HC Advocates are not getting adequate responses for, no follow up support or intervention to assist in cases has happened. This also erodes community confidence and a feeling that these cases just don't matter as much as other issues. There seems to be a disconnect between the positive strategic work and the message to frontline police officers.

Importance of Hate Crime Advocates

Despite the issues detailed in this report, we know that having an experienced and skilled advocate can help with reporting hate crime and getting positive outcomes.⁴⁸ Disabled victims who do not have access to an advocate or any other type of support are more likely to disengage with the criminal justice process or not report at all.

We are finding that these outcomes are most likely to be outside of the criminal justice system and include supporting the person to move home, sort out finances, make new friends, learn about safe spaces, providing emotional support. DDPOs are ideal places for Disabled victims to get peer support and a range of holistic services to help with the recovery of experiencing a hate

⁴⁶ <https://ref2014impact.azurewebsites.net/casestudies2/refservice.svc/GetCaseStudyPDF/21348>

⁴⁷ <https://eprints.mdx.ac.uk/25907/1/JHealy%20thesis%20EMBARGO.pdf>

⁴⁸ <https://www.tandis.odihr.pl/bitstream/20.500.12389/22287/1/08623.pdf>

crime. Our HC Data & Insight Project, which started in March 2021 will be collecting deep dive data to support the call for more DDPOs to be funded across London.

Having someone to provide encouragement and support through an often lengthy and difficult process can make all the difference, which has been shown to work in other types of crime where an advocate is provided, for example, Domestic Violence Advocates.⁴⁹

Institutional Disablism

‘... justice, transport, education, and housing have far more to do to address systemic discrimination and society’s inequality, to respond to the interests of Disabled people with legitimacy: the perception of disability hate crime as ‘an occasional problem for a few individuals’ remains all too prevalent. Precise changes in definitions of racism and sexism, for example, need also to extend to the characteristics of disablist and ableist motivation.’ (Chapman, 2020)⁵⁰

We have found that there are Disabled victims experiencing a poor response across the UK. This points to a wider issue of a culture of treating Disabled victims as ‘less than’, which is something that many Disabled people will recognise as institutional Disablism. Police officers and public bodies are not immune to wider societal attitudes and values. There has been some research carried out suggesting police officers favour a more ‘eugenics approach’ when dealing with people with Learning Difficulties, which indicates that police officers hold common wider societal Disablist attitudes, which affects how they respond to Disabled victims.⁵¹ It also suggests that with specialist training, these attitudes can change and improve responses.

Loss of confidence in police

This culture of institutional Disablism and impact on Disabled community may offer an explanation as to why Disabled victims of any type of crime report a low level of satisfaction with how their cases were handled by the Metropolitan Police. At 58%, this is lower than any other demographic group surveyed as part of the MOPAC Victim Satisfaction Survey. It may explain why

⁴⁹ <https://journals.sagepub.com/doi/abs/10.1177/1748895815599581>

⁵⁰ <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/still-getting-away-with-murder-disability-hate-crime-in-england/>

⁵¹ <https://onlinelibrary.wiley.com/doi/abs/10.1046/j.1365-2788.2001.00339.x>

currently there is no prioritised strategic aim to address this in the Metropolitan Police Service.⁵²

Key Recommendations

For Police

- **Reinstate Metropolitan Police Disability Hate Crime Matters Initiative**

Following the launch of Disability Hate Crime MATTERS in 2016, the Metropolitan Police Service saw an increase in the number of recorded Disability Hate Crimes from 357 in 2015/16¹²⁷ to 666 in 2016/17. In 2017/18, however, they recorded only 462 Disability Hate Crimes because the initiative stalled.

DHC Matters was delivered in the form of a briefing by Disabled people and this was shown to be of greater benefit than online training.

DHC Matters has also been cited in the Disabled Witness Project as a best practice model for all UK Police Forces to increase reporting and flagging of hate crime against Disabled people.⁵³

- **Make more use of the Metropolitan Police Disability Independent Advisory Group.**

The DIAG is set up at the request of the Metropolitan Police as a critical friend and source of expert information and advice on improving services. Officers can request information and advice on any Disability related issue, for example, Disabled protestors.

