

Don't stand by

Ending disability hate crime together Ending disability hate crime together

Hate crime research report

Office for Public Management (OPM) and Mencap would like to thank the police services that took the time to contribute to this research. We would also like to thank the people with a learning disability in Leeds who gave so generously of their time for focus groups and inspire us with their courage. We would like to thank them for sharing their experiences and helping us understand the system from the perspective

of someone with a learning disability. Finally, we would like to thank Maggie Graham and Mary Threadgould for their help in recruiting and encouraging people with a learning disability to contribute to this research. We are also grateful to the Association of Chief Police Officers and the National Policing Improvement Agency for their support in helping us recruit police services for the study.



Ending disability hate crime together **Ending disability hate crime together**

Foreword from Mark Goldring, chief executive of Mencap

Mencap launches its *Stand by me* campaign against the backdrop of an Independent Police Complaints Commission report into the death of Fiona Pilkington and Francessa Hardwick. That report highlighted the way in which the police and other agencies seriously let down a vulnerable family who had endured years of abuse. These shortcomings made Fiona feel so isolated and abandoned that she took her own life, and that of her daughter.

The report in front of you shows that despite the work of many police services to learn from those failings, people with a learning disability are still not always getting the level of service they are entitled to from the police.

Many police services are still failing to take hate crime against people with a learning disability seriously. Police officers themselves have admitted that, all too often, disability hate crime is the ‘poor relative of racist crime’. Great strides have been made in the way racist incidents are handled and Mencap is calling for the police to take this opportunity to make similar efforts in its approach to disability hate crime.

We continue to hear reports of incidents being dismissed as “only antisocial behaviour” with little or no real action being taken. For the people with a learning disability who are suffering from daily abuse, attacks and harassment, this is simply not good enough. Time and again we have seen the massive impact these so called “low-level” incidents have on the quality of people’s lives. Often it leaves people with a disability afraid to leave their homes. It also affects communities – making other people with a disability too afraid to take part in the everyday activities other people take for granted.

These incidents can, and do, escalate with tragic consequences. If we are to avoid more families going through what happened to Fiona Pilkington, we must make sure all police services are taking hate crime against people with a learning disability seriously.

I am pleased this report acknowledges the good work being done by some police services. But I also hope it will be a call to action for all police services to do more. By signing up to Mencap’s police promises and putting into practice its recommendations, together we can put an end to disability hate crime.



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Hate crime research for Stand by Me campaign Mencap

Final report – June 2010

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Executive summary

The Office for Public Management (OPM), an independent public interest organisation, was commissioned by Mencap to conduct research exploring how police services across England tackle hate crime against people with a learning disability.

During learning disability week (20–26 June 2011), Mencap is launching the *Stand by me* campaign against hate crime which is aimed at the police, criminal justice system and courts. The campaign is designed to offer practical solutions to practitioners so that we can all work better in dealing with hate crime against people with a learning disability. This research was commissioned to provide evidence to inform thinking around solutions.

The aims of this research are to:

- generate and share learning about how police services currently tackle hate crime against people with a learning disability
- identify good practice and what works in tackling hate crime against people with a learning disability
- identify the key challenges faced by police services in tackling hate crime against people with a learning disability.

This research is particularly timely and important because of the number of high-profile cases of disability hate crime such as the tragic deaths of Fiona Pilkington and her

daughter in Leicestershire as well as David Askew in Greater Manchester.

There is evidence to indicate that at the national level, disability hate crime in general is becoming more of a priority for police and whilst this is encouraging, there is still room for improvement. In particular, practice ‘on the ground’ needs to improve and be more consistently of a high quality.

We hope that this report will go some way in helping police services identify the steps they need to take.

We conducted research with 14 police services across England. The aim was to include a broad mix of police services including those in urban and rural regions, smaller and larger police services and those that have demonstrated success in tackling hate crime against people with a learning disability as well as those that have faced challenges in doing so. In order to ensure that we were able to include the perspective of people with a learning disability, we also conducted one focus group with eight people. The key findings are discussed below.

Infrastructure and set-up for tackling hate crime

There was little consistency in the structures that the different police services consulted had in place to tackle hate crime, although there was consensus that hate crime was tackled at the Basic Command Unit (BCU) or divisional level. Many police services have no hate crime officers or units in place, which is concerning because such dedicated roles

often have specialist knowledge and play an important quality assurance role which helps ensure that hate crimes are recorded correctly, that victims receive the support they need and that investigation plans are appropriate.

In addition to hate crime officers, police services reported that hate crime is tackled by a variety of police officers and personnel in different roles, such as Community Liaison Officers, Diversity Officers and Police Community Support Officers (PCSOs). PCSOs in particular have been identified as having an important role to play in tackling hate crime as they are generally viewed as more approachable by local people. Although many different police officers and personnel play an important role in tackling hate crime, there is an urgent need to ensure that they work in a joined-up way and that there are clear lines of reporting and accountability so that incidents of hate crime don't slip through the cracks.

All police services we consulted have some partnerships in place that allow them to develop relationships with other agencies but very few have partnerships that are specifically in place to address issues relating to disability, let alone learning disability. Such partnerships are important because they fulfil a 'critical friend' or 'challenge' role. This is even more important where there are no dedicated hate crime officers.

However, the fact that a number of police services are currently reviewing their hate crime policies is encouraging. Some have been motivated to do so in order to address the issues confronting particular 'vulnerable'

groups, including disabled people, in more detail. It is important, however, to avoid stereotyping all disabled people or people with a learning disability as 'vulnerable' (Calderbank, 2000).

There is a lot of variation across the services in terms of how hate crime and antisocial behaviour are related, and who is responsible for tackling one and the other. On the one hand, when a police service regards the two as similar and thus to be tackled together, there is a danger that some hate crime cases become invisible, as they may be wrongly labelled as antisocial behaviour (Reay, 2011). On the other hand, there are other services that make a clear distinction between hate crime and antisocial behaviour. In these instances, they are often dealt with by different teams. There is a risk that a lack of communication between the different teams may result in vital intelligence not being shared. This may mean that some hate crime cases fail to be picked up, or trends in victimisation may not be identified.

Reporting and recording of hate crime

Police services were able to identify a wide range of available channels for the reporting of hate crime in general and many felt that direct reporting to the police, particularly in person, was the channel most frequently used for reporting disability hate crime. In contrast, participants in the focus group tended to turn towards people and organisations, such as social workers or housing associations, with which they already have relationships and which are therefore trusted. It is thus worrying that

only a small number of police services mentioned linking in with partner agencies and local organisations as an important means of receiving reports of hate crime.

However, some police services are more in tune with the reporting behaviours of people with a learning disability and disabled people in general and are doing innovative work to encourage this group to report directly to the police. Such work often includes an element of interacting with and getting to know police officers and others who are involved in tackling hate crime, which helps build trust and confidence in the police. One police service described a project that it had delivered in conjunction with local partners (local authority, learning disability organisation) which gave people with a learning disability the opportunity to meet with their local PCSOs as well as visit their local police station.

Other police services realise that people may want to report to places they visit more often or that are easiest to get to after a crime happens and are thus working with local partners to make this possible. For example, a number of police services reported that they were in the process of implementing, or had implemented some variation of, the *Keep safe* card scheme. *Keep safe* card schemes were also viewed positively by participants of the focus group who felt that other people in the community also have a responsibility to help people with a learning disability report hate crime to the police. Other police services have been focused on raising the awareness of and training partners at third-party sites, such as libraries, community centres and

day centres. While this is encouraging, it is also worrying, as fewer than half of the police services consulted are involved in the aforementioned activities.

Only one police service reported recording disability hate crime by type of impairment. Similarly, only four services reported that they record the type of hate crime that has occurred. This lack of recording detail has implications for the extent to which police services are able to identify important trends and will inevitably hamper their ability to put in place preventative measures.

Most services reported that police officers had received training about hate crime only when they first started in their positions and many also felt that their officers could be better at recording hate crime. Police officers' lack of understanding about hate crime was also echoed strongly by participants of the focus group:

‘There needs to be more awareness – police need to know that these aren’t ‘normal’ crimes, but they are motivated by [hostility towards] learning disability.’

This points to the wider training and support needs within most police services in relation to identifying, recording and handling hate crime reports made by people with a learning disability.

Prevalence of hate crime against people with a learning disability

All participating police services claimed that the level of reported disability hate

crime is much lower than that of actual disability hate crime, which is worrying as it means that police services cannot make properly informed decisions about effective resourcing. In recognising that the statistics are unreliable, police services realise that they need to better understand the issues relating to the under-reporting of hate crime. Some police services did in fact refer to the wider body of evidence that indicates disabled people often feel unable or unwilling to report hate crime:

‘We know the national picture, we’ve read the research, the Mencap and Scope research.’

Anecdotally, some police services felt that levels of hate crime against people with a learning disability may be higher than for disabled people in general:

‘We hear more about hate crime against people with a learning disability than other types of disability.’

All police services involved in our research felt that low prevalence figures were a result of under-reporting by people with a learning disability, and disabled people in general, but only a small number felt that low prevalence figures were a result of non-identification and miscategorisation by police officers. On the other hand it is encouraging that the majority of police services are now, in fact, recording hate incidents as well as hate crimes. In fact, many said that hate incidents are dealt with in exactly the same way as hate crime.

