

## Petitions Committee

### Oral evidence: [Online abuse and the experience of disabled people, HC 759](#)

Tuesday 24 April 2018

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Members present: Helen Jones (Chair); Martyn Day; Mike Hill; Damien Moore; Paul Scully; Daniel Zeichner.

Questions 66 - 107

#### Witnesses

I: Paul Giannasi OBE, Cross-Government Hate Crime Programme Manager; Detective Inspector John Donovan, Online Hate Crime Hub, Metropolitan Police Service; and Superintendent Edward De La Rue, Brighton and Hove Division, Sussex Police.



## Examination of witnesses

Witnesses: Paul Giannasi, Detective Inspector Donovan and Superintendent De La Rue.

Q66 **Chair:** Good afternoon, gentlemen. Can I welcome you as our witnesses this afternoon? Paul Giannasi, Superintendent De La Rue and DI John Donovan, we are grateful to you for coming along today.

As you know, following a petition presented to us, the Committee is conducting an inquiry into the online abuse of disabled people. That inquiry will, in some senses, dovetail with other inquiries being conducted by some of our colleagues on other Select Committees. We particularly want to explore this aspect with you this afternoon, because we have been quite shocked by some of the evidence we have received both from people with disabilities and from those who represent them. We have taken oral evidence and visited organisations such as Mencap to discuss it with people. I want to begin by asking you whether you think the police are taking this abuse seriously enough and what the strategy is for tackling it.

**Paul Giannasi:** I work with ACC Mark Hamilton, who sends his apologies. He is the national policing lead for hate crime. This was a subject visited by the Home Affairs Select Committee last year when we were asked a similar question. Mark Hamilton talked about being at the foothills of the response to it and said that it was a new and emerging problem.

What we have observed with internet-based hostility is that some of the more vociferous, vile and racist sites claim to be among the oldest websites in existence. Some of those emanating from the US are probably not far off. They were deeply violent and horrible in content but were not causing massive anxiety in communities, because they were in some seedy corner of the internet and were observed only by like-minded people or those observing what white supremacists were thinking. What really changed was what is known as Web 2.0—the bit that made the interactive nature. That really changed the dimension, and it has certainly changed the impact on communities and individuals.

Part of that came about because of the ease of being anonymous in that sphere, and part of it was the lack of editorial control. Before that, if I wanted to post on your website, I needed you to approve it or to give me a password to do it, or I had to have my own space, whereas Web 2.0, through social media, allowed instant interaction and it changed everything. We were suddenly seeing stuff from sites such as Stormfront being cut and pasted on to the comments pages of newspapers under innocuous stories of community life, or being directed at people through social media. I have to say that that took most of us by surprise. I am involved in some international groups, and I think the nature and extent of it took everybody by surprise.



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When MPs from this House have been abused after high-profile incidents, it goes almost beyond dealing with the quantity because each and every attack would be a separate incident. Many will be outside the UK, many will come from within the UK and many will be sitting behind anonymous Twitter accounts where it is difficult to identify the jurisdiction. Some of those challenges make this unique in terms of policing.

We are probably the most forward in our responses to it of any state in the world, certainly across Europe, but we are still miles from where we want to be. There are some emerging challenges, which we are happy to go into, and we have put forward some solutions that we think will help, but we need to be part of a collective response that includes politicians and law, educators, social media companies and communities themselves. The collective answer is that we see some of the routes, but I would not stand here and say that we have solved the problem.

**Q67 Chair:** That is very interesting, but it is a general answer about dealing with hate crime. From talking to people with disabilities, we found that very often when they reported abuse they felt that it was not taken seriously by the police, or that the police at the coalface, if you like, did not understand the impact of the abuse. Can our other two witnesses tell us what is happening to make sure that police take these things seriously and that they are properly trained to deal with it, so that when you walk into the police station the person you first meet has enough training to understand and deal with this kind of thing?

**Superintendent De La Rue:** I can comment on that from a local force perspective—from Sussex police. I do not know whether it is replicated across the country, but I imagine it probably will be. My colleagues might be able to comment on that. Locally, we have undergone quite a lot of training with frontline staff, which means not just police officers on the ground, but PCSOs and the contact handlers who take the phone calls from people and handle emails; those are all ways in which people could contact us.

We have done a lot of work on hate crime. As a force, we have an increasing recognition of the issue of vulnerability—people who are particularly prone to be offended against or particularly at risk when they are offended against. The impact on them is greater. Hate crime is intimately bound up with that, as are offences such as stalking and harassment, and those are areas where we have put a lot of focus. For instance, a particular detective chief inspector was assigned vulnerability as an area to lead on and was written off to do that work. For a force the size of Sussex, that is a reasonably significant commitment.

We have ongoing training for our staff, and we have specific roles whose focus is on co-ordinating the response to this. Part of the problem for us as a force is that for, say, individual police officers, there might be quite a long time between them getting a hate crime case and then getting another one. They might only get one for years, whereas they are dealing with other types of jobs day in, day out and week in, week out. So there



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is a challenge in getting their attention and making it clear that it is relevant to them. We recognise that, and it is something we are trying to address.

Linked to that is the issue of managing the cyber element—the technical element. This is hate crime online. It is a terrible thing, but it is still hate crime and it has that additional element, which is also really challenging. People come into the police service for all sorts of reasons and from all sorts of backgrounds—that is good, and it is a tremendous positive—but it means that some people come in without tremendous technical expertise. Increasingly, my understanding is that it takes technical expertise to understand and deal with these offences.

**Q68 Chair:** It was not the technical problem that our witnesses were coming up against. The problem they have flagged up to us time and time again is that they feel they are not taken seriously at the very first stage, when they report. We are talking particularly about hate crime against people with disabilities. Given all the pressures on the police currently, roughly what percentage of officers have received any training in dealing with this at all? Does anyone have a clue? You may not, and that is fine, but as a Committee we would like to know.

**DI Donovan:** We use a standard set of statistics, which shows that there are about 900 officers within the Met trained in the CSUs. As you will appreciate, however, the Met is a very large force. The CSUs have a much wider safeguarding role, but they will have received specific training.

That said, all our patrol officers have also had specific training in the reporting of disability hate crime, specifically with Disability Hate Crime Matters. I understand that Anne Novis presented evidence to you. She sits on our independent advisory board. The number is somewhere between 900 and 30,000 officers.

There is the element of scarcity of reporting. Hate crime is badly reported, and disability hate crime is very badly reported. As you know, I run the online hub, which is a proof of concept. Only 4% of our work is identifiably disability hate crime; 49% is racial. Disability hate crime is heavily under-reported, and that is a disappointment to me. When we started this a year or 18 months ago, I thought disability hate crime on the internet would be easier to identify, because you would have to be overt. It has not quite panned out that way.