- **All Borough Command Units (BCUs) to set up or make use of CPS Multi-agency Scrutiny Panels for hate crime case reviews via Hate Crime Coordinators (HCOPS).**

Held bi-annually, these need to include representatives from Safer Neighbourhood Teams, School Liaison Officers, Anti-Social Behaviour and Housing teams and CPS as well as local DDPO representatives or Inclusion

⁵² <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/disability-hate-crime-matters-event-report-next-steps/>

⁵³ <https://gala.gre.ac.uk/id/eprint/27141/>

London on behalf of the London DDPO HC Partnership to look at patterns, hotspots, poor responses to cases and work on responses to current cases being dealt with by DDPOs / CATCH Partnership.

- **Support / set up a Community Multi-Agency Risk Assessment Conference (Community MARAC) in each BCU to deal with high risk and repeat ASB and hate crimes cases and other cases involving adults at risk.**

Disability hate crime is often referred to safeguarding adults or safer neighbourhood team. Work with other statutory agencies including Housing, to conduct regular reviews of Safeguarding Adults referrals to identify potential hate crime. There are multiple cases resulting in the death or murder of a Disabled person because the signs for escalation were missed.⁵⁴

There is a need to conduct MARACs for all adults at risk so this would be an opportunity to work with other organisations to spot potential hate crimes that have been referred to safeguarding.

- **To make better use of local DDPOs via CATCH Partnership when responding to Disabled victims.**

All Disabled victims can be referred to the CATCH Partnership, where one of our Partners, Stay Safe East provides triage for Disability hate crime. Stay Safe East will be able to put victims in contact with their local DDPO or provide casework if a DDPO is not available. Part of the service is to explain to victims what their rights are and work to resolve incidents before they become crimes. Making more use of Stay Safe East can prevent escalations as well as provide casework for hate crime cases.

- **To counter Disablism**

Specialist Equality Training led by people with lived experience and recruitment of Disabled Police Officers.

⁵⁴ <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/still-getting-away-with-murder-disability-hate-crime-in-england/>

For recruitment processes to include personality assessments to ensure recruits have the right attitude and values to serve the public and marginalised groups.

- **Identify links between Anti-Social Behaviour / Neighbourhood disputes and hate incidents earlier.**

HCOPS to make use of Metropolitan Police new technology & software to identify hotspots, repeat incidents and link to safeguarding adult referrals and anti-social behaviour reports.

For CPS

- **Prosecution of police officers dismissed for gross misconduct when involving Disabled people.**

Make a public statement and put procedures in place to actively seek prosecution of police officers who have been involved in inappropriate behaviour, exploitation and abuse against Disabled people.

- **The CPS and MPS need to do more work together to understand the negative impact on the community if police officers who have assaulted, exploited or abused a Disabled person do not face criminal proceedings and to look at how those decisions are made and communicated to the Disabled community.**

For Mayor's Office for Police & Crime

- **MOPAC commissioners to ringfence part of small grants scheme and fund more localised organisations led by Disabled people to support Disabled victims and raise awareness of DHC within Disabled community in collaboration with the London-wide Hate Crime Partnership (CATCH).**

The pilot of the CATCH Partnership was shown to work for minority groups in each hate crime strand apart from Disabled victims, who need more localised organisations to support them with the capacity to engage with the community to raise awareness of hate crime as many Disabled people are not aware that what they are experiencing is a crime. CATCH now has three DDPOs involved who cover London who provide hate crime advocacy casework. However, due

to increasing caseloads this is not enough. There also needs to be proactive work to raise awareness of hate crime against Disabled people within the Disabled community, particularly people with Learning Difficulties. By funding more DDPOs across London boroughs to engage more with their local community about hate crime, they can refer into CATCH for casework, it would increase the numbers of Disabled victims being offered support regardless of a criminal case.

Hate crime interventions can be provided from a non-criminal justice perspective and treated as a public health issue, which DDPOs are well placed to provide, when provided with the resources to do so. Community groups working to promote social justice and rights, education and training-based approaches, bystander intervention and involvement, and prevention programmes are all alternatives that can reduce hate crimes.