Given that prevalence figures are so low and that there is a problem with under-reporting, there is a need for police officers to ensure that what is being reported is being recorded correctly. If not, victims may be dissatisfied with the treatment and outcome of their case. They may not report further incidents as a result.

Supporting and working with victims of hate crime

Fewer than half of the police services we consulted reported having dedicated victim support officers or victim and/or witness support departments in place. Having such support in place is important because it means that there are dedicated officers who have both the expertise and time to ensure that victims receive the best support possible. This is even more important in the case of people with a learning disability who have been victims of hate crime.

On the other hand the majority of police services we consulted highlighted the importance of working with a range of partners such as local authorities, social services in particular, housing associations, local advocacy groups, Victim Support and organisations such as Mind and Mencap. This implies that police services do recognise that there are other organisations and agencies that are better placed to identify the type of support needed by victims of hate crime in general, and victims with learning disabilities (see Gillard and Wallace, 2003).

However, participants of the focus group reported significant dissatisfaction with the way they have been handled by the police. Some felt that police officers often ignored them and talked only to support workers even when they were present (see also Cooper, 2007; Sin et al, 2009). This was felt to be “patronising” and “rude”. Others felt that police officers did not know how to communicate with victims with a learning disability in an appropriate manner. The majority of police services involved in our research reported that police officers had only received general equality and diversity training with little specific focus on learning disability.

What is clear from our consultation with police services and people with a learning disability is that much more needs to be done in the way of ensuring that police officers are better equipped to work with hate crime victims with a learning disability.

Evidencing for prosecution of hate crime

Almost all hate crime policies include, to varying degrees of detail, guidance on investigating hate crime in general. There do not appear to be any disability-specific investigation and evidencing procedures in place. A number of police services reported that their approach to investigating hate crime against people with a learning disability is the same as investigating any crime.

‘ If investigating hate crime against a person with a disability, or just another type of crime, [investigation] procedures are transferable. ’

This, although not true of all police services, is worrying as it demonstrates a lack of awareness of the specific needs of people with a learning disability.

In this context, very few police services made specific reference to special measures or to reasonable adjustments that could be made to support people with a learning disability. If these adjustments are not made by the police, victims of hate crime may not be well supported and may withdraw from the process (Hamlyn et al, 2004). This can also make them less likely to report hate crime in the future.

Moreover, participants of the focus group reported negative experiences of providing evidence to the police. For example, some reported that they have often had to provide statements and evidence multiple times as people with a learning disability are often not regarded as being capable of providing reliable accounts. One participant reported that police officers attending the scene, where the victim had been threatened by some young people, were reluctant to do anything due to a lack of evidence that a crime had been committed. This suggests that there is some confusion about evidencing that may have contributed to cases not being pursued. The police may not be entirely clear about the ‘burden of proof’ and the instruments available to help them tackle disability hate crime. This has significant implications for the outcomes for people with a learning disability.

Conclusions and recommendations

It is clear from our research that there are many police services seriously committed to tackling hate crime against people with a learning disability and disabled people in general. These services have dramatically improved their systems and procedures over the last few years and have often put in place innovative practices. However, there are also some services whose approach to tackling hate crime has not evolved very much and thus includes little specific focus on disabled people, let alone people with a learning disability.

Based on the evidence reported here, we are making the following recommendations:

- Every police service should clarify its structures for dealing with (disability) hate crime. These should set out the management and accountability arrangements that support joined-up efforts within the service in tackling hate crime.
- There should be one or more individuals with dedicated responsibility for dealing with hate crime. These individuals can play a ‘coordination and support’ function within the service, but should also be responsible for engaging with the local community including people with a learning disability.
- Every police service should carefully consider who in the organisation is best placed to build trust and meaningful engagement with people with a learning disability.
- Every police service should build partnerships with disabled people’s organisations and also those of people with a learning disability. This may be in relation to effective engagement and communication, reassurance, advice, training, and raising awareness.
- Clear terms of reference and operating protocols should be put in place, through collaboration, to ensure that partnership working functions effectively.
- Every police service should review its hate crime policies and provide specific guidance on dealing with hate crime against people with a learning disability, and disabled people in general.
- Given that everyone within a police service has a responsibility for dealing with hate crime, every police service should ensure that all police officers are aware not only of relevant policies and procedures but also of how these can be implemented effectively in routine practice.
- Every police officer should be trained in understanding what disability hate crime is and the tools available to tackle it.
- Every police service should consider accessing training provided by disabled people and people with a learning disability. These ‘experts by experience’ can offer real practical and experiential insight into how hate crimes can best be tackled.
- Police services should work together, and involve the Association of Chief Police

Officers (ACPO) and the Crown Prosecution Service (CPS), to generate consensus over consistent and pragmatic ways of recording and disaggregating disability hate crime.

- All police services should also record hate incidents systematically and consistently. The intelligence and data should be analysed routinely to identify patterns or trends (eg of repeat victimisation).
- Recognising that recorded disability hate crime statistics, and those relating to people with a learning disability, are inaccurate, police services should develop ways of getting a better sense of the true scale of the problem. Police services may benefit from sharing practice in this area.
- While needing to develop the wider evidence base around reasons for under-reporting of hate crime by people with a learning disability, every police service should also develop a better understanding of the specific sets of reasons within the contexts in which they operate. This intelligence should then be used to inform strategies to improve and encourage reporting, recognising that different reporting mechanisms can have varying levels of effectiveness in different contexts (eg rural/urban nature of the local area; demographics of the local population, etc).
- Third-party reporting should be encouraged. However, rather than simply relying on third-party reporting centres, every police service should develop a better understanding of the reporting

behaviours of local people with a learning disability, so they can identify other third parties that may be relevant.

- Police services should work in partnership with other statutory agencies and local community and voluntary groups to raise awareness of, and provide training relating to, hate crimes against people with a learning disability.
- Police services should work in partnership with other statutory agencies and local community and voluntary groups to raise awareness among people with a learning disability about their rights in relation to hate crime.
- Police services should work closely with the CPS and other relevant agencies to ensure that the outcomes in terms of conviction and prosecution rates are improved.



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1. Introduction

The Office for Public Management (OPM), an independent public interest organisation, was commissioned by Mencap to conduct research exploring how police services across England tackle hate crime against people with a learning disability.

Mencap is launching the *Stand by me* campaign against hate crime during Learning Disability Week (20–26 June 2011). This campaign is aimed at the police, criminal justice system and courts, because Mencap recognises that eradicating hate crime will only happen if all the agencies and public bodies involved work in partnership by pledging to Stand by people with a learning disability. The campaign is designed to offer practical solutions to practitioners so that we can all work better in dealing with hate crime against people with a learning disability.

This research was thus commissioned to provide evidence to inform thinking around solutions. The aims of this research are to:

- generate and share learning about how police services currently tackle hate crime against people with a learning disability
- identify good practice and what works in tackling hate crime against people with a learning disability
- identify the key challenges faced by police services in tackling hate crime against people with a learning disability.

This research is particularly timely and important because of the number of high-profile cases of disability hate crime such as the shocking murders of Brent Martin in Sunderland and Steven Hoskin in Cornwall, both of whom had a learning disability, and more recently the tragic deaths of Fiona Pilkington and her daughter in Leicestershire as well as David Askew in Greater Manchester. These cases indicate that there is an urgent need for police services to look critically at the way in which they tackle hate crime against people with a learning disability and disabled people in general.

There is evidence to indicate that at the national level, disability hate crime in general is becoming more of a priority. The Association of Chief Police Officers (ACPO) has recently published statistics on the prevalence of hate crime against disabled people as well as other types of hate crime across all police services in the UK. ACPO has launched the newly improved True Vision website that includes Easy read reporting packs for people with a learning disability. It is also in the process of redrafting its tactical guidance for police services on tackling hate crime, which was initially published in 2005. The Crown Prosecution Service (CPS) has also been publishing its annual hate crime report over the past two years. While these developments are encouraging, there is still room for improvement. In particular, practice ‘on the ground’ needs to improve and be more consistently of a high quality.

We hope that this report will go some way in helping police services identify the steps they need to take to tackle hate crime against people with a learning disability.

The rest of this report reads as follows:

Chapter two provides an overview of the methods used and the sample of police services and people with a learning disability consulted.

Chapter three includes the key findings from the research. It is organised under the following themes:

- Infrastructure and set-up for tackling hate crime
- Reporting and recording of hate crime

- Prevalence of hate crime against people with a learning disability
- Supporting and working with victims of disability hate crime
- Evidencing for prosecution of hate crime.

Chapter four concludes by providing some key recommendations for how police services and their partners can improve the way in which they tackle hate crime against people with a learning disability.

As part of the *Stand by me* campaign Mencap has developed a set of ten 'promises' that it would like police services to sign up to. These have been included as an appendix to this report.



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2. Research methods used

Research with police services

We conducted research with 14 police services across England. The aim was to include a broad mix of police services including those in urban and rural regions, smaller and larger police services and those that have demonstrated success in tackling hate crime against people with a learning disability as well as those that have faced challenges in doing so.

