



Safer Bristol Executive Board

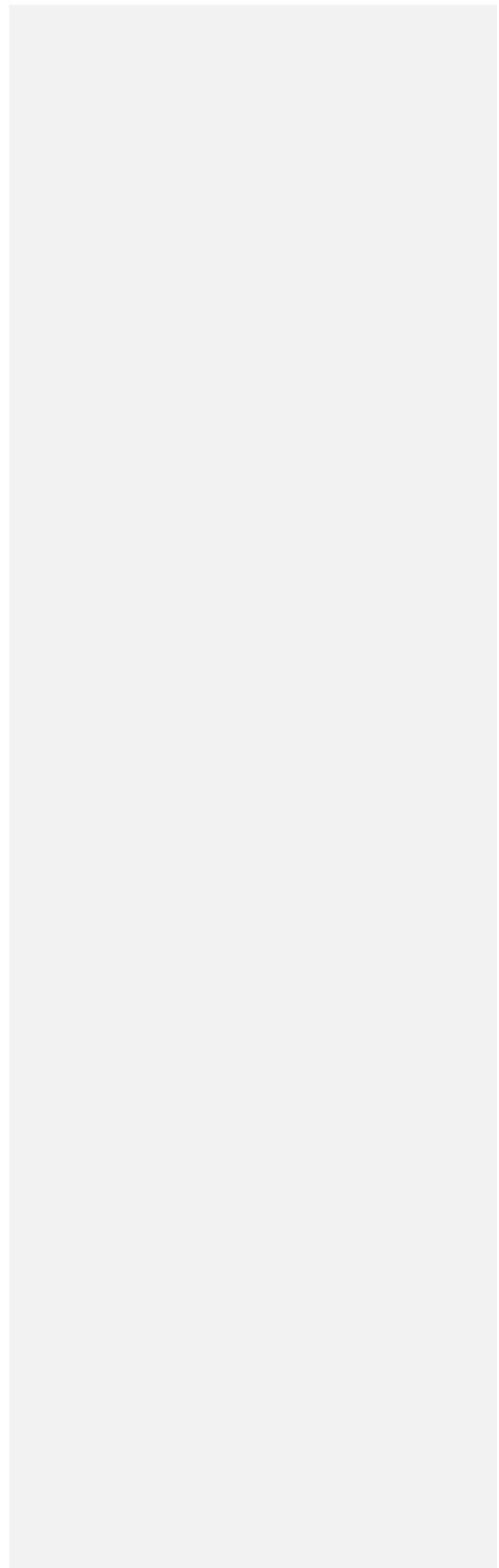
Safer Bristol Partnership

Multi-Agency Learning Review

Following The Murder of Bijan Ebrahimi

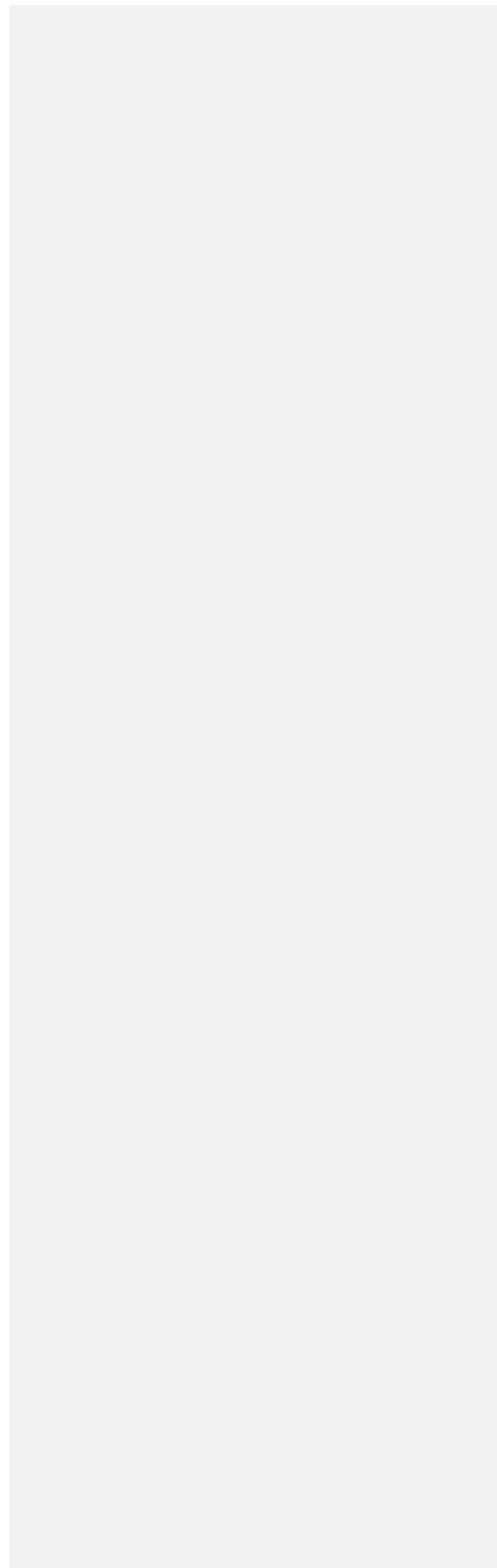
Report produced by Mr David McCallum; independent chair of the review process.
17th January 2014 (updated 25th October 2017)

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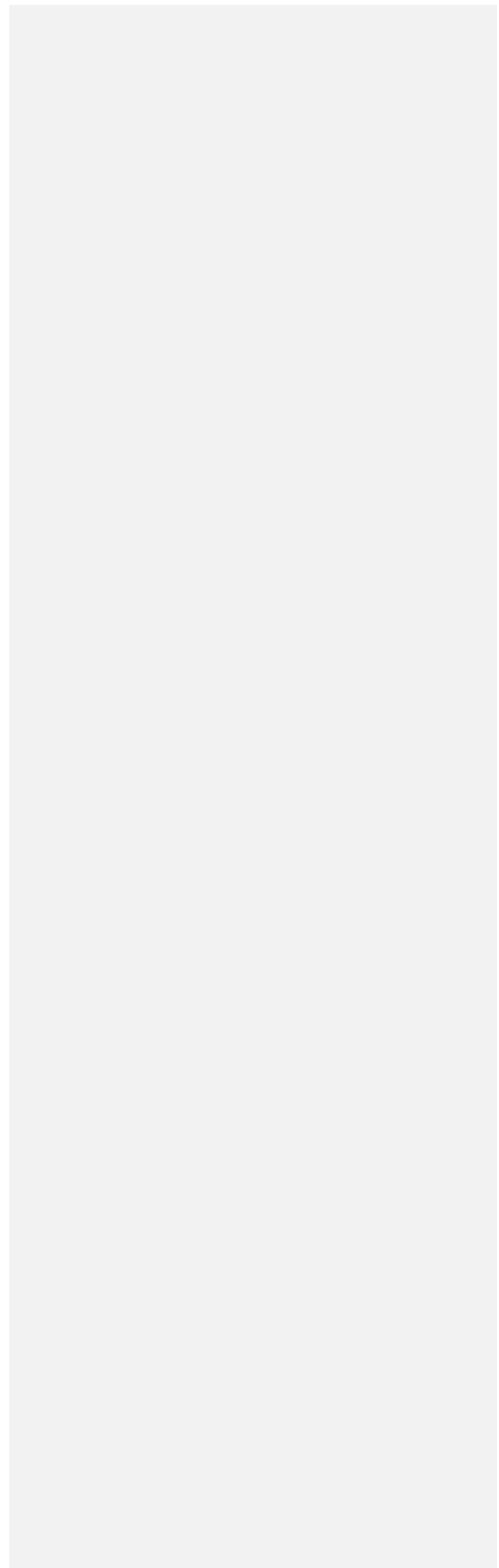


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1. INTRODUCTION

1.1 Following the murder of Mr Bijan Ebrahimi in July 2013, Safer Bristol Executive Board decided to conduct a review of the management of circumstances leading to his death by all agencies and organisations involved in order to elicit any lessons that need to be learned. The review process was identified in order to employ a straightforward and un-bureaucratic approach to identifying the key points of learning for all the organisations involved and stimulate any necessary action with the minimum of delay.

1.2 This report examines agency and organisation responses and support given to Mr Bijan Ebrahimi, a resident of Brislington, Bristol, since arriving in the city and before his death. The objectives of this review are to examine the involvement and actions of individual organisations that had contact with Mr Ebrahimi before his death in order to extract learning, improve practice wherever necessary and prevent future incidents of this type. In order for these lessons to be learned as widely and thoroughly as possible, there needs to be a clear understanding of what happened and, most importantly, what needs to change in order to reduce the risk of such a tragedy happening in the future. For the same reasons, Safer Bristol Executive Board has decided that this report will be a public document.

2. GOVERNANCE

2.1 A request for a serious case review was originally made to Bristol Safeguarding Adults Board (BSAB). As the case did not fit the criteria for such a review, BSAB referred the matter to Safer Bristol Executive Board. As Bristol's Community Safety Partnership, The Safer Bristol Executive Board is the commissioning body for this review. It was decided that the final report would be formally submitted for consideration to the Board. The review will include findings and recommendations as identified during the process by the independent chair, Mr David McCallum. The Safer Bristol Executive Board would then quality assure and consider the report, make decisions on whether and which findings and recommendations to accept and oversee the identification and execution of any action required.

3. TIMESCALES

3.1 This review began on 1st October 2013 and was concluded on 17th January 2014. It was then updated in August 2017 to reflect the additional learning opportunities made available by the publication of the investigation report of the Independent Police Complaints Commission (IPCC) and associated representations made by members of Mr Ebrahimi's family. The report has not considered organisational and practice developments since January 2014.

4. EXECUTIVE SUMMARY

4.1 Bijan Ebrahimi was an Iranian man who came to live in the UK in 2000 as a refugee, was given leave to remain here and resided in Bristol from 2001 until his death on 14th July 2013. Mr Ebrahimi spoke English and was able to live independently but was disabled as a result of a combination of debilitating medical conditions. He was murdered by a neighbour, Lee James, in the early hours of Sunday 14th July 2013, who beat and kicked him to death before setting his body on fire with the assistance of another neighbour, Stephen Norley.

4.2 From 2005, Mr Ebrahimi reported being subjected to racially motivated offending against him. He was moved from private accommodation in Bedminster to Bristol City Council housing in Brislington after being attacked by having boiling water thrown over him. The culprit of that attack was convicted and imprisoned but Mr Ebrahimi was then subjected to an arson attack at his subsequent address. After being moved temporarily into emergency accommodation, he took up residence at 88 Capgrave Crescent, Brislington in September 2007. Mr Ebrahimi resided in this flat until his death but during his tenancy there, he reported many incidents of being targeted both to police and Bristol City Council. He alleged being subjected to repeated assaults, threats to kill him, harassment, criminal damage to his property and racist abuse. It is thought that he believed that the majority of the victimisation was racially motivated and many allegations included specific racist language being directed at him. The victimisation was allegedly perpetrated by a number of different people, many of whom were his neighbours. The only offence that led to any perpetrator being held to account as a result of Mr Ebrahimi's allegations (after the above mentioned attack with boiling water) was one of criminal damage in July 2008, for which the person responsible received a caution from the police. Mr Ebrahimi was himself the subject of a number of allegations and counter-allegations of crime and anti-social behaviour. Some neighbours accused Mr Ebrahimi of assault, harassment, drunkenness, being verbally abusive and sometimes intimidating. He was arrested on a number of occasions but was never charged with or convicted of any offence.

4.3 The police and Bristol City Council shared information in relation to Mr Ebrahimi and the incidents involving him on many occasions. Initially, both agencies provided a degree of support and referred him to SARI, who supported him until 2011¹. However, latterly, evidence provided for this review indicates that the police and Bristol City Council wrongly began to see Mr Ebrahimi as the primary problem. There were two incidents in 2009 and 2010 in which Mr Ebrahimi was wrongly judged to have provided inaccurate representations of events and his allegations seemed thereafter to be wrongly regarded with suspicion².

4.4 Evidence has not been provided to this review to provide reassurance that allegations of crime made by Mr Ebrahimi to the police were investigated with the requisite thoroughness, some were not investigated at all and many were not even recorded as crimes, in breach of the National Crime Recording Standard. As the number of allegations increased, there is no evidence of a view having been taken by the police that investigating them required increased focus or priority. Mr Ebrahimi's situation was not considered holistically by either the police or Bristol City Council, there was insufficient

¹ SARI files documenting contact with Mr Ebrahimi between 2005 and 2007 have been destroyed in accordance with the organisation's data storage policy.

² IPCC report provides evidence of an incorrect view by some police representatives that Mr Ebrahimi's accounts were unreliable as early as August 2007 (Para 72, IPCC Part B Report)

emphasis on problem solving and the risks of harm that were evident were not adequately assessed or addressed. There has been no evidence provided that any supervisory intervention recognised or challenged these shortcomings at any stage by either organisation.