We need to move away from approaching hate crimes in terms of people belonging to identity groups in silos or individual strands. Personal identities are intersectional and can be better served by holistic services. There need to be options for person-centered, user-led, collective approaches to post-hate crime support.^{55 56 57 58}

- **Work with MPS Deputy Commissioner's Delivery Group**

The DCDG was set up in 2020 in response to the last MOPAC Police & Crime Action Plan to look at improving trust in police among Black communities. We recommend that the Police Encounter Scrutiny Panels (PESPs) are expanded to Disabled people as part of the Police & Crime Plan 2021-2025, who can also

⁵⁵ Brandon, T, and Keyes, S. (2012). Civil courage, civil societies, and good Samaritans: a response to disablist hate crime, in A. Roulstone and H. Mason-Bish (eds) *Disability, Hate Crime and Violence*, London: Routledge.

⁵⁶ Balderstone, S. (2012). After disablist hate crime: which interventions really work to resist victimhood and build resilience with survivors, in A. Roulstone and H. Mason-Bish (eds) *Disability, Hate Crime and Violence*, London: Routledge.

⁵⁷ Hardy, S. and Chakraborti, N. (2016) *Healing the Harms: Identifying How Best to Support Hate Crime Victims*. Leicester: University of Leicester.

⁵⁸ Hardy, S. and Chakraborti, N. (2017) *A Postcode Lottery? Mapping Support Services for Hate Crime Victims*. Leicester: University of Leicester.

have other protected characteristics and currently have the lowest level of satisfaction in how their cases are dealt with by the MPS.⁵⁹

For the London Assembly Police & Crime sub-committee

- **Prioritise hate crime against Disabled people to monitor progress and effectiveness of initiatives by MPS to improve reporting of Disability Hate Crime and Disabled victims level of satisfaction with how their cases are dealt with.**

This initiative can be in collaboration with the PESPS, HCOPS, Scrutiny and MARACs.

In addition, one of our DDPO Partners Merton Centre for Independent Living, produced a report on Disability hate crime in their borough in October 2020⁶⁰. These localised recommendations can be adapted for all London boroughs. Please see Appendix II for full list of recommendations.

Further information

Still Getting Away with Murder Report 2020

This report was commissioned by Inclusion London and written by Dr Laura Chapman. It is a follow up to the 2008 report, 'Getting Away with Murder', which was written by Katharine Quarmby, produced in collaboration with Disability Now, the UK Disabled People's Council and Scope and published by Scope. Both reports focus on Hate Crime against Disabled people and have been produced by Disabled people. The new report revisits the observations and key findings made in 2008 and looks at what has happened since. The aim of this new report is to move away from 'sound bites' and simplistic explanations for why Disability Hate Crime happens. There are six key findings from the report that we encourage professionals, Disabled people, academics,

⁵⁹ <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/public-voice-dashboard>

⁶⁰ <https://www.mertoncil.org.uk/assets/documents/merton-cil-starting-to-stop-i>

and the public to think about when attempting to understand the complex reasons why these crimes happen, and for professionals to use them when developing policies and practice.

<https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/still-getting-away-with-murder-disability-hate-crime-in-england/>

Identifying and Reporting Hate Crime

Many Disabled victims do not recognise that what they are experiencing is actually a crime. We have produced this information, including an easy read version, 'Am I being targeted due to my disability?'

<https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/am-i-being-targeted-due-to-my-disability/>

One of our DDPO Partners, Disability Advice Service Lambeth (Dasl) produced a film about hate crime against Disabled people.

<https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/what-is-disability-hate-crime/>

There is a BSLi video, produced by our DDPO Partner DeafPlus.

<https://www.youtube.com/watch?v=ailzUd0SU2w>

If you need information on referring a victim for support, please visit our website at <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/reporting-disability-hate-crime-2/>

About the London DDPO Hate Crime Partnership

We have a report available on the work of the London DDPO HC Partnership between April 2019 and March 2021.

<https://www.inclusionlondon.org.uk/training-and-support/partnership-working/disability-hate-crime-partnership/london-deaf-disabled-people-organisations-hate-crime-partnership-report/>

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About Inclusion London

Inclusion London's mission is to promote Deaf and Disabled people's equality and inclusion. We do this by supporting Deaf and Disabled People's Organisations to have a strong and influential collective voice and to deliver empowering and effective services to Deaf and Disabled Londoners. We are the only organisation run by and for Deaf and Disabled people working across every borough in London.

www.inclusionlondon.org.uk

APPENDICES

APPENDIX I

09.11.21: Summary of casework relating to issues with police involvement

Thank you to Stay Safe East for the following casework:

1.