An information letter drafted jointly by OPM and Mencap was sent by the National Policing Improvement Agency (NPIA) to police services across the UK. Police services were invited to be involved with the research and those expressing an interest were filtered against the inclusion criteria. An overview of the final sample can be found in the table below:

No.	Police service	Geographical region	Urban/rural
1	Bedfordshire police	East of England	Significantly rural
2	Cleveland police	North east	Predominantly urban
3	Cumbria constabulary	North west	Predominantly rural
4	Greater Manchester police	North west	Predominantly urban
5	Hertfordshire constabulary	East of England	Predominantly urban
6	Kent police	South east	Significantly rural
7	Leicestershire constabulary	East Midlands	Significantly rural
8	Lincolnshire police	East Midlands	Predominantly rural
9	Northamptonshire police	East Midlands	Significantly rural
10	Nottinghamshire police	East Midlands	Predominantly urban
11	South Yorkshire police	Yorkshire and Humber	Predominantly urban
12	Suffolk constabulary	East of England	Predominantly rural
13	Surrey police	South east	Predominantly urban
14	West Mercia police	West Midlands	Significantly rural

The selected police services were asked to identify an individual who would be best placed to talk about the service's approach to tackling hate crime against people with a learning disability. We conducted in-depth interviews with these nominated representatives. The types of individual most commonly interviewed were equality and diversity managers, officers or advisors. However, a number of individuals fulfilling other roles were also interviewed, such as:

- detective inspectors or superintendents in the public protection units (PPUs)
- hate crime officers or leads
- victim support workers.

The interviews focused on the following topics:

- the scale of the problem and the incidence of hate crime against disabled people (in particular, those with a learning disability)
- the structural and organisational set-up in relation to tackling disability hate crime
- implementation and delivery 'on the ground', eg, reporting and recording procedures, support provided for victims and evidencing for prosecution
- examples of good practice.
- challenges and difficulties.

In addition to in-depth interviews, we also conducted a review of the police services' key relevant documents such as hate crime strategies, procedures for reporting and recording hate crime, and guidance or training for officers in tackling hate crime against people with a learning disability. There was variation in the type and amount of relevant documentation that police services were able to send us. Some police services did not send us any documentation, either because such documentation was in the process of being revised, or because they did not have time to collate the relevant documents.

It is thus important to bear in mind that we have only been able to report about what police services have told or sent us, recognising that there may have been omissions.

Data from the documents received was extracted and analysed using a common template which can be found in the accompanying technical report.

Focus group with people with a learning disability

In order to ensure that we were able to include the perspective of people with a learning disability, we conducted one focus group with eight people. The group consisted of people with a moderate learning disability who were very active and vocal about the issues surrounding hate crime against people with a learning disability. This has implications, therefore, for how we interpret the representativeness of these perspectives.

The majority of participants had experienced hate crimes or incidents, or were close to someone who had. Some had reported such incidents to the police whereas others had not. The discussion focused on the following topics:

- personal experiences of reporting hate crime or hate incidents to the police
- factors in determining their own (and those of their family members and carers) response to experiencing hate crime (eg why it was or was not reported, who it was reported to and why etc).
- key expectations and needs, in terms of how crime/incidents and victims should be treated, and whether these have been met
- examples of good practice encountered
- suggestions for improvements.

Synthesis and analysis

We conducted broad content analysis of the primary and secondary data. Key themes were identified through triangulating the different sources of evidence. These key themes and their implications are discussed in the next section of this report.



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3. Key findings

In this section we will discuss the key findings emerging from the research and their implications for how well police services tackle hate crime against people with a learning disability. The following themes are discussed:

- Infrastructure and set-up for tackling hate crime
- Reporting and recording of hate crime
- Prevalence of hate crime against people with a learning disability
- Supporting and working with victims of disability hate crime
- Evidencing for prosecution of hate crime.

It is important to note that very often, interviewees from police services were only able to talk about disabled people in general, rather than the issues specifically relating to people with a learning disability. In other instances, interviewees from police services were only able to discuss hate crime in general, rather than disability hate crime or hate crime experienced by people with a learning disability.

3.1 Infrastructure and set-up for tackling hate crime

Variability in departments and roles that have responsibility for tackling hate crime

There was little consistency in the structures that the different police services consulted had in place to tackle hate crime. Some services reported that responsibility for tackling hate crime was the remit of harm reduction units whereas others reported that it was the remit of public protection units, or safer neighbourhood teams. Only a minority of police services reported having a dedicated hate crime unit in place. There was, however, consensus that hate crime was tackled at the basic command unit (BCU) or divisional level. Nonetheless, even within police services there was variability in the structures that each BCU or division had put in place.

It thus appears that there is no clear blueprint as to what the appropriate structures for tackling hate crime may be at a divisional level. In itself, this does not present a problem as long as the department that has responsibility for tackling hate crime has clear ownership over, or specialist knowledge of, the agenda. This is less likely to be the case where no hate crime unit exists.

One way improvement in tackling hate crime can be accomplished is by having dedicated hate crime officers working as part of these departments. These dedicated officers often play a role over and above that of investigating hate crime. They are involved in delivering training to and raising the awareness of police officers about what

hate crime is and how to communicate and work with people with a learning disability. They also often play an important 'quality assurance' or 'critical friend' role. This helps ensure that hate crimes are recorded correctly, that victims receive the support they need and that investigation plans are appropriate. All these things, many of which are discussed later in this report, are important for ensuring that hate crime is tackled effectively.

It is thus worrying that fewer than half the police services consulted reported having dedicated hate crime officers (or other officers that carried out a similar role) in place. Where these roles do exist, they are valued:

“We've got dedicated hate crime officers across the service [who are] able to contact victims of hate crime of all types, [they] work seven days a week, go through the crimes system, and calls into call centre, and check to see if any issues [have been] reported and speak to victims, go and see victims... Our experience is that you must have people dedicated to the role. It works very well to understand the impact of hate crime on victims.”

One police service that did not have dedicated officers in place recognised how such a role would improve the quality of service that police services could provide to victims of hate crime:

“I think there's a need for a more specialist response and more specialist knowledge for officers dealing with hate crime. We don't have staff dedicated to

dealing with only that – I don't think the service can be that good – however with low levels of reported [hate] crime it's difficult to justify this.”

In addition to hate crime officers, police services reported that hate crime is tackled by a variety of police officers and personnel in different roles. These include immediate response or attending officers, Investigating officers, community liaison or relations officers, community beat managers, diversity or engagement officers and police community support officers (PCSOs).

It is important not only to have a hate crime officer 'type' role in place but also to ensure that this person and other people on the frontline are visible and engaged with the local community. This is because such people tend to develop trusting relationships with members of the community. This is important to ensure that people with a learning disability feel comfortable in reporting hate crimes. Many of the roles mentioned above are focused on exactly these types of activity. However, this role may be better fulfilled by those who are not police officers, eg by PCSOs, as they are often viewed as more approachable by local people.

For example, one police service mentioned that it is holding targeted briefing and training sessions for PCSOs as 'they can be a valuable contact and increase awareness in the community.' Another police service mentioned that it has developed Easy read information with the help of PCSOs. This is used by them in meetings with people with a learning disability to help encourage reporting:

☺ PCSOs sit down with small groups, ask what people know, find out, and give information in a non-threatening way. Making it less official is key as talking to the police can be scary. People tell us what happens and how it makes them feel. PCSOs have [a] better idea of how to communicate with people with a learning disability, they've learnt not to leave a note but to use the telephone, or face to face. ☺

Although many different police officers and personnel play an important role in tackling hate crime, the existence of numerous roles raises some key issues. There is a need to ensure that all police officers and personnel involved in tackling hate crime work in a joined-up way and are aware of their individual responsibilities. This means that there should be clear lines of reporting and accountability structures. Otherwise incidents of hate crime may slip through the cracks, eg, by not being identified, recorded or investigated properly or by the provision of inappropriate support to victims.

Some police services said that the teams responsible for tackling hate crime reported to their divisional or BCU commanders or to diversity managers. These in turn reported to the assistant, deputy or chief constable who has ownership of the hate crime agenda.

Of some concern is that not all services were able to identify clear lines of reporting. Very few services were able to send us organisational maps showing how hate crime fits into the service's management and accountability structure. Additionally, many services reported that management and accountability structures were in

the process of being changed. It will be important to monitor such changes.

Large number of general partnerships but few that are disability-specific

Work on tackling hate crime cannot be effective if it is done by the police alone (see Sin et al, 2009). In addition to having an infrastructure with clearly outlined 'within-service' responsibilities, joined-up working and strong partnerships with other agencies and organisations are also necessary. This is because other organisations often have better relationships with, know more about, and have better access to people with a learning disability. They thus play an important role in encouraging the reporting of hate crime or in identifying the type of support that victims with a learning disability may need (this is discussed in more detail later).

All police services consulted have some partnerships in place that allow them to develop relationships with other agencies such as local councils, criminal justice agencies, primary care trusts, fire and rescue, housing associations and community organisations. For example, many services mentioned Independent Advisory Groups (IAGs) and hate crime partnerships that also include representatives from disabled people's organisations, although not always from learning disability organisations.

