



## RESPONSE BY THE PCC TO HMIC INSPECTIONS OF CLEVELAND POLICE

### INSPECTION DETAILS

Title of Inspection

**Joint Review of Disability Hate Crime Follow-Up**

Date Inspection Published

**21 May 2015**

Type of Inspection:

Cleveland Specific

Follow Up

Partner Inspection

National

Thematic

Is Cleveland Police quoted in the Report?

Yes

No

### EXECUTIVE SUMMARY

In March 2013 the Chief Inspectors of the criminal justice inspectorates published "Living in a Different World: Joint Review of Disability Hate Crime", their first joint review of how the police, CPS and probation trusts dealt with disability hate crime. This called for a new impetus from the three agencies and seven recommendations were made to improve performance.

This joint follow-up review considered how the police, Crown Prosecution Service (CPS) and probation service providers (National Probation Service (NPS)/Community Rehabilitation Companies (CRCs)) have responded to the seven recommendations contained in the March 2013 review.

#### **Key findings**

##### ***Awareness of disability hate crime***

The 2013 review highlighted the need for the three agencies to quickly (within three months) take the appropriate steps to ensure that the public and those who work in the criminal justice system (CJS) understood disability hate crime. This is a fundamental step in ensuring (a) that the level of under reporting is reduced and (b) once recognised by the CJS, that the appropriate level of service is provided to victims of disability hate crime. The casework examination undertaken as part of this review reveals continuing difficulties by the police, CPS and probation staff in identifying disability hate crime.

There are examples of good practice relating to awareness raising at national level, such as the guidance to police forces contained within the Framework for Implementation of the Equality and Human Rights Commission (EHRC) recommendations published jointly by the Association of Chief Police Officers (ACPO) and the College of Policing in 2013, and the subsequent publication by the College of Policing of the National Policing Hate Crime Strategy in 2014.

At the local level awareness-raising events have taken place in different parts of England and Wales. However, neither the police nor the CPS have succeeded in significantly improving performance at operational level. Recognising this, the CPS Chief Executive has now assumed personal responsibility for driving improvement by the Service and a CPS national action plan was launched in November 2014.

Similarly, although the National Offender Management Service (NOMS) has provided direction and some probation trusts have worked with local partners to improve awareness of disability hate crime, it is still seen as a very small part of their work and is not dealt with effectively.

### ***Increased Reporting of Disability Hate Crime to the Police***

The number of reports of disability hate crimes to the police recorded by the Home Office remains low, at only 1,985 in 2013-14 and the gap between this and the Crime Survey for England and Wales (CSEW) estimated figure of 62,000 disability motivated hate crimes remains significant. It is particularly concerning that in the Home Office reporting figures for disability hate crime for 2013-14, nine police force areas had less than ten reports.

Disappointingly, inspectors found that the police forces visited had not conducted a formal review of the different methods by which information is received from the public to ensure that every opportunity is being taken to identify victims of disability hate crime. This represents a lost opportunity.

### ***Embedding Disability Hate Crime Processes within the Working Practices of the Police, CPS and Probation Staff***

Unfortunately, the approach to delivering effective training by the agencies has been inconsistent and slow. Without the required impetus it is not surprising that performance has not improved significantly. The 2013 review highlighted errors in the recording of data relating to disability hate crime by the police and CPS. This follow-up reveals that whilst there have been some improvements, further progress is required. Highlights include:

- Case file examination undertaken as part of this review reveals an improvement in the number of files accurately identified to the CPS as disability hate crimes by the police (when they seek charging advice from the CPS) to 20% (compared to 7% in the 2013 review). However, further improvement is required.
- In around a third of recorded disability hate crimes the crime reports lacked information to show they complied with the agreed definition of disability hate crime, usually because it was not made explicit who had perceived the crime to be motivated by hostility or prejudice against the victim's disability or perceived disability.

- Of the 107 CPS files examined inspectors were of the view that 76 (71%) were correctly identified as disability hate crime in accordance with the CPS policy (compared to 69% in 2013), 19 files (18%) involved a disabled victim but the case did not fall within the CPS definition of flagging as a disability hate crime (compared to 12%) and 12 files (11%) were flagged incorrectly as administrative or other error (previously 19%).

Whilst the CPS has reduced the number of files flagged as administrative/other errors, there is a continuing need for improvement, as the data reveals only a small improvement in the accuracy of recording disability hate crime files.