**Q69 Chair:** Do you think that is because there are barriers to people with disabilities reporting it? The process may not be easily accessible for some people, and sometimes physically they cannot make contact. Do you have any idea why that is?

**DI Donovan:** The Met's current policy is that if you try to report indirectly, via telephone or a third party, we will send an officer to try to take the report from you. We are doing as much as possible to break



down the barriers. I have an issue with that because sometimes it slows down our reporting, particularly for online hate crime. For instance, if you report to us by one of our online methods, currently our policy is to try to send an officer to speak to you about it because hate crime is so serious.

There is excellent victim care, but it is not very good for us. I am pointing to one of my detectives at the back of the room. It takes three days for the report to reach him so that we can start work on it. The Met now has online portals. There is Paul's True Vision, and we promulgate an app that assists with reporting. There are many routes into reporting, but it is still not picking up particularly well.

**Q70 Chair:** Is it the case that in other forces there are people sufficiently trained to deal with this, and reporting is easily accessible?

**Paul Giannasi:** We have looked at it and found a fairly ad hoc or uneven response. We think there is a way forward in trying to funnel the reports into a dedicated location and team. John mentioned True Vision, which is a national web resource about hate crime. It is particularly important for people who are subject to online hate, because most people who are subject to crime online want to report it online, so it provides dedicated resources. There are things on it such as videos in British Sign Language explaining to people their rights in relation to hate crime, but it still does not meet the needs of everyone. Technically, it needs to be updated with language variations and different options, but it certainly has improved accessibility to online reporting, and that allows things to get in quicker.

We tend to get more negative anecdotal examples—somebody saying, "What's Twitter?" when something is reported to them—than the positive side. With the online central hub, we have tried to provide a centre of excellence that improves the service to victims but also improves the information that is going out to police officers. As was mentioned earlier, somebody who gets a crime tomorrow may not get a similar one for another six months, and they will be dealing with other things. We want to send a package to them that steers them through the routes they can take, because getting the IP address from the internet host and needing to go to the service provider to get a subscriber's details are not things that every police officer will deal with from month to month. If we can funnel all those reports into a central team and then offer excellence as it goes out, we can probably improve more realistically than if we expect every single police officer to go on a course.

**Q71 Chair:** Are these crimes being accurately recorded as crimes against disabled people? We received quite a bit of evidence that very often they are put down as crimes against vulnerable people rather than crimes against people with disabilities. That conflates two different things. John, you said that you had a small number coming through. Is that because there is a problem with the recording or a problem with the actual reporting?



**DI Donovan:** The conflation of vulnerability and hate is a complex issue. It should be easier online, because it should be explicit. The question boils down to why the person was targeted. Were they targeted because they were vulnerable and therefore easy prey, or were they targeted because of a real hatred of disabled people? That is the complexity of the issue.

There is no easy way through that, other than to say that it is no more explicit online than it is offline. I have heard that argument long and hard for two years from all the advocacy groups for the disabled that sit on our advisory groups, and as yet I have found no way of cutting that complex knot. There is a considerable body of work by Sussex University that looks into it all the way through the criminal justice system, and its recommendations are excellent.

**Chair:** Thank you. We might come back to that in a moment.

Q72 **Mike Hill:** I wanted to discuss the barriers to reporting, but the Chair has asked you a lot of the questions I would have asked. To drill down on that specifically, a lot of disabled people either feel discouraged or do not understand the reporting of hate crimes. What are forces doing to make it clear to police officers that they must take reports from disabled people seriously?

**Superintendent De La Rue:** From the Sussex police perspective, I mentioned earlier that we have implemented training for our officers. It is an element of the initial training for all new officers. We have done refresher training for all officers within the last couple of years—and for contact handlers, because it is not just the police officers. I cannot answer your question about a specific percentage, Chair, but certainly it is a large proportion. However, there will be some who have not had that training.

It is not just about training. We also put out briefing materials and make sure that when publicity weeks, such as Hate Crime Awareness Week, come around, we put effort into them. Chief officers lead and put messages out internally to remind people, and there are links from our intranet site to further information about how to deal with this stuff. We put quite a lot of information out there and do our best to make it land with officers.

That is supported within each division and in each of our local area hubs, which typically cover a local authority area. We have diversity liaison officers trying to cover different strands of diversity. It is not a dedicated role. They are typically from our neighbourhood teams—our prevention teams, as we call them—but they will have volunteered and undertaken to increase their awareness around diversity generally or, more often, specific strands. They then take on the role of trying to publicise and push that within their local area, but with a human face; they know the people they are talking to. They are available to try to give advice.



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In terms of whether we accurately record as hate crime and as disability hate crime all the offences that come before us, we certainly have the means in place to do that and we have put a lot of effort into trying to make sure it happens, but I cannot say that it always happens. We are still talking about individual officers dealing with bureaucratic processes. As is inevitably the case in crime recording, mistakes and omissions happen, but we have put effort into trying to minimise that.

**Q73 Mike Hill:** Is it fair to say that police officers receive routine training?

**Superintendent De La Rue:** It is certainly a routine part of training for new recruits. We do not have a regular schedule in Sussex at the moment setting out that every year they will receive a training update on hate crime or a specific strand of hate crime, but it would be good if we could have that. The issue is that there are a lot of things on which we would wish to train our officers, but whenever we train them we take them away from frontline duties.

Typically, for a response officer, probably about three or four training days are built into their shift pattern during a year. I might be wrong about the detail, but it is at that kind of level. There are an awful lot of things competing for training in that time. That is not to downgrade the importance of this; it is just to say that there are a lot of other things on which it is really important to train them as well. That is why we broaden it beyond just training and have other strands to try to influence people and their understanding.

As part of that, as all forces do, we have a daily management meeting that looks at significant incidents that have occurred in the previous 24 hours, what the local response has been and whether it is sufficient. Hate crimes will be there as a matter of course, for us to oversee the resource and the response, but they need to be flagged up as such in order for that to happen.

**Q74 Mike Hill:** Paul, you spoke about the complexities in all fields. Paul and John, I would be interested to know how you go about enabling people to come forward with complaints in the first place, how you make them feel that those complaints are legitimate and worthwhile. How do you go about that?

**Paul Giannasi:** We have done a lot of public messaging to try to reassure people and give them the confidence to come forward. We started to record disability as part of the national hate crime strategy in 2008, and we recorded 800 in the first year. We are up to about 3,500 in the last recorded year. There is some element of progress in raising awareness and people having the confidence to come forward, but it is still pitifully short when you compare it with the crime survey for England and Wales, which suggests there were 70,000 in the last recorded cycle. There is still huge under-reporting. We see it as a priority in our business area to try to build confidence.