However, very few have partnerships that are specifically in place to address issues relating to disability, let alone learning disability. This is worrying because without such input, there is the risk that tackling hate crime will

focus more on race hate crime than on other types of hate crime, as it has historically. Such partnerships are important because they fulfil a ‘critical friend’ or ‘challenge’ role. This is even more important where there are no dedicated hate crime officers. Some services did report being part of such groups, eg, learning disability partnership boards or disability advisory groups:

“ We sit on learning disability groups; we often would interact with them. Say, if we’re writing a new hate crime policy, we would use those as a consultation group. We ensure that when we’re writing a policy, it’s relevant to these groups and has their input. Easy read information is a direct result of engagement with people with a learning disability.”

“ The [disability] advisory board acts as a ‘critical friend’ and we discuss dealing with hate crime with members of [the] learning disability community in groups and organisations working with disabled people, to help us improve services.”

These partnerships are important. The police services that do have such partnerships in place tend to feel that it is this aspect of their work, on tackling hate crime against people with a learning disability, that other police services could most learn from.

Finally, while some partnerships function rather informally and bring about a lot of positive change, it generally seems that having some terms of reference or operating protocols in place helps to ensure that different partners work effectively

together and are clear about each other’s contribution.

No disability-specific hate crime policies

Most, but not all, of them have general hate crime policies where disabled people are mentioned as one group whose members are likely to become victims of hate crime. Other groups tend to be defined by protected characteristics, which usually include ethnicity/race, faith/religion, sexual orientation and gender reassignment. There is rarely any mention in these policies of specific issues that need to be considered in relation to tackling hate crime against people with a learning disability, or disabled people in general. Given that these policies are meant to act as a resource for police officers to turn to, it is a significant problem that they do not include or signpost officers to such information.

Not all services were able to provide us with their hate crime policies as some services reported that these policies were in the process of being reviewed and rewritten. Some services pointed out that their reviews of these policies are attempting to address the issues confronting particular ‘vulnerable’ groups, including disabled people, in more detail. It seems that many police services are still relying on hate crime policies written some time ago when strategies for tackling hate crime focused almost exclusively on race. Given the number of high-profile cases that have taken place in the last few years, it is surprising that it has taken so long for some police services to begin reviewing their hate crime policies. It will be important to

assess these updated policies in terms of whether they are able to better support the effective tackling of disability hate crime (and hate crime against people with a learning disability).

Police services were usually confident that police officers are aware of hate crime policies and standard operating procedures (SOPs). However, some services were a little sceptical about the wider awareness of the relevant policies within the service. They suggested that it may only be police staff who deal specifically with hate crime who are familiar with such documents. Even those confident about the awareness of the policies amongst their colleagues thought that additional awareness-raising within the service would be useful.

No consensus on the relationship between antisocial behaviour and hate crime

There is a lot of variation across the services in terms of how hate crime and antisocial behaviour are related, and who is responsible for tackling them. When asked about how their service's work on hate crime relates to work on antisocial behaviour, some interviewees emphasised similarities between the two while others focused on differences.

On the one hand, when a police service regards the two as similar, and thus to be tackled together, there is a danger that some hate crime cases become invisible as they may be wrongly labelled as antisocial behaviour (Reay, 2011). This may be particularly so where services perceive that

antisocial behaviour is more prevalent. One service commented:

‘[Our police service’s] scoping exercise has shown that hate crime is so similar to antisocial behaviour that one of the recommendations is that it sits firmly within that. It could be linked heavily to antisocial behaviour without it being lost. The way officers engage with people to understand hate crime and antisocial behaviour is the same. There is the same scoping work and the same issues with reporting.’

Other services have similarly argued that there is a lot of “cross-over” between hate crime and antisocial behaviour and that “you can’t look at one without looking at the other”. As a result, police staff dealing with hate crime and antisocial behaviour often report to the same joint senior management and sit within the same departments (eg the Public Protection Unit). Two interviewees referred to guidelines from the Home Office that link hate crime and antisocial behaviour, presenting a joined strategy to tackle both. Some teams also use a ‘vulnerability matrix’, (either from the Home Office or designed internally) to assess whether the violence the victim experiences has been due to their disability or to a vulnerable situation.

On the other hand, there are other services that make a clear distinction between hate crime and antisocial behaviour. In these instances, they are often dealt with by different teams. There is a risk that a lack of communication between the different teams may result in vital intelligence not being shared. This may mean that some hate

crime cases fail to be identified, or trends in victimisation may not be identified.

Some services were so concerned about mixing hate crime with antisocial behaviour that they promoted a structural separation of the responsibilities for tackling the two. One police officer argued that because, historically, antisocial behaviour has been seen as encompassing a wide range of criminal and sub-criminal activities, hate crime may not seem distinct enough when it is dealt with alongside the plethora of antisocial behaviour. The concern sometimes originated from the legacy of high-profile cases, such as the Pilkington tragedy. Here the police were strongly criticised for dismissing reported incidents as ‘nothing more than antisocial behaviour’ (Leicester, Leicestershire and Rutland Safeguarding Adults Board, 2008) and so failing to deal with hate crime against people with a learning disability. One police service commented:

👉 [Hate crime and antisocial behaviour are] not necessarily related. They are two very different crimes – in fact, one is a crime and one isn’t. Antisocial behaviour is very much the realm of uniformed staff such as safer neighbourhood teams or response units. Hate crime will be [dealt with by] dedicated detectives or crime investigators.👉

It is paramount that the right structural arrangement is found so that both hate crime and antisocial behaviour are tackled adequately. Our research suggests that there needs to be more dialogue between staff involved in dealing with hate crime and those dealing with antisocial behaviour and, most importantly, that all staff need to be very clear about the differences between hate crime and antisocial behaviour as well as the cross-over and links between the two. It is crucial that this message is also communicated effectively to local communities.



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3.2 Reporting and recording of hate crime

No clear understanding of the reporting behaviours of people with a learning disability

Police services were able to identify a wide range of available channels for the reporting of hate crime in general. These included direct reporting to the police over the telephone, by email, text messaging, through the submission of an online form and in person at a police station. True Vision packs and Stop Hate UK were also commonly identified third-party reporting mechanisms. A small number of services also mentioned referrals from partner agencies, local advocacy groups and community organisations.

Many services felt that direct reporting to the police, particularly in person, was the channel most frequently used for reporting disability hate crime. Third-party reporting was generally not regarded by the police as being used very frequently. Police services felt that this was due to a lack of awareness about the existence of these channels or due to the fact that some of these channels, particularly True Vision, are fairly new.

‘ True Vision [has been in place] only for two weeks – we’ve had only one report so far, so it’s not a good start, but I guess that’s because it’s still in early stages. Once advertised it should encourage more reporting. ’

However, these perceptions of reporting behaviours were in relation to disabled people in general, rather than specifically about people with a learning disability. Given that the majority of police services do not record the prevalence of hate crime by type of impairment (discussed in more detail below), it is not surprising that their knowledge of reporting behaviours is only in relation to disabled people in general.

In contrast, participants in the focus group reported that as victims of hate crime they had reported the crimes to social workers, support workers from local organisations (eg a housing support organisation) or other trusted people in the community. Some had even tried to resolve the problem by talking to the perpetrators directly. A number of focus group attendees mentioned that they did not like using the telephone and preferred, to report crimes via face-to-face means.

These differing reports by participants of the focus group and respondents from police services raise a number of interesting points. Firstly, it appears that the participants of the focus group tended to turn towards people and organisations that they already had relationships with and therefore trusted. There is wider evidence to support this (see Mencap, 1999; Sin et al, 2009). It is thus worrying that only a small number of police services mentioned linking in with partner agencies and local organisations as an important means of receiving reports of hate crime.

Secondly, the fact that both people with a learning disability and police services mentioned a preference for face-to-face reporting highlights the importance of police services ensuring that officers at police stations and personnel patrolling the streets are well equipped to identify hate crime and communicate sensitively with people with a learning disability. Many of the participants in the focus group reported that police officers had often been rude and dismissive of their hate crime reports:

‘ I reported a crime to police who said ‘not you again’ when I reported the crime. ’

Innovative practices can encourage people with a learning disability to report hate crime directly to the police

Although focus group participants expressed reservations about contacting the police directly when reporting hate crime, there is also evidence that a number of police services are doing innovative work to encourage people with a learning disability (and other disabled people) to report directly to the police.

It appears that police services involved in innovative practices appreciate the dual importance of telling people with a learning disability about the availability of channels for reporting, and building their trust and confidence in the police. These practices work best when they include an element of interacting with, and getting to know, police officers and others who are involved in tackling hate crime.

For example, one police service reported having implemented the People in Partnership (PiP) pack project (www.pippack.org/default.asp.) which consists of a series of planned training sessions for people with a learning disability. These include describing to participants what hate crime is, giving them the opportunity to practise reporting hate crime using special telephones that the police service have invested in, allowing them to visit the control room where calls are received, and allowing them to meet with police officers involved in tackling hate crime. These training sessions are seen to fulfil two aims: ‘giving people with a learning disability the confidence [to report hate crime] and providing training to officers about how to talk to people with a learning disability’.

Another police service described a project that it had delivered in conjunction with local partners (eg a local authority, a learning disability organisation) that gave people with a learning disability the opportunity to meet with their local PCSOs and visit their local police station. This was felt to be a ‘simple, low-cost and effective way to keep people safe.’ The project was successful not only in raising awareness among people with a learning disability about their rights and about the role of the police in tackling hate crime, but also as an effective means of consultation with this group. This resulted in key learning for the police about how to improve the services they provide.

