

# HIDDEN HATE

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## REPORT ON DISABILITY HATE CRIME



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## INTRODUCTION

Disability Hate Crime is defined by the Crown Prosecution Service and the Association of Chief Police Officers as being, “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”<sup>1</sup>.

Disability hate crime is more prevalent than the general public may realise. There have been horrific examples of murders of and attacks on disabled people in recent years.

- Recently, a young boy with autism, aged 16, was perceived by a group of boys to have looked at them “funny”. They responded by attacking him and subsequently stabbed him in the neck, millimetres away from his jugular<sup>2</sup>.
- A 46-year-old disabled woman was verbally attacked and physically intimidated when she accidentally ran over a commuter’s foot in her wheelchair<sup>3</sup>. The woman reportedly began swearing at her, despite the disabled woman immediately apologising<sup>4</sup>. Subsequently, as the disabled woman attempted to exit the area, a man reportedly grabbed her wheelchair and began to tilt it whilst swearing at her<sup>5</sup>. The disabled woman reported to being initially “too scared” to report the crime<sup>6</sup>.
- In June 2013, a disabled man was murdered with his throat slit in his house in Thamesmead<sup>7</sup>.
- This year in February, a disabled man, reportedly of a mental age of 9 was brutally stabbed to death on a bus in West London in what appeared to be an unprovoked attack<sup>8</sup>.
- Another example occurred this year with a blind, 80 year old man being attacked in on the Docklands Light Railway in what was described as an unprovoked attack<sup>9</sup>.

In addition, a survey of 1,014 disabled adults by the disability charity Scope, found that approximately one in four disabled people living in London had suffered hostile or threatening behaviour or had been physically assaulted since the 2012 Paralympic Games<sup>10</sup>.

These examples illustrate that disabled people are susceptible to the most damaging and dangerous aspects of physical and verbal abuse.

We launched a survey, completed by 131 London-based disabled people and their paid and parent carers. The aim of the survey was to capture disabled people’s recent experiences in dealing with disability hate crime. The findings show that disabled people living in London experience abuse regularly. The results of our survey also suggest that the response of the Metropolitan Police to disability hate crime is currently inadequate.

In his Police and Crime Plan<sup>11</sup>, the Mayor recognised that the levels of all forms of hate crime are “too high” and that there is “significant under-reporting”<sup>12</sup>. Indeed, the draft Mayor’s Office for Policing and Crime (MOPAC) Consultation on reducing hate crime in London notes that disability hate crimes is amongst the least reported strands of all hate crime<sup>13</sup>.

1. [http://www.cps.gov.uk/publications/prosecution/disability\\_hate\\_crime\\_leaflet.pdf](http://www.cps.gov.uk/publications/prosecution/disability_hate_crime_leaflet.pdf)

2. <http://www.standard.co.uk/news/crime/autistic-boy-slashed-in-neck-by-gang-of-youths-for-looking-at-someone-funny-sees-picture-of-injuries-go-viral-as-hunt-for-attacker-continues-9627673.html>

3. <http://www.standard.co.uk/news/crime/disabled-woman-attacked-at-victoria-station-after-accidentally-running-over-commuters-foot-in-her-wheelchair-9619147.html>

4. Ibid

5. Ibid

6. Ibid

7. [http://www.thisislocallondon.co.uk/news/10488082.Disabled\\_man\\_had\\_throat\\_slit\\_in\\_brutal\\_attack\\_in\\_Thamesmead\\_Murder\\_probe\\_underway/](http://www.thisislocallondon.co.uk/news/10488082.Disabled_man_had_throat_slit_in_brutal_attack_in_Thamesmead_Murder_probe_underway/)

8. <http://www.dailymail.co.uk/news/article-2555855/Defenceless-man-mental-age-nine-year-old-stabbed-death-gang-youths-no-apparent-reason-got-bus.html>

9. [http://www.thisislocallondon.co.uk/news/11225225.Blind\\_80\\_year\\_old\\_attacked\\_on\\_DLR\\_after\\_boarding\\_at\\_Woolwich\\_Arsenal/](http://www.thisislocallondon.co.uk/news/11225225.Blind_80_year_old_attacked_on_DLR_after_boarding_at_Woolwich_Arsenal/)

10. <http://www.independent.co.uk/news/uk/crime/attacks-on-disabled-people-still-rife--one-year-on-from-paralympics-triumph-8788521.html>

11. <https://www.london.gov.uk/sites/default/files/PoliceCrimePlan%202013-16.pdf>

12. <https://www.london.gov.uk/sites/default/files/270626%20Draft%20hate%20crime%20consultation%20paper%20final.pdf>

13. Along with Transgender crimes. See - <https://www.london.gov.uk/sites/default/files/270626%20Draft%20hate%20crime%20consultation%20paper%20final.pdf>

This report will highlight the experiences of disabled people regarding disability hate crime and their subsequent experiences with the Metropolitan Police. The report will then examine the reasons why disability hate crime is under-reported.

For example, our research suggests that, all too often, the Metropolitan Police are not recording crimes against disabled people as hate crimes appropriately. This may be explained by their apparent insufficient training on the issue. The lack of appropriate training on the issue results in inadequate policing for disabled people when they submit a report. Therefore, this contributes to disabled people being put off reporting their claim to the police.

This report will also highlight the issue, illustrated to us by various anti-disability hate crime practitioners, that disabled people's parents, carers and disabled people themselves are all too often not recognising hate crime when it happens to them. This is partly down to a general lack of awareness regarding what a hate crime is. This report will also highlight that this is also partly down to disabled people believing that the mistreatment they receive is normal. This is exacerbated by the general perception of disabled people within society.

We commend MOPAC for undertaking a full consultation into how the Metropolitan Police tackles hate crime and this is our submission into the consultation, specifically regarding how the Metropolitan Police tackles disability hate crime.

## DISABILITY HATE CRIME IS UNDER-REPORTED

Disability hate crime is currently under-reported.

The Crime Survey for England and Wales' (CSEW) data illustrates a significant discrepancy between the police's figures regarding disability hate crime and their own estimates<sup>14</sup>. For example, the CSEW aggregate figures for the period 2011-2013 estimated that approximately 62,000 disabled people were victims of disability "motivated"<sup>15</sup> hate crimes on average in each of those years<sup>16</sup>. However, in 2013, the police nationally recorded 1,841 hate crimes against disabled people<sup>17</sup>. It is also important to note that the CSEW stated that approximately 0.5% of adults will be a victim of hate crime each year<sup>18</sup>.

Specifically regarding London, disabled people make up a sizeable portion of London's population. For example, the pan-London disability organisation, Inclusion London, estimates that there are 1.4 million disabled Londoners<sup>19</sup>. That is approximately 17% of the population of London<sup>20</sup>.

At the recent MOPAC Challenge event in February 2014, Ruth Bashall, the Director of the disabled people's organisation, Stay Safe East, stated that in her calculations on the basis of the CSEW, "roughly 7,000 disabled people are victims of hate crime each year" in London<sup>21</sup>. However, according to our data, the Metropolitan Police recorded only 183 victims of disability hate crime in 2010<sup>22</sup>. The data also revealed that in 2013, there were 100 recorded disability hate crimes in London<sup>23</sup>. This is significant because in that period of time, the figure had nearly halved from what was according to Ms. Bashall, "a very low base in the first place"<sup>24</sup>.

It is encouraging to note that, in MOPAC's draft consultation on hate crime, the number of recorded

14. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/266358/hate-crime-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266358/hate-crime-2013.pdf)

15. Ibid

16. Ibid

17. Ibid

18. Ibid

19. <http://www.london.gov.uk/sites/default/files/Inclusion%20London.pdf>

20. Ibid

21. <https://www.london.gov.uk/sites/default/files/14-02-13%20MOPAC%20Challenge%20-%20Hate%20Crime%20TRANSCRIPT.pdf>

22. Metropolitan Police FOI Request Data, December 2013

23. Ibid

24. Interview with Ruth Bashall, Director of Stay Safe East, August 2014

offences for disability hate crime, in the rolling year to May 2014, increased by 13% from 107 to 121<sup>25</sup>. However, this seemingly low figure strongly implies that disability hate crime is under-reported.

Indeed, at the MOPAC Challenge, Ms. Bashall cited the calculations of the Metropolitan Police's lead on disability hate crime for Waltham Forest, Inspector Carl Curran, who identified a total of 465 disabled people who had been victims of crime in a six month period. Mr. Curran and Ms. Bashall compared that calculation with the Metropolitan Police's data and found that in the same recorded period, they had recorded "six or seven hate crimes"<sup>26</sup>.

As part of our research into this issue, we interviewed a prominent anti-disability hate crime campaigner, Anne Novis MBE, who works with and advises the Metropolitan Police on their Hate Crime Diamond Group, which focuses on tackling hate crime in London<sup>27</sup>. Ms. Novis assisted the Metropolitan Police in developing their action plan and hate crime strategy. Ms. Novis' reaction to the Metropolitan Police statistics on disability hate crime in London was to explicitly state that they do not reflect what is happening in London. The situation according to Ms. Novis is "far far worse"<sup>28</sup>.

In fact, Commander, Mak Chishty, who is the Metropolitan Police's lead on hate crime, acknowledged that all forms of hate crime are currently under-reported:

"I do think that hate crime of all types is vastly under-reported...If you look at the figures and I've got these here on a national basis, you've got about 278,000 hate crimes which we believe occur every year of which 110 are reported to the police or reported to agencies of which only 41, 200 are actually recorded. So I get why hate crimes is vastly under-reported."<sup>29</sup>

The issue of the under-reporting of disability hate crime was highlighted in Her Majesty's Inspectorate of Constabulary (HMIC) Joint Inspectorate review in 2013, titled "Living in a different world, Joint Review of Disability Hate Crime"<sup>30</sup>, which reviewed the police's response to disability hate crime in England and Wales. The review stated:

"The under-reporting of disability hate crime remains a significant concern and needs to be addressed... further steps need to be taken to improve the confidence of disabled people to report matters to the police."<sup>31</sup>

## DISABILITY HATE CRIME SURVEY

We decided to capture the experiences of disabled people in dealing with abuse in order to obtain a clearer picture of the scale of hate crimes committed against disabled people in London<sup>32</sup>.

