



Squatting Statistics 2015

The link between rising homelessness and the criminalisation of squatting - May 2016

Version 2.0 – updated 27 June 2016

Executive Summary

Squatters Action for Secure Homes (SQUASH) has been tracking implementation of section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act (s144 LASPOA)ⁱ since it came into effect in September 2012. Section 144 criminalises squatting in empty residential properties, gives the police new powers, and guilt is determined by a lay magistrate, rather than a trained judge. The four key messages in *The Case Against Section 144* (2013)¹ are used to assess its impact in 2015:

Undemocratic since this new criminal law had an unusually short parliamentary process, and the consultation process was ignored;

- Section 144 is the first piece of legislation **criminalising homelessness nationally**,

Unjust since it ignored the irrefutable link between squatting and homelessness;

- There were at least **148 arrests** under s144 LASPOA in 2015. This brings the total confirmed arrests to date to **736 people since 2012**. The percentage of those charged with the offence was 64% of those arrested in 2015 (94), and half of these were remanded in custody before the trial,
- Those arrested were predominantly male (83%), young (**average age of 30**) and homeless,
- Section 144 prosecutions have been rising year on year since 2012, and currently averages around **13 prosecutions a month**, resulting in **326 prosecutions** since 2012.
- There were **69 convictions** for section 144 in 2015, with three people imprisoned; the number of people convicted **since 2012 is estimated to be 260**, with 11 imprisonments.

Unnecessary since displaced residents were already protected under the Criminal Law Act 1977;

- When asked, no police force was able to cite a single case of a **displaced residential occupier** for a squatting arrest,
- Arrests for section 144 have been averaging around 160 arrests per year, suggesting an annual **arrest target** for this offence, whether a crime was committed or not,
- Squatters are arrested for a number of alternative offences (eg Criminal Damage, Burglary), and section 144 is used as a **backup charge**, requiring a lower burden of proof.

Unaffordable, because it transferred the social and financial costs of eviction from private owners to the public purse.

- Analysis shows a link between rising house prices, the number of long-term empties and criminalising homelessness in London and England, that underlies the purpose of section 144,
- Private landlords are three times wealthier than the general British population, yet their operations are being subsidised by legislation such as section 21 and section 144.

ⁱ Referred to as "section 144" in this report, and commonly cited as the criminal offence "Knowingly as a trespasser intending to live", Home Office offence code 125/86.

CONTENTS

1] Arrests and Disposals	4
1.1] Police Arrests & Disposals	4
1.2] Application of section 144	6
2] Prosecutions	10
3] Convictions	11
The Impact of section 144	12
4.1] Criminalising Homelessness	12
4.2] The Market Effect of Criminalising Homelessness.....	15
Conclusion	17
Appendix 1&2: SQUASH Freedom of Information (FOI) Requests, 2016	19
Arrests.....	21
Appendix 3: Data Tables for Police Forces Responding to SQUASH FOI, 2016	21
Appendix 4: Cumbria Police Arrest and Disposal section 144, 2015	21
Appendix 5: Demographic Profile of those Arrested for section 144, 2015.....	22
Appendix 6: Crime Related Incidents – Greater Manchester Police	24
Prosecutions & Convictions	26
Appendix 7: Prosecutions of section 144 Offences by the Crown Prosecution Service	26
Appendix 8: Days Taken for Completion of Prosecutions for Squatting Offences	26
Appendix 9: Prosecution & Conviction Rates.....	26
Appendix 10: Convictions - Ministry of Justice Figures (19 May 2016)	27
Housing Market	29
Appendix 11: Empty Dwellings in England, Autumn 2015	29
Appendix 12: Two Types of London Boroughs, Tolerant/ Punitive	30
Appendix 13: Section 144 Arrests, Vacant Dwellings & House Price Indices	31
About	32
Bibliography.....	32