The CPS case management system has the capacity to record those disability hate crimes where the court uplifted the sentence for the aggravated element (section 146 Criminal Justice Act 2003) and the number of recorded 'uplifts' is unacceptably low.

This review also examined 21 pre-sentence reports and there was little or no evidence that disability hate crime had been awarded a higher priority within the work of those agencies delivering probation services than in 2013. There was little evidence that disability hate crime forms all but a very small part of the work of NPS/CRCs. In part this is due to the lack of reporting of these cases. However, even in those cases where there was clear evidence that they met the disability hate crime definition, in the majority there was no recognition by those providing probation services that these were disability hate crimes.

## Conclusion

The 2013 review highlighted that disability hate crime is a complex area with a number of unique features. It called for a new impetus that focussed on (a) improving awareness of disability hate crime, (b) increasing the reporting of disability hate crime and (c) embedding disability hate crime processes within the routine working practices of police, CPS and probation staff. The seven recommendations, if implemented effectively, would have made a substantial contribution to achieving these overarching aims. This follow-up reveals that there has been insufficient progress made against the recommendations. An opportunity to achieve improvements in the criminal justice system for all members of society has not yet been taken.

## SPECIFIC REFERENCES TO CLEVELAND POLICE

“Home Office Data: Reports of Disability Hate Crime per Police Force Area			
<b>Cleveland</b>	<b>15 (2011-12)</b>	<b>9 (2012-13)</b>	<b>7 (2013-14)”</b>

“The number of disability hate crime reports remains very low (nine police force areas have less than ten disability hate crime reports per year for 2013-14: **Cleveland**, Durham, North Yorkshire, Warwickshire, Bedfordshire, Cambridgeshire, City of London, Gloucestershire, and Dyfed Powys) and whilst initiatives have been implemented to increase reporting, without the required leadership by senior managers (for example, raising awareness, making disability hate crime a priority and then considering ways to ensure adherence to standards) performance remains poor.”

## **FORCE RESPONSE TO FINDINGS**

Comment by Chief Constable Jacqui Cheer:

"The first Street Triage service whereby mental health nurses attended incidents alongside officers to assess the mental health of vulnerable people was launched in 2012 with the Tees, Esk and Wear Valleys NHS Foundation Trust. In the year to March 2015 the team assessed 361 people across Cleveland, with only 7 of these people (1.9%) detained under the mental health act.

"That speaks volumes for the success of the scheme - many of these people are not deemed to have a mental health issue requiring hospital treatment, but are often suffering low level issues with their mental health or other issues which make them potentially vulnerable – drug and alcohol use, housing and finance or relationship problems. Diverting these people from offending - with a focus on rehabilitation and preventing re-offending has been a key to the success of the project.

"We recently launched a multi-agency concordat which will ensure all agencies adhere to agreed practice when dealing with people with mental health issues.

"And Cleveland showcased its success at a Liaison & Diversion (L&D) event in Durham last month, where regional experts in policing, health, youth and court services met to share best practice to identify any gaps in provision so they can be addressed. Whilst L&D is in its early stages, the signs are promising with 97% of young people accepted - when offered - L&D services.

"In all, we have achieved a great deal in listening to what this sector of the community need and delivering on those needs – but we know there is still further work to be done to ensure those who require our support most are given it – we will continue to work with our partners through the concordat to ensure these needs are met."

## **PCC RESPONSE TO FINDINGS**

"We dealt with the issue head-on by raising awareness of ways in which to report crime. Incidents can take the form of name calling in the street, serious assaults, and deliberate deception of vulnerable people with disabilities – all of which are completely unacceptable and we felt it important that officers were able to identify where a crime has a disability hate element and how to raise awareness of reporting with victims, carers and families."

### **Additional Information**

- The follow up report from the Criminal Justice Joint Inspection includes an expectation that reporting of disability hate crime should increase.
- Although the follow up review did not look directly at Cleveland Police, the force is confident that reporting is going in the right direction, with a large increase in disabled people or their carers reporting hate crime.

- In 2014/15, the force saw a 145% increase in reported disability hate incidents and 138% increase in reported disability hate crimes when compared with 2013/14.
- The Force's Disability Support Network have worked closely with the Guide Dogs charity over the past two years to help overcome obstacles faced by those with impaired sight to provide the best possible service and have been extremely supportive of addressing improvements to aid victims.
- A year ago, the PCC launched a 15-minute film as a training tool to show the true impact of crimes against disabled people. It addressed the levels of under-reporting across Teesside. The DVD also enhanced our training to officers and staff.