4.5 In June 2010 after several complaints were made about Mr Ebrahimi's behaviour by some of his neighbours, Bristol City Council applied for and was granted an interim injunction against Mr Ebrahimi, requiring him to desist from anti-social behaviour. It was assessed that there was such an urgent need to confront Mr Ebrahimi's behaviour that the injunction application needed to be considered initially without notice to him. It was assessed by Bristol City Council Anti-Social Behaviour Team in liaison with the police that there was 'no prejudice' in applying without notice because the conditions that were sought were 'neither onerous nor intrusive'. In Bristol City Council's application, it was asserted that the list of allegations that formed the basis of it were believed to be true, although evidence has not been provided to indicate that they were effectively investigated beyond taking statements from complainants. Nevertheless the Courts were sufficiently satisfied to make the Order. Later, Mr Ebrahimi was legally represented and the injunction was set aside when he reluctantly signed an undertaking to be of good behaviour. He always maintained that the complaints and subsequent injunction were just examples of further victimisation of him by certain neighbours, supported by the authorities. There has been no evidence provided for this review that steps were taken by Bristol City Council to ensure that the court considering the injunction application had possession of a balanced representation of the facts rather than just the evidence to support the injunction application, particularly at the first hearing at which Mr Ebrahimi was not represented. The balanced history, setting out all contact by and regarding Mr Ebrahimi was only provided by Bristol City Council at subsequent hearings³. There is also no evidence that risks associated with the stigmatising effect of applying for and publicising an injunction such as this against one individual were considered or that steps were taken to mitigate them. Of all the council tenants involved in these allegations and counter-allegations, it is only Mr Ebrahimi who was made the subject of an application for an injunction by BCC as a result of those allegations/counter-allegations.

4.6 Mr Ebrahimi first met the man who would later kill him, Lee James, in late 2012. Mr James' partner moved in near to Mr Ebrahimi's address. They became aware of each other and other neighbours advised Mr James that Mr Ebrahimi was reputed to be a paedophile and sex offender⁴.

4.7 The first dispute that Lee James had with Bijan Ebrahimi occurred on Thursday 11th July 2013. Mr James was drinking alcohol when in charge of his young children and for that reason⁵, Mr Ebrahimi was recording them on video from his flat. Mr James saw this, entered Mr Ebrahimi's flat and angrily confronted him, verbally abusing and threatening Mr Ebrahimi. At least part of that confrontation was itself recorded on video by Mr Ebrahimi, who called the police, alleging that the incident had included a physical assault of him by Lee James (Police actions following this were subject of detailed investigation by the IPCC and this review considered events from this date only in broad terms to avoid

³ The IPCC investigation report demonstrates that the more comprehensive history provided to the court at this stage still lacked balance owing to the lack of purposeful investigation of incidents and the biased approach of the police (Paragraphs 625-629, IPCC Part B Report).

⁴ In fact Mr. Ebrahimi was never charged or convicted of any sexual offence against children or adults.

⁵ Mr Ebrahimi reportedly disclosed to police officers that he was recording Mr James and his children because he disapproved of him having care of his children whilst drinking alcohol.

compromising that investigation). The police officers who attended, after speaking to both parties and assessing the situation, arrested only Mr Ebrahimi for a breach of the peace and later also under the Public Order Act (i.e. for causing harassment, alarm or distress). They took this action despite Mr James continuing to be aggressive and threatening towards Mr Ebrahimi in their presence and Mr Ebrahimi neither causing a breach of the peace nor committing any offence against the Public Order Act. No action was taken against Mr James in relation to the allegation of assault made by Mr Ebrahimi.

4.8 The following day, Mr Ebrahimi was released from custody without charge and returned home. The police had recognised the potential for further victimisation of Mr Ebrahimi. They had checked his address overnight when he was in custody and had placed a 'Treat as Urgent' marker on their command and control system should police receive any calls to his address. However when, that evening, Mr Ebrahimi reported to the police on several occasions that he was being verbally abused and feared for his life, his calls were not treated as urgent and no officer visited him. He eventually walked to nearby Brislington Police Station to seek help. He was told to go home. Late the following night, Lee James saw Mr Ebrahimi outside his flat and perpetrated the fatal assault.

4.9 Throughout Bijan Ebrahimi's life in Bristol, he lived alone in areas of high social need with relatively low Black and minority ethnic populations (he preferred to live in south Bristol to be near to his sister). As such, local experience indicates that he was at increased risk of suffering racist prejudice and behaviour. Many in Mr Ebrahimi's position would have been likely to develop coping mechanisms to deal with such behaviour that might have included not drawing attention to themselves, ignoring comments made to them and moving away as opportunities arose. As he was entitled to do, Mr Ebrahimi did sometimes draw attention to himself; he did challenge the behaviour of others to him and he was himself challenged by other residents in and around his locality, resulting in a fluctuating cycle of complaints and counter-complaints. He continued to frequently and consistently report incidents to the authorities despite those reports resulting in limited investigation or responsive action. Bijan Ebrahimi's situation needed to be assessed in the context of his life circumstances. This could only have been achieved if staff from the organisations with which he had contact were equipped with a high level of awareness of the issues described above and be motivated to deal with them positively.

4.10 The wrongful labelling of Bijan Ebrahimi locally as an alleged sex offender by some members of the community was a significant risk factor, particularly when recognised in his case as aggravating other risk factors referred to above. Although there is some evidence that the police recognised this as a risk factor shortly before Mr Ebrahimi's death, there is no evidence of action having been taken that would proportionately mitigate that risk.

4.11 One factor in the information sharing and co-ordination between organisations involved with Mr Ebrahimi is the apparent lack of challenge or escalation within and across those organisations. When providing support to Mr Ebrahimi, SARI did escalate lack of action by the police and Bristol City Council but this did not appear to lead to any meaningful review of case management or a greater focus of activity. Avon and Bristol Law Centre, who represented Mr Ebrahimi, did provide challenge in the form of vigorously defending the anti-social behaviour injunction application. SARI representatives did not pursue their escalation to a higher level and indeed there is no established escalation process that would have directed how such an escalation would proceed if no quick resolution could be agreed. It was acknowledged (by SARI) that had there been escalation from SARI to a senior level within both Avon and Somerset Constabulary and Bristol City

Council, there would undoubtedly have been a renewed focus on Mr Ebrahimi's situation in response.

4.12 It should not be necessary for victims to receive advocacy services to ensure that statutory agencies deal with them responsively. However, it is clear from the evidence provided for this review that, with the vulnerabilities referred to above, Mr Ebrahimi was a man who needed support and advocacy if his voice was to be effectively listened to by representatives of the statutory agencies with whom he was having contact. SARI did provide that support to him until 2011 and did intervene effectively on his behalf, notably in relation to the anti-social behaviour injunction. From 2011 onwards however, SARI were no longer involved in Mr Ebrahimi's case because he apparently stopped providing consent for them to receive notifications of his allegations; he stated that this was because he was ashamed of still being victimised.

4.13 SARI are the locally commissioned provider of support services to victims of hate crime in Bristol. However, another possible avenue of support and advocacy for Mr Ebrahimi and challenge and escalation of lack of action might have been the Victim Support Service; their staff and volunteers provide a specialist support service for the victims of hate crime as well as other crime victims. Very few of the allegations that Mr Ebrahimi made were notified to Victim Support. Only recorded crimes are notified and many of Mr Ebrahimi's allegations of crime were not recorded as such. Avon and Somerset Constabulary have a policy that hate crimes are only notified to either SARI or Victim Support if express victim consent is recorded as having been given.

4.14 The prescribed process is that staff in the Hate Crime Unit, the officer in the case or, currently, the 'Victim Advocate Unit' would call victims and request that permission. This appears not to have happened in Mr Ebrahimi's case. In addition, during the relevant period, there was a general lack of notifications to Victim Support of other crimes because of concerns in relation to compliance with data protection legislation. These factors combined to result in only five notifications being made to Victim Support, the last one being in June 2009. In relation to three incidents, SARI were supporting him and he declined support in one further case. In relation to the remaining incident, Victim Support was notified more than three months later and after one unsuccessful attempt was made to contact him, the case was closed because of the time that had elapsed. This particular issue has now been resolved, with crime notifications to Victim Support having risen from 15-20% to 96% although the force policy in relation to hate crimes (see paragraph 4.13 above) remains in place.

4.15 Throughout the majority of the period that Bijan Ebrahimi resided in Bristol, Multi-agency Hate Crime Case Review Panels were being managed across the city (they were discontinued in October 2012 and re-established a year later). The function of these panels was to ensure that hate crime victims were receiving an appropriately effective and co-ordinated service from the organisations with responsibility for dealing with them. It would be expected that with the number of allegations of incidents being reported by Mr Ebrahimi to the police and Bristol City Council and with his view that they were motivated by racism, his victimisation would have been brought to the attention to this forum. No evidence has been provided to suggest that this panel brought additional focus to Mr Ebrahimi's circumstances. It is recommended that a review be conducted into the functioning of the panels established in October 2013 to ensure that cases such as this are referred in and that this forum is effective in providing multi-agency oversight of their management.

4.16 Avon and Somerset Constabulary and Bristol City Council committed considerable time and resources responding to individual calls for assistance from Mr Ebrahimi and about his activities over many years. They did not assess his situation and the risks of harm associated with it, objectively and thoroughly investigate what was happening or intervene in an appropriately informed manner that effectively addressed it. This case demonstrates the need to accurately record incidents and allegations, involve those who can help, adopt an enquiring rather than judgemental approach and use the resultant information to accurately and incrementally assess and appropriately address the situation.

5. THE PROCESS

5.1 There was no statutory responsibility to conduct a serious case review in relation to the circumstances of the death of Mr Ebrahimi and there is no central overseeing body to which the review must report. A decision was made when considering the status of this review that Mr Ebrahimi did not fall within the definition of an 'adult at risk' (previously 'vulnerable adult') as defined in the 'No Secrets' guidance on the procedures for safeguarding adults at risk issued by The Department of Health in 2000. That definition is: an adult aged 18 years or over *'who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'*. However the Police requested that this case be the subject of this multi-agency review to identify learning.

5.2 Mr Ebrahimi was clearly capable of caring for himself and indeed took reasonable steps to protect himself from harm by reporting episodes of victimisation to the authorities. As the review is discretionary, it has been possible to manage it in a manner agreed by all contributing organisations. Below, the process undertaken by Safer Bristol Executive Board in reviewing the circumstances of the death of Bijan Ebrahimi is outlined.

5.3 The following organisations were asked whether they had information to contribute to this review (* indicates organisations that provided information for the review):

Bristol City Council: Safeguarding Adults*, Children and Young People's Services, Estate Management*, Public Health, Anti-Social Behaviour Team*, Pollution Control, Street Scene Enforcement and Animal Health & Welfare/Dog Wardens*.

Avon and Somerset Constabulary*, Avon and Somerset Probation Service (including Multi-Agency Public Protection Arrangements [MAPPA]), Avon Fire and Rescue, Mr Ebrahimi's GP surgery*, Bristol Community Health*, North Bristol NHS Trust*, University Hospitals Bristol NHS Trust*, Avon and Wiltshire Mental Health Partnership NHS Trust, Bristol Clinical Commissioning Group, St Mungo's (homelessness charity), Bristol Drugs Project*, Bristol Specialist Drug and Alcohol Service, Addiction Recovery Agency, Hartcliffe and Withywood Kick Start (HAWKS), Knowle West Against Drugs (KWADS), Nilaari (community based drug treatment provider), The Salvation Army, Serenity House (Bristol Alcoholism Recovery Service), The Junction Project (accommodation-based drug and alcohol service), Bristol Criminal Justice Intervention Team (CJIT), Victim Support*, Stand Against Racism and Inequality (SARI)*, Avon and Bristol Law Centre*, Environmental Health Service*.

5.4 Present at the multi-agency meetings were representatives from: Safer Bristol (Community Safety Partnership), SARI, Bristol City Council: Anti-Social Behaviour Team,

Estate Management, Pollution Control, Neighbourhood Enforcement Team (Noise pollution/dog wardens), Avon and Somerset Constabulary, Avon and Bristol Law Centre.

5.5 As the objectives in the review are to learn lessons from this case rather than to apportion blame, individual members of staff who dealt with Mr Ebrahimi's case are not identified in this report. Each organisation is responsible for taking its own decisions about any misconduct, discipline or performance issues that they identify as having arisen from this case.

5.6 The independent chair of this review process and author of this report, David McCallum, was selected because he has a good understanding of agency roles and responsibilities, equalities issues (particularly racially motivated hate crime), vulnerable people and anti-social behaviour issues. Mr McCallum is a former police officer with Avon and Somerset Constabulary, who retired from the force in 2011 as Head of Bristol Public Protection Unit. He has extensive experience in the field of multi-agency safeguarding and public protection.

5.7 The Independent Police Complaints Commission has conducted an investigation into the management by Avon and Somerset Constabulary of reports to the police made by Bijan Ebrahimi and the events leading to his death. There has been liaison between Gillian Douglas (Interim Service Director, Safer Bristol and commissioner of this review) and Independent Police Complaints Commission investigators throughout the review process to ensure that neither that investigation nor this review were compromised.