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When we look at the broader issue of people understanding that they do not have to tolerate this behaviour—physically in the street and online—the key message we give is that people should understand that their behaviour online has to match their behaviour in the street. If something is a criminal offence in the street, the courts have accepted that the internet is a public space and subject to the same requirements, although there are operational challenges.

We carried out an audit in 2013 on the lack of referrals for disability hate crime. Of the ones we identified, in over 50% of the cases it was a police officer or colleague who had recorded the disability hostility element of it. That showed that the victim's knowledge and their willingness or confidence to demand their rights is not as well known as we want. The key challenge for us is how to get disabled people to realise that if they are subject to abuse they have every right to demand a service, in the same way as the average black family would expect to be treated as victims of race hate crime if they were subjected to it. There is a huge challenge for us in that respect.

**Q75 Mike Hill:** You talked about not as many reports coming through. What is being done to make the True Vision website for reporting hate crime more accessible to disabled people?

**Paul Giannasi:** We have data around True Vision, and we use social media to reach out. We use social media to reach affected communities. It is very good for understanding the nuance of people's interest so that we can identify those who are interested in British Sign Language and target messages to them. They have proved really successful and are very good at getting the message out, as we can see from the interaction.

We have tried to improve through training. This answers part of the previous question as well. We are developing a national training programme for frontline police officers and call handlers. When we look at some of the tragic cases that have involved disability hate crime, for example the tragic death of Fiona Pilkington and her daughter Frankie Hardwick in 2007, we realise that the call handling element was really important, because the issues needed to be picked up at an early stage. The disability hostility element needs to be identified early. The training will build on examples such as that to try to raise empathy and awareness among staff so that those interactions, whether on the call or in the first contact, pick out the extra element, if it is there.

I think the highest number of weekly entries on True Vision was 16,000. It generally has between 2,000 and 3,000 visitors a week. In context, that is well over double the number of hate crimes we have. We know that True Vision is getting a lot of visits. Some will be from professionals, journalists and academics. We know that it is a valuable tool to give information.





Part of the role of the online hub, which I manage for the National Police Chiefs Council, is improving reach-out and confidence messaging. In reality, with more resources, we will be able to dedicate more proactive time. We have tended to react to incidents, particularly critical ones, and respond to them. We want to be more proactive, where we go after people when there isn't a crisis.

Q76 **Mike Hill:** John, is there anything you want to add?

**DI Donovan:** That is really the extent of the messaging. It is compulsory; if anybody thinks that any element of any report is hate crime, it has to be reported. That includes the call handlers. If it is flagged at the call-handling stage and if the crime report comes in without a hate crime flag, it is flagged to a supervisor. So there are checks all the way through. An additional check is that my staff look at all the hate crimes that are reported every day to see if there are any onlines, because the online flag gets missed quite a lot as well. They will flag it further if they think that has been missed. There is quite a lot of checking, but not the original volume.

Q77 **Damien Moore:** What is being done to make sure that police forces have accessible ways for disabled people to report abuse, including online abuse?

**DI Donovan:** We have the app and we have True Vision. The Met's new crime-reporting portal allows all forms of reporting—hate and others—and is accredited for as many forms of disability as is possible to make it accessible. I think I have covered it.

**Paul Giannasi:** Most forces have routine procedures such as text reporting of incidents. Everyone goes through an accessibility audit to make sure they meet expected accessibility standards. I am not involved in them personally.

**Superintendent De La Rue:** From a local perspective, there is another angle to that. There are technical barriers, but the confidence barrier is a really important one. As a general comment, perhaps in the past we have concentrated too much on technical compliance—for example, this box has to be ticked and it has to be recorded as that. We have to carry out the right investigative steps, but you can do that with compassion and understanding of the impact on the person concerned. We need to move into that space. That is something we are trying to push with our staff and officers.

We engage with local groups, which certainly include disability groups, local charities concerned with learning difficulties, education boards and that sort of thing, proactively to reach into communities—it happens with other specific communities as well—to drive confidence and willingness to speak with the police. We recognise that some people find the police intimidating, full stop, particularly those who have gone through an experience that has affected them deeply. If they do not think the police



will take them seriously, it does not matter how good our website is. They will probably not even go there because they will take it from the outset that they will not be treated seriously and with compassion. We try to do some proactive engagement as best we can, to try to evidence that.

What we have tried to do, but we probably need to get better at, is to publicise successful convictions, particularly ones that have been flagged up as being motivated by hate and have therefore attracted additional sentencing. It is not a scientific survey, but some feedback that has come in indicates that that makes waves in particular communities. People pay attention and notice that the system as a whole has taken an offence seriously and responded to it appropriately.

**Q78 Damien Moore:** What about physical buildings, such as police stations, which some disabled people might find inaccessible or intimidating? What are we doing to improve those so that people are more likely to find them accessible and usable to report this particularly bad crime?

**Superintendent De La Rue:** Speaking for Sussex, all of our police stations that I have been in, which is most of them, have wheelchair accessibility and induction loops in the front offices to enable people with hearing aids to be heard better. I appreciate that those are just two examples, but over the last few years we have been going through a redesign process, as a lot of forces have, looking at our premises as well. Accessibility has been a clear factor in that.

In terms of the intimidation element, as they are redesigned we try to make them more attractive, with more open spaces. To be frank, though, I am not sure whether we have given specific thought to how we can make them unthreatening spaces. Hopefully, it is the same thing, but not entirely aligned, if that makes sense.

**Q79 Chair:** Part of it is about the building, but it is also about the attitude of the first person you meet when you come through the door or when you ring up. It is about whether that person is trained to deal with people with disabilities. A person may be perfectly articulate and have physical disabilities, but they may also have a communication problem, for instance. Is that being worked on in most forces, in your experience? I accept that the police are stretched and there are lots of other things to do.

**DI Donovan:** We have recently trained on something called Digital 101, so you can report to the Met via Twitter. Obviously, you cannot do an entire crime report in 256 characters, but you can make initial contact. They will respond and take you offline, or arrange for an appointment and send round an officer.

**Q80 Chair:** I understand that the Met is doing that. Do you have any idea how widespread those kinds of initiatives are in other forces? You may not know.

**Paul Giannasi:** I can ask colleagues to submit a report.



**Chair:** If you could, that would be really helpful to us.

Q81 **Paul Scully:** You said in answer to the Chair a little earlier that there was a difference between recording crimes against vulnerable people and recording hate crimes against disabled people. How would you treat those differently?

**Paul Giannasi:** Our policy is quite clear: you would not. There are some legal provisions about vulnerability for things like special measures in court, but disabled people's groups have told us for a long time that openly using the word "vulnerability" implies that you treat them as the problem and not as the victim. We try to avoid that language.