The responses to our survey<sup>33</sup> were conclusive and served to highlight the key issues faced by disabled people regarding the abuse they receive from some members of the public along with their experiences in dealing with the Metropolitan Police<sup>34</sup>.

For example, our survey found that 85% of respondents had encountered some form of verbal, physical, or

25. <https://www.london.gov.uk/sites/default/files/270626%20Draft%20hate%20crime%20consultation%20paper%20final.pdf>

26. <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

27. Interview with Anne Novis MBE, May 2014

28. Ibid

29. <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

30. <http://www.hmic.gov.uk/media/a-joint-review-of-disability-hate-crime-living-in-a-different-world-20130321.pdf>

31. Ibid

32. We carried out a survey in two forms, completed by 131 disabled people living in London. The online version of our survey was circulated in conjunction with the Disability Hate Crime Network, disability organisation, Waltham Forest based disability organisation, Stay Safe East and the Kensington and Chelsea based disability organisation, Full of Life.

33. An easy-read version of our survey was also produced in conjunction with Mencap to be sent to various disability organisations based in London to give people with a learning disability an opportunity to share their experiences in dealing with hate crime. We received responses to our survey from London-based disabled people, including numerous respondents from Barnet and Brent Mencap.

34. Ibid

financial abuse and property damage harassment over the past four years<sup>35</sup>.

Out of those respondents, 66% stated that the abuse had occurred on more than one occasion<sup>36</sup>.

Our survey also found that 59% of those who had experienced abuse did not report their incident to the Metropolitan Police<sup>37</sup>.

Out of the respondents who did report their incident to the police, we found that 56% were dissatisfied with how the Metropolitan Police had handled a previous report<sup>38</sup>.

Therefore, the aforementioned statistical and anecdotal evidence would suggest that disability hate crime is currently under-reported and that the response to it is currently ineffective.

## LONDON BOROUGH'S SAFEGUARDING REFERRALS DATA

We submitted a series of Freedom of Information Requests to all 32 London Borough Councils, requesting information from their Adult Safeguarding teams regarding the number of referrals they received for the period 2012-2013 relating to disabled people. These referrals specifically relate to cases of abuse reported by disabled persons or their carers on their behalves.

The definition of a safeguarding referral is explained by the Health and Social Care Information Centre in their "Abuse of Vulnerable Adults in England 2012-13, Final Report"<sup>39</sup> (AVA):

*"The key safeguarding activities discussed within the return are alerts and referrals. An alert is the first contact between a person concerned about alleged abuse and the council safeguarding team. Following receipt of a concern, an evaluation is made to determine the risk of harm. Where significant risk is present, the concern is said to meet the safeguarding threshold and this triggers a full safeguarding investigation. For the purpose of the AVA return, this trigger and subsequent investigation are known as a referral."*<sup>40</sup>

The strands of abuse included in the criteria for a safeguarding alert and referral are as follows:

- Physical
- Sexual
- Psychological/Emotional
- Financial
- Neglect
- Discriminatory
- Institutional

21 London Councils provided adequate responses to our information requests<sup>41</sup>. Out of those 21 councils, during the 2012-13 period, a total of 9031 abuse cases met the safeguarding threshold and thus triggered a full safeguarding investigation for disabled people<sup>42</sup>. These recorded referrals included disabled people with physical and learning disabilities and those with sensory impaired conditions<sup>43</sup>. Not all of these cases of

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Ibid

<sup>39</sup> <http://www.hscic.gov.uk/catalogue/PUB13499/abus-vuln-adul-eng-12-13-fin-rep.pdf>

<sup>40</sup> Ibid

<sup>41</sup> London Councils FOI Response, May – August 2014

<sup>42</sup> Hammersmith and Fulham Council notified HSCIC that they were unable to identify which concerns had progressed through safeguarding on the local system and therefore all contacts were recorded as referrals in the AVA return. The referral numbers for Hammersmith and Fulham are overstated. This accounted for 345 referrals. P 70, Table B5: Councils who have overstated their referrals – Hammersmith and Fulham. See - <http://www.hscic.gov.uk/catalogue/PUB13499/abus-vuln-adul-eng-12-13-fin-rep.pdf>

<sup>43</sup> Ibid

abuse against disabled people constitute hate crimes committed against them. However, they illustrate the scale of abuse disabled people experienced during the period 2012-2013 across London.

This data further highlights the discrepancy between the number of serious cases of abuse being reported by disabled people to their local councils and the Metropolitan Police's data on disability hate crime, which states that during 2013, only 100 disability hate crimes were recorded<sup>44</sup>.

## WHY IS DISABILITY HATE CRIME UNDER-REPORTED?

### 1. FAILURE OF THE METROPOLITAN POLICE TO RECORD DISABILITY HATE CRIME

To increase reporting of disability hate crime, it is important to understand why it is currently under-reported.

The HMIC Joint Inspectorate review in 2013, titled "Living in a different world, Joint Review of Disability Hate Crime", reviewed the police's response to disability hate crime in England and Wales<sup>45</sup>. The review stated that disabled people told inspectors that police officers and control-room operators had become "too sensitive about causing offence", and, as a result, they were reluctant to ask victims if they were disabled<sup>46</sup>.

Steve Ashley, programme director to HMIC said, "There's a lack of willingness by police officers and police staff in control rooms to ask the right of questions to establish whether it's a crime, whether its anti-social behaviour and what effect disability is having on that person in terms of the effect on the crime".<sup>47</sup>

"It's not as easy as identifying a religiously-motivated attack or a racially-motivated attack. Police officers don't like to say to people 'Are you disabled?'"<sup>48</sup>.

This testimony is revealing because if the police are not identifying whether a victim is disabled, or whether they believe they were targeted because of their disability, the chances of the crime being appropriately flagged as a disability hate crime falls at the first hurdle.

The findings from the Joint Inspectorate Review were echoed by Ms. Bashall from Stay Safe East at the recent MOPAC Challenge event on hate crime in February 2014<sup>49</sup>. Ms. Bashall added that the Metropolitan Police currently produces data on crime by age, race and gender<sup>50</sup>. However, there is no data available online on disability hate crime because police officers are not asking the "relevant questions" to disabled victims of crime regarding whether they are disabled as well as whether they believe they were targeted because of their disability<sup>51</sup>.

Ms. Bashall also stated that, in her extensive experience, many reports of disability hate crime received by the Metropolitan Police are all too often incorrectly flagged as no crime<sup>52</sup>, anti-social behaviour incidents, or they are hidden in reports of crimes where the victim is flagged as a vulnerable adult<sup>53</sup>. Indeed, in her experience at Stay Safe East, Ms. Bashall stated that they found that "when some reports are elevated to sergeant level, the officer would say, 'That's not hate crime and the investigation stopped dead there.'"<sup>54</sup> This testimony was reflected by numerous respondents to our survey who stated that the reason they chose not to report a crime to the Metropolitan Police is because they believed that they would not be

44. [Metropolitan Police FOI Request Data, December 2013](#)

45. <http://www.hmic.gov.uk/media/a-joint-review-of-disability-hate-crime-living-in-a-different-world-20130321.pdf>

46. [Ibid](#)

47. <http://www.bbc.co.uk/news/uk-21865264>

48. [Ibid](#)

49. <https://www.london.gov.uk/sites/default/files/14-02-13%20MOPAC%20Challenge%20-%20Hate%20Crime%20TRANSCRIPT.pdf>

50. [Ibid](#)

51. [Ibid](#)

52. [Ibid](#)

53. [Interview with Ruth Bashall, Director of Stay Safe East, August 2014](#)

54. [Ibid](#)

taken seriously<sup>55</sup>.

Therefore, if the Metropolitan Police are consistently recording reports of crimes committed against disabled people as “no crimes”, this does not breed confidence for disabled people to come forward and report crimes committed against them and increases the perception held by disabled people that their report will not be taken seriously. It would appear that a shift in approach is needed to tackle the perception that disability hate crime is not high on the Metropolitan Police’s agenda.

The issue of the Metropolitan Police’s approach in dealing with disability hate crime was illustrated by Ms. Novis<sup>56</sup>. According to Ms. Novis, the Metropolitan Police does not internally or externally promote the reporting of disability hate crime<sup>57</sup>. Ms. Novis echoed the sentiments of Ms. Bashall stating that, in her experience, all too often cases which could and should have been recorded as a disability hate crime were, in fact, recorded as different strands of crime, such as Anti-Social Behaviour incidents<sup>58</sup>. Ms. Novis added that in her extensive experience, “If a disabled person has his car stolen after a long period of harassment, it will only be recorded as vehicle theft and not a hate crime.”<sup>59</sup>

We were referred to the case of one woman Ms. Novis has been assisting in her claim, Ms. Rezina Ahmed, who described her experiences in dealing with the Metropolitan Police regarding a case of continuous harassment committed against her<sup>60</sup>.

## CASE STUDY – REZINA AHMED

Ms. Ahmed, who has a speech impediment in the form of a stammer, was continually harassed by a former gang member who was rehoused as her next door neighbour<sup>61</sup>. The individual persistently created a lot of noise from his house and Ms. Ahmed decided to complain<sup>62</sup>. The individual took exception to Ms. Ahmed’s complaint and proceeded to harass her, persistently imitating her stammer in the process<sup>63</sup>. The situation reached a pivotal point when according to Ms. Ahmed, the man threatened to kill her<sup>64</sup>.

Ms. Ahmed decided at that point, to report the incident to the Metropolitan Police. Ms. Ahmed noted that she immediately got the impression that the police were not taking her report seriously because of her stammer<sup>65</sup>.

After making the report, Ms. Ahmed was informed by a Metropolitan Police officer that the way she had been speaking to them raised questions about the state of her mental health, effectively discrediting her evidence<sup>66</sup>.