T has a diagnosis of learning disability, autism and ADHD, and depression. T had previously been targeted and exploited by a criminal gang (county lines), while living in a homelessness hostel, and had served time for a crime which the police later acknowledged he had been coerced in to. He testified against the gang who forced him to commit the robbery (physically in court, behind a screen), as he felt pressured to by police who he says followed him and threatened him with arrest if he did not testify. The conviction is still on his record, even though the police have accepted that he was under duress, and the gang members were convicted under trafficking and modern slavery.

T was arrested in April, for robbery of a phone, and was initially kept in a holding centre. We were informed he would be kept on remand till May. In May, he was moved to another prison, where he has been held since without trial (to date, this this has been 5 months). The judge cited the conviction related to the county lines trafficking case in their decision to keep him on remand.

He is being kept in isolation for 23 hours a day, on the 'induction wing'. T's mental health has been severely deteriorating over the course of his remand, he has expressed suicidal thoughts and is hearing voices. This is due to his isolation, and the lack of support from any wellbeing or health professionals whilst on remand, including the mental health team despite several referrals made via SERCO. I have expressed concerns he is not getting the support he needs, as a person with a learning disability, to deal with the legal system and to understand the information being presented to him.

Since arriving in prison, T also disclosed that he endured years of sexual abuse from his father, and physical abuse from his mother. He has been experiencing severe symptoms of PTSD, with flashbacks, nightmares and dissociation. A statement was taken by police, and he was receiving weekly welfare calls from within the prison, but these have now stopped.

Evidence not collected:

T says he has a lot of evidence through messages which has not been collected or investigate. T states that this robbery was not premeditated. He says he took this individual's phone after he prepositioned T for sex, T refused, and the victim told T to get out of his house aggressively. T says he has evidence that the man messaged him first, on both occasions, contrary to statements given in court. T has noted to his solicitor that the evidence (pictures) shown in court, which the man took, do not prove allegations made against him. T feels increasingly depressed due to the process and the lack of support he has had, to understand what is happening and be able to offer a good defense.

Summary of problems:

- Pressured to testify. Conviction made despite testifying as victim of trafficking and abuse, and police acknowledgement of coercion.
- Kept on remand indefinitely, with previous conviction cited as reason for being kept on remand.
- Kept in isolation despite suicidal thoughts and mental health crisis.
- Evidence of T's version of events have not been investigated.

2.

In March 2019, K was assaulted by his neighbour, who lives in the same house as him. Police told him if this happened again, the neighbour would be arrested. The next day he was assaulted again. He has video evidence of entire event, taken by both him and his girlfriend. After a three hour meeting, where the videos are shown, police tell him they will arrest the neighbour but it might take up to 5 days.

Mid-march: K and his girlfriend (who witnessed the incident) visit Tottenham Hale station, and are told it has been referred to another station. This station tells them it will take up to 5 days, again.

Mid-march: I meet with K. He tells me he has emailed the videos to the police, and that no statement has been taken.

Late March: I call the CMS, who say they do not have the evidence. I forward them the videos, and copy in the OIC. The perpetrator has still not been

arrested. Case referred to the local Anti-Social Behaviour Risk Assessment Conference.

Late March: I report a previous incident as a hate crime. Police say that someone will be in contact with K within 7 days.

Mid-April: An ABE statement is taken at a Custody Centre, on my recommendation, as K is Deaf. The officer did not know this needed to be done. At a previously scheduled interview, a BSL interpreter was present and notes were being written down about the statement. I noted that this was not an accurate record of what K is communicating, and that a video recording would have to be done for it to be valid.

At the ABE interview, the officer says they do not have copy of the video evidence previously provided. Police are unaware K's girlfriend was also victim of assault by the neighbour. Statement cannot be taken at the same time, as she does not sign in BSL, and would require a relay.

The interview taken is not conducted privately (the room has a large glass wall which gives on to the public lobby), meaning any signing could be seen from where I am sitting.