We wrote the 2014 national policing guidance, which makes it very clear that it is not an either/or. We found examples where people were saying, "Is this a case where we need a safeguarding response, or is it a case where we need a victimisation and prosecution response?" The guidance could not be clearer that it is not an either/or. The solution to safeguarding may be treating them as a victim and bringing the perpetrator to justice, and the response to dealing adequately with victim care in a prosecution may be to refer it to a safeguarding process. They are not an either/or. The policy could not be clearer.

As to whether that gets through to every officer, every bit of training will disengage those two responses. For me, there is a really clear message that has clearly not got through to all disabled people all of the time: the fact that somebody may have a safeguarding need is a completely separate issue. They have the same right to be treated as a victim as any other person.

Q82 **Paul Scully:** If you are going to deal with them in a similar way—as you say, it is not an either/or, and I totally understand that—what is the importance of getting the terminology right in how you report? Is it just for reporting purposes, or is there a further reason?

**Paul Giannasi:** I think it is in everything. In terms of national policy, disabled people have told us about it so many times that we tend to avoid the mistake of giving false impressions, but there are legal provisions under which showing vulnerability is a legal requirement for certain protections. We try to make sure that people's public statements reflect a clarity that does not give that false impression. Whether every communication from every force every time matches that is difficult to say, but the policy in the College of Policing's 2014 hate crime guidance stresses clearly that people should not confuse them or conflate them. An element of broader victim services is some of the safeguarding that you would expect to see under a safeguarding procedure.

Q83 **Paul Scully:** How do you work out specifically that it is based on hatred?

**Paul Giannasi:** The recording process is built on a definition that is intended to be very clear. It builds on the findings of the Stephen Lawrence inquiry about perception-based recording. The definition of a



disability hate crime is any crime where the victim or any person perceives it to be motivated by hostility, or where hostility is demonstrated based on their disability. It does not even have to be an actual disability. For instance, somebody who is abused because their parent is a wheelchair user would be the subject of a disability hate crime. If they think it is, or somebody with some knowledge of it, such as a victim support group or a professional, thinks it is—quite often that is a police colleague or even a prosecutor—it is recorded as and responded to as a hate crime.

None of that stops any other processes, whether it is child protection, safeguarding or any other. Those can go on in their own right, but it will still be treated as a hate crime. The clarity of that is really important. For instance, the guidance to senior investigating officers and press colleagues on dealing with major incidents is that if they think disability or any other hostility might be an element, they should say that one of the things they are considering is whether it is hostility. Lots of people have told us that when that is not mentioned, but there is a disability element, it is a sign that we are not taking it seriously. We have tried to give clarity of messaging to take away those concerns, which are broad and not uncommon. That clarity is now intended, and certainly the policy on it is really clear.

**Q84 Paul Scully:** You have talked a lot about training. We have already heard that Disability Hate Crime Matters had quite an effect on the reporting of crime and how it was dealt with. How do you think that manifested itself? Why do you think it had such a big result? We heard that reporting increased a thousandfold in one year in briefings to senior officers.

**DI Donovan:** It was not senior officers; it was briefings to all officers. That was the point. It became current and was in people's minds at that time. The problem was that we were not able to sustain that level. We managed to hit as many frontline officers as we could in the period when the training was running, but clearly it did not embed fully and we have not been able to repeat it. We have not had the resources to repeat the training package. I know that one of Anne's requests was that we try to run it again. We would love to, but we have not been able to get into the training programme for about 18 months.

**Q85 Paul Scully:** You spoke earlier about having wider training. I cannot remember exactly how you described it. Are you trying to peg it to that wider training, if resources allow?

**DI Donovan:** We need to try to get it into the general training programme, but getting anything into that at the moment is quite complex. What we are doing is almost the next best thing. We are training hate crime liaison officers. That is a constant refresh. There are one or two per borough, but they change a lot because it is a voluntary post. We continuously train them. Once every quarter, we bring them together and give them input, but to reach the general mass, certainly within the Met, has proved quite difficult.



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Q86 **Paul Scully:** Is there anything else apart from training that you think could be done to improve recording rates?

**DI Donovan:** Had I that answer I would have done it by now, so as yet, no. Sorry.

Q87 **Damien Moore:** It is a crime to stir up hatred against people on grounds of race, religion or sexual orientation, but not disability. What does that mean in practice for the way the police approach reports of hate crime against disabled people?

**Paul Giannasi:** We have been involved in those consultations. There was a consultation on the Law Commission review in 2014 when this was considered, and we were actively involved in that. One of the important things is context. For example, for incitement offences it is important to put a context. There is a perception-based issue in that people perceive an imbalance between one strand and another, and that is certainly difficult to quantify.

Talking generally, on incitement to hatred on the grounds of race, there is a much lower threshold to prove that offence than for religion and sexual orientation. My understanding is that over the last few years we have probably prosecuted about four or five cases per year for inciting racial hatred. To my knowledge, we have only ever had one successful prosecution for inciting religious hatred and one for inciting hatred on the grounds of sexual orientation. They are not commonly used offences.

When the consultation was going on in 2014, lots of the evidence being given to the Law Commission by people calling for the need for an incitement offence would probably not, from my external perspective, have amounted to incitement. It was clearly offensive and hostile and might be a public order offence, but probably was not enough to count as a prosecution under any of the other categories. Obviously, the decision to prosecute is made by the Attorney-General, and the Crown Prosecution Service has to recommend it first, so it is a relatively high threshold. It seems to be reserved for those who are stirring up hostility and trying to create almost a race war, or trying to create racial division and racial hostility on a grand scale.

The evidence that was given, of which I was aware, was probably not at that level of organised hostility. It was hostility and there was some really vile material targeting disabled people, but my sense is that not much of it would amount to that. It is really important to lots of people who feel that Parliament has effectively created an imbalance between one protected strand and another. Pragmatically, I am not sure it is the answer to most of the problems we encounter.

**Superintendent De La Rue:** I am not very expert on that legislation, so I could well be told by my colleagues that I am wrong. My understanding is that the Public Order Act offences, including stirring up hatred but also threatening, abusive and insulting behaviour, have within them a caveat



that if the offender and the victim are both in a private dwelling, the offence is not made out. For online activity, particularly, dealing with that would make it potentially very challenging for investigators and the CPS.

It will be difficult for officers to feel comfortable in dealing with the complexity around that, when, as I said, they do not come across that kind of offence very often. It is not just about which strands are covered; it is also about the technicalities of where people were at the time the offence was carried out and exactly when it was. Was it at the point when it was posted? Which device was it posted on? Is it a device that has travelled up and down in the train? Where exactly was it? It is challenging, difficult stuff.