It was only when Ms. Ahmed consulted Ms. Novis, who contacted the police directly on this issue, that they changed their assessment of her mental health based on her speech<sup>67</sup>. However, Ms. Ahmed noted that, despite the change in approach from the Metropolitan Police, they have still not recorded this incident as a hate crime, in spite of the fact that the individual continuously imitated her impairment whilst threatening to kill her<sup>68</sup>. Ms. Ahmed gave her account of the incident:

<sup>55</sup>. [GLA Disability Hate Crime Survey, May – August 2014](#)

<sup>56</sup>. [Interview with Anne Novis MBE, May 2014](#)

<sup>57</sup>. [Ibid](#)

<sup>58</sup>. [Ibid](#)

<sup>59</sup>. [Interview with Anne Novis MBE, May 2014](#)

<sup>60</sup>. [Interview with Rezina Ahmed, June 2014](#)

<sup>61</sup>. [Ibid](#)

<sup>62</sup>. [Ibid](#)

<sup>63</sup>. [Ibid](#)

<sup>64</sup>. [Ibid](#)

<sup>65</sup>. [Ibid](#)

<sup>66</sup>. [Ibid](#)

<sup>67</sup>. [Ibid](#)

<sup>68</sup>. [Ibid](#)



“The police raised questions about my sanity and credibility because of my stammer. They questioned what I was reporting and because of my stammer, they questioned if I have other problems like mental health issues. These questions would not have been raised if I was a fluent person.

When I reported the hate crime they did not treat it as Hate Crime because they decided my disability is not a disability. It is wrong for the police to decide whether it is a disability or not. They are not experts; they should have consulted a specialist/expert from the British Stammering Association or a legal DDA advisor... they should have asked me (the victim) for verification. I hope they will do that in the future. They need awareness training.”<sup>69</sup>

Since making this complaint, the Metropolitan Police informed Ms. Ahmed that they will not take any further action until she has moved from her house, citing that if any action is taken against the perpetrator, it may pose a safety risk as he knows where she lives<sup>70</sup>. Ms. Ahmed is currently in the process of moving from her residence.

Since the complaint was filed, Ms. Ahmed informed us that the Metropolitan Police have pledged to use her case study in their training package for all frontline officers. Whilst we welcome this development, Ms. Ahmed’s testimony reveals the lack of understanding shown by the Metropolitan Police in dealing with her claim<sup>71</sup>. Ms. Ahmed was continuously harassed by an individual and specifically targeted because of her speech impediment and yet the response she received from the police was to question the state of her mental health on account of her impairment. This example showcases the damage that can be inflicted on an individual’s confidence in the police when a reckless approach is taken in addressing their report.

Ms. Ahmed’s testimony was echoed by numerous respondents to our survey, serving to display the damaging effect inadequate policing can have on disabled people’s confidence to report a crime committed against them. For example, one respondent gave an account to us not too dissimilar to Ms. Ahmed’s, detailing the response she received when reporting an individual who had repeatedly harassed her:

“I was a victim of harassment and the police disbelieved me regularly after and it made it seem pointless in reporting anything”.<sup>72</sup>

However, it is also important to recognise that the Metropolitan Police receive false reports relating to crime and therefore this can often lead to a culture of scepticism.

These testimonies are cause for concern as the failure to record disability hate crime appropriately, followed by the lack of a robust response from the police can result in severe consequences. This is because if a crime is not appropriately dealt with initially, the chances of the victim being repeatedly victimised increase significantly. According to a report by the disability organisation, Inclusion London, 20% of repeat victims of anti-social behaviour are disabled people<sup>73</sup>.

For example, the infamous case of Fiona Pilkington and her disabled daughter, Frankie Hardwick, highlights the tragic consequences that can occur when a series of low-level crimes are ignored. Fiona Pilkington’s house was persistently attacked by youths<sup>74</sup>. Her daughter, Francecca Hardwick, was repeatedly ridiculed for her condition<sup>75</sup>.

Fiona Pilkington reportedly appealed more than 30 times to the police for help<sup>76</sup>. Eventually, Mrs. Pilkington took the decision to drive herself and her daughter to a layby near her home in Barwell<sup>77</sup>. She then set

<sup>69</sup> Ibid

<sup>70</sup> [Interview with Rezina Ahmed, June 2014](#)

<sup>71</sup> Ibid

<sup>72</sup> Ibid

<sup>73</sup> <http://www.london.gov.uk/sites/default/files/Inclusion%20London.pdf>

<sup>74</sup> <http://www.theguardian.com/uk/2011/may/24/fiona-pilkington-police-misconduct-proceedings>

<sup>75</sup> Ibid

<sup>76</sup> Ibid

<sup>77</sup> Ibid

her car on fire, killing them both<sup>78</sup>. The Independent Police Complaints Commission (IPCC) subsequently launched a review into the Leicestershire Police's handling of the case and the IPCC commissioner, Amerdeep Somal, concluded:

"Fiona, her mother, her neighbours and MP had all contacted the police to inform them that she had repeated and justifiable concerns about her family's predicament...yet, not one person gripped these reports and took charge to strategically manage and oversee what should have been a targeted police response."<sup>79</sup>

"There was nothing in place to ensure the Pilkington family were considered by police as vulnerable or repeat victims, contrary to the force's own strategy. Systems were in place for officers to have linked the catalogue of incidents but these were not well utilised. Police missed several opportunities to take robust action, inadequately investigated criminal allegations on some occasions and failed to record information on their own intelligence system."<sup>80</sup>

This case demonstrates the dangers of initially dismissing so called, "low-level" crimes by recording them as Anti-Social Behaviour incidents.

## PEGASUS SYSTEM

The Metropolitan Police could be capitalising on the already existing technology pioneered by Nottinghamshire Police volunteer, Chris Channon, and which received an award in 2014<sup>81</sup>.

The "Pegasus System" is specifically designed to help disabled people who wish to report a crime to the police<sup>82</sup>. The PIN-based programme enables disabled people, making emergency calls, to quote Pegasus and their personal PIN when they call<sup>83</sup>. The operator then obtains access to information regarding the individual's disability or impairment along with their address<sup>84</sup>.

This innovative technology would help tackle the issue of Metropolitan Police officers failing to establish whether the person submitting the report is disabled.

Chief Inspector, Tracey Lovegrove, endorsed the system stating: "It has made a huge difference in how we communicate and provide a specialist service to members of the public who would otherwise find it very difficult to make that call. We have over 400 users of Pegasus in Nottinghamshire, with this figure growing steadily."<sup>85</sup>

Mr. Channon, who has cerebral palsy, said: "I've lived independently in the community for over 30 years. During this time I've needed to call 999 on several occasions – mainly to report anti-social behaviour.<sup>86</sup> However, my calls were not always dealt with properly because I'm speech-impaired and either I couldn't say what I needed to say or I was mistaken for a nuisance caller."<sup>87</sup> The system has also been adopted by police forces in Surrey, Lincolnshire, Dyfed Powys and the City of London<sup>88</sup>.

This system would provide an alternative for Metropolitan Police officers who, as previously established, may find it difficult to ask the question of whether the person they are dealing with is disabled.

[78. Ibid](#)

[79. Ibid](#)

[80. Ibid](#)

[81. Mr. Channon was awarded the police support volunteer individual award from the Home Office for designing the "Pegasus System" at the recent Lord Ferrers Awards Ceremony at the House of Commons on June 23 2014.](#)

[82. Ibid](#)

[83. Ibid](#)

[84. Ibid](#)

[85. Ibid](#)

[86. Ibid](#)

[87. Ibid](#)

[88. Ibid](#)

**Recommendation 1: Metropolitan Police should investigate the cost of adopting the “Pegasus system” to enable them to immediately identify disabled people.**

We welcome the statement from Metropolitan Police Commander, Mak Chishty, that “the Met needs to internally advertise the importance of hate crime and explain that seeing an increase of it is a good thing”<sup>89</sup> and call for its adoption.

**Recommendation 2: We recommend that the Metropolitan Police should adopt the proposal of internally and externally advertising the importance and impact of hate crime on victims.**

Despite this criticism of the Metropolitan Police, there are examples of good practice in tackling disability hate crime. For example, Paul Giannisi, from the Ministry of Justice’s hate crime programme, appeared at the MOPAC Challenge and stated that the Metropolitan Police currently records more data on hate crime as a whole than the United States of America<sup>90</sup>.

Stakeholders suggested that when the Metropolitan Police engaged with disability organisations, their approach to recognising disabled victims of crime began to improve. Ms. Bashall explained that the most frequent question they received from Metropolitan Police officers was, “how do I ask whether the person is disabled or not?”<sup>91</sup>. Ms. Bashall had been working with the Metropolitan Police for five years to change the Crime Reporting Information System to ask “Are you a disabled person or a deaf person” followed by “Do you think you have been targeted because you’re a disabled person?”<sup>92</sup>

Ms. Bashall noted the improved response of the Metropolitan Police in conjunction with their Borough lead on Disability, when her organisation, Stay Safe East had conducted training with them:

“What we did find when we did just a spot check on a few of the crimes against disabled people...is that the front line officers were starting to ask questions and say, ‘Oh this person is disabled. Could it be that this is a hate crime?’”<sup>93</sup> Ms. Bashall reiterated the suggestion that all Metropolitan Police officers should be establishing whether the individual reporting the crime is disabled and whether they believe that they were targeted because of their disability.

**Recommendation 3: We recommend that Metropolitan Police officers should establish whether a person submitting their report is disabled and, if they are, should consider whether that victim’s disability may have been a factor in why they were targeted.**<sup>94</sup>

When we spoke to Mr. Brookes MBE, he cited the work that his organisation has been doing with the Lancashire Constabulary who, in conjunction with extensive work conducted with the Disability Hate Crime Network, have improved their approach to disability hate crime<sup>95</sup>.

The Lancashire Constabulary recently adopted the approach of initially regarding a crime against a disabled person as a potential hate crime as a mandatory measure<sup>96</sup>. As a result of this policy, along with a multi-agency response to disability hate crime, they began to notice an increase in the levels of reporting of disability hate crime<sup>97</sup>. For example, during the period April 2012-April 2013, before the procedural shift

89. <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

90. Ibid

91. Ibid

92. Ibid

93. Ibid

94. This suggestion was recommended in the Equality and Human Rights Commission’s report looking into disability related harassment titled “Hidden in Plain Sight” published in August 2011. [http://www.equalityhumanrights.com/sites/default/files/documents/disability/eohrc\\_hidden\\_in\\_plain\\_sight\\_3.pdf](http://www.equalityhumanrights.com/sites/default/files/documents/disability/eohrc_hidden_in_plain_sight_3.pdf)

95. Interview with Stephen Brookes MBE, May 2014

96. Ibid

97. Ibid

took place, there were 64 reports of disability hate crime in Lancashire. From April 2013 to March 2014, after the training had taken place, the figure increased to 172<sup>98</sup>. Mr. Brookes stated that Simon Cole, from the Association of Chief Police Officers (ACPO), is currently trying to install this police response, whereby police initially flagging reports of a crime committed against a disabled person as a disability hate crime, as a national policy<sup>99</sup>.