5.8 Relevant organisations were each asked to give chronological accounts of any contact with Mr Ebrahimi prior to his death and an individual management review containing analysis of those dealings including what was done or agreed, whether internal procedures were followed and conclusions and recommendations from the organisation's point of view. Where there was no or insignificant involvement, organisations advised accordingly.

5.9 An integrated chronology was produced from the submissions received and these and all the management reviews were sent out to representatives of each organisation to have had relevant contact with Mr Ebrahimi. The representatives reviewed all the documentation before coming together in two independently chaired meetings (on 21st and 29th November 2013) in which the following questions were addressed:

5.10 Central Questions:

5.10.1 Why did Bijan Ebrahimi die?

5.10.2 In the circumstances, should the risk of Mr Ebrahimi being targeted have been evident and should action have been taken that might have prevented his death?

5.10.3 Why was action not taken that might have prevented Mr Ebrahimi's death?

5.11 Other more specific questions that the report seeks to answer are:

5.11.1 Were the circumstances of Mr Ebrahimi appropriately assessed when they were brought to the attention of organisations who had contact with him?

- 5.11.2 Was assessment informed by a process of multi-agency information sharing and were issues of information sharing appropriately managed?
- 5.11.3 Were there risk indicators apparent that should reasonably have been identified and were not?
- 5.11.4 In all the circumstances, were responses to Mr Ebrahimi's situation appropriate and proportionate to the information known at the time?
- 5.11.5 What, if any, were the blockers preventing necessary action being taken?
- 5.11.6 Is there any evidence of discriminatory behaviour or institutional racism on the part of any organisation having contact with Mr Ebrahimi?
- 5.11.7 What, if any, action needs to be taken to ensure that future responses to circumstances such as these are effectively managed in the future?
- 5.12 In the course of the review process, the following areas have been the subject of particular focus:
- 5.12.1 Policy and procedure: Is the policy and procedure appropriate? Does it reflect relevant legislation and regulation?
- 5.12.2 Compliance with policy and procedure: Was established policy and procedure complied with? In which areas might it not have been?
- 5.12.3 Training and awareness: Were staff involved appropriately trained in the established legislation, policy and procedure and did they have the requisite level of understanding to have acted appropriately (e.g. in relation to risk of harm management)?
- 5.12.4 Organisational culture and attitude: Did staff draw conclusions from presenting circumstances that informed approaches based on attitudes, pre-conceptions or prejudice rather than evidence and did this affect their responses?
- 5.12.5 Leadership and supervision: Were staff members involved in managing this case working with effective leadership and were supervisors intrusively overseeing and co-ordinating what was done to ensure that it was appropriate and met the demands of the presenting circumstances?
- 5.12.6 Information sharing and inter-organisational working: Did organisations dealing with the circumstances leading to this murder work effectively together? Did they share information in line with relevant legislation and procedure and was this shared information used to inform assessment of the situation and identify required action to address it?
- 5.12.7 Resources and capacity: Did organisations dealing with the circumstances leading to this murder have access to and deploy sufficient staff and resources proportionate to the situation that they faced?
- 5.13 The independent chair then had individual discussions with agency representatives as he deemed necessary in order to address issues within the scrutiny of the review in more detail.

5.14 In addition, the man responsible for murdering Bijan Ebrahimi, Lee James, was interviewed about his motivation for perpetrating the fatal assault, how that motivation arose and what interventions might have successfully prevented it. Stephen Norley (the man who assisted Lee James in dragging and burning Mr Ebrahimi's body) declined to be interviewed for this process.

5.15 The independent chair prepared a draft report using all the information gathered from the above process and sent it out to review panel members, inviting their comments on points of disagreement or inaccuracy. The report was re-drafted, taking into account the comments received and this was considered at a final multi-agency meeting. This final report was then prepared.

5.16 After the publication of the IPCC Report of their investigation, Safer Bristol Partnership Board decided that David McCallum should review the content of this report and make any necessary amendments in light of additional information and analysis made available by the IPCC. Significant amendments made have been referenced to the IPCC Report where appropriate so the reader can identify them. Additional amendments have also been made in response to representations from members of Mr Ebrahimi's family in light of the contents of the IPCC Report and associated consultation with organisational representatives where necessary.

6. SCOPE AND PARAMETERS OF INQUIRY

6.1 This review has been structured to identify key strategic and operational points of learning rather than to represent a detailed probe into the handling of individual incidents involving Mr Ebrahimi.

6.2 During the period when Mr Ebrahimi resided in Bristol, he had many interactions with a range of organisations and this review has not examined the detail of all of those interactions. It is expected that all of the organisations will reflect in detail on their own responses and assess any appropriate action required.

6.3 The focus of the review has been to identify whether there were avenues by which Mr Ebrahimi could have been responded to in a manner that might have changed the course of events and avoided his victimisation and murder. It has not focused on Lee James and Stephen Norley and how the risks that they posed could have been managed more effectively.

6.4 The management by the police of events immediately preceding the murder of Mr Ebrahimi (11th July 2013 onwards) was subject on a detailed ongoing investigation by the Independent Police Complaints Commission at the time this review was conducted and there was a possibility that these investigations led to criminal charges and misconduct proceedings being preferred. For that reason, those events are not closely scrutinised in this review but are considered as part of the wider picture.

7. THE FACTS

7.1 Mr Bijan Ebrahimi was murdered at about 1am on Sunday 14th July 2013 near his home in Capgrave Crescent, Brislington, Bristol. A neighbour, Lee James, confronted Mr Ebrahimi outside his home and brutally assaulted him, including inflicting injuries by kicking and stamping on him that proved fatal. With the assistance of another neighbour,

Stephen Norley, he then dragged Mr Ebrahimi's body to a green area nearby. Stephen Norley provided white spirit to Lee James who poured it over Mr Ebrahimi and set it alight. Lee James and Stephen Norley pleaded guilty to offences of murder and assisting an offender and were sentenced to life imprisonment with a minimum tariff of eighteen years and four years imprisonment respectively on 28th November 2013.

7.2 Bijan Ebrahimi was born in Iran in 1969 and lived there during his formative years. His parents both died when he was a young man and he was a full time carer for his father for some time before his death from cancer. As a single man, he came to live in the United Kingdom in 2000. In July 2001, he was granted indefinite leave to remain here as a refugee. Mr Ebrahimi attended college and studied plumbing, carpentry and information technology but a back condition that he had suffered since his twenties worsened and increasingly adversely affected his mobility and his ability to work. He had two sisters in the UK, with whom he had a close, loving and mutually supportive relationship. His relationship with the rest of his family, not least his two nephews in the UK was also very close. He took up privately rented accommodation in Bedminster, Bristol in a house that he shared with five other people. In October 2005, he was assaulted by a fellow house mate who threw hot water over him causing significant scalding injuries. The person responsible was convicted of that assault and sentenced to nine months imprisonment⁶. Mr Ebrahimi applied for a change of accommodation. SARI (Stand Against Racism and Inequality) allocated a case worker to support him. Although SARI provided support for Mr Ebrahimi from 2005 until 2011, their case files from 2005 to 2007 had been destroyed before the instigation of this review in accordance with their data storage policy.

7.3 After further alleged victimisation by other tenants of this communal accommodation⁷, he was moved by Bristol City Council Housing Department to a flat at Whartons, Brislington in November 2006. Again, Mr Ebrahimi reported being regularly targeted for racist abuse there⁸ and in August 2007, a meeting was held between the police, Bristol City Council Housing and SARI. As a result, an emergency re-housing application was made. Shortly after this, there was an arson attack on Mr Ebrahimi's home⁹ and he was placed in temporary emergency accommodation to safeguard his welfare. On 17th September 2007, Mr Ebrahimi took up residence at 88 Capgrave Crescent, Brislington.

7.4 Although there were no further accommodation moves from this point, a pattern had been established that would continue until Bijan Ebrahimi's death. He reported being the victim of repeated harassment, assault and criminal damage, some of it serious and much of it racially aggravated. He sought and received medical advice and treatment for the adverse health effects that he was suffering as a result of some of this victimisation. He also came to police attention as a suspect of crime periodically, mainly in relation to allegations and counter-allegations of assault or public disorder. From information within the IPCC Report, there is evidence that at least some of the allegations against Mr Ebrahimi may have been made with malicious intent as part of the victimisation of him (e.g. In May 2009, a neighbour made an allegation of sexual assault against Mr Ebrahimi. He was arrested and provided to police a recording that he had covertly made of a

⁶ Information taken from police records

⁷ SARI and BCC Housing record allegations made by Mr Ebrahimi during this period of a number of threats and assaults against him. Records are not specific in terms of numbers.

⁸ SARI and BCC Housing records show that Mr Ebrahimi made allegations of assault, damage, threats and that his car had been set on fire.

⁹ 28th August 2007, recorded in BCC Housing, Bristol Care Direct and GP records.

conversation with the neighbour in which she threatened to make such an allegation if he complained about her assaulting him)¹⁰.

7.5 The information available is not specific enough to assure complete accuracy but between October 2005 and his death, police records provided for this review indicate that Mr Ebrahimi made about forty-four allegations that he had been the victim of a crime (or multiple crimes) to the police. These included seventeen recorded allegations of assault, seven threats to kill, five of harassment, five of criminal damage, twelve of public order related offences and one cruelty to an animal. Crime recording information provided indicates that twenty-three of these allegations were recorded by the police as crimes. Information provided by the police includes specific reference to racist elements or racial aggravation to sixteen of these reports, although Mr Ebrahimi always believed that the offending against him was, at least in part, racially motivated. Information within the IPCC Report indicates that the police recorded 25 crimes reported by Mr Ebrahimi from 2007 until his death and should have recorded at least 73 to have complied with the National Crime Recording Standard¹¹. He also made a number of allegations to Bristol City Council and various other organisations and it is not possible to be sure which duplicated reports to the police and which were additional incidents being reported. Some of his allegations related to patterns of victimisation rather than individual incidents. Other than the conviction in 2005 of a man for scalding Mr Ebrahimi referred to above, this large number of allegations resulted in just one person being cautioned as a result of a minor criminal damage¹².

7.6 There is limited evidence of purposeful investigation into the many allegations made by Mr Ebrahimi or of focused multi-agency activity to either assess the risk of harm posed to him or take action to mitigate it.

7.7 During the above period, Mr Ebrahimi was himself alleged and counter-alleged to have committed a number of offences and to have been responsible for many acts of anti-social behaviour (but see paragraph 7.4 above).

7.8 He was arrested on fifteen occasions since his arrival in the UK in 2001, on suspicion of having committed a range of offences including possession of an offensive weapon, assault, public disorder, harassment and sexual offences (against adults)¹³. No further criminal action was taken against Mr Ebrahimi in relation to any of these arrests except that he was cautioned for having possession of an offensive weapon (a Stanley knife blade) in public in 2005. From information shared for the purpose of this review, it appears that the agencies working with Mr Ebrahimi received more than two hundred allegations of criminal or anti-social behaviour from or against Mr Ebrahimi between 2006 and his death (it is not possible to be accurate in terms of numbers because some reports to one organisation may refer to the same incidents reported to others). Many allegations made both by and against Mr Ebrahimi could be categorised as 'counter-allegations'¹⁴.

¹⁰ (Paragraphs 396-398, IPCC Part B Report).

¹¹ (Paragraphs 35-37, IPCC Part B Report).

¹² 17th July 2008, a person was cautioned for cutting the heads off Mr Ebrahimi's flowers and digging up his garden.

¹³ Information provided from police records.

¹⁴ when one person makes an allegation another in response to the other's allegation against him/her

7.9 Evidence provided for this review suggests that some reports made about Mr Ebrahimi's alleged behaviour were made in good faith¹⁵. Police reported that there was evidence that some accounts given by Mr Ebrahimi may not have always been accurate representations of the facts (see below for details). The IPCC Report comes to a different conclusion. Their examination of police responses to Mr Ebrahimi since 2007 found no evidence of Mr Ebrahimi's reports being inaccurate although they were frequently disbelieved. Evidence provided for this review indicates that he was subjected to a significant level of victimisation and that this victimisation was perpetrated by a number of different individuals and at different addresses where he resided during his life in Bristol. He suffered real injuries, his property was repeatedly damaged and he has been observed to be in real distress and fear as a result of this victimisation¹⁶.

7.10 There is evidence that Mr Ebrahimi suffered physical and emotional harm as result of considerable victimisation, much of which was at least partially racially motivated¹⁷, and of frustration by many concerned of the lack of activity to resolve the ongoing situation.

7.11 A number of neighbours both at Capgrave Crescent and at his previous addresses clearly had a negative attitude towards Mr Ebrahimi. Bristol City Council and the police have committed a significant level of resource and expense to responding to the many reports that were made to them. There remains uncertainty over exactly who was responsible for what and that confusion is severely exacerbated by the lack of evidence of objective investigation by the statutory organisations into what was happening and who was responsible for it.