June: PC present at ASBRAC meeting informs me the perpetrator was offered voluntary surrender, and has been charged.

June: ASBRAC inform me K's case was closed, as police said they could not contact the perpetrator when they tried to visit the property. I am told they also spoke to the neighbours, who had noticed no issues. There is video evidence of the neighbour going back inside his flat, which is in the same corridor in which the incident happened, immediately after the incident.

The police said that the case had been dropped. It is not clear why, because there is CCTV evidence of the crime, which has been sent several times. Police suggest that in future, he report online, to save time.

August 2020: One year on. K's neighbour (the same man) fought him, pushed him, and shouted at him. He texted 999 to report this himself, as instructed by the police previously. A policewoman attended and told him she will send an email to Peabody. As far as KB knows, this has not happened.

September 2020: KB tells me no action has been taken by police, though his living situation continues. He would like to make a complaint. He sends me the evidence again.

Summary of problems:

- Evidence not collected properly. There are three videos, covering the incident from different angles. The neighbour's face is clear. His threats and shouting are clear, and the physical assault is apparent. K's distress is also clear.
- Statements not taken properly. ABE was not initially used, and was not carried out properly. His girlfriend, who also witnessed the incident (as well as filming it) did not have a statement taken.
- The various police reports were not linked, despite being the same location and perpetrator.
- Incident not flagged as a hate crime, despite this being stated.
- Police did not investigate the case properly, or make any serious attempt to contact the perpetrator, despite having his name and address.
- Police did not take action within the time frames they gave. Actions they said they would do (like contacting housing) were never done.

3.

R had been getting regular and unwanted calls (by phone and in person) from a man called M, who claimed to be the father of her granddaughter. R lives alone with her granddaughter. The man is known to the police for domestic abuse charges perpetrated against R's daughter. In February he began a series of aggressive and threatening calls, stressing that he knew where she lived. Since the initial report, M was phoned by the police, and began to escalate the threats against R's life, and that of her granddaughter. All incidents were reported and evidence submitted.

An officer called M about the report, told R he seemed like a "nice person", and that he promised to stop calling. M then called R and he escalated his threats, which she managed to record. This was reported by her to 101. Police heard the recorded call and sent officers round to collect evidence of the

messages. There was mention of providing a supporting letter to housing, but none since.

I contacted the original reporting officer in late February, who informed me her case had been referred to the safeguarding team. The advice he gave was "I believe they will be looking to question the perpetrator, but I am unsure as to the method they are planning on doing this, ie, arrest or a Caution+3... With regards to the previous Crime Report, it was closed, via the informal method of words of advice, however, due to this second incident happening so soon after, it has been reopen again and is likely to be Taken into Consideration with the new case."

I emailed in March with the CRNs, emphasising the risk to R, stating the nature of the harassment and threats, that it should be recorded as a hate crime, and attached the evidence again. There was no reply. Despite several new reports to 101 since this, R was not contacted by them.

Early March: A total of 16 calls from M. 7 are clearly from his number, the others withheld. In between this he has also been constantly messaging and facetimeing her with threats and abusive language. The calls are death threats and racist slurs. Previously, the police recommended she block his number, but also asked if she had proof of what happened. After this weekend, R blocks his number again, even though she has been keeping the line open to try and collect evidence to submit to the police.

Early March: R called 101 for the second time since her case was referred to the safeguarding team. An officer came within half an hour, who had been there the previous time. He recognised her and was surprised she had no contact from the new OIC and that M has not been arrested yet, on the grounds of the threats she has already reported.

While he is there M calls three times in 10 minutes. The police officer answered these calls. M hangs up. There are screenshots of all of the messages, provided along with the evidence already submitted. There is also the fact that the police officer attending previously witnessed several of the calls.

Mid March: I support R to submit a police complaint, stating that this case has not been treated with the priority that it should, as the constant harassment and threats against her life pose a serious risk to R, and have put her mental

health under serious strain. The officer who called M put R at further risk, as he immediately called her and escalated his threats. Despite this also being reported, no attempt has been made to arrest or charge M, as was originally suggested at the very start of this case. Again, there has been no contact by an OIC despite the high risk nature of this case and the fact it is now supposed to be with the safeguarding team.