Furthermore, Ms. Novis said that she has repeatedly advised the Metropolitan Police to adopt the process of automatically flagging reports of a crime against a disabled person as a hate crime:

“Basically with any disabled victim of any crime officers should be asking this question ‘Do you feel your were targeted due to being a deaf/disabled person?’ that focuses the officer or person taking report and gets the victim to understand this may be an issue. The default should be that any disabled victim of crime may be experiencing hate crime. Getting the flagging and investigation right is so important, as is the capturing of disabled peoples experience of repeat victimisation.”<sup>100</sup>

We endorse Ms. Novis’ advice to the Metropolitan Police as this measure would help to increase the currently low figures of disability hate crime due to under-reporting.

If the Metropolitan Police were to adopt Ms. Novis’ advice, along with the policy undertaken by the Lancashire Police Constabulary, it would serve as a starting point in improving their capability to identify hate crimes against disabled people.

**Recommendation 4: We recommend that it should be mandatory for the Metropolitan Police to initially regard a crime against a disabled person as a potential hate crime.**

## 2. METROPOLITAN POLICE TRAINING ON DISABILITY HATE CRIME

Despite the evidence suggesting that the Metropolitan Police’s current approach towards disability hate crime displays a lack of understanding of the issue, the Metropolitan Police stated that their officer’s training on all forms of hate crime is comprehensive.

We submitted a question to MOPAC on the issue in December 2013: “What disability hate crime training exists for frontline officers to ensure they can understand an incident involving a person with special needs, can obtain information and can handle the situation so as not to escalate the situation?”<sup>101</sup>

The Metropolitan Police Answered:

- All police officers undergo training in disability issues and disability hate crime, and training for frontline officers and all those involved in recording and resolving hate crime is comprehensive<sup>102</sup>.
- All new entrants to the MPS receive learning and development input across all strands of diversity. Training for Special Constable and PCSOs includes Total Victim Care, which includes scenarios relevant to dealing with victims from the disabled community. Vulnerable victims and witnesses, which include people with a learning disability, are also included within the ‘training for video interviews’<sup>103</sup>.
- The training the MPS provides includes a disability hate crime scenario, developed in consultation with Voice UK, Mencap and VisAble. It is delivered to probationary officers through the ‘Hydra’ training system, which immerses officers in policing scenarios using real-life film clips, audio, scene photographs and other media that creates the illusion that they are out on patrol dealing with a

98. [http://www.policeoracle.com/news/Training-issues-and-tackling-disability-hate-crime\\_82370.html](http://www.policeoracle.com/news/Training-issues-and-tackling-disability-hate-crime_82370.html)

99. Interview with Stephen Brookes MBE, May 2014

100. Interview with Anne Novis MBE, May 2014

101. GLA Conservatives FOI to MOPAC, December 2013

102. Ibid

103. Ibid

situation<sup>104</sup>.

- Finally, Community Safety Units continue to investigate all hate crime and there is a disability hate crime section on the Community Safety Unit training course<sup>105</sup>.

Whilst this level of training appears to be extensive on paper, the findings from our survey, along with the testimonies of anti-disability hate crime practitioners, suggests that the Metropolitan Police's training on disability hate crime does not appear to be sufficient. To reiterate, as an example, 56% of disabled people who had reported a crime committed against them to the Metropolitan Police reported to being dissatisfied with how their report was handled<sup>106</sup>.

Ms. Novis specifically pointed to there being a lack of "training and awareness" on this issue in explaining why statistics around disability hate crime remain so low:

"On paper, their arrangements look comprehensive but in reality, it is not happening...frontline officers may get 30 minutes training on disability awareness and little on disability hate crime."<sup>107</sup>

In fact, MOPAC notes in their draft consultation on reducing hate crime in London, that: "There is a growing satisfaction gap between victims with a disability (73%) and those without (80%)."<sup>108</sup>

This statistic illustrates that disabled people are not as satisfied as the general public with the level of treatment they receive when dealing with the Metropolitan Police. Ms. Novis suggested that frontline officers' training needs to be on-going and that they need to be consistently engaging with local disability organisations and groups<sup>109</sup>.

Ms. Novis stated that the training currently appears to be inadequate and that the Metropolitan Police's focus "seems to be fixated on learning disability"<sup>110</sup>. This point appears to be supported by the fact that MOPAC responded to our FOI as follows: "Vulnerable victims and witnesses, which include people with a learning disability, are also included within the 'training for video interviews'"<sup>111</sup>. No mention was made to those people who may have a physical disability. Indeed, Mr. Brookes echoed the widely held perception that the level of police training is currently inadequate:

"The police only have use general laws like the European Human Rights Commission manuals. The information generally goes straight over their head...They need face-to-face meetings with disabled people and groups telling them about their experiences."<sup>112</sup>

Mr. Brookes concluded that on-going discourse between the police and disabled people may be a better option than setting targeted training for all frontline officers.

The need for police engagement with disability organisations was reflected in our survey where numerous respondents stated that when they reported a crime to the police, the police's response was often inappropriate if not dismissive<sup>113</sup>. For example, one respondent stated: "Police officers are not generally aware of the subtleties of disability and have little empathy because they don't understand. They will usually take on a patronising approach, a 'there, there,' attitude and almost trivialise the seriousness of the issue and crime."<sup>114</sup>

When we interviewed Mrs. Sue Redmond from the Kensington and Chelsea based charity, Full of Life,

<sup>104</sup>. [Ibid](#)

<sup>105</sup>. [Ibid](#)

<sup>106</sup>. [Ibid](#)

<sup>107</sup>. [Interview with Anne Novis MBE, May 2014](#)

<sup>108</sup>. <https://www.london.gov.uk/sites/default/files/270626%20Draft%20hate%20crime%20consultation%20paper%20final.pdf>

<sup>109</sup>. [Interview with Anne Novis MBE, May 2014](#)

<sup>110</sup>. [Ibid](#)

<sup>111</sup>. [GLA Conservatives FOI to MOPAC, December 2013](#)

<sup>112</sup>. [Interview with Stephen Brookes MBE, May 2014](#)

<sup>113</sup>. [GLA Disability Hate Crime Survey, May - August 2014](#)

<sup>114</sup>. [Ibid](#)

she expressed the view that the Metropolitan Police lack expertise in addressing all strands of disability<sup>115</sup>. For example, Mrs. Redmond stated that, although the Metropolitan Police are beginning to carry out work on disability hate crime, in her extensive experience, she has found that they are often unaware of the complexities regarding the needs of some people with learning disabilities<sup>116</sup>. Mrs. Redmond reiterated the point that training is required to enable the Metropolitan Police officers to obtain “the whole story” when they arrive at a situation involving someone with a disability<sup>117</sup>. Mrs. Redmond added that this could be achieved if the police began to “build links into community organisations working with people with learning disabilities”<sup>118</sup>.

Mrs. Redmond cited a recent case of a teenager, Abdul-Al Faisal, who has Down’s Syndrome<sup>119</sup>. Mr. Faisal was arrested and held in a police cell for nine hours for going into his school in North London on 5 May 2014 to retrieve his favourite sports cap<sup>120</sup>.

Mr. Faisal set off the alarm at his school as he attempted to gain entry into the premises to retrieve his cap<sup>121</sup>. Metropolitan Police officers arrived and arrested him on suspicion of burglary<sup>122</sup>. Mr. Faisal was held in custody for nine hours. Approximately two hours after the arrest, Mr. Faisal’s parents called the police to report him missing. They were subsequently informed of his arrest<sup>123</sup>.

Mr. Faisal’s mother stated: “Anyone can see my son has Down’s Syndrome...He has the mental capacity of a ten to twelve -year-old...Because of his condition he has a strong attachment to things and that’s why he went to school because he just wanted his Chicago Bulls hat. That’s his favourite basketball team...I’m extremely disappointed with the way police handled him.”<sup>124</sup> Mrs. Faisal subsequently submitted a formal complaint against the Metropolitan Police for its handling of the incident<sup>125</sup>.

Mrs. Faisal noted, “It was terrifying. I was totally alarmed when they told me he was involved in a burglary...I went into the police station and my son was sitting in a cell crying. They had taken his coat and his shoes. He was terrified...I explained to the officers he had Down’s Syndrome and expected them to release him...But one officer said that didn’t give him the right to break into the school. I told him a child with Down’s Syndrome does not have the capacity to understand. They had no sympathy...They fingerprinted him, photographed him, took DNA swabs and he was put on the system. He was treated as a criminal. He shouldn’t have been questioned without us being there. They should have just told him not to do it again and taken him home.”<sup>126</sup>

A spokesman for the Metropolitan Police stated that Mr. Faisal was treated as a vulnerable person and that the officers had correctly followed guidelines<sup>127</sup>. The spokesman said: “The male arrested, aged 19, was noted as being a vulnerable adult and safeguards provided for vulnerable detainees by the PACE Code of Practice were followed. He was later given a caution for burglary and released.”<sup>128</sup> This case study demonstrated that the Metropolitan Police failed to take appropriate action when dealing with a disabled person.

The Metropolitan Police should not be detaining disabled people in detention cells. They should be working with the relevant agencies to establish an alternative procedure for holding disabled people when an incident occurs. In the interest of their safety, Metropolitan Police detention cells are not suitable locations for disabled people and can cause significant distress to the person being detained, who may not be able to

<sup>115</sup> [Interview with Sue Redmond, Full of Life, May 2014](#)

<sup>116</sup> [Ibid](#)

<sup>117</sup> [Ibid](#)

<sup>118</sup> [Ibid](#)

<sup>119</sup> <http://www.voice-online.co.uk/article/down%E2%80%99s-syndrome-teen-arrested-retrieving-basketball-cap>

<sup>120</sup> [Ibid](#)

<sup>121</sup> [Ibid](#)

<sup>122</sup> [Ibid](#)

<sup>123</sup> [Ibid](#)

<sup>124</sup> [Ibid](#)

<sup>125</sup> [Ibid](#)

<sup>126</sup> [Ibid](#)

<sup>127</sup> [Ibid](#)

<sup>128</sup> [Ibid](#)

understand why they are being held there.