7.12 What appears clear from the actions of the police and Bristol City Council Housing and Anti-social Behaviour Teams was that a judgement was formed, wrongly and collectively, over a period that Mr Ebrahimi was the primary problem¹⁸. There are a number of references within the police information to Mr Ebrahimi suffering from a mental health problem. In fact medical records indicate that he had presented to his general practice surgery as depressed, tearful and frightened as a result of his victimisation but he was not known to specialist mental health services and was never diagnosed with any mental illness.

7.13 In May 2009, Mr Ebrahimi alleged to police that he had been assaulted by a bus driver who had deliberately hit his arm with the bus that he was driving, damaging his watch. CCTV footage was reported by the police not to support Mr Ebrahimi's account (the IPCC Report states that the police officer who dealt with the allegation recorded that the

¹⁵ Information provided by BCC and the police indicate that many (the exact number cannot be established from information provided) concerns were expressed by a number of different people, not all of whom are believed to know each other and some who are described as having been appearing genuinely distressed when reporting incidents.

¹⁶ Scalding injuries 281005, Broken foot from jumping from window to escape assault 151105, Treated by GP for ear injury after alleged assault 311007, described as being depressed, tearful, frightened and not sleeping by GP on occasions because of his victimisation. Two cars and his home subject to arson attacks according to information provided by BCC Housing, Bristol Care Direct, GP and SARI.

¹⁷ Information provided for this review contains frequent references to allegations of racist language accompanying Mr Ebrahimi's victimisation. Although there are other references to representations by neighbours suggesting that some of the allegations were false, there is a consistency to them and incidents of racist language being used towards Mr Ebrahimi were witnessed by his sister.

¹⁸ In summary, no allegations made by Mr Ebrahimi led to any prosecution after 2005; lack of evidence of investigation of his subsequent allegations; anti-social behaviour injunction applied for only to control his behaviour (ASB) despite the many allegations that he had been the victim of ASB and when allegations were made by and against him, evidence is that others were believed and he was disbelieved.

incident took place 'off camera'¹⁹). On another occasion in June 2010, Mr Ebrahimi alleged that he had been racially abused within the hearing of police officers who were nearby and who heard the abuse (the IPCC Report states that the police incorrectly recorded that Mr Ebrahimi alleged that this had occurred within the hearing of officers and that insufficient enquiries were made to establish where the alleged incident occurred²⁰). The officers later stated that they had not been where Mr Ebrahimi had described and had heard no abuse. There is no evidence independent of Mr Ebrahimi or the Police in relation to this incident. These two incidents appear to have contributed to other police officers and Bristol City Council staff wrongly concluding that other allegations made by Mr Ebrahimi could not always be relied upon (The IPCC Report suggests that, in fact, this conclusion may have been reached earlier; see paragraph 4.3 above).

7.14 There is evidence of multi-agency collaboration in the management of Mr Ebrahimi's situation. A number of multi-agency meetings were convened and action plans were formulated and executed as a result of both allegations made by and against Mr Ebrahimi. The Multi agency focus appears to have changed during the course of time. Between 2007 and 2008, there was collaboration between Bristol City Council and the police as a result of the incidents in which Mr Ebrahimi was targeted. An emergency meeting was held in August 2007 and the police provided Mr Ebrahimi with a home alarm. In July 2008, an action plan was formulated to address noise nuisance and intimidation from neighbours. The installation of a CCTV camera was considered but not implemented for reasons that are not clear. From then on, the focus of multi-agency collaboration changed to addressing Mr Ebrahimi's behaviour.

7.15 In June 2010, Bristol City Council agreed to install CCTV and to apply for an injunction to address Mr Ebrahimi's alleged anti-social behaviour. It was felt, on the balance of probability, Mr Ebrahimi had acted in a manner that included the use or threatened use of violence and there was a significant risk of harm to others.

7.16 An interim injunction was awarded after an ex parte²¹ hearing. SARI made representations that the injunction application should not be pursued and escalated the lack of action in response to Mr Ebrahimi's allegations. However, because it was assessed wrongly that Mr Ebrahimi had been dishonest in describing elements of his victimisation and that the Council had received corroborating information from Mr Ebrahimi's neighbours that he had acted in a way to threaten and intimidate them, it was decided that the injunction would be pursued. SARI enlisted the support of Avon and Bristol Law Centre in defending the injunction application. In November 2010, the injunction was set aside because Mr Ebrahimi agreed to sign an undertaking to The Court to be of good behaviour (something that he was only persuaded to do with difficulty as he maintained throughout that he had done nothing wrong). The lawyer representing him was of the opinion that there was considerably more evidence that Mr Ebrahimi was being victimised than there was that he was perpetrating anti-social behaviour locally. The CCTV was never installed; it appears that this was discounted because of practical difficulties involved in its deployment.

¹⁹ Paragraph 387, IPCC Part B Report

²⁰ Paragraphs 587-594, IPCC Part B Report.

²¹ A hearing without the presence or representation of Mr Ebrahimi

7.17 Mr Ebrahimi applied to be re-housed in June 2009. Because of the victimisation he was suffering, he was given a relatively high priority banding (band three²²) but he did not bid and his banding was removed in March 2010. Bristol City Council representatives took steps to ensure that Mr Ebrahimi understood and was able to access the bidding system and they were satisfied that he did have the requisite level of understanding and accessibility. He again applied for re-housing in September 2012. This time, he was given a lower banding (band four), but it appears that he did not bid because he had been assessed as requiring one bedroom accommodation and his current flat had two bedrooms.

7.18 Mr Ebrahimi complained to Bristol City Council on a number of occasions about the use of dogs as part of his victimisation. In July 2009, he alleged that a neighbour's dog had repeatedly bitten him. He spoke to a housing officer on 2nd July and reported that he had spoken to the dog owner who had accused him of upsetting the dog.

7.19 There is no evidence of anything having been done about this before 13th August 2009 when he called Bristol City Council again to report being attacked by a neighbour's dog; he had apparently been advised by the police that this was a matter for the dog wardens. A dog warden gave advice that the police dealt with attacks on people by dogs. The dog warden then spoke to the police. The dog warden records show that the police said that they would call back but there is no further indication that they did or that this matter was pursued further.

7.20 The dog warden tried to visit Mr Ebrahimi on 18th August 2009; he was out and a card was left. The following day, a dog warden called on the dog owner and gave advice. It is not known whether there was any further dialogue with the police over this matter.

7.21 After that, Mr Ebrahimi reported to Bristol City Council that dog faeces had been left outside his flat, that a neighbour threatened to kill him after he asked him to put his dog on a lead and that a dog had urinated on his front door as part of what he considered to be a form of deliberate and racially motivated harassment. He repeatedly reported a large dog roaming out of control and chasing his cat. In September 2012, a housing officer agreed to write to a dog owner about this. Records state that the housing officer spoke to the dog owner a month later who, 'confirms no problems - case closed'. Mr Ebrahimi was still reporting the same dog being out of control in May 2013, when the owner undertook to keep the dog on a lead in the communal area.

7.22 The question of whether and to what extent Mr Ebrahimi might have been a perpetrator of victimisation has been subject of debate during this process. The IPCC Investigation Report includes evidence that some residents at Capgrave Crescent collaborated in their victimisation of Mr Ebrahimi, leading to several residents making allegations likely to be false and denying some of his allegations made to police when they are likely to have been true. The IPCC concluded that this was a factor that the police took no account of in responding to allegations made by and against Mr Ebrahimi. The balance of power lay with the other residents because Mr Ebrahimi was isolated and did not appear to be supported by other residents.

7.23 The professionals involved in the review process all agreed that throughout their dealings with Mr Ebrahimi, despite the stress that he was under at times, there is no

²² Bristol City Council operate an online system in which people can bid for suitable properties, which are awarded based on their prioritised banding scale.

Comment [DM1]: Family say that CC, Mayor and IPCC all agree that there is no evidence of BE being a perpetrator of victimisation. THIS IS AN IMPORTANT POINT

evidence that his demeanour towards their staff was ever abusive, threatening or inappropriate. He could be assertive and persistent but was always calm, considered and courteous.

7.24 Mr Ebrahimi has never been charged or convicted of any sexual offence. No evidence has been provided for this review that any allegation has been made to the police that he had any sexual interest in children. It is assessed as highly likely that Mr Ebrahimi would have been advised that if he had evidence of the victimisation and harassment that he reported suffering recorded on camera, it would provide compelling evidence.

7.25 Lee James' only significant contact with Mr Ebrahimi before the fatal assault was on Thursday 11th July 2013, although they knew each other as neighbours in passing. At about 8pm, he was with his children in the grassy area beside the flats, had been drinking some cans of alcoholic drink and became aware that Mr Ebrahimi was filming him and his children from his window. He said that his response was more extreme than it would have been if he had been sober but he stormed through the open door of Mr Ebrahimi's flat and shouted at Mr Ebrahimi, "Stop taking pictures of my fucking kids" (this exchange was itself recorded on film by Mr Ebrahimi and depicts Mr James going on to make threats to harm Mr Ebrahimi). He (wrongly) believed that Mr Ebrahimi was a paedophile as a result of local rumour and was outraged at being filmed by him when he was with his children.

7.26 After the exchange, Mr James went to the nearby police station to report what happened and Mr Ebrahimi also called the police. Mr Ebrahimi alleged that he had been head butted, something that Mr James denied. Police command and control information confirms that they were called, that the assault allegation was clearly made and that officers did attend. The officers took no action in relation to the alleged assault. Mr James stated that they did confirm to him that Mr Ebrahimi had taken video footage that included his children and this enraged him further. He said that he walked past the police officers who followed him back into Mr Ebrahimi's flat where Mr James again confronted him. He was then persuaded to leave and after that, Mr James said that Mr Ebrahimi continued to film people outside his flat from an upstairs window. The police then went back into Mr Ebrahimi's flat and took him away. They told Mr James that he was being arrested for breach of the peace. When they took him away, Mr James said that some people in the vicinity cheered.

7.27 Mr James was clear that he believed that Mr Ebrahimi was being arrested because his (Mr Ebrahimi's) behaviour was antagonistic. However, no evidence has been provided by any organisation contributing to this review that Mr Ebrahimi committed any breach of the peace or any offence under The Public Order Act (1986). There was clear evidence recorded by Mr Ebrahimi on video of Lee James confronting him in his own home in an agitated and belligerent manner with sufficient ferocity to provide strong evidence that Mr James was committing both a breach of the peace and an offence under The Public Order Act 1986.

7.28 On Friday 12th July 2013, Mr Ebrahimi was returned to his home, having been released from custody without charge. It is clear that the police were aware of the local tension, animosity and associated risk of Mr Ebrahimi being further targeted. A marker was placed on the police command and control system to prompt an urgent response should any calls for assistance be made. During the afternoon, he telephoned Bristol City Council, reported the events of the previous day and asked for urgent action. He was advised that the office would be closing an hour later, that a call back that day would be unlikely and to

call the police if he did not feel safe. During that evening, Mr Ebrahimi made repeated calls to police asking for assistance and they were not treated as urgent. He reported being verbally abused, repeatedly being called a paedophile and fearing for his life. His first call was received at 6.48pm but no officer attended until 8.41pm. This was a brief attendance and Mr Ebrahimi was not seen. Eventually, at 9.44pm, Mr Ebrahimi turned up at Brislington Police Station and spoke to the police from the outside telephone there. He was advised to go home and did so having again expressed his concern that he was not safe there. The police command and control systems wrongly records a reference to Mr Ebrahimi being '*very difficult*' and having a '*habit of making things up*'.

7.29 On Saturday 13th July, Mr James spent the afternoon and evening drinking outside with friends and neighbours outside the flats in Capgrave Crescent. He said that he did not see Mr Ebrahimi at all. It would be easy to understand why Mr Ebrahimi would have been fearful of drawing attention to his presence during that day. Mr James acknowledges that he had been advised to stay away from Mr Ebrahimi but when he saw him outside his flat at about 1am on the morning of Sunday 14th July 2013, he said that he went over to warn him. Mr James states that, following a verbal exchange, he '*lost it*', perpetrating the vicious assault that killed him.

7.30 The death of Bijan Ebrahimi and the circumstances of it has left a hole in the lives of his sisters and young nephews that they feel can never be filled. They feel an indescribable emptiness and their lives will never be the same again.

8. ANALYSIS

8.1 As part of the review process, contributing organisations were asked to provide a short management review that provided critical analysis of that organisation's contact with Mr Ebrahimi and where they felt lessons could be learned. The analysis below reflects points made in those management reviews, discussions within the multi-agency meetings and individual conversations between the author and organisation representatives since.

8.2 It is important to understand the context of Bijan Ebrahimi's life in Bristol. Mr Ebrahimi was a single man living in an unfamiliar country and with limited awareness of the functioning of the various agencies and organisations with which he was required to engage. He had physical and emotional conditions that impinged on his quality of life. He suffered a number of health difficulties including a significant back complaint that restricted his mobility and caused him considerable pain. He was on prescribed medication and had a minor speech impediment that, with his accent, adversely affected his ability to communicate.