Other activities designed to encourage hate crime reporting by people with a learning disability (or disabled people in general) include the development of Easy

read materials to make the process more accessible and disability hate crime conferences that bring disabled people together with a wide range of local partners.

That some police services are taking such positive steps to encourage hate crime reporting suggests that the tendency for people with a learning disability to avoid reporting hate crime to the police (as discussed above) may not be insurmountable. There is, however, a great deal of room for improvement. Many police services consulted were only able to talk in general about public safety messages and regular community engagement activities when asked about how they go about encouraging people with a learning disability to report hate crime. These generic strategies may not be inclusive and can miss out certain groups.

Local partners can play a key role in encouraging the reporting of hate crime

Our research indicates that some police services are more in tune with the reporting behaviours of people with a learning disability and disabled people in general. These services realise that people may want to report at places they go to more often, or that are easiest to get to after a crime happens and are thus working with local partners to make this possible.

For example, a number of police services reported that that they were in the process of implementing, or had implemented some variation of, the *Keep Safe* card scheme. This card allows holders to go into participating sites, such as local businesses, shops and

community centres, and report what has happened to them using pictures. The card also holds personal information relating to the holder, such as communication preferences, medication and contact details for carers. Participating places are identifiable by stickers in windows.

By implementing the *Keep Safe* scheme, these police services recognise two key issues in reporting hate crime. Firstly, that for people with a learning disability, the process of reporting a hate crime should take as little effort as possible. The *Keep Safe* card helps achieve this:

“The *Keep Safe* card is used for people when they are emotional and cannot get their name out. The card has pictures on it so victims can point and say what happened to them and who to phone in an emergency.”

Secondly, these services realise that it is as important for victims to feel comfortable reporting a hate crime as it is for those partners receiving reports to know how to act on these reports. For example, one police service, which has issued such cards to all people with a learning disability who visit day care centres, has highlighted the manner in which these cards help ensure appropriate communication with people with a learning disability:

“The *Keep Safe* card is for people with a learning disability who may communicate by Makaton or sign, or may be autistic. It explains that about them and immediately awareness [among participating sites] is raised about their particular needs.”

Keep Safe card schemes were also viewed positively by participants of the focus group who felt that other people in the community have a responsibility to help people with a learning disability report hate crime to the police.

Our research also indicates that some police services recognise that working with other agencies and local organisations is important as they often have better access to, and know more about, people with a learning disability. They realise that encouraging reporting means maintaining good links with adult social services, housing services, support workers, carers and advocates:

‘ Talking to carers certainly helps. For example, at the Learning Disability Partnership Board, [a woman] came to the meeting with her son who has a learning disability. When I talked to her she realised some of the harassment he had experienced was hate crime – she’d just thought it was part of his life. By talking to me [she] realised that’s not the case – and something can be done about this.’

‘ I think this is where multi-agency forums [come into play] – at the local level they will be doing their own activity, linking in with local groups, meeting with communities, in schools, there are lots of different examples.’

Other police services have recognised that encouraging the reporting of hate crime means that efforts need to be focused not only on people with a learning disability, but also on raising the awareness of, and

training partners at, third-party sites such as libraries, community centres and day centres.

‘ I think certainly the third-party reporting areas are really good, because people don’t always want to come to a police station ... [people with a learning disability are] more comfortable to go to someone they know and make reports... people there have been trained how to take reports – that helps.’

By working with local partners in the ways described above, police services ensure that the whole community takes responsibility for tackling hate crime against people with a learning disability. This can be a highly effective approach to dealing with this issue. It is thus worrying that fewer than half of the police services we consulted are involved in the aforementioned activities.

Poor recording of hate crime by type of impairment or crime

Only one police service reported recording disability hate crime by type of impairment. This service uses three categories of impairment (physical, sensory and a third category that combines learning disabilities and mental health conditions). A second police service reported that it was in the process of exploring whether such detailed recording was possible. The rest of the services reported that they would either have to trawl through individual records or search across records to determine the type of impairments that victims have.

Our research also revealed that there is a lack of understanding amongst police services about how to go about recording information by impairment. For example, one police service felt that it would be “nigh on impossible” to record disability hate crime by impairment type because of complex definitions and because often people had more than one impairment. Another service felt that recording hate crime by impairment type was achievable but because prevalence figures were so low (this is discussed more in the next section) there was no impetus to do so:

“If the analysis needed to be undertaken, that would be achievable. Whether or not this is something we’re going to do in the future, I don’t know. This is probably something we could introduce, but the numbers [of general disability hate crime and hate incidents] are so low unfortunately.”

This implies that there is a particular need for workable recording templates that are easy to implement. Police services may benefit from sharing learning from those who have managed to implement such systems. They may also benefit from guidance issued by the former Disability Rights Commission (DRC) in relation to asking the ‘disability’ and ‘impairment’ questions (DRC, 2007).

Similarly, only four services reported that they record the type of hate crime that has occurred. Categories used include verbal assault, threats, harassment, damage and theft. Surprisingly, one police service reported that hate crime itself does not

currently appear as an option on its crime recording templates, although this is in the process of being changed.

The lack of detail in hate crime reporting concerning people with a learning disability has implications for the ability of police services to identify important trends. For example, the risk of repeat victimisation or the increasing severity of incidents may be missed. This will inevitably hamper their ability to put in place preventative measures.

Gap in police officers’ understanding and recognition of hate crime

In the preceding sections we have discussed how police services go about trying to encourage people with a learning disability and others to report hate crime. However, encouraging reporting is only part of the picture. It is equally important for police services to have the knowledge and capacity to correctly identify and record a crime as a disability hate crime. This was found to be inadequate amongst many of the police services we consulted.

For example, the hate crime strategies of almost all police services we studied included some guidance, varying in scope and detail, about how to go about recording whether a crime is a hate crime. However, this guidance tends to be about all hate crime, rather than specifically about disability hate crime. Most police services also reported that call handlers and other personnel working at their contact centres had received specialist training on recognising and recording hate crime. A

smaller number of services have provided training specific to handling reports of disability hate crime.

Additionally, most services reported that police officers had received training about hate crime only when they first started in their positions. A minority of police services reported having refreshed this training. This refresh may have a specific focus on disabled people or on hate crime in general. For example one police service reported that ‘a range of 23 [disability hate crime-related] formal training sessions totalling some 31 hours of training was provided to a total of 900 police personnel.’ Another service reported that general hate crime training was being delivered to patrol officers and safer neighbourhood teams with the intention to widen delivery to all frontline police staff.

A general gap in awareness was recognised by many police services, many of which reported that their officers could be better at recording hate crime. They recognise that many of their officers currently have little understanding of the issues surrounding the under-reporting and under-recording of hate crime against people with a learning disability, or disabled people in general.

‘In my opinion, [there] needs to be far more awareness training.’

‘On a scale of one to ten I would say that the average officer’s knowledge is four to five.’

Police officers’ lack of understanding about hate crime was also echoed strongly by participants of the focus group:

‘There needs to be more awareness – police need to know that these aren’t ‘normal’ crimes, but they are motivated by hatred of learning disability.’

However, focus group participants also thought that it was equally important to train other people who work with people with a learning disability about the nature of hate crime. These include social workers, housing support workers and emergency services. They also felt it was important that training is also delivered to PCSOs as ‘they are on the street and they know their local community.’

‘Community support officers on the road don’t know what disability hate crime is, they don’t have training.’

Participants reported negative experiences they have had when contacting police officers to report a hate crime:

‘Police officers were rude when I said I wasn’t sure of who the perpetrator was when I was trying to identify [them].’

These findings indicate that there is a significant amount of work to be done around raising the awareness of hate crime against people with a learning disability and in training relevant personnel in handling reports appropriately.



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3.3 Prevalence of hate crime against people with a learning disability

Lack of prevalence data on hate crime against people with a learning disability

As mentioned in the previous section, only one of the 14 police services included in this research currently records disability hate crime by impairment type in a searchable format. However, even this police service could not provide prevalence data for hate crimes specifically against people with a learning disability, as learning disability and mental health are treated as a single category. Anecdotally, some police services felt that levels of hate crime against people with a learning disability may be higher than for disabled people in general:

‘ We hear more about hate crime against people with a learning disability than other types of disability. ’

‘ People with a learning disability appear to be a much easier target. There seems to be an acceptance of perpetrating crimes against people without visible disabilities. ’

This indicates how important it is for police services to focus their attention on building relationships and encouraging the reporting of hate crime against people with a learning disability.

Unreliable prevalence data for hate crime against disabled people

All participating police services claimed that the level of reported disability hate crime is much lower than that of actual disability hate crime. They regarded their disability hate crime statistics as being almost meaningless. One police service commented that the reported incidents were “just the tip” of the iceberg (see also Quarmby, 2008). Participants regarded widespread under-reporting as a key issue for this significant disparity between *reported* and *actual* disability hate crime. This makes it all the more important for police services to have good links with the local community and with local partners so they know the true extent of the problem.

There is evidence that, rather than simply relying on the statistics, some police services are drawing on anecdotal evidence to get a better sense of the scale of the problem.