Mrs. Redmond went onto explain the relevance of this case study to her concerns regarding her daughter, who has a complicated disability<sup>129</sup>. Mrs. Redmond stated that if her daughter begins to feel uncomfortable and scared, she becomes stuck and cannot move<sup>130</sup>. Mrs. Redmond added that if her daughter were to become involved in a situation whereby she couldn't move and somebody tried to forcibly move her, she may well decide to hit that individual<sup>131</sup>.

Mrs. Redmond believes that her daughter would be the one to be prosecuted in this situation as she is now a young adult and that this prosecution would most probably occur with little consideration to the provocation her daughter had received<sup>132</sup>.

Mrs. Redmond informed us that she has spoken to her Borough Commander about her concerns<sup>133</sup>. Mrs. Redmond went onto state that the Metropolitan Police need practical expertise to understand people with a complex level of needs and thus a procedure should be put in place to equip officers to de-escalate a situation while ensuring that evidence can be gathered at a later point<sup>134</sup>.

Mrs. Redmond went on to state that it would be helpful if this methodology of gathering evidence was part of the Metropolitan Police's mandatory training procedures<sup>135</sup>. Mrs Redmond said that, along with her own organisation, Full of Life, "There are plenty of organisations who would be happily train and support the work of the police in this respect"<sup>136</sup>.

**Recommendation 5: We recommend that the Metropolitan Police should examine options for seeking guidance on disability issues from disability organisations.**

When this recommendation is carried out, Mr. Brookes and Ms. Bashall said they have witnessed a shift in the mind-set of frontline officers regarding their approach to disability hate crime, leading to an increase in reports of disability hate crime.

For example, Mr. Brookes noted that disabled groups managed to train 3,000 front-line officers in 2013<sup>137</sup>. The figures resulting from the officer's training, coupled with the constabulary's decision to install the policy of initially regarding a crime committed against a disabled person as a potential hate crime, proved to be an effective method of increasing the number of reports. For example, there was a considerable increase from 64 reports during the period April 2012-2013 to 172 during the period April 2013 to March 2014<sup>138</sup>. Mr. Brookes noted, "The increase in reporting has been phenomenal because you have the victims now understanding what they are reporting, and the police understanding what is being reported too and it's working"<sup>139</sup>.

Rob Gurney, Chair of the Disabled Police Association (DPA), recommended that this level of frontline officer training be implemented across the country<sup>140</sup>.

<sup>129</sup>. [Interview with Sue Redmond, Full of Life, May 2014](#)

<sup>130</sup>. [Ibid](#)

<sup>131</sup>. [Ibid](#)

<sup>132</sup>. [Ibid](#)

<sup>133</sup>. [Ibid](#)

<sup>134</sup>. [Ibid](#)

<sup>135</sup>. [Ibid](#)

<sup>136</sup>. [Ibid](#)

<sup>137</sup>. [http://www.policeoracle.com/news/Training-issues--and-tackling-disability-hate-crime\\_82370.html](http://www.policeoracle.com/news/Training-issues--and-tackling-disability-hate-crime_82370.html)

<sup>138</sup>. [Ibid](#)

<sup>139</sup>. [Ibid](#)

<sup>140</sup>. [Ibid](#)



### 3. LACK OF AWARENESS WITHIN THE DISABLED COMMUNITY TO RECOGNISE DISABILITY HATE CRIME

One of the largest factors we found contributing to the under-reporting of disability hate crime to the police is that, all too often, disabled people, their carers and relatives fail to recognise it when it occurs. Ms. Novis informed us that, “Disabled people are not recognising what they experience as hate crime.”<sup>141</sup> This sentiment was echoed by Mr. Brookes who added, “The key thing with this issue is that disabled people do not report incidents to the police, they tend to think ‘what happened to me wasn’t really hate, it was hostility.’”<sup>142</sup>

Mr. Brookes cited a disability event he spoke at in Leeds earlier this year, where he asked an audience of approximately 300 disabled people to raise their hands if they believed that physical abuse against them constituted a hate crime<sup>143</sup>. Every member of the audience raised their hands<sup>144</sup>. However, Mr. Brookes then asked the audience if they believed that verbal abuse against them constituted a hate crime and, at this point, approximately half of the audience lowered their hands<sup>145</sup>. Mr. Brookes then asked the audience if they had been victims of physical or verbal abuse and the entire room raised their hands<sup>146</sup>. He then asked who had chosen to report the incident to the police and all, bar twenty audience members, lowered their hands<sup>147</sup>. Mr. Brookes then asked the overwhelming majority of disabled attendants why they had not chosen to report the incident against them and one disabled person exclaimed, “Because I’m disabled, this is what happens to us.”<sup>148</sup>

This testimony was echoed by a parent of a disabled child who responded to our survey. The parent cited his/her experience in dealing with abuse and his/her subsequent difficulty in initially recognising the seriousness of it<sup>149</sup>:

“The harassment was subtle, nasty but clever and aimed at us as a family. Although the root cause was as we found out, because of our sons severe learning disability, we were slow to realise the impact of the harassment on our lives and the stress it was causing within our household. I don’t think at first we believed it was happening let alone convince someone else, although we were made aware by our family who live elsewhere that making these sorts of remarks and behaving in such a way towards us was not acceptable.”<sup>150</sup>

Mr. Brookes stressed the point that disabled people do not believe that they will be listened to and therefore there is no point in bothering to report it to the police<sup>151</sup>. Taking the aforementioned evidence into consideration, along with infamous case studies such as that of Fiona Pilkington, one can see how disabled people may have developed this impression.

However, the onus is very often on the disabled person’s parent or paid carer to report a crime on their behalf to the police. Indeed, a parent carer of a disabled child, who responded to our survey, detailed the regular abuse her son suffers, demonstrating the damaging effect that disability hate crime has on the people connected to the person:

“My son can display very challenging behaviour. The verbal abuse we suffer is weekly and not always in our local community. We try to visit places outside London on weekends which are quieter, but we still often received abuse. As his carer I am always trying to avoid possible situations. Shopping centre security staff

<sup>141</sup>. [Interview with Anne Novis MBE, May 2014](#)

<sup>142</sup>. [Interview with Stephen Brookes MBE, May 2014](#)

<sup>143</sup>. [Ibid](#)

<sup>144</sup>. [Ibid](#)

<sup>145</sup>. [Ibid](#)

<sup>146</sup>. [Ibid](#)

<sup>147</sup>. [Ibid](#)

<sup>148</sup>. [Ibid](#)

<sup>149</sup>. [GLA Disability Hate Crime Survey, May – August 2014](#)

<sup>150</sup>. [Ibid](#)

<sup>151</sup>. [Interview with Stephen Brookes MBE, May 2014](#)



are always problematic”.<sup>152</sup>

Mrs. Redmond revealed that in her experience, “most parents wouldn’t think to call the police about this issue”<sup>153</sup>. Mrs. Redmond noted that families have often explained to her that regarding their experiences of disability hate crime, “they just get on with it” and that they have not got the energy to complain<sup>154</sup>. Mrs. Redmond added that these families fear that if they do complain, then they run the risk of being singled out and victimised<sup>155</sup>.

Full of Life’s case study below demonstrates why parents hold concerns regarding the potential of being “singled out” if they dare speak up.

## CASE STUDY - PARENT INCIDENT

One parent Mrs. Redmond has supported for a year, “Fatima”, has a child with autism, aged five, in a mainstream school with full time support<sup>156</sup>. The child has struggled to manage his sensory needs in a large school and has displayed some behaviour relating to his sensory needs which has included him pinching, biting, and scratching other children<sup>157</sup>.

An incident occurred where he became overexcited during a class and scratched another child near him<sup>158</sup>. The school immediately informed his mother of the incident. The mother expressed her regrets over the situation and asked the school if she could speak to the parent of the child who had been scratched to explain and apologise<sup>159</sup>. The school told her they would speak to the parent.

The following day, Fatima collected her son from school and took him to the toilets in the school playground before heading home. Fatima also had her three year old daughter with her<sup>160</sup>. She was followed into the playground by another parent who waited until she had gone into the toilets with her two children, the parent then entered the toilet behind her, physically blocking the entrance so that Fatima could not get out<sup>161</sup>. Another parent began shouting at Fatima, stating “There’s something wrong with your son, you need to get someone to look at him” and expressed anger that Fatima’s son had scratched her daughter<sup>162</sup>. The parent would not allow Fatima to leave the toilets until she had finished her tirade, by which time Fatima was in tears. This incident occurred in front of the child with autism and his younger sister<sup>163</sup>.

Following this incident, Fatima felt traumatised and immediately went back into the school building and told the child’s class teacher what had happened<sup>164</sup>. The class teacher informed her that she would notify the head teacher, who was in a meeting and could not be interrupted. Fatima went home and heard nothing further from the school that evening<sup>165</sup>.

The next morning Fatima again attempted to speak to someone at the school about the incident, but was told there was no one who could speak to her. She was told to return at 3.30pm and that the head teacher would meet with her<sup>166</sup>. When Fatima got to the school in the afternoon, she was indeed greeted by the head teacher, who informed her that the school could no longer meet her child’s needs due to his behaviour

<sup>152</sup>. [GLA Disability Hate Crime Survey, May - August 2014](#)

<sup>153</sup>. [Interview with Sue Redmond, Full of Life, May 2014](#)

<sup>154</sup>. [Ibid](#)

<sup>155</sup>. [Ibid](#)

<sup>156</sup>. [Ibid](#)

<sup>157</sup>. [Ibid](#)

<sup>158</sup>. [Ibid](#)

<sup>159</sup>. [Ibid](#)

<sup>160</sup>. [Ibid](#)

<sup>161</sup>. [Ibid](#)

<sup>162</sup>. [Ibid](#)

<sup>163</sup>. [Ibid](#)

<sup>164</sup>. [Ibid](#)

<sup>165</sup>. [Ibid](#)

<sup>166</sup>. [Ibid](#)

and the amount of complaints they had received from other parents<sup>167</sup>. They would not discuss the incident from the previous day involving the other parent.