8.3 Throughout Mr Ebrahimi's life in Bristol, he resided in areas of high social need and also where there was less ethnic population diversity than many others in the city. It has been the experience of SARI that those visibly from Black and minority ethnic backgrounds in Bristol (like any other UK city) are likely to suffer the corrosive and debilitating 'drip-drip' effect of repeated low level prejudice and racist behaviour towards them. It is also their experience that single men are disproportionately more likely to be targeted for this type of victimisation and that Black and minority ethnic people are more likely to be targeted in less ethnically diverse areas of the city. Victims of this behaviour often develop coping mechanisms to survive their experiences and these frequently involve not drawing attention to themselves, ignoring comments and quietly moving on when they have the

opportunity. It is well established that incidents of both racist targeting and hate crimes are under-reported to the authorities²³. Although it is unacceptable that such coping mechanisms are necessary, they are likely to often prevent escalation of victimisation and limit its scale and seriousness. Bijan Ebrahimi was regularly visited by a sister and she witnessed racist abuse being directed towards him; he was being called, “*foreigner*”, “*cockroach*”, “*Paki*” and told to, “*Go back to your own country*”. She urged him not to get involved with perpetrators and to keep his head down. On occasions, however, Mr Ebrahimi did draw attention to himself; he rightly challenged racist behaviour towards him and reported incidents.

8.4 He continued to challenge until his death, despite having suffered serious assaults and victimisation including arson and his reports having resulted in little in terms of those responsible being held to account.

8.5 If the circumstances of victims like Bijan Ebrahimi are to be properly assessed and managed proportionately to the harm that they suffer, the context of their lives must be recognised. This means that members of staff from the organisations with which such individuals have contact must have a high level of awareness of the issues described above and be motivated to deal with them assertively.

8.6 During the thirteen years that Bijan Ebrahimi was in Bristol before his death, he came into contact with statutory organisations many times. In his dealings with these organisations, he repeatedly reported having been the victim of criminal acts such as assault, threats, harassment and criminal damage. Frequently, these alleged offences were accompanied by racial abuse and occurred in a context of significant local animosity towards him. He was wrongly labelled as a pervert or a paedophile by some members of the community and appears to have been quite isolated, with few support systems in place other than his family. He is described as always having expressed his concerns to professionals calmly and being patient, polite and tolerant, although he was referred to as being intoxicated during some interactions. From the outset, there is evidence that both Bristol City Council and the police listened to him and did take some steps to respond to his complaints. His housing arrangements were considered and he was assisted to move from accommodation in which he was being targeted. The police provided him with an alarm that could be used to seek help if in need.

8.7 However, even in those early years, one striking factor that is apparent throughout the period when he was in Bristol was that his complaints appear to have resulted in limited investigation. There is a considerable amount of evidence of recording of information of allegations of victimisation of Mr Ebrahimi both by Bristol City Council and

²³ For instance see, Dick S, Homophobic Hate Crime: The Gay British Crime Survey 2008, Stonewall. Metropolitan Police Service, Diversity and Citizen Focus Directorate, Women’s Experience of Homophobia and Transphobia: Survey Report, 2008, pp. 27–29. Southern R and James Z, Devon-wide Gypsy and Traveller Housing Needs Assessment, University of Plymouth, November 2006, p. 58. Jansson K, Black and Minority Ethnic Groups’ Experiences and Perceptions of Crime, Racially Motivated Crime and the Police: Findings from the 2004/05 British Crime Survey, Home Office Online Report 25/06, pp. 23–24. Also, Disabled People’s Experiences of Targeted Violence and Hostility: Research Report for the Equality and Human Rights Commission, Office for Public Management, March 2009, pp. 71–75. Disabled People’s Experiences of Targeted Violence and Hostility: Research Report for the Equality and Human Rights Commission, Office for Public Management, March 2009, p. 76. For example, Getting Away With Murder, Scope, United Kingdom Disabled People’s Council, Disability Now, 2008. Hidden in Plain Sight, Equality and Human Rights Commission Inquiry into Disability-Related Harassment, September 2011, pp. 141.

the police, but little of purposeful commitment to investigate that victimisation, bring anyone to account for having perpetrated it or bring it to a halt. The material furnished for this review has not included or allowed detailed analysis of the quality of individual investigations into allegations made by Mr Ebrahimi. However, there are references to instances in which Mr Ebrahimi made clear allegations of crimes against him but then he was being asked whether he wanted to 'make a complaint' or the onus was placed on him to attend appointments and if he did not, the case was closed.

8.8 Arrests were made on some occasions in which other witnesses gave accounts of incidents that were significantly different to the description provided by Mr Ebrahimi.

8.9 There were many occasions (information provided does not enable the exact number to be identified) when Mr Ebrahimi made clear allegations of crimes but they were not recorded as crimes in accordance with the National Crime Recording Standard²⁴. No rationale has been produced to indicate why these crime allegations were not recorded as such and no evidence has been provided to suggest that these decisions were queried or subject of any supervisory scrutiny.

8.10 The National Crime Recording Standard states:
*"An incident will be recorded as a crime for offences against an identified victim, if, on the balance of probability: the circumstances as reported amount to a crime defined by law and there is no credible evidence to the contrary."*²⁵

8.11 It is not appropriate for police officers or staff to judge that they will not record criminal allegations made by an individual just because they have had concerns about the veracity of previous allegations made by that individual. Not only does the failure to record crime according to The National Crime Recording Standard skew information and statistics in relation to crime prevalence with the associated impact on needs assessment analysis and the commissioning of services, it also has the effect both of ensuring that there is little likelihood of further investigation and of denying victims access to support and advocacy through the Victim Support Service (or SARF in relation to hate crime). If, upon investigation, police officers or staff have evidence to suspect that no crime has been committed, the evidence for that belief should be clearly recorded and that decision should be subject of supervisory oversight. The person reporting the crime should be confronted by the evidence and advised of the decision not to record a crime.

8.12 Although Mr Ebrahimi has been described as easy to engage and work with by professionals, his behaviour towards his neighbours was sometimes alleged and counter-alleged by some of his neighbours to be antagonistic, provocative and intimidating towards some people around him. Mr Ebrahimi was arrested on fifteen occasions; eleven of these arrests were prior to 2008 and other than having been cautioned for possession of a Stanley knife blade, no further information has been provided about those arrests, their context or the grounds for making them and there is no analysis of this in the police management review. These arrests did not translate into any prosecutions and questions must arise for the police to answer when anyone is arrested on such a large number of occasions and yet no criminal action follows as to whether the arrests were justified. Information has not been provided on how many arrests were made as a result of allegations made by Mr Ebrahimi. It is clear that some allegations were followed up and

Comment [DM2]: Any allegations made by non-neighbours

²⁴ The IPCC Report states that the police should have recorded an additional 40 crimes based on allegations made by Mr Ebrahimi (paragraphs 35-37, IPCC Part B Report).

²⁵ The National Crime Recording Standard: What you need to know, Home Office, March 2011

arrests made, particularly earlier on, but none led to prosecution. The IPCC Report provides evidence of police officers and staff repeatedly choosing to believe other residents of Capgrave Crescent whilst disbelieving Mr Ebrahimi. A narrative developed that Mr Ebrahimi was dishonest in his dealings with the police, a narrative for which the IPCC found no evidence.

8.13 On one occasion in 2008, Mr Ebrahimi alleged an assault and unsuccessful arrest attempts are reported to have been made for six months, after which no prosecution could be pursued because the case was out of time.

8.14 As the years went by and the number of allegations by (and to a lesser degree, against) Mr Ebrahimi rose, rather than bringing a sharper and more enquiring and problem solving focus on what was happening, there seems to have increasingly been a disregarding of the allegations that were being made by him²⁶. This was probably in part because a view was formed wrongly that Mr Ebrahimi was not reliable, which he strongly disputed and for which the IPCC, in their investigation, found no evidence. Another view began to be expressed that he may have had mental health issues (which was never accepted by Mr Ebrahimi). His allegations, some of which were serious and included repeated threats to kill and significant assaults, were not dealt with. Bristol City Council departments dealing with housing and anti-social behaviour accepted this inaction. The allegations that Mr Ebrahimi made that he had been attacked and bitten by neighbours' dogs and that dog faeces and urine was left outside or against his door were not pursued. There is evidence that rather than to objectively investigate, agencies wrongly drew the conclusion that because various different individuals made different but similar allegations against Mr Ebrahimi, he was the primary perpetrator of anti-social behaviour. Mr Ebrahimi's case was first brought to the attention of Bristol City Council's Anti-Social Behaviour Team in September 2009, when it was suspected that he was perpetrating anti-social behaviour against some of his neighbours, rather than to support him as a victim.

8.15 It is now recognised that Mr Ebrahimi's many allegations prior to September 2009 constituted anti-social behaviour against him and that this pattern of allegations should have resulted in action by this team, but none was referred for its attention. It is suggested that external organisations such as SARI or Victim Support should be able to refer alleged anti-social behaviour to Bristol City Council's team.

8.16 The Crime and Disorder Act (1998) defines anti-social behaviour as '*acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household (as the defendant).*'

8.17 Anti-social behaviour is defined in Section 153 of the Housing Act 1996 as, '*conduct which is capable of causing nuisance or annoyance to another person, and directly or indirectly affects the housing functions of a relevant landlord or consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.*'

8.18 The Anti-social Behaviour Act 2003 defines anti-social behaviour as, '*any behaviour which is capable of causing nuisance or annoyance to any person or uses or threatens to use housing accommodation owned or managed by the council for an unlawful purpose.*'

²⁶ An early allegation of assault made by Mr Ebrahimi in 2005 resulted in the only conviction. A person was cautioned for damaging his garden in July 2008 and discussion was held around risk management and the installation of covert technical surveillance.

8.19 Bristol City Council receives about thirty-six thousand reports of anti-social behaviour every year²⁷, some of which are referred on from other organisations to which they are made originally. Seventy percent of complaints are made directly to council staff with most of the others being reported to the police. It is recognised that the extent and quality of information sharing is not sufficient to ensure that accurate assessment is informed appropriately and that the small minority of cases that go on to receive active intervention are accordingly not always the right cases. The process that is normally followed in managing anti-social behaviour would have been that the situation would have been one among many referred into anti-social behaviour panel meetings for this part of Bristol. It would then have been identified as a case that needed to be the subject of a 'case conference' to enable a more detailed examination of what was happening and what needed to be done by all organisations involved.

8.20 When the decision was made to seek an injunction to exercise control over the behaviour of Mr Ebrahimi, there is no clear rationale that has been produced by any organisation why, amongst the many allegations made, he should have been the only subject of such an order. It is accepted practice to formally record decisions made at case conferences and their rationale records the thinking that led to a particular course of action. However, in this case, when the case was discussed at the anti-social behaviour panel meeting, there was so much concern expressed about the effect that Mr Ebrahimi's behaviour was having on other tenants that after a discussion between Bristol City Council's Anti-Social Behaviour Team and the police, a decision was made that an injunction (under Section 13, Anti-Social Behaviour Act 2003) needed to be urgently sought. No notes were taken of that discussion or the rationale for acting with such haste but the original injunction was sought *ex parte*²⁸ because of that urgency. This is unusual.

8.21 About fifty injunctions of this nature are applied for by Bristol City Council each year and of these, only about ten are as the result of *ex parte* applications.

8.22 In Bristol City Council's injunction application, it was asserted that the list of allegations that formed the basis of it were believed to be true²⁹. Statements were taken from three residents but no evidence has been provided to indicate that there was any further investigation. These allegations included that Mr Ebrahimi had been in a communal area of the block of flats, photographing another female resident and banging an iron bar. That resident reported being frightened for herself and her children. Another resident had also reported the banging of the iron bar on the same day and was also worried about what Mr Ebrahimi might do next. A third resident had reported that some days before, Mr Ebrahimi had lunged at him with an iron bar and had been verbally abusive to other residents. This last allegation appears to be one of criminal behaviour (assault and/or offences against sections 4 or 5, Public Order Act 1986) but no evidence has been provided for this review that there was any criminal investigation. Although several residents were making allegations that seemed to corroborate each other, further investigation was warranted, particularly in light of the history of Mr Ebrahimi suffering victimisation and alleging victimisation at the hands of his neighbours. The use of overt or covert video surveillance would appear to have been an appropriate investigative tactic in this case; both police and Bristol City Council considered it but neither deployed it for

²⁷ Statistic provided by Bristol City Council Anti-social Behaviour Team

²⁸ A hearing without the presence or representation of Mr Ebrahimi

²⁹ The IPCC found that a police officer provided a statement to support the injunction application that contained incorrect assertions to Mr. Ebrahimi's detriment (paragraphs 627-629, IPCC Part B Report).

financial and practical reasons. It is difficult to accept that video surveillance could not have been deployed in these circumstances; it might well have yielded valuable, objective evidence about what was happening and where primary responsibility lay.