‘ From conversations with members of the community, and people who represent disability groups, I think there’s a local and national picture that suggests a significant level of under-reporting. ’

‘ Our own contacts within disability groups give examples of day-to-day situations that they suffer and don’t report. ’

In recognising that the statistics are unreliable, police services realise that they need to better understand the issues relating to the under-reporting of hate crime. Some police services did in fact refer to the wider body of evidence that indicates disabled people often feel unable or unwilling to report hate crime.

‘ We know the national picture, we’ve read the research, the Mencap and Scope research.’

There is also evidence that some police services have been able to draw on their knowledge of local demographics to sense-check the reliability of hate crime statistics. One police service that had only 8 recorded incidents of hate crime against people with disabilities and 218 racist hate crimes argued that the true incidence for the former was likely to be higher than the latter.

‘ I would expect disability hate crime to be higher than this because of our demographics, [BME groups] are a small minority of our population compared to disabled people – eg. disability can come with age, we estimate that 20% of our population is disabled compared to 10% from black and minority ethnic groups. The demographics, anecdotal evidence and the little research done show that figures aren’t an accurate reflection.’

That prevalence figures for hate crime against people with a learning disability, and disabled people in general, are so off the mark is worrying as it means that police services cannot make properly informed decisions about resourcing effective action against disability hate crime. Many police services recognise the competing demands on resources which often mean that hate crime against people with a learning disability (or sometimes even hate crime in general) can be overlooked:

‘ Disability hate crime is often the poor relative of racist hate crime.’

‘ There will always be competing priorities. Hate crime won’t always be in the top four or five, it sits somewhere in the middle of a list of priorities.’

Factors contributing to low prevalence figures relate both to disabled people and police services

The majority of police services involved in our research understood that low prevalence figures were, in part, a result of under-reporting by people with a learning disability and disabled people in general. Police officers offered many reasons for this under-reporting, demonstrating their awareness of the difficulties that disabled people face in reporting hate crime. A lack of public confidence in the police is one such factor. Police services recognise that disabled people often held back from reporting hate crimes because they did not think that the police would do anything about it.

‘ [Disabled people] need to be assured that it will be dealt with seriously and confidentially and won’t go from one person to another. Getting this message out is what we need to do.’

Many police services realised that disabled people (particularly those with learning disabilities) often do not realise that they have been victims of hate crime, or have come to accept such incidents as part of their daily lives (Mencap, 1999; Joint Committee on Human Rights, 2008).

‘ [Disabled] people don’t seem to understand what hate crime is. It’s when you start to talk to them and explain, that’s when they start to understand [and think] “that happens to me”. So it’s usually a case of making sure people understand what it is.’

‘ People tell us stuff... that I would classify as hate crime... but [for them] it’s part of the day-to-day routine, so victims don’t necessarily realise that they should do something about it... it just happens.’

Awareness of such factors is very important because it motivates police services to dedicate their efforts to awareness-raising and relationship-building activities.

On the other hand, a small number of police services reported that low prevalence figures were a result of a miscategorisation by police officers of hate crime as a different type of crime (for example, burglary). Very few services reported that low figures were a result of the non-identification of disability.

We have already discussed the confusion between hate crime and antisocial behaviour. Hate crime may only be identified and dealt with following repeated instances or patterns of so-called ‘low-level’ crime against a particular individual. Even then, as the Pilkington tragedy demonstrated so starkly, it may not be identified at all. It is thus encouraging that the majority of police services are now recording hate incidents as well as hate crimes. In fact, many said that hate incidents are dealt with in exactly the same way as hate crime:

‘ The response is the same to hate incidents and hate crime. [There is] difference in outcomes, [we] might not be able to take criminal proceedings, but in terms of response and support given to victims there is no difference.’

The importance of ensuring that hate crimes and incidents are correctly recorded was commented on by one police service:

‘ You can have the best reporting system in the world but if people don’t record it properly, there’s no point.’

Given that prevalence figures are so low, and that there is a problem with under-reporting, there is a need for police officers to ensure that what is being reported is being recorded correctly, whether it is a hate incident or crime. If not, victims may be dissatisfied with the treatment and outcome of their case. This may also have the serious outcome that they may not report further incidents.

3.4 Supporting and working with victims of disability hate crime

Dedicated victim support roles are valued where they exist

Fewer than half of the police services consulted reported having dedicated victim support officers, or victim and/or witness support departments, in place. Those services that do have such arrangements in place feel that these improve the quality of services that they are able to provide to all victims of hate crime, not just people with a learning disability. One police service reported that it had received positive feedback from victims on the existence of these roles:

‘We’ve got a victim support service that we can signpost people to – we also have a witness care unit – this is where a particular individual will be assigned to a victim or witness and guide them through the process if there’s any support they need – that seems to work well because I’ve seen quite a lot of positive feedback.’

Dedicated officers who have both the expertise and time to ensure victims receive the best support possible are important. This has been appreciated by some police services:

‘Witness care units provide a tailored intervention with victims and witnesses to support and meet their needs... they have a comprehensive understanding of support agencies and are able to signpost victims and witnesses to relevant agencies as needed.’

Equally important is the fact that dedicated officer roles allow victims to develop rapport and a trusting relationship with police officers. This can only be achieved through continuity of contact and meaningful interaction. One service felt that this was a positive aspect of the support it offered to victims:

‘Certainly the individual allocation of members of staff means they have a single point of contact.’

These findings are encouraging as they indicate that there are many police services that recognise that victim and witness support is an important part of the service they should be offering. This is even more important in the case of people with a learning disability who have been victims of hate crime. The type and combination of support they need is likely to be complex and require specialist knowledge on the part of officers.

Importance of multi-agency working in identifying support needed

The majority of police services consulted highlighted the importance of working with a range of partners in order to put in place the appropriate package of support in an efficient and timely manner.

‘Multi-agency working is [helpful] in getting the appropriate support through an assessment of needs and ensuring less repetition of work and confusion of the client.’

Police services reported working with a large number of partners such as local authorities, in particular social services, housing associations, local advocacy groups, Victim Support and organisations such as Mind and Mencap.

‘Our vulnerable adults referral desk... they work with our partner agencies... social services, GPs, hospitals (if it’s a mental health issue). It’s a multi-agency approach.’

‘I [victim support officer] work closely with victims and Victim Support to identify what is needed... I would go to my local Mencap rep’, would get specialist advice from her.’

Some services highlighted the importance of multi-agency working in ensuring a victim is adequately supported. The following is an excerpt from one service’s hate crime policy:

‘It is recognised that many victims of hate crime engage with a number of agencies in supporting them. It is important that any work undertaken with these victims is coordinated across the agencies and for this to benefit the individual as appropriate. Upon receipt of a hate crime report the hate crime officer will make contact with other agencies they are aware are working with an individual and inform them of their involvement. It may be appropriate to arrange a multi-agency meeting to enable all the agencies to meet together to discuss how they can support the individual. These meetings should, where appropriate, involve the victim to enable them to become actively involved in

addressing their issues and how to prevent further victimisation. Further agencies should be encouraged to attend as is felt appropriate.’

These findings imply that police services do recognise that there are other organisations and agencies that are better placed to identify the type of support needed by victims of hate crime in general and victims with learning disabilities (see Gillard and Wallace, 2003). While it is encouraging that many police services appreciate the importance of multi-agency working, it is also important to note that a small number of police services, when asked about the type of support they provide to victims, reported only that they refer victims to Victim Support.

Police officers lack awareness and training needed to work and communicate appropriately with victims with a learning disability

Almost all police services, when asked about how they work and communicate with hate crime victims with a learning disability, referred to the generic victim code of practice and to setting up a ‘contract’ with the victims as to how and when they would like to be communicated with.

However, it is difficult to know the extent to which this code of practice is followed. Participants of the focus group reported significant dissatisfaction with the way in which the police communicated with them. Some felt they had not been kept up to date about progress on their case and would have

appreciated receiving more telephone calls or letters. Others felt that police officers often ignored them and talked only to support workers even when they were present (see also Cooper, 2007; Sin et al, 2009). This was felt to be “patronising” and “rude”.

Participants felt that police officers did not know how to communicate with victims with a learning disability in an appropriate manner. For example, one participant reported police officers using questions that asked victims to use 1–10 rating scales. The participant commented:

‘It might make us feel more confident in reporting things if we felt they [the police] would understand.’

These findings imply that police officers often do not have the awareness, confidence or knowledge they need in order to communicate effectively with people with a learning disability. The majority of police services involved in our research reported that police officers had only received general equality and diversity training, often as new recruits but sometimes also refreshed as needed. Although this training did, among other things, focus on disability, there was little specific focus on learning disability. Some services reported that new recruits often spend some time with community organisations which can often include disabled people’s organisations.

‘Everybody gets equality training and disability is part of that: staff, call-takers, officers. New recruits get community training and go to organisations and

charities, and do work to get real community-based experience including with learning disability groups, and disability groups in general.’

However, it is also evident that a number of services are thinking creatively about new ways to deliver training on interacting and working with victims with a learning disability. For example, one police service reported that it is in the process of setting up training for police officers that will be delivered by a group of actors with a learning disability. These will focus on the issues that hate crime victims with a learning disability face. Other police services reported that people from learning disabled people’s organisations had come in to deliver awareness training to small groups of police officers. For example, one service reported that training delivered by Voice UK was in the process of being rolled out across the police service.