Fatima kept her son out of school the next day and is now only dropping him off after all the other children are in school, as she is afraid of being verbally or physically assaulted by another parent<sup>168</sup>. She is hoping that her son can be moved out of the school into a specialist placement as soon as possible<sup>169</sup>.

This example demonstrates the difficulty that parents of disabled children have in everyday life. Fatima's experience with her son demonstrates, and to some extent vindicates, the fears many parents of disabled children have in taking their complaints to any higher authority, let alone the police.

Mrs. Redmond stated that, as an organisation, Full of Life finds these cases extremely worrying, not only in terms of the actual incidents but also how parents, staff, schools and other settings do not recognise disability hate crime and do not think that they should report incidents to the police<sup>170</sup>. Therefore, they have inevitably become desensitized to abuse by the general public. This is another contributing factor leading to under-reporting coupled with a subtle hidden acceptance of abuse by parents, who are possibly embarrassed by their child's behaviours or simply want to get out of situations and ultimately keep their child safe<sup>171</sup>. One parent told Mrs. Redmond, "I can either deal with my son or them but I cannot deal with both"<sup>172</sup>.

Mrs. Redmond added, "We would like to work together with anyone to raise not only awareness in terms of what disability hate crime is, but also in terms of parents and paid staff reporting it with confidence that something will actually happen to support our families."<sup>173</sup> Mrs. Redmond concluded that the responsibility to understand and recognise disability hate crime also lies with support staff working with people with learning disabilities, "If they don't understand what disability hate crime is, they cannot support people with learning disabilities to understand it and it won't be reported effectively"<sup>174</sup>.

Mrs. Redmond cited a workshop Full of Life in Partnership with Royal Borough of Kensington and Chelsea Learning Disability Services delivered to raise the profile of Disability Hate Crime<sup>175</sup>. The overwhelming majority of the support staff who attended the session were not aware of disability hate crime<sup>176</sup>. The staff who attended the session were specifically supporting people with learning disabilities<sup>177</sup>. Therefore, if support staff who work with people with learning disabilities are not aware of disability hate crime, how can they be expected to report it appropriately on their service user's behalf?

Mrs. Redmond acknowledged that the Metropolitan Police are also currently in a difficult position<sup>178</sup>. This is because if parents and professionals working with people with learning disabilities do not know or understand what Disability Hate Crime is they cannot report it to them<sup>179</sup>.

These testimonies further demonstrate the importance of the Metropolitan Police taking a leading role in externally advertising the importance and impact of disability hate crime in their local community. By proactively engaging with disability organisations, the Metropolitan Police could be playing an instrumental role in educating the wider public, including disabled people's support staff and disabled people's parents about disability hate crime.

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[167. Ibid](#)

[168. Ibid](#)

[169. Ibid](#)

[170. Interview with Sue Redmond, Full of Life, May 2014](#)

[171. Ibid](#)

[172. Ibid](#)

[173. Ibid](#)

[174. Ibid](#)

[175. Ibid](#)

[176. Ibid](#)

[177. Ibid](#)

[178. Ibid](#)

[179. Ibid](#)

## 4. PERCEPTION OF DISABLED PEOPLE IN SOCIETY

Disability hate crime can go unrecognised by disabled people and their carers. A possible factor influencing this is the perception of disabled people in society. Numerous studies on the issue of the general public's perception toward disabled people highlight the disadvantageous position disabled people find themselves in. For example, in their recent "Attitudes to Disability Survey", the charity Scope found that two-thirds of the British public find it difficult to speak to a disabled person<sup>180</sup>. One-fifth of 18 to 34-year-olds were found to find the prospect of speaking to a disabled person so uncomfortable that they would choose to walk past that person<sup>181</sup>. Furthermore, a Sky News team recently sampled reactions on the streets of central London to a disabled person's call for help<sup>182</sup>. Their findings appear to reflect those of Scope's survey: pedestrians would consistently ignore the calls for help and continue walking<sup>183</sup>.

This apparent awkwardness when dealing with disabled people helps us to understand why police officers may find it difficult to interact with a disabled victims of crime. In the wider context of society, these findings demonstrate a lack of empathy towards disabled people, which may give rise to hostility toward them, often from a young age.

Two national studies were analysed by London University's Institute of Education researchers, the Millennium Cohort Study, tracking the lives of 19,000 British children born between 2000 and 2001 and Next Steps, tracking 16,000 people born in England in 1989 and 1990<sup>184</sup>. Their findings suggested that primary school pupils in England with special educational needs were twice as likely to encounter persistent bullying as opposed to other children<sup>185</sup>: "12% of seven-year-olds with special needs felt bullied all the time, compared with 6% of non-disabled peers"<sup>186</sup>.

These findings are cause for concern, highlighting the issues that disabled children may face growing up. Indeed, a parent carer of a disabled child alluded to this issue in their response to our survey:

"Hate crime in schools is often passed off as bullying. If someone has any kind of Learning Disability, they are likely to be picked on. The gangs of youths abusing disabled people learn that it is okay to do so if they are allowed to get away with it in school."<sup>187</sup>

The level of bullying disabled people are likely to encounter during their formative years may lead them to become accustomed to the mistreatment they receive in later life. Therefore, disabled people may be less likely to report an incident against them, not regarding this treatment as out of the ordinary.

Schools in London ought to be engaging with disabled people and encouraging pupils to understand the potential impact of unkind words directed towards their disabled peers.

### Best Practice

The Diana Awards are presented to "inspirational or socially active young people who have made a positive difference to the lives of others and their communities"<sup>188</sup>. Students at the Welsh School, Coleg Gwent, were given this award because they made a film campaigning against disability hate crime, aimed at raising awareness about the damage that can be caused when negative language is used against a disabled person<sup>189</sup>. This initiative helped to raise awareness of disability hate crime to a younger audience.

180. <http://www.scope.org.uk/Scope/media/Images/Publication%20Directory/Current-attitudes-towards-disabled-people.pdf?ext=.pdf>

181. Ibid

182. <http://news.sky.com/story/1257322/attitudes-to-disability-more-respect-needed>

183. Ibid

184. <http://www.bbc.co.uk/news/education-27902500>

185. Ibid

186. Ibid

187. GLA Disability Hate Crime Survey, May – August 2014

188. [http://www.southwalesargus.co.uk/news/11338644.Coleg\\_Gwent\\_film\\_wins\\_plaudits\\_from\\_parliament/?ref=rss](http://www.southwalesargus.co.uk/news/11338644.Coleg_Gwent_film_wins_plaudits_from_parliament/?ref=rss)

189. Ibid

**Recommendation 6: We recommend that schools in London should show their pupils educational films regarding the impact of disability hate crime.**

A survey recently published by the National Autistic Society, which revealed “cruelty and unkindness”<sup>190</sup> towards people with autism, further displayed the disadvantaged position disabled people find themselves in<sup>191</sup>.

44% of those surveyed admitted that they stayed indoors as much as possible for fear of being harassed<sup>192</sup>. Almost a third reported having had money or possessions stolen<sup>193</sup>, while 37% had been forced or manipulated into doing something they didn’t want to do by someone they thought of as a friend<sup>194</sup>. Almost half (49%) of the 1,300 people surveyed reported having been abused by someone they thought of as a friend<sup>195</sup>.

These findings serve as a stark reminder that disabled people, in this specific case, autistic, feel vulnerable in society.

## 5. THE JUDICIARY

Concerns have been expressed by anti-disability hate crime campaigners as well as the Joint Inspectorate Review regarding the judiciary’s role in tackling disability hate crime. The Law Commission’s recent review into reforming the sentencing provision for hate crime titled, “Hate Crime: Should the current Offences be Extended?” outlines the current legislation in place regarding disability hate crime<sup>196</sup>.

Any disability-related hostility only qualifies as a hate crime as an aggravating factor. The aggravating factor is covered as “Section 146”, which enables the judiciary to extend the sentence of a guilty culprit should they determine that the individual’s crime against the victim was motivated by the person’s disability<sup>197</sup>.

Ms. Novis stated that the sentencing provision for Disability Hate Crime is not the same as with other strands of hate crime<sup>198</sup>.

The review confirms that criminal offences dealing specifically with hate crime do not cover incitement to hatred in respect of disability<sup>199</sup><sup>200</sup>. In its previous draft report in 2013, the Law Commission recommended that new legislation regarding the publishing of material intended to stir up hatred against people on the grounds of their race, religion or sexual orientation could be extended to cover disability and transgender identity<sup>201</sup>. However, following a three-month consultation, the review concluded that there is no need for these changes to be implemented<sup>202</sup>. The Law Commission came to this conclusion despite their consultation revealing that 103 individuals and organisations supported the proposal to extend the law<sup>203</sup>, whereas only 12 rejected it<sup>204</sup>.

190. <http://www.theguardian.com/society/2014/jun/16/autism-survey-half-abused-by-friends>

191. Ibid

192. Ibid

193. Ibid

194. Ibid

195. Ibid

196. [http://lawcommission.justice.gov.uk/docs/lc348\\_hate\\_crime.pdf](http://lawcommission.justice.gov.uk/docs/lc348_hate_crime.pdf)

197. Ibid (Section 2.57)

198. Interview with Anne Novis MBE, May 2014

199. [http://lawcommission.justice.gov.uk/docs/lc348\\_hate\\_crime.pdf](http://lawcommission.justice.gov.uk/docs/lc348_hate_crime.pdf) (Section 1.7 b )

200. The review goes onto state, “In this project, our terms of reference were to look at: (a) extending the aggravated offences in the Crime and Disorder Act 1998 to include where hostility is demonstrated towards people on the grounds of disability, sexual orientation or gender identity; (b) The case for extending the stirring up of hatred offences under POA 1986 to include stirring up of hatred on the grounds of disability or gender identity.”