8.23 In judicial proceedings, there is a principle of 'equality of arms' ensuring that processes are fair and that decision makers have access to all relevant information, not just what has been selected by one side. This appears to have been absent in the proceedings leading to the granting of the injunction against Mr Ebrahimi on 11th June 2010. Proceedings without notice to one side are sometimes necessary when there is an overriding and urgent need to obtain an interim order in circumstances when a later hearing involving both sides can follow it. The current process in this type of proceedings is that the party applying for the injunction adduces the evidence supporting the application and the defendant is relied upon to submit any evidence available to contest it. This means that when there is an ex parte application, the onus on the applying party to portray an accurate and balanced picture of the situation is particularly strong, with the defendant not being represented. In this case, the urgent need was surely to investigate objectively and that investigation would have informed necessary next steps.

8.24 An implication that must be considered when any application for an injunction is made in circumstances such as applied in this case, is the effect on all parties and the local community of 'the authorities' taking this step. When an injunction has been obtained, its existence must be publicised to some extent locally in order that breaches can be recognised, reported and responded to. The act of applying for such an order and the subsequent publicising of it conveys a clear and unequivocal public message that the subject of the injunction is a miscreant and that his or her behaviour needs to be confronted. The absence of applications against anyone else in this case demonstrated that 'the authorities' had taken sides and it is clear that Bijan Ebrahimi felt very bitter about this. He saw certain housing officers as colluding with those who were responsible for his abuse.

8.25 Unfounded rumours that Mr Ebrahimi was a 'paedophile' were circulating since 2007, animosity towards him immediately prior to his death was in part as a result of this local belief and it played a significant part of Lee James' motivation to carry out his murderous assault. There has been **no** evidence provided for this review that Mr Ebrahimi may have had any sexual interest in children.

8.26 There was an incorrect prevailing view among some neighbours that Mr Ebrahimi was a paedophile. The authorities were aware of that view, took no steps to correct it³⁰ and it is possible that the silence of agencies on this may have been taken by some as confirmation of local suspicions. Local belief that an individual is a sex offender or a paedophile must be regarded as an important risk of harm indicator. The many examples of individuals being targeted for violent attacks on suspicion of them being paedophiles illustrates a prevailing 'moral compass' amongst many in UK communities that is tolerant or even permissive towards such victimisation³¹.

³⁰ The IPCC Report does make reference to police sending letters to residents of The Whartons in 2007 with a view to dispelling local rumours that Mr Ebrahimi was a paedophile (paragraph 781, Part B, IPCC Report).

³¹ In 2000, The News of The World suspended a 'name and shame' campaign to publicise the name and location of convicted paedophiles because of the number of vigilante attacks.

8.27 In the days leading to Mr Ebrahimi's death and when he was arrested, although there was some recognition by police officers of the risks associated with this labelling, action taken to mitigate those risks was not proportionate to their severity.

8.28 At no time was there any challenge or escalation in relation to either the lack of response from the police or the management of the case by Bristol City Council other than by SARI. SARI did escalate the lack of action but there is no evidence that this resulted in any meaningful review of agency action or a greater focus of activity. This in turn did not lead to SARI raising the escalation to a higher level or actively using agency complaints procedures on Mr Ebrahimi's behalf (Mr Ebrahimi did make a formal complaint against police with SARI support in 2008 in relation to neglect or failure in duty and the mishandling of property, but he appears not to have engaged in the process and the complaint was discharged for this reason after being referred to the IPCC for a dispensation). SARI workers made many attempts to engage with police officers in addressing Mr Ebrahimi's victimisation, but their calls were frequently not returned, there is little evidence of either a responsive reaction to SARI's representations or an incrementally increasing assertive approach by SARI in demanding that the victim's voice be heard. The senior leadership of SARI had effective links to both Avon and Somerset Constabulary and Bristol City Council and all agree that escalation to that level would have led to a case management review. Although a case conference was held to consider how to deal with the situation involving Mr Ebrahimi, SARI representatives were not invited, preventing his voice being heard in the process.

8.29 There is no established escalation policy that would have directed how such an escalation would proceed if no quick resolution could be agreed. From 2011 onwards, SARI were no longer involved in Mr Ebrahimi's case because he apparently stopped providing consent for them to receive notifications of his allegations; he stated that this was because he was ashamed of still being victimised.

8.30 There is little evidence from the material produced for this review that representatives of statutory agencies exhibited much empathy for the plight of Mr Ebrahimi as a serial victim of bullying and harassment and the effect of such victimisation on him. The IPCC Report provides evidence that, rather than prioritising Mr Ebrahimi's reports as a victim of repeat hate crime, the police took an increasingly negative view of him as the number of his reports to them increased³². SARI provided him with support which he will doubtless have found valuable. Despite the number of allegations of crime that Mr Ebrahimi made, only five notifications were made on his behalf to Victim Support before his death between July 2008 and June 2009. On three of these occasions, Mr Ebrahimi said that he was receiving support from SARI, on one he declined further support and one was only received by Victim Support more than three months after the assault. On that occasion, one unsuccessful attempt was made to call him before the case was closed because of the time that had elapsed since the incident.

8.31 The process of police reporting to Victim Support (and SARI in relation to hate crime) changed during Mr Ebrahimi's life in Bristol. Until February 2008, police officers or staff taking details of allegations of crimes were expected to ask victims if they consented for their details to be passed to Victim Support at the time of taking the crime report; details were only passed if they consented. From February 2008, the system was changed so that there was a default position that Victim Support would be advised unless the victim

³² Paragraphs 801-807, Part B, IPCC Report.

expressed that they did not give such consent except in certain crimes³³. In May 2012, an automatic referral process was implemented that electronically sent the details of victims reporting crimes other than the exceptions listed when a crime was recorded.

8.32 Avon and Somerset Constabulary is one of the police forces in England and Wales to have included hate crimes in the list of crime types that will not be automatically notified to victim support services based on sensitivities around support organisations unexpectedly contacting victims' addresses. Other forces have not included hate crimes in the list. Victims of hate crimes are likely to have additional issues of vulnerability and access for them to avenues of support and advocacy is particularly important.

8.33 Adding the process of involvement of the Victim Advocate Unit rather than simply notifying Victim Support or SARI without delay includes another process with potential to lead to a risk of those victims not receiving a contact or it being delayed. It is suggested that the risks associated with receiving an unwelcome cold call from Victim Support are far outweighed by the improved prospect of that contact being made quickly and reliably and that, accordingly, hate crimes should be automatically notified to Victim Support.

8.34 In the case of hate crimes, Mr Ebrahimi should have received a call from the Hate Crime Unit or police managed 'Victim Advocate Unit' requesting permission to notify SARI or Victim Support of the crime report. Based on the above processes, Victim Support should have received at least fourteen notifications from the police either automatically, from the Hate Crime Unit or (from January 2013) the Victim Advocate Unit unless he had declined to provide consent. On some occasions this was due to the crimes not being tagged as hate related and therefore they wouldn't have dealt with by the respective units.

8.35 Victim Support advise that, over the above period, there was a problem in that the police were only notifying them of a small minority of crimes (15-20%) because of concerns over data protection legislation. This has since been resolved with automatic notifications being made in 96% of cases now for those fulfilling the criteria. This does, of course, exclude identified hate crimes.

8.36 One implication that arose from the decisions that were repeatedly made not to record criminal allegations made by Bijan Ebrahimi as crimes within the crime recording system was that no notification was made to the Victim Support Service in any case where a crime was not recorded. This may not have been particularly significant when Mr Ebrahimi was in frequent contact with SARI but, from April 2011, SARI were not being referred the crimes that Mr Ebrahimi were alleging against him and therefore he was not receiving any support from either of the organisations that were there, able and willing to provide it. This was an important deficit, particularly in light of the conclusion that the police and Bristol City Council had apparently come to that Mr Ebrahimi was primarily a perpetrator. He was a vulnerable man who urgently required independent advocacy to support him. SARI did generally provide effective support and advocacy to Mr Ebrahimi. Their intervention to ensure that Mr Ebrahimi was legally represented when the injunction application was made in relation to his alleged anti-social behaviour is one example.

8.37 Multi-agency Hate Crime Case Review Panels were in existence for most of the period when Bijan Ebrahimi reported victimisation. These panels were established to ensure that hate crimes were being appropriately managed by the police and with co-

³³ domestic abuse related crime, sexual offences, hate crime or blackmail.

ordination of activity across other relevant organisations with the need for additional focus being exposed and action progressed. The panels operated for most of the period during which Mr Ebrahimi resided in Bristol. They were in operation until October 2012 when they were discontinued and then re-instated in October 2013. No evidence has been provided to this review to suggest that any of the many hate crime allegations made by Mr Ebrahimi were considered at a Hate Crime Case Review Panel. This panel may have provided the ideal multi-agency forum to identify the pattern of offending being reported and stimulate the investigation and assessment required, but it did not. Such panels will only be effective if the necessary inter-agency culture of challenge and reflection described in this report exists. The current Hate Crime Review Panel has only been re-established since Mr Ebrahimi's death. It is recommended that its Terms of Reference and referral processes be examined to ensure that cases such as this would reach the scrutiny of this panel in the future.

8.38 Avon and Somerset Constabulary also operated a specialist Hate Crime Unit in Bristol comprising a dedicated detective sergeant and hate crime investigators as part of Bristol's Public Protection Unit. This unit was disbanded two years ago. It must be recognised that this unit, when in existence, did not lead to a holistic view being taken of Mr Ebrahimi's situation. However, there was general agreement by those involved in the review process that the unit did provide a useful dedicated focus on hate crime issues which has now been significantly diluted. It is positive that a dedicated Hate Crime Officer is now in post in Bristol.

8.39 In 2010, Bristol City Council introduced a 'Vulnerable Tenants Policy', to ensure that tenants identified as vulnerable receive a service that recognises and appropriately responds to that vulnerability. Vulnerable tenants were defined as *'those who need or who may need additional care or floating support services to live independently and maintain their tenancy now or in the future'*.

8.40 The policy document goes on to state that a broad view is taken of vulnerability and that the policy applies to people within different vulnerability groups including those suffering physical disability, mental health problems or emotional distress, drug and alcohol problems, offenders or those at risk of offending, those fleeing harassment and refugees. A useful risk assessment matrix was devised that was to be completed following a complaint and would highlight those who should be considered under the Vulnerable Tenants Policy.

8.41 This matrix would have been particularly applicable in Mr Ebrahimi's case because it explores the perception of the victim of the incident and its motivation and the support that is available and might be required. Those identified as vulnerable tenants would be subject of a process of risk identification and management and there is a focus on action that could have been important in highlighting Mr Ebrahimi's circumstances and what was required to address them. Mr Ebrahimi was judged not to fulfil the threshold criteria to be regarded as a 'vulnerable tenant'. It is suggested that some tenants may be very vulnerable notwithstanding that they have the mechanical skills to live independently and that the qualifying criteria definition be amended by removing criteria of being unable to live independently from the sentence.

8.42 The police management of incidents leading to the death of Mr Ebrahimi continued a pattern of dealing with him as a suspected perpetrator whilst exhibiting reluctance to accept or investigate the (usually more serious) allegations that he made. The arrest of Bijan Ebrahimi on 11th July 2013 reinforced the message that he was the problem. The

police management of events from 11th July 2013 onwards have been the subject of detailed investigation by the Independent Police Complaints Commission but they are relevant to the terms of reference for this review, so are considered.

8.43 Mr Ebrahimi called the police at 8.16pm on Thursday 11th July alleging that he had just been assaulted by a neighbour by being head-butted. Lee James states that he walked to the nearby police station and also reported the incident. The police attended quickly and, having assessed the situation and spoken to those present, arrested Mr Ebrahimi. He is described as having been arrested using the common law power for a breach of the peace and for an offence of causing harassment, alarm or distress³⁴. The Court of Appeal defined a breach of the peace as being '*an act done or threatened to be done which either actually harms a person, or in his presence, his property, or is likely to cause such harm being done*'³⁵. The police can arrest when a breach of the peace occurs or to prevent a breach of the peace. The evidence clearly indicates that Lee James caused a breach of the peace both before police arrival and in the presence of the attending officers; Mr Ebrahimi does not appear to have done so and if there was a risk of a further breach of the peace occurring after police attendance, the evidence suggests that Lee James would have been the likely culprit, not Bijan Ebrahimi. To have been guilty of causing harassment, alarm or distress under section 5 of the Public Order Act 1986, Mr Ebrahimi's behaviour in filming Lee James and his children would need to be interpreted by a court as threatening, abusive or insulting. Although his continuing to video record events could be seen as provocative, he committed no crime by doing so and it is easy to understand why Mr Ebrahimi was keen to record definitive and unarguable evidence of what was happening.