R has been going to great lengths to try and get this case followed up (via constant calls to 101, talking to officers, and submitting her own evidence), as have I (via online reports, emails to officers involved, and submitting evidence) but there has been no effort by the police to take the reports seriously. The complaint was only recently finalised as I had to resubmit the evidence provided previously by myself and R, go over the 'heads of complaint' which had already been outlined, and forward all previous correspondence to various officers involved several times in answer to multiple emails from the same investigating officer. It has yet to be completed.

4.

D and T were travelling on the bus in London. They are both disabled women. D is a wheelchair user, and was sitting in the priority space.

A man got on the bus (described as short, Black, and wearing the bus company uniform). They were approached by the man, who shouted at and spewed abusive language at D as she was sitting in the space facing forwards, demanding to know why. The man tells D that he works for the bus company and will report her. The bus driver insisted he did not know the man, though they had been speaking before.

As this was happening D was speaking to a police officer on the phone, reporting the incident and giving description of the person. The police asked if they had any pictures or footage that could be used to identify them, so her friend T went after the man and followed him to the back of the bus to get this. The man then abused and assaulted T, slapping her.

At this point, D shouted how dare he touch her friend. This was while she was talking to the operator on the phone, and was overheard by them on the call.

The case was closed as NFA due to 'insufficient evidence'. A VRR appeal was made on their behalf, which was also closed. Both our clients were extremely distressed by the decision to close the case, and the fact that no action was taken. They are both traumatised, and no longer feel safe using public transport. They want the perpetrator to be held accountable for the inappropriate and abusive behaviour he has shown towards disabled people and want the perpetrator to be arrested and charged for the hate crime he has committed.

Evidence provided:

D and T were travelling on London bus (reference given, date and time bracket for journey).

The recording taken on T's phone clearly shows the perpetrators face. This has been submitted to the police, and attached again to the VRR. The incident was reported to the police at the time it was happening. Police were able to get CCTV footage of the bus. Statements were taken from both women, and an unknown independent witness.

Summary of problems:

- If the perpetrator came in for a voluntary interview, the footage must have been enough to identify him, and to correspond this to his verbal abuse and assault as shown in video evidence and our clients statements.
- T was asked to come in and submit the video evidence in person, despite having already emailed it in. T questioned why she was asked to do this but received no response.
- The 'independent' witness used by the police: the perpetrator (wearing the uniform of the bus company) spoke to the driver when he got on the bus. He also approached the driver after having slapped T, and complained. This would indicate he was on familiar terms with the driver, at which point the driver is not an independent witness.
- PC says the man's delivery was 'abrupt', when in fact he used abusive language.
- The audio on the bus CCTV was apparently not good enough to determine what language he used. Why is body language from the CCTV

not enough to show how aggressively he was behaving towards to D, and to demonstrate hostility?

- T followed the man to get a picture/footage on recommendation from the police. T says that the perpetrator did not push her- or use his hand to keep her away- as he said in his statement, but slapped her. It has never been confirmed if this is visible on the CCTV (thought these points were raised in the VRR)

5.

Last year, Client E was shopping when a person pushed him and spat on him. He felt that this happened because he was disabled, as they seemed to have contempt for him. When he got home he reported the incident to the police. The investigating officer informed E they were doing shift work at the moment, and that she would not be able to deal with his case right away. She told E she would call him back with an update.

A month later, the police officer contacted E to let him know she has closed his case. She told him there is nothing more she can do, she has been to the store where the incident happened and the CCTV is not available, also they have no name of the perpetrator.

E was not satisfied with this explanation as he reported immediately, so there is no reason for CCTV to have expired by the time an attempt was made to collect it. He also thinks that the person who attacked him may work there. We asked what happened when the police officer spoke to the shop owner and what was the delay in getting the CCTV.

In September 2020, the following heads of complaint were confirmed so that the report could go forward:

Allegation one – A4 General Level of Service – E is unhappy that the officer has closed the crime report because the suspect cannot be identified. He states that there was a delay in the officer accessing the CCTV, and that the CCTV was no longer available.

Allegation two – A4 General Level of Service - E is unhappy with the way in which the case has been dealt with. He believes the suspect works at the store where the incident took place.