201. [http://lawcommission.justice.gov.uk/docs/cp213\\_hate\\_crime\\_amended.pdf](http://lawcommission.justice.gov.uk/docs/cp213_hate_crime_amended.pdf)

202. <http://disabilitynewsservice.com/2014/05/hate-crime-reform-hopes-hit-by-law-commission/>

203. Ibid

204. Ibid

The Law Commission's decision appears to contradict their draft report of 2013. The Commission agreed and stated that extending the stirring up offences would "capture a unique, specific and grave type of wrongdoing not covered by the existing law"<sup>205</sup>. The leader of the Equality and Human Rights Commission's inquiry into disability hate crime, Mike Smith, contested the findings of the Law Commission<sup>206</sup>. Mr. Smith stated that he was "very disappointed and surprised" by the commission's findings<sup>207</sup>. Mr. Smith went onto state that he found the Law Commission's conclusions regarding incitement to disability hate crime legislation to be "perverse" adding that "clearly, disabled people believe it does happen"<sup>208</sup>.

Mr. Smith added that the fact that there is little evidence of incitement of hatred against disabled people can be explained by there not being a framework in place to record or monitor the issue<sup>209</sup>. He added: "If existing laws are good enough, why aren't they being used?"<sup>210</sup> Indeed, the Law Commissions draft report in 2013 admitted that the lack of use of Section 146 sentencing provision has impacted on the high-levels of under-reporting we see today<sup>211</sup>. Mr. Brookes referred to the current implementation of Section 146 as a "farce" and went onto add that "The judiciary fail disabled people time after time"<sup>212</sup>.

These testimonies appear to be supported by the Joint Inspectorate Review, "Living in a Different World", which reviewed the police and judiciary's response to disability hate crime in England and Wales<sup>213</sup>. The review found that out of 810 cases, which had been flagged as disability hate crimes by the CPS, only seven were concluded with the magistrates or judges increasing the sentence for the convicted under section 146<sup>214</sup>. Mr. Brookes added that all too often, judges and magistrates seem to be resistant to awareness training on disability hate crime and are generally ignorant of section 146 of the Criminal Justice Act, where tougher sentencing can be imposed if a hate crime motive is established<sup>215</sup>.

Given the large majority of respondents to the Law Commission's initial consultation backing their initial recommendations to extend the current incitement to hatred laws and the negative response to the Law Commission's conclusion from leading anti-disability hate crime practitioners, it would appear that the Law Commission's conclusion has not obtained consensus agreement.

**Recommendation 7: We recommend that the Law Commission should reconsider their decision not to include disability in hate crime legislation.**

## 6. THE CROWN PROSECUTION SERVICE

Concerns have been expressed regarding the effectiveness of the CPS in tackling disability hate crime, especially regarding the implementation of Section 146 coupled with the way in which they handle disabled people throughout the process.

This is reflected in the MOPAC consultation report on reducing hate crime in London, which states that:

"The proportion of offenders who receive a custodial sentence for hate crime offences has reduced compared to the other outcomes. The average custodial sentence for hate crime has greatly reduced in the last 10 years. Most offenders convicted in London for hate crime offences are given a fine or community

205. [http://lawcommission.justice.gov.uk/docs/cp213\\_hate\\_crime\\_amended.pdf](http://lawcommission.justice.gov.uk/docs/cp213_hate_crime_amended.pdf)

206. <http://disabilitynewsservice.com/2014/05/hate-crime-reform-hopes-hit-by-law-commission/>

207. *Ibid*

208. *Ibid*

209. *Ibid*

210. *Ibid*

211. [http://lawcommission.justice.gov.uk/docs/cp213\\_hate\\_crime\\_amended.pdf](http://lawcommission.justice.gov.uk/docs/cp213_hate_crime_amended.pdf)

212. Interview with Stephen Brookes MBE, Coordinator of the Disability Hate Crime Network, May 2014

213. <http://www.hmic.gov.uk/media/a-joint-review-of-disability-hate-crime-living-in-a-different-world-20130321.pdf>

214. *Ibid*

215. [http://www.policeracle.com/news/Training-issues,-and-tackling-disability-hate-crime\\_82370.html](http://www.policeracle.com/news/Training-issues,-and-tackling-disability-hate-crime_82370.html)

sentence.”<sup>216</sup>

The decreasing rate of custodial sentences for hate crime offenders in recent years suggests that, when viewed in light of the continued prevalence of disability hate crime, there may be failures in bringing criminals to justice. Furthermore, Chief Crown Prosecutor, Baljit Ubhey stated at the MOPAC Challenge that the data integrity surrounding cases involving disabled people is “not as good as it could be”<sup>217</sup>. For example, Mr. Ubhey stated that the CPS does not receive reasons for why Crown Court cases are acquitted<sup>218</sup>. Mr. Ubhey went onto state, “I think it is very important that we share our data and tell the public and the community how we are doing, so I think that’s very important.”<sup>219</sup>

Therefore, one of the steps which can be immediately taken to improve the CPS’ response to disability hate crime is the data they produce on it. In the interest of transparency, information regarding why Crown Court cases, involving disability hate crime, are acquitted should be shared with the Metropolitan Police to better inform both bodies why cases may be failing to result in convictions. The information would help identify any gaps there may be in the court process, which are acting as a barrier to disabled people receiving justice.

**Recommendation 8: We recommend that the Crown Prosecution Service should publish information on why a disability hate crime case has failed to result in a conviction.**

Another aspect of the lack of “data integrity” existing across the CPS, regarding disability hate crime, was raised by Ms. Bashall at the MOPAC Challenge. Ms. Bashall stated that she sits on a local community safety board and noted that she regularly sees reports on homophobic and other strands of hate crime<sup>220</sup>. However, Ms. Bashall stated that they “never see reports on disability hate crime” because it is not required by the Metropolitan Police to produce them by the Mayor or the commissioner<sup>221</sup>. If the Metropolitan Police were to regularly produce statistics on disability hate crime, that level of accountability would place an added onus on Metropolitan Police officers to record hate crimes against disabled people.

**Recommendation 9: We recommend that the Metropolitan Police should regularly produce statistics on disability hate crime.**

Indeed, Ms. Bashall of Stay Safe East bemoaned the general process disabled people have to go through when going to court<sup>222</sup>. Ms. Bashall stated that her clients had met “incredible barriers in terms of just the way in which the criminal justice system totally fails them.”<sup>223</sup>

Ms. Bashall cited a case of domestic violence that should have been treated as a disability hate crime<sup>224</sup>. One of the victims was deaf and had a police interpreter provided for them<sup>225</sup>. At this point, Ms. Bashall stated that there is no proper accreditation system in place for police interpreters working with deaf and disabled people regarding disability hate crime<sup>226</sup>.

Ms. Bashall went onto state that “it turned out the interpreter was misinterpreting what the victim was saying. This prejudiced the trial and would not have happened had there been a quality assurance system in

216. <https://www.london.gov.uk/sites/default/files/270626%20Draft%20hate%20crime%20consultation%20paper%20final.pdf> Page 7.

217. <https://www.london.gov.uk/sites/default/files/14-02-13%20MOPAC%20Challenge%20-%20Hate%20Crime%20TRANSCRIPT.pdf>

218. *Ibid*

219. *Ibid*

220. *Ibid*

221. *Ibid*

222. *Ibid*

223. *Ibid*

224. *Ibid*

225. *Ibid*

226. *Ibid*

place for British Sign Language (BSL) interpreters used at Achieving Best evidence interviews.”<sup>227</sup>

Ms. Bashall concluded:

“This is about quality assurance. Interpreters should be observed on a regular basis by an assessor, and in my view in hate crime, domestic and sexual violence. Two interpreters should work together as they do in court. Consultation over BSL interpreters should be with specialist agencies such as ourselves and most importantly Deaf Hope who have knowledge of Deaf culture and the needs of the Deaf community”<sup>228</sup>

If a disabled person with a complex needs cannot express themselves correctly, their version of events cannot be heard and therefore incorrectly interpreted. With the wrong information being fed to the jury’s and judges, the chances of reaching a just and favourable outcome for the victim is dramatically reduced. It is vital that disabled and deaf people are able to fully illustrate what has happened to them.

**Recommendation 10: We recommend that an accreditation system be put in place for Metropolitan Police interpreters regarding disabled and deaf people.**

When Ms. Bashall raised this suggestion, it was encouraging to see that Mr. Ubhey stated, “I would certainly welcome that. I completely agree with what you’re saying, that we need to learn from those experiences and understand that and I’m very open to exploring those opportunities.”<sup>229</sup>

Indeed, the Joint Inspectorate Review in 2013 was critical of the CPS and its handling of disability hate crime<sup>230</sup>. It stated that prosecutors were often not clear in identifying and analysing disability hate crime offences and sometimes failed to obtain enough evidence from the police to help increase the likelihood of a prosecution<sup>231</sup>. Crown Prosecution Service Chief Inspector, Michael Fuller commented, “This report finds that in many ways disability hate crime is the hate crime that has been overlooked. The criminal justice system must therefore change to provide an improved service for those with disabilities.”<sup>232</sup>

At the MOPAC Challenge, Mr. Ubhey suggested the possibility of the Crown Prosecution Service having a specialist team of prosecutors to prosecute cases around hate crime, including hate crimes against disabled people:

“All our prosecutors have to do mandatory e-learning on hate crime and the support that we can provide to victims but I do think that there may be some scope for looking at specialisms on the crown court side.”<sup>233</sup>

We commend this statement. Organisations such as Stay Safe East and Full of Life could help to provide the level of specialist training needed to ensure that a disabled person receives the best level of support during their case. This measure would help boost the confidence of disabled people to report crimes and therefore increase their willingness to go through the judicial process.

## 7. THIRD PARTY REPORTING CENTRES

Throughout our research, we found that when used correctly, third party reporting centres can become an effective tool in increasing reports of disability hate crime. Third party reporting centres can be community centres where people can go to report a hate crime<sup>234</sup>. These centres provide a facility for disabled people to report crimes committed against them. Trained volunteers from disabled people’s organisations assist the

<sup>227</sup> Interview with Ruth Bashall, Director of Stay Safe East, August 2014

<sup>228</sup> Ibid

<sup>229</sup> <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

<sup>230</sup> <http://www.hmic.gov.uk/media/a-joint-review-of-disability-hate-crime-living-in-a-different-world-20130321.pdf>

<sup>231</sup> Ibid

<sup>232</sup> Ibid

<sup>233</sup> <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

<sup>234</sup> <http://crimeandjustice.co.uk/2014/07/14/police-in-cumbria-launch-hate-incident-reporting-centres/>



complainant in filling in the report relating to the alleged crime<sup>235</sup>. The information is then forwarded onto a "Hate Crime Incident Manager" (HCIM) who are Detective Sergeants trained to deal with taking hate crime reports<sup>236</sup>.