8.44 Mr Ebrahimi was detained overnight and released the following morning without having been charged with any offence. Apparently, attempts were made to persuade Mr Ebrahimi to stay elsewhere immediately after release from custody but that he was insistent that he was going home. Police did recognise the risk of him being further targeted. They paid attention to his flat after his arrest overnight and placed a 'Treat as urgent' marker against his address on their command and control system. At 6.48pm on Friday 12th July, Mr Ebrahimi rang police reporting that neighbours were sitting on a bench outside his flat making comments about him being a paedophile, asking him where his handcuffs were and why he came back. At 7.10 that evening, he made another similar call. The police had not yet attended and in this call, Mr Ebrahimi told police that his life was in danger. He made further calls at 7.30 and 7.32pm. Mr Ebrahimi was called back at 7.40 and he asked what the situation was in terms of attendance and what he should do. He was advised that someone would be there as soon as possible.

8.45 It is recorded that when attempts were being made to identify officers to attend, one officer who knew him advised that Mr Ebrahimi could be very difficult, that he has upset local residents and that two officers should attend as he has a habit of making things up. Mr Ebrahimi made a further call at 8.09 and an officer attended at 8.41. At that time, no-one was outside Mr Ebrahimi's address and the officer left. The log records an observation that Mr Ebrahimi makes accusations against police officers and that if he calls again, he should be advised to go home. At 8.44, Mr Ebrahimi called using the telephone outside Brislington Police Station. He was advised that no-one was available to see him and that he should go home. He said that he was not safe at home and asked if he would be seen by a named officer the next day. It was clarified that he would not and the call was ended.

³⁴ Section 5, Public Order Act 1986

³⁵ R v Howell 2008

Events of the day before should clearly have indicated that Mr Ebrahimi was at a high risk of being targeted for victimisation. His calls for assistance should have been responded to as a matter of high priority.

8.46 When Lee James savagely attacked Bijan Ebrahimi in the early hours of 14th July 2013, it was the culmination of events that occurred only over the previous three days. Although Mr James and Mr Ebrahimi had conversed briefly when Mr James' partner had moved into Capgrave Crescent in October or November 2012 and saw each other in passing since then, the first incident of any note between them had been on Thursday 11th July 2013. The long history of allegation and counter-allegation documented in this report had not involved Lee James or Stephen Norley. Lee James says that he was under the influence of alcohol when with his children in a green area outside the flats and became aware of Mr Ebrahimi filming him from his flat. This angered him and he stormed into Mr Ebrahimi's flat and confronted him. Mr Ebrahimi's stated motivation for recording Mr James with his children on video was concern over Mr James having the supervision of his children whilst under the influence of alcohol; there is nothing in the footage recorded to give rise to any concern in relation to his interest in children. Mr James saw Mr Ebrahimi briefly on Friday 12th July going out to the bins outside his flat and then chose to confront him again when next he saw him at about 1am on Sunday 14th July. This confrontation ended in Mr James' murderous assault.

8.47 Mr James is adamant that Mr Ebrahimi's race, religion and cultural background were not factors in his attack on him. He did believe him to be a paedophile as a result of what he had been told, but he did not necessarily believe that if the police had clarified that he had been convicted of no offences against children, it would have made a difference to the outcome. He stated that his anger and dislike of Mr Ebrahimi was entirely owing to his behaviour towards him and his children. When asked whether, in his view, there was any action that could have been taken by anyone that might have prevented what happened, he stated that the police officers attending on 11th July, by advising him that Mr Ebrahimi had footage of his children, effectively aggravated him at a time when he was already angry and under the influence of alcohol.

8.48 The Stephen Lawrence Inquiry report, published in 1999, identified the overriding importance of key professionals having an acute understanding of racism awareness and valuing cultural diversity. It made a number of recommendations³⁶ dealing with the need for appropriate training and awareness raising activity within the police service, local government and criminal justice organisations. There followed a clear focus on these issues nationally both within the police service and local government. These recommendations remain as pertinent today as they were then. Although it is important to recognise the advances that have been achieved since 1999, there is evidence from the findings of this review that awareness of these issues may not be as consistently high among staff of Avon and Somerset Constabulary and Bristol City Council as they should be. It is suggested that there should be a review by both organisations of the training and awareness raising activity in place and what additional focus might be required.

8.49 Although this review process has uncovered no evidence to indicate that any of Bijan Ebrahimi's victimisation was motivated by his disability, it is important to acknowledge that he was a disabled man wrongly labelled by some local members of the community as a paedophile. There have been a number of recent cases documented in

³⁶ Recommendations 48-54 <http://www.archive.official-documents.co.uk/document/cm42/4262/sli-47.htm>

which disabled men have been similarly labelled, targeted and even murdered because of such labels³⁷. The report of an inquiry into disability-related harassment published by The Equality and Human Rights Commission³⁸ made a number of findings that resonate with this review. They included that public authorities tended to respond to individual incidents rather than patterns of behaviour and to focus on victims' behaviour and suggest restrictions to their lives rather than deal with perpetrators.

³⁷ Chronicled in 'Scapegoat: Why are We Failing Disabled People?'; Katharine Quarmby, 2011

³⁸ 'Hidden in plain sight - inquiry into disability based harassment; Equality and Human Rights Commission, 2011, http://www.equalityhumanrights.com/uploaded_files/dhfi_main_report_finalweb.pdf.

9. CONCLUSIONS

9.1 Why did Bijan Ebrahimi die?

9.1.1 Mr Ebrahimi was killed because Lee James subjected him to a vicious attack whilst perceiving him to be a sex offender and angered that he had recorded his children on film and that he had continued to record material and be defiant to Mr James after having been confronted earlier. Lee James had not been involved in any incidents in relation to events before 11th July 2013. Lee James' personal internal inhibitors were likely to have been adversely affected by his alcohol consumption and his understanding of a local negative perception of Mr Ebrahimi that might see support for such an attack on him. Although Mr Ebrahimi's ethnic origin may have contributed to Lee James' negative view of him, there is no direct evidence to establish this with any certainty.

9.2 In the circumstances, should the risk of Mr Ebrahimi being targeted have been evident and should action have been taken that might have prevented his death?

9.2.1 The savagery of the fatal attack on Mr Ebrahimi could not have been predicted from any of the presenting circumstances at the time. However, the risk of him being targeted for violence and victimisation at the time of his murder was very clear and should have been identified, assessed and managed. There was a long history of allegations that he had been previously victimised, he had suffered significant injuries in the past, there was a common, though unfounded, belief by many of his neighbours that he was a sex offender against children and that he had made spurious allegations against some of them. Police officers present on 11th July had witnessed not only Lee James' outburst but also the expressions of antipathy towards Mr Ebrahimi by some of his neighbours and there was a very obvious risk of him and/or his home being targeted. Assertive action was required to address the risk of harm to Mr Ebrahimi. He should not have been arrested on 11th July; Lee James should have. However, having made a decision to detain Mr Ebrahimi on 11th July, the risk of him returning home without further assessment or many of the risk factors having been addressed should have been apparent. Once Mr Ebrahimi had been released from custody, the police had no power to prevent him from returning home but should certainly have worked with him to ensure that he understood the risks and to agree a plan to mitigate them.

9.3 Why was action not taken that might have prevented Mr Ebrahimi's death?

9.3.1 A thread running through the management by the police and Bristol City Council of the circumstances of Mr Ebrahimi since his arrival in Bristol has been the lack of an approach that dealt effectively with an ongoing situation in which he made and was subject of numerous allegations, including crimes of violence. Part of that approach should have been to assess the risk of harm posed both towards and by Mr Ebrahimi and to respond appropriately based on that assessment. Incidents were dealt with individually, many crime allegations were not recorded as crimes and insufficient action was taken to investigate what was happening. Recording the crime allegations would have been likely to have led to him receiving more independent support and advocacy and may have led to have a greater focus on his situation. More effective investigation would have delivered a firm message to all involved that the authorities were treating the allegations seriously and that those responsible were likely to be held accountable.

9.3.2 This would have instilled confidence among Mr Ebrahimi and others in the community in the statutory agencies' commitment to deal purposefully with crime and anti-

social behaviour. Such investigation would also have informed the appropriate use of criminal and civil justice systems and the assessment of risk of harm posed to and by Mr Ebrahimi. The lack of responsiveness of the police persisted over a period of years apparently with no apparent internal supervisory oversight highlighting the need to address his allegations and situation more actively. Other agencies did not sufficiently challenge the lack of police investigation. Bristol City Council did not instigate sufficient investigation of the situation, there was not the intrusive supervision evident that might have highlighted the need to examine the situation appropriately and there was a lack of escalation both within and between organisations.

9.3.3 It is important to recognise that Mr Ebrahimi's killer was not well known to him and was not aware of much of the history referred to in this review. It must also be acknowledged that Mr Ebrahimi was a man with mental capacity who was able to make his own judgements. However, on many occasions he did report incidents that should have raised questions about the risks of harm to which he was exposed and these incidents were often not investigated and the risks not recognised or responded to. That there was a local belief that Mr Ebrahimi may be a sex offender, that he fabricated complaints, that he filmed neighbours without their consent and that this belief led to antipathy towards him were all aggravating factors in assessing the risk that Mr Ebrahimi might be harmed.

9.4 Other more specific questions that the report seeks to answer are:

9.5 Were the circumstances of Mr Ebrahimi appropriately assessed when they were brought to the attention of organisations who had contact with him?

9.5.1 Mr Ebrahimi's circumstances appear to have been appropriately assessed in terms of his need for housing, medical attention and welfare support. However, the assessments of risk of harm to Mr Ebrahimi were not adequate. The many incidents in which Mr Ebrahimi was alleged to have been victimised and to have victimised others, particularly latterly, were not recorded or investigated effectively and this meant that there was not enough reliable information to inform accurate assessment of his situation. The increasing number of such allegations should have been recognised and have prompted an increasingly tight focus of scrutiny and thorough and objective investigation. This investigation would have provided information to inform accurate assessment of risk of harm. This is a factor that did not appear to have been recognised at an operational or supervisory level within the police or Bristol City Council and was not apparently subject of any multi-agency challenge.

9.6 Was assessment informed by a process of multi-agency information sharing and were issues of information sharing appropriately managed?

9.6.1 There were various multi-agency meetings in which information in relation to Mr Ebrahimi's circumstances were shared and assessed and, particularly early on, led to support being provided to him. An alarm was provided for him by the police, he was referred to SARI for support and assistance was provided that enabled him to move accommodation more quickly than would have been the case had he not suffered the victimisation that he did. In 2008, an action plan was executed to address noise pollution and intimidation from neighbours and there is evidence that the behaviour of identified individuals responsible was challenged.

9.6.2 However, Mr Ebrahimi then reported a number of incidents in which police report that initial investigation indicated that his accounts were not accurate and at least one

other in which other apparently independent witnesses gave significantly different accounts to his³⁹. (This view is not supported by the IPCC Investigation Report. In the particular example cited here, the IPCC found that no investigation was recorded on the crime recording system and that the case was closed with no further action having been taken⁴⁰). There is evidence that this led to a view being taken by staff within the police, wrongly, that Mr Ebrahimi's allegations were not to be trusted. A number of neighbours of Mr Ebrahimi had negative views of him and this contributed to the prevailing assessment that he was the problem. This and the information sharing from the police appears to have led to the Bristol City Council anti-social behaviour team wrongly taking the same view. It was he who was made the subject of an anti-social behaviour injunction rather than those against whom he complained.

9.6.3 The evidence provided by Bristol City Council and police indicates that from June 2009 onwards, the focus of police involvement was on addressing the behaviour of Mr Ebrahimi rather than his victimisation. However, there was a well documented history of Mr Ebrahimi having been targeted for victimisation in the past and his allegations should have been taken seriously and investigated thoroughly; they were not.

9.7 Were there risk indicators apparent that should reasonably have been identified and were not?

9.7.1 There were a number of risk indicators to suggest that there was a high likelihood of Mr Ebrahimi being targeted for victimisation at the time of his death. There was evidence that some of Mr Ebrahimi's neighbours were of the incorrect understanding that he was a sex offender, that he had made vexatious complaints about them and that he was filming them (and sometimes their children) without permission. There was evidence that Mr Ebrahimi, whilst apparently aware of the risk that he might be targeted, might behave in a way that would be likely to be seen as provocative and may serve to further aggravate feelings of antipathy towards him (e.g. following the incident in which Mr James entered Mr Ebrahimi's flat and threatened him, he continued to record video from an upstairs window despite this clearly further enraging Lee James⁴¹). There was a long history of allegations of threats being made, assaults against him and his property being targeted. At the time of his murder, it was entirely predictable that Mr Ebrahimi would be very likely to be targeted. It is not suggested that the risk indicators had not been identified but there is clear evidence that insufficient significance had been given to them and they were not adequately responded to. There is nothing in the criminal history of Lee James to suggest that he was likely to commit murder but he did have some history of violence and volatile behaviour. A 'Treat as urgent' marker was placed against Mr Ebrahimi's address on 12th July 2013 but when he later contacted police to report abuse, his reports were not treated as urgent.

9.8 In all the circumstances, were responses to Mr Ebrahimi's situation appropriate and proportionate to the information known at the time?