Some participants from the focus group also reported that they had been involved in delivering training at police stations. These aimed to help officers work better with people with a learning disability. At the same time, participants also felt that there was a much greater need for learning disability organisations to provide training to the police. What is clear from our consultation with police services and people with a learning disability is that much more needs to be done to make sure police officers are better equipped to work with hate crime victims with a learning disability.

3.5 Evidencing for prosecution of hate crime

Lack of disability-specific investigation and evidencing procedures

Almost all hate crime policies include some guidance on investigating hate crime in general. These vary in terms of depth and detail. For example, some policies refer primarily to minimum standards for the investigation of hate crime or outline the procedural aspect of investigation. Others highlight the importance of ensuring that victims feel listened to and of understanding what impact the hate crime has had on them. One police service has put in place a guidance pack on investigating hate crime. However, even where detailed guidance is in place, it is difficult to know the extent to which the recommended procedures and guidelines are being implemented effectively.

In some instances, hate crime policies make specific mention of sexual orientation and transphobic incidents or crimes requiring extra sensitivity. However, there do not appear to be any disability-specific investigation and evidencing procedures in place. A number of police services, in fact, reported that their approach to investigating hate crime against disabled people is the same as investigating any crime.

‘ If investigating hate crime against a person with a disability, or just another type of crime, procedures are transferable. ’

‘ I think the investigations are a similar standard as for any other investigation. ’

This demonstrates a lack of awareness of the specific needs of people with a learning disability.

In this context, very few police services made specific reference to special measures or to reasonable adjustments that could be made to support people with a learning disability. One service that did so reported that it had trained officers who were responsible for video-interviewing people with a learning disability.

‘ Learning disability victims will be video interviewed by a trained officer – to draw out information. The people who interview victims with a learning disability know how to explain things, use simpler language – they work with the Crown Prosecution Service to apply for special measures early on so that they are accommodated when coming into court to lessen the trauma and gain good evidence. ’

That many police services did not mention the importance of making reasonable adjustments (to help hate crime against people with a learning disability and disabled people in general be tackled more effectively) has important consequences. If these adjustments are not made by the police, victims of disability hate crime may not be well supported and may withdraw from the process (Hamlyn et al, 2004). This can also make them less likely to report hate crime in the future. Additionally, the failure to make these adjustments may impact

on the quality of evidence that is gathered, thereby reducing the likelihood of successful prosecution.

Importance of working closely with partners to gather evidence

A small number of services highlighted the importance of working closely with partners in order to collate evidence for the prosecution of hate crime. Such services realise that hate crimes are often repeat incidents, about which other agencies may hold useful information.

‘Engagement with other agencies is vital when dealing with hate incidents. Local authorities, housing associations, social services departments may have information that supports the allegation.’

People with a learning disability report negative experiences of providing evidence

Participants of the focus group reported that they have often needed to provide statements and evidence multiple times as people with a learning disability are often not regarded as being capable of providing reliable accounts. This is even the case when a victim is able to remember specific details and events. One participant reported that police officers attending the scene where the victim had been threatened by some young people and pushed onto the street in front of cars ‘said I was lying and that they couldn’t do anything’ as the young people had left the scene. Even when the young people

reappeared and admitted to the crime, the police were still reluctant to do anything:

‘The police interviewed the perpetrators, but just gave them a warning and even when one young person admitted to the crime, police didn’t do anything as there was no CCTV proof or evidence that they had committed the crime.’

This incident suggests that police officers may be reluctant to record disability hate crimes as they feel that they often do not have enough evidence to be able to prosecute the crimes. It is clear, however, that what constitutes having ‘enough evidence’ may not always be an objective fact but can be influenced by a range of subjective perceptions around reliability and validity. Unsurprisingly, one focus group participant commented that:

‘I’ve never read about conviction of perpetrators of disability hate crime.’

Unfortunately, such perceptions of people with a learning disability is borne out by statistics published by the CPS. These show that conviction rates for disability hate crime lag behind those for other hate crimes (CPS, 2009).

The issue of ‘burden of proof’ was mentioned by one police service in making the point that evidencing for prosecution was difficult because of the:

‘difficulty we have in getting in [the] head of [the] offender... Not an easy thing to prove – because hatred in hate crime is the

key factor, it's in the perpetrator's interest not to reveal the hate. [We] can often prove the assault, but not the hate behind it. The CPS will often require us to drop the charge from hate crime to a standard crime.”

This suggests that there is some confusion about evidencing that may have contributed to cases not being pursued. The *Criminal Justice Act* (2003) recognised hate crime against disabled people, enabling redress through the courts through Section 146. Section 146 is designed to ensure that offences aggravated by ‘hostility’ based on disability are treated seriously by the courts. Evidence of ‘hostility’, as opposed to ‘hatred’, is necessary to prove disability hate crime. The CPS has published guidance to help clarify appropriate handling procedures relating to disability hate crime. For example, its policy for prosecuting disability hate crime states that:

“ when prosecuting cases of disability hate crime, and to help us apply our policy on dealing with such cases, we adopt the following definition: ‘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’. ” (CPS, 2010)

This draws attention to two key issues. First, the burden of proof to establish hostility and not hatred against the disabled person, which is a lower evidential threshold. Second, the definition of hate crime is victim-centred. As Perry (2009) explained, this shifts the power to identify ‘what happened’ from criminal justice agencies to victims and witnesses. This should shape

how police services prioritise and respond to hate crime, and how they respond to victims and witnesses generally. The findings reported here suggest that there is still a lack of understanding ‘on the ground’ in the day-to-day handling of disability hate crime. This can impact negatively on outcomes for people with a learning disability.



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4. Conclusion and recommendations

It is clear from our research that there are many police services seriously committed to tackling hate crime against people with a learning disability and disabled people in general. These services have dramatically improved their systems and procedures over the last few years and have often put in place innovative practices. However, there are also some services whose approach to tackling hate crime has not evolved very much and thus includes little specific focus on disabled people, let alone people with a learning disability.

There are a number of areas of concern that include the way in which police services are organised to tackle hate crime, the reporting and recording procedures in place and the capacity they have to work effectively, and sensitively, with people with a learning disability.

For example, many police services have no hate crime officers or units in place. This is of concern because such dedicated roles often have specialist knowledge and play an important quality assurance role that helps ensure hate crime is tackled effectively. Additionally, individuals in many different types of role are involved in tackling hate crime. There is an urgent need to ensure that there are clear lines of reporting and accountability so that incidents of hate crime do not slip through the cracks. However, the fact that a number of police

services are currently reviewing their hate crime policies is encouraging. Some have been motivated to do so in order to address the issues confronting particular ‘vulnerable’ groups, including disabled people, in more detail. It is important, however, to avoid stereotyping all disabled people or people with a learning disability as ‘vulnerable’ (Calderbank, 2000).

It is also interesting that there are differences in the types of reporting behaviour described by people with a learning disability and those perceived by police services. Participants of the focus group explained that they tended to turn to people and organisations that they already had relationships with. Wider evidence supports this (see Sin et al, 2009). It is thus worrying that many police services do not seem to have a good grasp of the reporting behaviours of people with a learning disability.

Some police services are more in tune with the reporting behaviours of people with a learning disability and disabled people in general. These services realise that people may want to report at places they go to more often, or that are easiest to get to after a crime happens, and are working with local partners to make this possible.

Regardless of the extent of under-reporting, there are persistent challenges in identifying and recording disability hate crime appropriately. The overwhelming majority of police services do not record information on impairment. Some do not even record data in a way that supports disaggregation by type of hate crime. These points suggest wider training and support needs within

most police services, to help identify, record and handle hate crime reports from people with a learning disability.

All participating police services claimed that the level of reported disability hate crime is much lower than that of actual disability hate crime. This is largely due to under-reporting but also to non-identification and miscategorisation. This means that police services cannot make properly informed decisions about taking effective action against disability hate crime.

Police services described a range of different methods used to support victims of hate crime. These include having dedicated victim support officers and working in partnership with other agencies to put in place appropriate support. Participants of the focus group reported significant dissatisfaction with the way they had been handled by the police. The extent to which reasonable adjustments are made is unclear. This points, again, to considerable training needs. There is evidence to suggest that the police may not be entirely clear about the tools available to help them tackle disability hate crime. This has concrete implications for the outcomes for people with a learning disability.

Recommendations

Based on the evidence reported here, we are making the following recommendations:

- Every police service should clarify its structures for dealing with disability hate crime. These should set out the management and accountability arrangements that support joined-up efforts within the service in tackling hate crime.
- Everyone within a police service has a responsibility for dealing with hate crime. We recommend that there should be one or more individuals with dedicated responsibility for dealing with disability hate crime. These individuals can play a coordination and support function within the service, but should also be responsible for engaging with the local community including people with a learning disability.
- Every police service should carefully consider the type of individual most likely to be effective in building trust and meaningful engagement with people with a learning disability, recognising that different local communities may have different perceptions of the approachability of police officers or other personnel.
- Every police service should build partnerships with disabled people's organisations. This may be in relation to effective engagement and communication, reassurance, advice, training and awareness raising.