At the recent MOPAC Challenge, Paul Dowling from Stay Safe East stated that third party reporting centres are currently "not working" in London<sup>237</sup>. This is because the third party reporting centres are currently not "building the necessary partnerships"<sup>238</sup> between the Metropolitan Police, the CPS, local authorities and disabled groups necessary to make them effective<sup>239</sup>.

Mr. Dowling said that regarding the issue of under-reporting, we have "moved backwards in dealing with disability hate crime"<sup>240</sup> and said that Stay Safe East's experience in Waltham Forest demonstrated that when a report was submitted to the Metropolitan Police through a third party reporting centre, it was often not actioned<sup>241</sup>.

Ms. Bashall referred to the lack of third party reporting centres currently operating in London, stating that Stay Safe East works in the boroughs of Redbridge and Newham and have found that the number of third party reporting centres have decreased to "very low numbers"<sup>242</sup>.

These and other statements regarding the lack of third party centres across London boroughs are cause for concern. Indeed, Mr. Brookes strongly endorses the use of third party reporting Centres. In Lancashire, the use of third party reporting centres as part of a wider hate crime strategy involving the police, the judiciary, disabled groups and the local authorities reportedly led to an increase in disability hate crime reports of more than 100%<sup>243</sup>.

Mr. Brookes added: "Where there's a multi-agency approach, it's working well. Where people are slow to respond it's not working and part of the problem is that disabled people's organisations are slow in picking up on what is needed.<sup>244</sup> The key thing is to increase third party reporting. It's peer to peer reporting where disabled people are trained as volunteers within disability organisations to take reports on hate crime."<sup>245</sup>

"Across Lancashire we are setting up third party reporting centres in disability organisations, training the disabled volunteers because then you get disabled people talking to disabled people, the reports work and the police are working with that so you get an increase in confidence and reports are taken seriously."<sup>246</sup>

**Recommendation 11: We recommend that the Metropolitan Police, in conjunction with London's boroughs, should ensure that disabled people have a third party reporting centre available to them, providing an accessible means of reporting a hate crime committed against them.**

The Metropolitan Police should be working with the relevant local authorities to ascertain which facility in the borough would be most suitable to host a third party reporting centre.

The lack of accessible third party reporting centres available for disabled people further highlights the general difficulty they find in reporting a crime against them to the Metropolitan Police. Without an accessible third party reporting centre, certain people with complex disabilities find reporting crimes against

<sup>235</sup>. Ibid

<sup>236</sup>. Ibid

<sup>237</sup>. <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

<sup>238</sup>. Ibid

<sup>239</sup>. Ibid

<sup>240</sup>. Ibid

<sup>241</sup>. Ibid

<sup>242</sup>. Interview with Ruth Bashall, Director of Stay Safe East, August 2014

<sup>243</sup>. [http://www.policeracle.com/news/Training-issues--and-tackling-disability-hate-crime\\_82370.html](http://www.policeracle.com/news/Training-issues--and-tackling-disability-hate-crime_82370.html)

<sup>244</sup>. Ibid

<sup>245</sup>. Ibid

<sup>246</sup>. Ibid



them to the police via conventional means challenging.

For example, at the MOPAC Challenge, Ms. Bashall gave an example of a woman with mental health problems who wanted to report an incident of domestic violence<sup>247</sup>. Ms. Bashall stated that the woman texted Stay Safe East because she could not find a number for a texting service<sup>248</sup>. Ms. Bashall noted that the Metropolitan Police Service 101 phone number does have a texting service. However, in order to be able to use it, the individual would have to register and “many Deaf and disabled people who might want to use are not aware of it”<sup>249</sup>. Ms. Bashall also stated that finding the texting service on the Metropolitan Police’s website is difficult to do as it “gets lost somewhere in the bushes”<sup>250</sup>.

**Recommendation 12: We recommend that the Metropolitan Police should publicise its non-voice numbers to cater for disabled people who may wish to use the service to report a crime against them.**

It is vital to make the means of reporting a crime against an individual as easy as possible and this simple measure would improve disabled people’s level of accessibility in reporting crimes against them, thus increasing confidence in the Metropolitan Police’s service.

Mr. Dowling highlighted the need for a proactive approach from the Metropolitan Police by stating that reporting sites “usually spring up after a very nasty incident has occurred”<sup>251</sup>. This relates to the aforementioned point that disability hate crime often begins as “low-level” hate crimes that can often escalate into more serious incidents.

However, Mr. Dowling stated that, recently, the borough commander in Waltham Forest has “shown leadership” in increasing engagement between the Metropolitan Police, disability groups and the local authority:

“There is an analysis beginning from the borough commander and stay safe east, looking at what approaches are working and an attempt to fill in the gaps.”<sup>252</sup>

Promisingly, when we spoke to Ms. Bashall, she noted that thanks to the MOPAC Challenge meeting, Waltham Forest police have initiated a weekly process of reviewing all crimes involving disabled victims in order to identify any that might be hate crimes, and referring them on for investigation to the appropriate team<sup>253</sup>. Ms. Bashall added that the results of this process will be reviewed in a few months<sup>254</sup>.

Indeed, Metropolitan Police lead on hate crime, Commander Mak Chishty stated that there is good practice currently taking place in Enfield and that they expect to see an increase in reports of disability hate crime<sup>255</sup>. Paul Dowling stated that the reason there is good practice in Enfield is because they “still have the hate crime forum”, which meets every month. Ms. Bashall said that, “Most others got rid of them”<sup>256</sup>.

Incidentally, the “Care Act” of this year will make safeguarding adult boards a statutory requirement across the country<sup>257</sup>. The Care Act will come into effect in 2015<sup>258</sup>. All of the boards will discuss hate crime. This comes after the Law Commission’s review into adult social care recommended making safeguarding adult

247. <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

248. Ibid

249. Ibid

250. Ibid

251. Ibid

252. Ibid

253. [Interview with Ruth Bashall, Director of Stay Safe East, August 2014](#)

254. Ibid

255. <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

256. Ibid

257. <http://www.communitycare.co.uk/2014/03/03/care-act-2014-will-mean-safeguarding-legal-view/>

258. <https://www.gov.uk/government/consultations/updates-our-care-and-support-system-draft-regulations-and-guidance>

boards statutory<sup>259</sup>. All of the relevant agencies involved in tackling disability hate crime should be taking advantage of this.

**Recommendation 13: We recommend that there should be an ongoing item focusing on disability hate crime at every safeguarding adult board meeting.**

In order to make these meetings effective, there should be representation on the boards from the Metropolitan Police and the meetings should be chaired by an independent body in the interest of transparency.

The facility to accommodate this recommendation is going to become a statutory requirement and, therefore, the relevant agencies should be taking full advantage of this legislation to ensure that the Metropolitan Police, CPS and borough safeguarding teams are held to account. These boards would also provide a clear opportunity for multi-agency engagement to take place. This is crucial in identifying the gaps in the approaches of the relevant agencies in protecting disabled people.

These testimonies demonstrate that a multi-agency approach is needed to increase reports of disability hate crime in London. It is up to the Metropolitan Police to work with relevant organisations, along with local authorities to ensure that third party reporting centres work effectively.

## CONCLUSION

Our survey, along with numerous testimonies, demonstrate that disabled people often encounter abuse but that the response to that abuse, from the relevant agencies, is not as effective as it could be. This inadequate response leads to the under reporting of disability hate crime, as disabled people believe that if they submit a report to the Metropolitan Police, it will not be taken seriously. Furthermore, too often, disabled people believe that the mistreatment they receive is normal. Hence, disabled people, along with their parents and paid carers, do not recognise and so report hate crime when it occurs.

The best way to increase reports of disability hate crime is to adopt a multi-agency approach geared to tackle the problem. This means, first, engaging with disability organisations to improve the Metropolitan Police's interaction with disabled people. The police also need to improve accessibility to report disabled hate crime. Meanwhile the judiciary need to better meet disabled people's needs when going through the court process. Tackling disability hate crime needs to begin at the earliest possible stage, with schools in London needing to take a proactive approach in educating their pupils on disability and specifically disability hate crime. MOPAC has taken an important step in improving the response of the Metropolitan Police to hate crime by launching a consultation. Our submission is geared to improve the approach of the relevant agencies in specifically tackling disability hate crime.

<sup>259</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197402/Statement\\_of\\_Gov\\_Policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197402/Statement_of_Gov_Policy.pdf)

## RECOMMENDATIONS:

1. Metropolitan Police should investigate the cost of adopting the “Pegasus system” to enable them to immediately identify disabled people.
2. We recommend that the Metropolitan Police should adopt the proposal of internally and externally advertising the importance and impact of hate crime on victims.
3. We recommend that Metropolitan Police officers should establish whether a person submitting their report is disabled and, if they are, should consider whether that victim’s disability may have been a factor in why they were targeted.
4. We recommend that it should be mandatory for the Metropolitan Police to initially regard a crime against a disabled person as a potential hate crime.
5. We recommend that the Metropolitan Police should examine options for seeking guidance on disability issues from disability organisations.
6. We recommend that schools in London should show their pupils educational films regarding the impact of disability hate crime.
7. We recommend that the Law Commission should reconsider their decision not to include disability in hate crime legislation.
8. We recommend that the Crown Prosecution Service should publish information on why a disability hate crime case has failed to result in a conviction.
9. We recommend that the Metropolitan Police should regularly produce statistics on disability hate crime.
10. We recommend that an accreditation system be put in place for Metropolitan Police interpreters regarding disabled and deaf people.
11. We recommend that the Metropolitan Police, in conjunction with London’s boroughs, should ensure that disabled people have a third-party reporting centre available to them, providing an accessible means of reporting a hate crime committed against them.
12. We recommend that the Metropolitan Police should publicise its non-voice numbers to cater for disabled people who may wish to use the service to report a crime against them.
13. We recommend that there should be an ongoing item focusing on disability hate crime at every safeguarding adult board meeting.



## FEEDBACK

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