9.8.1 As has been stated above, responses to Mr Ebrahimi's situation were not proportionate to the victimisation that he suffered or to the risk of harm to him that existed

³⁹ Following an alleged incident on 231009 in which Mr Ebrahimi reported being subjected to threatening language from a neighbour, police report that an independent witness contradicted his version of events.

⁴⁰ Paragraphs 486-493, Part B, IPCC Report.

⁴¹ Paragraphs 153 and 156, Part A, IPCC Report

for years before his murder. Allegations were made by Mr Ebrahimi that were not seen in the context of a pattern that included the very real victimisation that he had suffered. Not only were many of his sometimes serious allegations not thoroughly investigated, many were not even recorded appropriately. This was in contravention of the National Crime Recording Standard, but more importantly, it meant that referrals were not made to victim support services that were available. Assessment of risk of harm was lacking.

9.8.2 This risk should have been apparent not only from the many reports that were made by Mr Ebrahimi, but also from the allegations made against him and the local feelings of antipathy towards him, which would have been evident to those dealing with the reports. His allegations should have been listened to carefully, investigated thoroughly and those responsible for crimes against him brought to justice where the evidence was available to do so. If evidence had been uncovered to indicate that allegations that he made were false (and the IPCC's investigation found no such evidence), that evidence should have formed part of the investigation. Finally, the allegations and information obtained by subsequent investigation should have been used to assess the existence and seriousness of any ongoing risk of harm to Mr Ebrahimi. That assessment should have informed multi-agency decisions about whether and what action was required to mitigate that risk and ensure that appropriate measures were taken.

9.9 What, if any, were the blockers preventing necessary action being taken?

9.9.1 The key factor that seems to have most adversely affected the responses to Bijan Ebrahimi by the statutory agencies is that a collective incorrect view was formed that he could be dishonest⁴², that he was a nuisance, a time waster and difficult to deal with. Evidence available indicates that some became of the incorrect opinion that Mr Ebrahimi brought victimisation on himself because of his own behaviour. This appears to have been a significant factor in there being an absence of will to deal with the problems with which he presented, to take the side of others against him and to assess that it was his behaviour that was the problem that needed to be confronted. The lack of a professional and objective view of his situation was a critical blocker.

9.9.2 The approach described above was not subject either to sufficient supervisory oversight or external challenge. Earlier in Mr Ebrahimi's life in Bristol, he was referred to SARI and their advocacy has been useful to him. SARI did follow up inactivity in responses to Mr Ebrahimi's allegations but frequently, those escalations did not result in a better service for him. Many calls from SARI to the police received no response and SARI workers were not powerful in insisting that Mr Ebrahimi's voice was heard. The lack of a recognised escalation process was a blocker. When a SARI worker is not reaching a resolution to a query, there should be a recognised route by which the issue can be raised at a higher level until it is considered by a strategic leader who can unequivocally ensure that things get done. There is no evidence of supervisory oversight that questioned the approach that was being taken or that there was any challenge between organisations other than from SARI.

9.9.3 Bristol City Council never conducted any focused or purposeful investigation of their own or challenged the lack of objective police investigation of the many allegations being

⁴² The IPCC Investigation into the management of police responses to Mr Ebrahimi since 2007 found no evidence of him being dishonest in any of his dealings with the police.

made by Mr Ebrahimi and the effect that this had on their ability to assess the situation and act appropriately.

9.9.4 SARI is the commissioned voluntary sector organisation that provides support and advocacy to victims of racially motivated crime in Bristol. Victim Support also has staff available with the specialist skills required to support victims of hate crime as well as other crime types. No victimisation of Mr Ebrahimi was ever identified as disablist. Victims are only referred to Victim Support when crimes are recorded and SARI are only referred cases where there is a recorded 'hate incident' and only when the victim gives consent (Victim Support also provides support to victims of hate crime). Many of the incidents recorded, including those in which a crime was clearly alleged, were never subject of a crime report so were not referred to Victim Support. Most crimes that were reported were also not referred.

9.9.5 This meant that Mr Ebrahimi never received any service from Victim Support, who may well have acted on his behalf in highlighting risks and escalating lack of action. Many allegations made by Mr Ebrahimi were not recorded as hate incidents and, as of April 2011, either Mr Ebrahimi did not consent to referrals to SARI or he was not asked. There were other avenues of support that may have helped Mr Ebrahimi if referrals to them had been made.

9.9.6 Mr Ebrahimi's situation was never apparently considered objectively and holistically both from a problem solving and risk of harm management point of view. Avon and Somerset Constabulary and Bristol City Council spent considerable time and resources responding to allegations and concerns as they were raised but there is limited evidence that they stepped back and examined what needed to be done to resolve the situation and deal with the risks of harm that were apparent. The assessment that was done included only the police and Bristol City Council when it would have been productive to have included SARI and/or Victim Support. The use of covert or overt technical surveillance would have been likely to illuminate what was really going on. Neighbourhood meetings could have been considered.

9.9.7 The police in Bristol had an established Hate Crime Unit that formed part of the Public Protection Unit. As well as investigating the most serious hate crime and overseeing other hate crime investigations, this unit brought a specialist police focus on both recognising serial hate crime patterns and also the management of risk associated with such patterns of victimisation. The Hate Crime Unit was discontinued in 2012. It could be argued that this unit had not successfully recognised or intervened in Mr Ebrahimi's situation when it was in existence but its absence without its functions being effectively managed by other means may have contributed to the lack of appropriate action in this case. Since this case, a dedicated hate crime officer post for Bristol has been established.

9.10 Is there any evidence of discriminatory behaviour or institutional racism on the part of any organisation having contact with Mr Ebrahimi?

9.10.1 The incorrect view that was collectively taken of Mr Ebrahimi by police officers and staff and Bristol City Council Housing and Anti-Social Behaviour teams was that: he was assessed to have provided accounts that were reported as not always being accurate; he was judged to have sometimes behaved in a manner calculated to aggravate those around him; and he came to be seen as a persistent nuisance. When this incorrect view was formed, there is clear evidence to show that it led to him being wrongly regarded in a prejudicial light. Reports that he later made were wrongly regarded with suspicion and

crimes that he reported were often not investigated or even recorded as crimes. There seems to have been little consideration of the context of his life in Bristol as a single Iranian man living alone with a number of specific difficulties in relation to disability, speech and language and health.

9.11 Institutional racism is defined in the following terms:

9.11.1 "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

The Macpherson Report

9.12.1 "Institutional racism is that which, covertly or overtly, resides in the policies, procedures, operations and culture of public or private institutions - reinforcing individual prejudices and being reinforced by them in turn."

A. Sivanandan, Director, Institute of Race Relations

9.12.2 "If racist consequences accrue to institutional laws, customs or practices, that institution is racist whether or not the individuals maintaining those practices have racial intentions."

The Commission for Racial Equality

9.13.1 This overview report concludes that there was a collective failure of both Avon and Somerset Constabulary and Bristol City Council to provide an appropriate and professional service to Bijan Ebrahimi. No evidence has been provided to this review that any individual representative of either agency intentionally behaved in a racist manner. There is nothing racist in the intentions or established policies and procedures of either organisation. Nevertheless, there is evidence that Mr Ebrahimi was repeatedly targeted for racist abuse and victimisation by some members of the public, that this was repeatedly reported to Avon and Somerset Constabulary and Bristol City Council and that representatives of both organisations repeatedly sided with his abusers. The more incidents that were reported, the more ingrained this pattern of responses became right up to Mr Ebrahimi's death. Even leaving aside the tragic events leading to Mr Ebrahimi's murder, this approach had direct adverse consequences for Mr Ebrahimi beyond through a lack of response to his complaints. The obtaining of an anti-social behaviour order only against Mr Ebrahimi (rather than against those tenants about whom he made repeated complaints of racism) was misconceived and served as official confirmation of his perceived status as the primary perpetrator, rather than the primary victim. On occasions, Mr Ebrahimi was treated with disrespect and even contempt by some police officers. This review must consider what the causes were of this systemically inappropriate approach to Mr Ebrahimi. Those victimising him were overwhelmingly of white European origin and the neighbourhoods within which he lived were predominantly inhabited by residents of white European origin. Some police officers and Bristol City Council staff asserted that Mr Ebrahimi was dishonest in his reports. The IPCC, after a detailed investigation, concluded that this was not the case. Bijan Ebrahimi was isolated. His complaints resulted in little action. Some allegations and counter-allegations against Mr Ebrahimi seemed to be accepted on the basis that some were corroborated by others but without objective investigation or consideration that this might be collusion between perpetrators rather than genuine corroboration. As an Iranian man living in this environment, Mr Ebrahimi was disadvantaged by the inappropriate responses by Avon and Somerset Constabulary and Bristol City Council to

his racist victimisation. Representatives of those organisations displayed a distinct lack of understanding of his plight and, accordingly, unwitting prejudice against him. More account should have been taken by Avon and Somerset Constabulary and Bristol City Council of Mr Ebrahimi's isolation and vulnerability as an Iranian man in these circumstances. There is therefore, based on the above definition from The Macpherson Report, evidence of both discriminatory behaviour and institutional racism on the part of Bristol City Council and Avon and Somerset Constabulary.

10. RECOMMENDATIONS

10.1 Avon and Somerset Constabulary should ensure that when a crime is reported to police, it is recorded in compliance with the National Crime Recording Standard. If there is genuine justification for a decision not to record a crime that has been alleged, the rationale for that decision should, without exception, be clearly documented on the command and control log and be available for audit. In such circumstances, the person reporting the crime should be advised of that decision and the rationale for it.

10.2 When deciding how to proceed following the reporting of a crime to Avon and Somerset Constabulary, there should be a supervisory oversight of that decision and that oversight should provide leadership and specific direction to the investigation that is proportionate to the crime and its background circumstances, including any previous allegations that may have been made. It should also ensure that any risk of harm that is evident is appropriately assessed and proportionately responded to.

10.3 The level of respective priority given by Avon and Somerset Constabulary to the management and investigation of incidents brought to their attention should be determined not only by their individual seriousness but also the known background context in which they occur including the nature, number and frequency of previous incidents and an informed assessment of identified risk of harm factors present.

10.4 Recorded hate incidents should be subject of automatic notification to a source of support such as SARI or Victim Support in the same way as other crimes.

10.5 Through a programme of awareness raising and leadership, representatives of all organisations contributing to this review should develop a hard edged operational culture within which intra and inter-agency challenge and, if necessary, escalation is both encouraged and welcomed and reflection without defensiveness is the norm.

10.6 The Safer Bristol Executive Board should develop, implement and publicise a simple escalation process that all member organisations can use to progressively escalate case management disputes swiftly, decisively and effectively.

10.7 Bristol City Council should take necessary steps to ensure that any decision to undertake steps that are likely to have a punitive effect such as the application for an anti-social behaviour injunction is only taken after: (a) comprehensive investigation informing

accurate assessment of the situation and (b) consideration of the stigmatising effect on the defendant of such proceedings and the publicising of the injunction, and (c) ensuring mitigating action is taken to minimise the harm, risk and vulnerability of victims, witnesses and defendants in taking such action.

10.8 In applying for an anti-social behaviour injunction, Bristol City Council should ensure that all evidence being submitted to the court is accurate and represents a balanced picture of the known facts. An application for such an order should only be made *ex parte*⁴³ if there are urgent and compelling grounds for doing so.

10.9 Bristol City Council should undertake an immediate review of its existing case load of tenants with multiple, complex needs in order to ensure these tenant's needs are being met and to also inform future identification and assessment practices.

10.10 Bristol City Council's Vulnerable Tenants Policy should be amended so that the qualifying threshold criteria definition of a vulnerable tenant does not exclude those who are able to 'live independently'. In addition, Bristol City Council Landlord Services should formulate, publicise and proactively ensure compliance with a comprehensive process for accurately assessing existing and new tenants for vulnerability and applying the Vulnerable Tenants Policy when applicable.

10.11 Avon and Somerset Constabulary and Bristol City Council should review the training and awareness raising activities that their staff are required to undergo in relation to issues of racism awareness and valuing cultural diversity. They should then take necessary action to ensure that all staff have high levels of awareness sufficient to discharge their duties without inadvertent discrimination and to recognise and challenge when they encounter discrimination elsewhere.

10.12 Appropriate steps should be taken by Safer Bristol Anti-Social Behaviour Delivery Group to ensure that all Safer Bristol partner organisations are enabled and actively encouraged to refer cases involving anti-social behaviour for inclusion for consideration at local anti-social behaviour panels.

10.13 Safer Bristol Executive Board should commission an examination of the Terms of Reference and referral process for the newly re-established Bristol Hate Crime Case Review Panel to ensure that cases such as this come to the attention of the panel and that it provides the necessary searching assessment of whether agency responses to them have been appropriate, proportionate, co-ordinated and effective.

10.14 SARI should review its data storage policy so that case files are retained until a significant period has passed from the last involvement with an individual.

⁴³ without notice to the defendant