**DI Donovan:** I suppose that hubs such as ours exist so that we can provide centres of excellence for that sort of complexity. What my officers do most of the time is advise CSU officers on what they have and do not have, and roughly where the line of “grossly offensive” is likely to be, so that they can do their victim care and manage their investigations. It takes the difficult bit in the middle away from them.

**Q88 Damien Moore:** How would your approach differ if stirring up hatred against disabled people were a specific criminal offence?

**Paul Giannasi:** It would be more a decision for the CPS. The sorts of material that would be likely to be a criminal consideration would fall under the decisions made by the CPS. They would refer them to their specialist unit that makes all those considerations. They may feel there is a public order offence of threatening and abusive behaviour or the like, but not enough to prosecute. In practice, the role of the police is to gather the evidence to allow the CPS to make that decision. Pragmatically, it would not make a significant difference in our approach.

**Q89 Martyn Day:** Obviously, we now have the national online hate hub, which was set up six months ago, and a year before that we had—and we still have—the Metropolitan police online hate hub. What is the difference between the two?

**Paul Giannasi:** Perhaps I could go first and talk about the national approach. I have shared a document with the Chair which gives explanations about ownership. We had a national trial for the hub from 2011 to 2014 that ran as part of the Government’s hate crime programme, so we have some of that learning. The hub in its current existence is in its early days, but one of the significant problems we have encountered with internet offences in general is about jurisdiction. If somebody says, “I have been targeted,” it could be from anywhere in the world. The law is very different in different jurisdictions.

In our jurisdiction, the Sheppard and Whittle case, which went to the Supreme Court, is informative for us. My simplistic interpretation is that, effectively, it says that the crime is committed where you press the return button. If somebody is posting to a UK audience, but based in



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America, they would be subject to US jurisdiction. Once we identify under the Home Office counting rules that jurisdiction issue and a force, it is very easy to see how to start to address those issues, but often that cannot be done and it is not clear. A victim will come forward and will warrant a service, and really does not want to get tied up in the nuance of which force should respond.

The national response has a number of significant functions apart from that. In relation to report handling, it takes the initial report, so that the victim is steered to the service to report to. There will be an initial triage to look for a threat that needs an immediate response. If it involves child protection, counter-terrorism or an element of dedicated risk to an individual, clearly we cannot make a slow response; we respond to it and send it to the people who need to make those decisions. If that is not the case and it is just targets—for instance, black people, Asian people or disabled people—we do some of the investigation to try to find the jurisdiction. While we are doing that, we still consider the broader issues about problem-solving the response and victim support.

We engage with the victim and explain what can and cannot be done. We decide whether things like counter-narrative can be deployed to try to resolve it. We even decide whether we think there is a duty under the Equality Act to interact directly to try to resolve the situation ourselves by asking the host to consider it against the terms of reference, or asking the person who has posted it to take it down, because the positive duty imposed on us under section 149 of the Equality Act is to consider the need to eliminate the harassment of people based on a protected characteristic. We make that initial response.

If we have a positive line of inquiry that shows the jurisdiction, or a positive line that needs to be followed through, the unit prepares a more robust package that goes to the area. There are no officers in the hub to make arrests. It is a co-ordination function. Its purpose is to provide a better service to victims and withhold some of the demand on forces for inquiries that will just go nowhere or are outside the UK's jurisdiction. We try to ease some of the burden on the call-handling structure and then provide excellence to investigating officers when they go there. That leads quite nicely into John's area; their hub is about inquiries that have been accepted as in the jurisdiction of the Met. John is the best one to talk to you about how that works. We do not see them as being in conflict; we see them as complementary.

**DI Donovan:** We are a proof of concept, started off by the Mayor's office but with funding from the Home Office police innovation fund. We do exactly what Paul has just described, but only for London. The initial proof of concept was considerably wider than that. I have always said that whenever I mention the Home Office counting rules I have lost the argument and I should stop. The Home Office counting rules are the issue. I am not supposed to investigate anything that is not within London. As we are proof of concept, I have adopted a fairly wide



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definition of London. I will accept a London locus for victim, suspect and event—anything that gives me a reason to be investigating.

We do not deal with the initial reports. The initial reports come in in the normal manner. The hub deals with reported hate crime that is online. All of that has to be in place before we help. There is already an investigating officer—normally a trained officer in the CSU—and we do the difficult bit for them, which is attribution. They have an online crime; they have tweets and Facebook messages. They have Grindr messages, because it is much bigger than the main providers; there is a GoFundMe one as well. They have an online element. We do the hard bit, which is to say, “You have a report. We will try to take you as far as we can to the suspect.” If all the planets are aligned, we have a victim in London and a suspect in London, so we have something we can do end to end. It does not happen often, but it does happen, because we are a very large force. We do the little bit in the middle that sounds so easy but in fact is incredibly complicated.

**Q90 Martyn Day:** Clearly, there is a huge amount of work for both bodies. The national online hub was allocated £200,000 when it was set up by Government. That is less than half the amount the Met had to set up theirs. Is that enough to do the job?

**Paul Giannasi:** We were doing it up to 2014 with part of the time of individuals. With more resources you can certainly do more. There is a lot we can do. It will be more professional than it was in the pilot because, rather than it being part of three people’s time, it will now be all of four people’s time, plus supervision. The chief constable and the PCC of Greater Manchester have agreed to take on some of the supervisory functions.

The conversations we have had with Home Office colleagues at civil service level are really about trying to identify the need and what we have. This is our best estimate of something that can put together a relatively robust response that helps policing by taking away some of the demand and significantly improving communication with victims and relationships with key partners, such as the internet industry and some of the third-party reporting sites and victim support groups. We think we can make great strides with it. Doubtless we could make greater strides with more, but it is a significant amount that will allow us to take some significant learning.

We are working on a proactive basis with universities on understanding social media and their impact. We are developing symbols, slogans and databases that will help policing through normal procedures. We will cut our cloth to meet the needs, but it is a collaborative response that is a good first stab.

**Q91 Martyn Day:** Obviously, six months in is still fairly early days in any major project, but do you see it as effectively changing the way that crimes against disabled people are reported and investigated?





**Paul Giannasi:** It provides a route, but in the evidence you have heard so far, and in lots of examples from disabled people, they are targeting individuals. The hub, in itself, might professionalise the response and take away some of the broader issues. Where they target an individual as a person, it will go to the force anyway.

Perhaps I can give an example to show the sorts of activities it can do. One instance on Facebook involved a young girl from Texas in America whose mother took her on to TV. She was profoundly disabled and suffered from a horrible condition. The exposure on TV led to massive ridicule online and she suffered vile and horrible abuse. At the time, Facebook said it was within their acceptable standards of behaviour. They would not now; it has changed since then, but it was causing massive distress to disabled people in the UK.