We are still waiting for the outcome of this case, which is due to be given in October 2021.

6.

10 years ago, J started being visited by a man who worked for the council, who then began to make unwelcomed visits, refusing to leave. After the man became homeless, and had a police warrant out for his arrest, it got worse- he would come round all the time, throw things, break things, shout at J and take his money while he was sleeping. J was scared of his violent and erratic behaviour, and reported these incidents to the police many times. On the times when the police did come, the man would usually leave. In this period, the man was served with two ASBOs because of reports J made to the police (he has called maybe 25-30 times over the course of knowing this man).

This year, the man threatened to put petrol through J's door. By the time police came he was no longer there. The police recommendation was to not answer the door.

Case from secondment with other organisation:

A visually impaired, disabled woman had her property taken over by a local gang, who used her house to sell and distribute drugs, and as a brothel. At the time I spoke to her, she had not heard of hate crime and did not know what happened to her could be a hate crime.

In her words 'it started with small things that ended up being bigger things'. She told me she was intimidated, physically verbally and emotionally abused, and was either locked out of her home or would imprison herself in the bedroom. She was a lodger in her own home. Her carer was stealing her money, and the gang stole her identity to commit fraud.

There was a police raid on the property to seize the drugs. When she was interviewed, the carer who had given the cuckooing gang access to her home was present with her. The case was not flagged, and there were no charges related to her own experience of abuse. A gun was found at the property, but the case was not being prosecuted as there was not enough evidence. She was

moved to another property for her safety as a witness to the drug dealing charges.

The new property she was moved to was unsuitable and not accessible for her, and did not help reduce the risk to her:

The property was very close to where the original incident happened, and where the gang members live. She was scared she could be found, as her stick and visual impairment make her easy to spot, and easily targeted. She also feared her son, who lives nearby, would be spotted by them, as he had Downs Syndrome and was easily recognisable.

Since living at the new property, she reported intimidation: people coming up to her from behind, pushing her over and threatening her not to testify. She believes someone followed her back to the property but could not see.

These incidents of intimidation were reported to the police, though they were not considered crimes.

At the time I left this case was still under investigation.

This case study was provided by Merton Centre for Independent Living:

M is a middle-aged disabled man with cognitive and sight impairments, he requested disability hate crime support after an unsuccessful attempt to report harassment to the police.

In the first instance report given during a call to 101 M experienced a breakdown of communication with police which led to delays in further investigation.

Once there was an active police case with officers assigned, two plain clothed police attended M's residence to take a statement. M is usually supported by his father, who was not present at the time. This meeting caused M considerable distress leading to a seizure during the visit. This cut the appointment short as an ambulance had to be called by officers and M required treatment.

Following this event M's confidence in the police had been diminished, and following communication was poor leading to further break down in the case.

The lack of consideration for M's support needs and vulnerabilities meant that his initial claims were not immediately addressed, allowing incidents to continue without clear links being made between incidents with the police.

As MCIL Disability Hate Crime Caseworker, I was able to support M with making a complete statement via Third Party Online reporting. This led to another home visit by a police officer, this time pre-booked so that myself and M's father could support.

This meeting was more successful in that M was able to give a full statement, having the opportunity to take short breaks when becoming overwhelmed. M expressed after the meeting that, although the recommendations given by the officer toward the end of the meeting were unexpected and didn't provide any concrete resolution, he considered it a positive experience as he had voiced all of his concerns and the focus of the meeting hadn't been derailed by poor communication or understanding.

APPENDIX II

These recommendations are from Merton CIL's, 'Starting to Stop it' Report published in October 2020. The report made comprehensive recommendations, which you can read via their report.⁶¹ The ones listed before were for the police working in the borough:

1. Initiate a Police-Disability Liaison Group involving disabled individuals, user-led organisations and selected organisations working with disabled people and other groups, to focus on key issues around policing and crime, including hate crime. The Liaison Group will need a budget for access and other costs.
2. Appoint a Hate Crime Liaison officer for Merton Police, in line with Metropolitan Police policy
3. Encourage more police officers or PCSOs to volunteer as Disability Liaison officers

⁶¹ <https://www.mertoncil.org.uk/assets/documents/merton-cil-starting-to-stop-it>