- Clear terms of reference and operating protocols should be put in place, through collaboration with partners, to ensure that partnership working functions effectively.
- Every police service should review its hate crime policies and provide specific guidance on dealing with hate crimes against people with a learning disability and disabled people in general. Hate crime policies and procedures need to explicitly address the fact that the police should not adopt a ‘one size fits all’ approach in handling all types of hate crime.
- Police services should ensure that every police officer not only is aware of relevant policies and procedures but also of how these can be implemented effectively in routine practice. Training should be delivered in a timely manner to support effective practice.
- Every police officer should be trained in understanding what disability hate crime is, and the types of tools available to tackle it. This will ensure that disability hate crime is identified and recorded appropriately, that appropriate support is made available for victims, and that effective redress is provided. This includes, specifically, the need for:
 - appropriate and sensitive ways of enquiring about a person’s disability, and when to do so
 - considering the appropriateness of asking about a person’s ‘impairment’ and how the resultant information may be used
 - disaggregating the types of hate crime reported
 - clarity in distinguishing hate crime from antisocial behaviour (while acknowledging the overlap)
 - the importance of special measures and making reasonable adjustments
 - a good understanding of Section 146 and the evidential needs associated with it
 - an awareness of the victim-centred approach to defining and dealing with disability hate crime.
- Every police service should consider accessing training provided by disabled people and people with a learning disability. These ‘experts by experience’ can offer practical and experiential insight into how hate crimes can best be tackled.
- Police services should work together, and involve ACPO and the CPS, to generate consensus over consistent and pragmatic ways of recording and disaggregating disability hate crime. This includes using consistent working practices for asking about a person’s disability and/or impairment, as well as using consistent categories for types of impairment and types of hate crime.
- All police services should also record hate incidents systematically and consistently. The intelligence and data should be analysed routinely to identify patterns or trends (eg of repeat victimisation). This can

inform preventative actions to reduce the likelihood of incidents escalating into hate crimes.

- Recognising that recorded disability hate crime statistics, and those relating to people with a learning disability, are inaccurate, police services should develop ways of getting a better sense of the true scale of the problem. Police services may benefit from sharing good practice in this area.
- While needing to understand the wider evidence base around reasons for under-reporting of hate crime by people with a learning disability, every police service should also develop a better understanding of the specific sets of reasons within the contexts in which they operate. This intelligence should be generated collaboratively, with partner agencies and people with a learning disability. This intelligence should then be used to inform strategies to improve and encourage reporting, recognising that different reporting mechanisms can have varying levels of effectiveness in different contexts (eg rural/urban nature of the local area, demographics of the local population, etc).
- Third-party reporting should be encouraged. However, police services should understand that people with a learning disability report incidents to a wide range of ‘third parties’, with formal third-party reporting centres being only one of many possible ‘third parties’. Rather than simply relying on third-party reporting centres, every police service should develop a better understanding of the reporting behaviours of their local populations of people with a learning disability in order to identify other third parties that may be relevant.
- Police services should work in partnership with other statutory agencies and local community and voluntary groups to raise awareness of, and provide training relating to, hate crimes against people with a learning disability. Key issues to cover include:
 - explaining what hate crime is
 - understanding the impact of hate crime on people with a learning disability
 - understanding the motivations behind hate crime, the different types of hate crime, and common hate crime ‘hotspots’ in the local area
 - understanding why people with a learning disability who have experienced hate crime may not report it
 - understanding their respective roles in helping to identify and report hate crime against people with a learning disability
 - understanding how they may support victims and where they may seek help and further support or advice.
- Police services should work in partnership with other statutory agencies as well as local community and voluntary groups to raise awareness among people with a learning disability about their rights in relation to hate crimes. In particular:

- explaining what hate crime is
 - explaining that they should not tolerate hate crime, and that it is not to be regarded as 'everyday experience'
 - explaining what they can do if they experience hate crime, in terms of how they may report, who they may report to, and where they may access support and help
 - explaining what they may expect in terms of the process involved, and the types of support that will be provided, to ensure that they are treated with respect and that the case will be treated seriously.
- Police services should work closely with the CPS and other relevant agencies to ensure that the outcomes in terms of conviction and prosecution rates are improved.



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6. Appendices

Appendix 1: Mencap's police promises

1. Make sure that information is available and presented in a suitable form.

Communication is important to make people feel that they are able to approach police and report crimes. True Vision has produced a hate crime reporting pack that is available to most police to support people with a learning disability, but it is not in general use. Mencap wants police to commit to understanding how to use these packs and, alongside other reporting channels, to incorporate them into everyday use.

2. Get better evidence and increase convictions by allowing more time for interviews, particularly where the victim has difficulty communicating.

Understanding what a learning disability is and how police officers can adjust the way they communicate will help them get results and cut crime. People with a learning disability may be intimidated by a visit to a police station, particularly when they have been a recent victim of crime. Making an adjustment, such as having the interview in a comfortable environment with mobile recording equipment, will help the victim to be relaxed and recall the incident in greater detail.

3. Understand how to identify if someone has a learning disability.

It is not always obvious that someone has a learning disability. Currently only newly-recruited police officers in England are required to have learning disability training, this should be extended to all officers. Officers should be aware of all forms of disability hate crime against both disabled people with obvious physical signs of disability as well as when a disability is hidden. The guidance from the Association of Chief Police Officers on how to define disability hate crime from the perspective of the victim is a useful starting point but may not be used across the UK. It allows disabled people to define their disability and state whether they have been a victim of a hate crime.

4. Listen to, respect and involve families, carers and support staff of disabled people.

Officers' focus should always be on the victim and they should avoid directing questions to family members or carers instead of the disabled person. Family, carers and support staff should be treated with dignity and respect, and appropriately involved in supporting the victim. They will have vital knowledge about that person's usual behaviour and how they prefer to communicate. It is important that a suitable advocate is available if needed. However, the support of carers and families should not replace an officer's understanding of learning disability.

5. Challenge discriminatory attitudes and language among fellow officers.

Whilst officers do not generally discriminate against disabled people, the language used by the police can often describe disabled people in negative way. By challenging the use of such language, attention is drawn away from negative stereotypes and towards recognising the impact of the crime on the victim.

6. Ensure that victims are kept up to date with the progress of the case once they have reported a crime.

Mencap has received reports of people who, after reporting a hate crime, do not hear any news about how the case is progressing. This lack of contact further increases the perception that the police are not acting effectively and discourages people from reporting a crime. The best way to build the confidence people with a disability have in the police is to celebrate their successes and keep people up to date in an accessible and informative way. Organisations such as Victim Support can have a role to play in ensuring the victim is supported through this process.

7. Recognise that disability hate crime is as harmful as other types of hate crime.

Great progress has been made on identifying and tackling racist crime over the past ten years and most officers will recognise and record racist hate crime effectively. However there remains a lack of understanding about what disability hate crime is and officers do not always recognise the severity of the crimes. An acknowledgement of the impact and seriousness of disability hate crime

would help officers to record crimes more effectively and have a greater impact in stopping these crimes altogether. By also recording disability hate crime by the type of impairment somebody has it will help to increase the ability of the police to respond appropriately and offer adequate support to victims.

8. Don't label disability hate crime as antisocial behaviour – identify the crime and deal with it.

Part of the reason for the under-recording of disability hate crime is that much of it is written off as antisocial behaviour or bullying. Her Majesty's Inspectorate of Constabulary has instead suggested that police look at the impact caused and respond accordingly. Disability hate crime has a huge impact on people's lives, often making them afraid to go out or engage in everyday activities. By recognising the impact of crimes on people with a learning disability and acting to stop these crimes, police can build trust with communities and cut crime.

9. Hold regular beat meetings and ensure they are open to disabled people.

Excellent work is being done in some police services to build relationships with disability groups. Police services should be proactively building and developing these links. Regular beat meetings should be held to give people with a learning disability the chance to meet local police officers, and increase their trust in the police. Meetings should be held in a venue that is physically accessible. Written materials like advertising, other communications and the meeting

itself should be in a form that is accessible to everyone, such as easy read. Mencap may be able to help with this.


10. Display the Stand by me promises where everyone can see them.

These promises are designed to help officers understand and tackle disability hate crime. They are based on the recommendations in the report “Don’t stand by”. The full report, as well as a leaflet, poster and other resources for police are available on the Mencap website at www.mencap.org.uk/standbyme


Police services and police stations should display the Stand by me promises in public areas.

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For more information or advice

 Find out more about the *Stand by me* campaign at www.mencap.org.uk/standbyme


If you live in England:

 Phone: 020 7696 5613


 Email: campaigns@mencap.org.uk

 Write: Mencap, 123 Golden Lane, London EC1Y 0RT

If you live in Northern Ireland:

 Phone: 028 9069 1351

 Email: mencapni@mencap.org.uk

 Write: Mencap, Segal House, 4 Annadale Avenue, Belfast BT7 3JH

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To get more information about the national campaigns that Mencap is running and how you can get involved, please go to our website at www.mencap.org.uk/campaigns

You can also read our reports about campaigning on things that affect people with a learning disability and their families and carers. To print off copies of these reports go to our website at www.mencap.org.uk/publications