We had over 100 reports to True Vision about that material, saying we should take it down, yet we knew from analysis that it was clearly an American victim. She was not herself going to be exposed to it, because she was under the age of Facebook usage anyway, but the perpetrators were almost certainly going to be from the US as well and there is no offence for them to commit there. We thought that the distress being caused to disabled people was significantly greater than the victim's. Probably the victim was protected from it.

It was a case where we felt we had to intervene, and this is the kind of problem-solving approach we adopt. We adopted counter-narrative measures; we directly intervened with the perpetrators, or the people posting the material, to challenge them in a way that balanced their rights to free speech—in the UK, their right to free speech under article 10 and, in the US, under the first amendment to the American constitution—against the need for reasonableness and the harm being caused. It is that balance between the duty I mentioned under the Equality Act proactively to protect people from harassment and the right to free speech. That is where it becomes a complex area.

Our response would be one of problem-solving rather than enforcement. Clearly, we were not going to get a prosecution in the UK courts in that case, but we still felt we had a responsibility to act on it because it was causing so much distress among disabled people and those who care for disabled people in the UK.

Q92 **Martyn Day:** That is interesting. Obviously, the number of reports could apply to a totally different number of cases. How many cases of disabled hate crime, as opposed to reports, do you think we would get in a year?

**Paul Giannasi:** I would not have the online figures. In the last year of running the pilot for the online hub, we dealt with 1,500, which did not go to forces, but a number of others went.

Q93 **Martyn Day:** Are those reports of hate crime?

**Paul Giannasi:** No.



Q94 **Martyn Day:** It could be multiple reports of the same incident.

**Paul Giannasi:** Yes. Some of them would not be crimes; some would be non-crime hate incidents. Obviously, the value of that in terms of saving demand on frontline policing is 1,500 multiplied by four or six hours—however long it would take. What I am not able to give you is how many of those related to disability and how many of the 3,500 disability hate crimes were online. Unfortunately, we do not have that data freely available.

**DI Donovan:** I can help with that from a Met perspective, through the hub. Since our launch, in one year there have been 35 identifiable reports of disability-related online hate crime. It has to be hate, online and within London. That is only 4% of everything we have done. Ten of those cases did not meet the criteria; six cases are ongoing, and we expect some form of outcome in the near future. A lot of this work takes a long time. One was recently discontinued at court; one is awaiting a first instance harassment warning; one is awaiting suspect interview; and one is awaiting transfer to another force because the data has come back and it is not ours. One was a duplicate report and was closed.

Of the remaining 34 cases, one is due at court, so there is a charge there; there are two first instance harassment warnings; one youth court caution; two school interventions; and two suspects spoken to and words of advice, as per victim's wishes. That was something Sam did for me this morning to give you an idea, but in a year there were 34 in the Met, and we are huge.

Q95 **Daniel Zeichner:** I would like to move us on to social media companies. In evidence to the Home Affairs Committee it was suggested that by the time something comes to the criminal justice system, a lot could have been done earlier. Perhaps you could give us a general view on what responsibility you think social media companies have for tackling online abuse. I know it is a big question.

**Paul Giannasi:** To give the national answer, I have sat on a couple of groups with social media to try to find common ground and collaborative responses. The first was a thing called the cyberhate working group, which was set up under the Inter-parliamentary Coalition for Combating Antisemitism but looked at all types of hate crime. That started some of the early steps, and they were really early. We were meeting the heads of content control and legal counsel from the larger social media companies. Those were the early steps in the conversations on this.

It has been moved on significantly with the European Commission's high level group on hate crime and its sub-group on the internet. The lead commissioner, Commissioner Jourová, reached an agreement in May 2016 with Microsoft, Facebook, Twitter and Google on response times. I think that has been really useful. There has been a monitoring process in which the CST, Tell MAMA and Galop, three UK civil society groups, have been involved. They have been making referrals and measuring the time



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of response to take-down, and the nature of the response. They have been given trusted flagger status, which is really important, because that raises the priority above complaints generally.

I would say there is progress. It is certainly not as robust as we want it to be; we could give lots of examples where we think it could be better, but speed is absolutely essential. It is essential for our response as well as theirs because if, for instance, you are engaged in a Twitter conversation, it is no use going in two days later and taking it down, because nobody is looking at it then. The moment has passed and you have to be in there.

We have been monitoring. You will have seen the issues around some letters sent to Muslim MPs and Muslim community groups in recent weeks. That has been taxing us quite extensively. There was a lot of material going on Twitter and we needed to respond to it straightaway. One of the challenges we have been grappling with is how we get resilience. For instance, there was a lot of fake reporting, malicious reporting of acid attacks happening in London. They were fictitious; they were historical and not related to this. It is no use trying to correct those mistruths 12 or 24 hours later, so speed of response is something we have to grapple with.

Sometimes it is better to get a corrective message into the Twitter feed so that there is a statement that it is a fake, rather than waiting for a referral to Twitter to take it down, which might under the agreements have a target time of 24 hours. Speed is essential, and it is a real challenge for us to be able to respond, because invariably we would not get the report in that time unless we were dealing with a critical incident.

**Q96 Daniel Zeichner:** Is that something you should be doing, or that the social media companies should be doing, before it gets to you?

**DI Donovan:** Both. For the pilots, the big players, Twitter, Facebook and Google were all partners on the online hate crime project, which of course goes much wider than just the police. Up to a point, they were very helpful. They provided training; we were given quite a bit of training with Facebook and Twitter, although not so much with Google. We were offered trusted referrer status. Because of the complexity of the police acting in non-criminal matters we did not quite outsource it, but we agreed that our civil society partner, Stop Hate UK, would hold that trusted referrer status. Certainly for the pilot, we dealt with criminal matters, and sub-criminal matters went to Stop Hate UK, who then made their own decisions about what they should do about it, which mainly meant that they would either engage in counter-speak or make a referral to the social media providers, and they had trusted referrer status to do that. We found that incredibly effective.

One of the positive points that has come out of the pilots is that when victims have needed material taking down, it has come down particularly quickly, whether it was criminal, or sub-criminal but offensive. We have done measurements of victim satisfaction, and that has been very



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helpful. A corollary is that, at that stage, a number of victims drop out; they drop the complaint, because that was their desired end result. We are always looking for a criminal justice outcome, so that leaves us unsettled. However, the victim is happy, so there is a result of a sort.

Yes, the social media providers have been helpful. They are responsive. There is an element of 24-hour and 24/7 responsiveness as well. Even the police element of the hub is not 24/7. I cannot do that with two officers. Paul's point is well taken. The speed of dealing with false reporting and fake news is a whole new ballgame.

**Paul Giannasi:** Can I offer a practical suggestion? One of the things that social media companies could be doing significantly more of is to use some of the technical solutions to the problem, which are automated. Their advancement in understanding this is significantly above mine, but one of my simplistic approaches is that, if somebody is being targeted individually, which is obviously what you have heard evidence on in this inquiry, it should not be beyond Twitter to be able to say that if somebody uses this @ address, it will not publish any tweet that has one of these 40 words in it. The 40 words for somebody who has been subject to anti-Semitic racism might be different than for somebody who is disabled. That gives the victim an option.

The message that is so often given, which I think is unacceptable, is that people should just come off social media and then they will not be subjected to it. That is just not an acceptable solution, whether you are an MP going about your business or a disabled person who perhaps relies on social media for socialising to a greater extent even than other people. If somebody is getting significant messages about learning disability, it should not be beyond us to come up with a series of 40 or 50 words that are often used in derogatory messaging, whereby you effectively offer the victim the right to protection, so no tweet will ever be published that has your @ address and one of those 40 words or hashtags. That would go a long way on some of the personal attacks. My sense is that, for black or Asian footballers, or whoever gets specific abuse, 90% of the words used would be on a list that we could draw up ourselves. On those sorts of technical solutions, and the victim focus in that regard, there is significantly more that they could be doing.

**DI Donovan:** You can do that. You can do specific word barring, but what it tends to do is to hide it from you. It was very helpful to know, from the training that Twitter gave us, that behind the scenes they have a great deal more control than is immediately apparent, including a range of discipline measures. The one I like most is that Twitter will lock an account and say, "This tweet is offensive, and you will not be able to post again until you remove it." That is very helpful because the person cannot then say that they did not know that what they were doing was offensive, because they were given that warning.

The difficulty is that I do not have access to that discipline record. When it happens again and it reaches a criminal threshold, it would be very



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useful evidence for me, but, as yet, we have not negotiated access to it. The companies are going some of the way, but it puts a lot of the onus on the victim, or the soon-to-be victim. There is an element of crime prevention in some of that, but more could be done.

**Q97 Daniel Zeichner:** You are suggesting that it is something that could be done. Why is it not being done by social media companies now?

**Paul Giannasi:** It is obviously difficult for me to suggest the answer to that.

**Q98 Daniel Zeichner:** Are you suggesting it and they are resistant, or is it not something they want to do?

**Paul Giannasi:** The real movement is taking place within the European Commission—that commitment to sign the agreement. To put it in context, there was an agreement reached by the cyberhate working group that involved the social media companies. It was actually agreed that the agreement would be posted on the Anti-Defamation League site, a US NGO site, and the companies endorsed it; they did not sign it, or did not sign it as a binding commitment, whereas the European Commission has now stepped on and signed it, and they are being monitored against it.

The collaborative response of the 28 countries collectively together has more impact on them, because more of their profits come from that bloc than from a single individual country. Over the years, a lot of what has brought them to change has had financial implications, which is their focus. Facebook changed its terms of reference significantly at one point after the campaigning of a number of women's rights groups about misogynistic abuse led to a number of high-profile advertisers threatening to remove their advertising. That kind of social action, which is about financial business models, has been impactful in the past.

The work of the EU commissioners has stepped it on a long way, but the focus of that work as a primary activity has—understandably, perhaps—been on reporting and the victim's rights to report, and the expectation of a response within a time period. That may be work that we can progress in the next phase.

**Q99 Daniel Zeichner:** The Internet Watch Foundation has had a significant effect on child pornography through quite sophisticated technological approaches. Is it imaginable that we could get to a situation whereby disability hate crime could be dealt with in a similar way, almost with pre-emptive intervention?

**Paul Giannasi:** Some of the targeting of individuals could be very nuanced. Say that somebody who is disabled attends a school where schoolfriends are doing traditional bullying because of their disability; that might not be as obvious to spot as someone making racist comments, for instance. The nuance may be different, but technical solutions have to be the answer, because they are the ones that get an



immediate response. With the best will in the world, the damage is caused early rather than late.

The law has an important role to play; it draws a line in the sand and says what a state will or will not accept, and the law is set for that reason. The application of the law is a laborious and slow process, and due process means that often the damage is long since done. It can actually have a counter-impact. When MPs have been racially abused and individuals have gone to court, they have suffered significantly more abuse after the court hearing and sentencing from those who see themselves as in some sort of allegiance to the perpetrator than they would have had if it had not been reported. The issue about the law is a vitally important part of the strategy, but it can only be part of the strategy—it cannot be the solution in its own right—and it needs all those factors to go alongside it.

**Chair:** Can I bring in Paul Scully, who wants to ask you about a slightly different topic?

Q100 **Paul Scully:** I want to come on to mate crime in a minute, but I want to take you back very briefly to something interesting you said at the beginning about policing in London. You talked about the 900 officers who have received training. In a lot of the stuff on social media where people are moaning about police numbers and so on, they talk about 900 people sitting in a room waiting to investigate hate crime, which is clearly not the case, but could you just explain that again?

**DI Donovan:** The figure of 900 officers is an estimate of how many officers are working in community safety units across the Met. Community safety units work in boroughs and deal with a wide spectrum of safeguarding, which includes all domestic abuse, and elements of child sexual exploitation, right down to hate crime. There is a graded spectrum, as it were. Dropping off the bottom of that spectrum is online hate crime as well. Some of that goes down to neighbourhood officers.

The figure of 900 officers, which is often cited, includes officers doing a huge spectrum of work. It must be admitted that hate crime, because the threat is less immediate, is at the bottom of that threshold. When an investigator comes in and they have a number of investigations, they normally gravitate towards the higher threat, which is how sometimes hate crime does not get such a good service, even with 900 officers.

Q101 **Paul Scully:** That is very useful. Thank you very much.

Mate crime is a particularly complex type of abuse that disabled people can experience. We have heard some examples. What in your opinion can and should the police do about it?

**Paul Giannasi:** In 2007, when we came together as a Government programme, one of the first jobs was to find a common definition of hate crime. At that time, disability was really in focus, and it was clear to us that it was a significant challenge. A number of attacks led to tragic



deaths, of Brent Martin, Steven Hoskin and Fiona Pilkington. What we did not see was evidence that there was a common hostility, as with white supremacy, against disabled people. But there were many similar characteristics in those horrible deaths—there was a behavioural trait of humbling, abuse, financial abuse, dehumanisation and, ultimately, extreme violence in all those cases. We have grappled long and hard with that.

On progress, when we compare ourselves with other states in terms of reporting, we are significantly further down the road, in that 3,500 is a significant advance on 800, but it is certainly not where we need to be. The more serious of those tend to be different in the context of other types of hate crime. Victims of serious disability hate crime and the sorts of things that have been called mate crime are more likely to know the perpetrators and are more likely to be repeat victims, and the crime is more likely to be escalating in its nature.

Trying to have people understand their rights and to have professionals understand their responsibility and capability in this is a real challenge. In some of the instances that we have looked at retrospectively, to review whether forces and their partners dealt with them effectively, one of the factors is that victims have gone back to the perpetrators after being offended. The ability to deter that is obviously not easy for social workers or police officers. Lots of work on raising awareness has been done over the years with Mencap and other partners, but it remains a significant challenge.

A friend of mine who works with us has Down's syndrome and a learning disability. He talks freely about the fact that until he was involved in this work, he thought that everybody got spat at at bus stops. He thought that when you got on to a bus everybody moved to the middle seat. He thought that that was what we all suffered; he did not know that it was his life. He would often say at public events, "Well, obviously, if they just spit at me I won't tell the police about that, but if they put a firework in my friend's pocket I'm going to report it." Clearly, that is not acceptable. You cannot accept people being spat at; I would not, and you should not. But it is about raising awareness to the point where people have the confidence. We have much more to do.

**Q102 Paul Scully:** What would you specifically do to raise awareness?

**Paul Giannasi:** We have done lots of public events. Lots of colleagues up and down the country do public events. There are lots of examples of forces doing events and charities sitting with people over coffee in places such as housing providers or local authority service providers. They are trying to raise awareness and give people confidence.

Sometimes the nuance is really interesting. I have sat at these events and heard people talk. One young lad in Birmingham said, "Well, I'm okay because my friends look after me and I don't suffer with this." I asked him what he meant by that and he said, "Today, for instance, I've



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paid them 20 quid and they're looking after my flat so I don't get broken into." That level of financial abuse is well down the continuum, if you like. Clearly, we put an intervention in place, but he genuinely thought that those people were friends who were looking after him, when actually they were financially abusing him.

One of the things we are working on, which was delayed because some of the incidents in the summer put one or two things back, is a document aimed at carers and family members of disabled people, to talk about the signs and symptoms of the escalating abuse that often gets called mate crime. It talks about how you spot it and how you intervene. If somebody has free will and believes that certain people are his or her friends, how do you intervene in a way that complies with their rights to freedom but helps them to avoid the escalation?

It is a really difficult and nuanced area. It needs social workers and health officials to be aware of the concepts, as well as police officers and family members. We have started work that will lead to a guide for carers. There is lots more that we need to do, with lots of charities. Mencap and Dimensions have been doing work to try to raise awareness, and we will play a part in that wherever we can. It is a huge challenge.

**Q103 Paul Scully:** Are there any crossovers in some cases with the county lines we have been talking about in the serious violence strategy, perhaps using the homes of vulnerable people, and that sort of thing?

**Paul Giannasi:** In reality, I guess there are crossovers with every kind of area. There have been instances of people with learning difficulties being targeted by extremists and radicalisers who try to use them to engage them in extreme violence. There are crossovers with everything. People with learning difficulties have been targeted for forced labour. There is a real crossover.

**Q104 Paul Scully:** My final question is whether there are any more powers that you need that you do not have to tackle mate crime, in particular.

**Paul Giannasi:** I do not have a list of things that I think we do not have the authority to deal with. There are some really difficult situations, such as the one where you know that somebody is on a spiral where they are being abused, but they consider the group to be their friends and want to go with them. They have the free will to make their own choices. That is really difficult, but I am not suggesting that we need a law that says that we can override people's free will. I am not sure that I know of a gap. Colleagues may have a different view, but, as we stand at the moment, it is really about awareness raising and people understanding their rights.

**Q105 Chair:** We have heard both from our original petitioner and from others that they have reported abuse to the police, and often after investigation they are told that nothing can be done. We have heard from all of you about some of the barriers that you face in dealing with these kinds of crimes. Given that a number of people have called for the law to be reviewed in this area because of the rate at which technology develops, is





there any change in the law that you would like to see that would make dealing with disability hate crime easier when it is online? Is there anything each of you wants to say about that?

**DI Donovan:** You are aware that the CPS has set a threshold for online hate crime at grossly offensive, which is higher than non-online. We have not necessarily found reaching that threshold difficult, but we have found it very difficult to know where that threshold is. I understand all the complexities and reasons why it is there, but, in the end, grossly offensive as a threshold is probably unhelpful when we are seeking to prosecute.

Q106 **Chair:** Edward, is there a change you would like to suggest?

**Superintendent De La Rue:** It is probably not a solution, but an area that I think is problematic is that not all the pieces of the jigsaw join up legislatively. Some of it has been commented on already, in terms of different strands of diversity that are cut across by some aspects of the legislation but not others. I am thinking of the bit around the available offences to deal with this sort of thing, which in the main are malicious communications, harassment and stalking.

Malicious communication has quite a high threshold for prosecution. Comment from a CPS colleague has been concern around the fact that if it does not meet that threshold, although it could be something that everyone in the agencies dealing with it thinks is absolutely horrible and reprehensible, it cannot be prosecuted. The ripple effect of that in communities is really impactful. Then there is the fact that stalking and harassment require a course of conduct, so a simple one-off action would not suffice to make out the offence.

There is a kind of gap where various offences join up, and there is a hole in the middle where they do not. The whole landscape is not completely clear, and when you piece it out there is a bit of a gap in the middle. That is not a very articulate way of expressing it, but that would be my view.

Q107 **Chair:** I think we get what you mean.

**Paul Giannasi:** I refer back to the stirring up hatred offence and the aggravated offences. Maybe in themselves they would not solve the problem, but one of the issues that we have to get over is about people understanding their rights, which is certainly a barrier that the victim groups have talked to us about.

Another element referred to by the Law Commission is the recording of enhanced sentencing under sections 145 and 146. That is a really fantastic coverall for me, which sets the UK in a really good place compared with other states. With any crime, the court is obligated to increase the sentence and say why it has done so, if it is satisfied that the offender demonstrated, or was motivated partly by, hostility. That is currently not recorded on people's criminal conviction record; the core offence of assault may be, but not the hostility element, so we can look



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at people's records and not see that. I know that a register was one of the things you heard about in the first session; that would go some way towards recognising the hostility element if there was a conviction.

**Chair:** If it was an aggravated offence, yes.

Thank you all very much. All our witnesses this afternoon have given us food for thought in a number of areas. As always, we are very grateful to you for coming along, but if you think after the event that there is something that you should have said but didn't, or if you have any information that you want to send us, please feel free to do so. We will use it as part of our report in due course, and we hope that you will find the report helpful when we publish it. Thank you very much indeed.