Squatting Arrests, Disposals & Prosecutions 2015

As part of SQUASH's commitment to tracking the impact of the new law, section 144 LASPOA, SQUASH sent Freedom of Information Requests (FOI) to 37 (out of 43) police forces in England and Wales (Appendix 1), and three government departments, the Ministry of Justice, Crown Prosecution Service and the Home Office (Appendix 2), in February 2016. Thirty-four (34) of the forty institutions sent a response, but only twenty (60%) provided some information (Appendix 3). The information obtained and analysed comprises the majority of this report. From the 2015 statistics, the following key information was obtained:

Arrests & Disposals

- **Arrests:** There were at least **148 arrests** under s144 LASPOA in 2015. This brings the total confirmed arrests to date to **736 people since 2012**;
- **Charged:** The percentage of those **charged** with the offence was **64% of arrested** in 2015, and half of those charged were remanded in custody before their court hearing;
- **Other Disposals:** Those who were not charged in 2015 were either issued a **Caution** (28) or released with **No Further Action** (26);
- **Arrest Targets:** Arrests for section 144 have been **averaging around 160 arrests per year**. This suggests that there is an annual arrest target for this offence.

Prosecutions

- **Displaced Residents:** When asked, **no** police force was able to cite a single case of a **displaced residential occupier** for a squatting arrest;
- **Alternative Offences:** Squatters are arrested for a number of alternative offences (eg Criminal Damage, Burglary), and section 144 is often used as a secondary offence when the more serious offences can't be successfully prosecuted;
- **Prosecutions:** Prosecutions of section 144 offences has been rising year on year since 2012, and is currently averaging around **13 prosecutions a month**, up from 10 in 2014-15. This brings the total number of section 144 prosecutions brought for a first hearing at a Magistrates court **since 2012 to 326**.
- **Case Length:** During 2015, 66 cases prosecuting section 144 offences were completed, taking an average of **83.6 days (or 12 weeks) to complete**. This suggests quick, summary judgements, and people pleading guilty instead of challenging the charge;
- **Convictions:** there were **69 convictions** in 2015, with the most popular sentences being Fines (51%), Conditional Discharges (20%) and Community Sentences (10%). However **3 people were imprisoned** for section 144 in 2015, and the figure since 2012 is estimated to be 11 sent to prison.

Evictions (Anecdotal)

- **Fast-track evictions**, using Interim Possession Orders and High Court Bailiffs, are increasing and becoming more common;
- **Illegal evictions** by landlords, the police and security firms continue, as it is widely believed that section 144 criminalises all squatting, and that squatters are "criminals";
- **Length of Occupation:** Squats last little more than 3 weeks in general, three months at most. This is in sharp contrast to pre-2012 lengths of occupation, between 6 months to a year. This entails constantly moving from one property to another, which is severely draining and disruptive to people's lives.

1] Arrests and Disposals

1.1] Police Arrests & Disposals

The number of people arrested for section 144 offences continues to rise, with 148 known arrests in 2015, bringing the cumulative total since 2012 to 736 people. Of the 2015 arrests, 104 (74%) were in London, with Kent (10), Surrey (8), Leicester (6) and Sussex (6) the next highest (Appendix 3). The spread of arrests across the country is concentrated in areas with the highest house price growth, namely London and the South East (Map 1).

This is much the same geographical spread as was found in SQUASH's 2015 report *Homes Not Jails* examining arrest figures for 2012-14: London had by far the highest level of arrests in the country for s144 LASPOA offences, accounting for 75% of arrests in the period (441). Regions outside London reported smaller, but not insubstantial arrests for the period, with the South East being the highest (50 arrests), followed by the Midlands (39), the North (32) and the South West (23).

The most common disposal on arrest (i.e. the subsequent action by the police) was a charge being brought, at 64% (94) of arrests in 2015. The next popular option was a Caution (19%) and then No Further Action (or Released without charge) at 18%. Those who were charged, had a 50/50 chance of being bailed (i.e. released till court) or held in remand (i.e. imprisoned until a court hearing); in 2015, of those charged, 47 were bailed, and 47 held in remand.

The London Metropolitan Police appears to be more punitive in its disposals compared to non-London forces, with 66% of arrestees charged (compared to 57%), 42% held in remand (compared to 7%) and less likely to release without charge (only 12% in London, compared to 32% elsewhere).

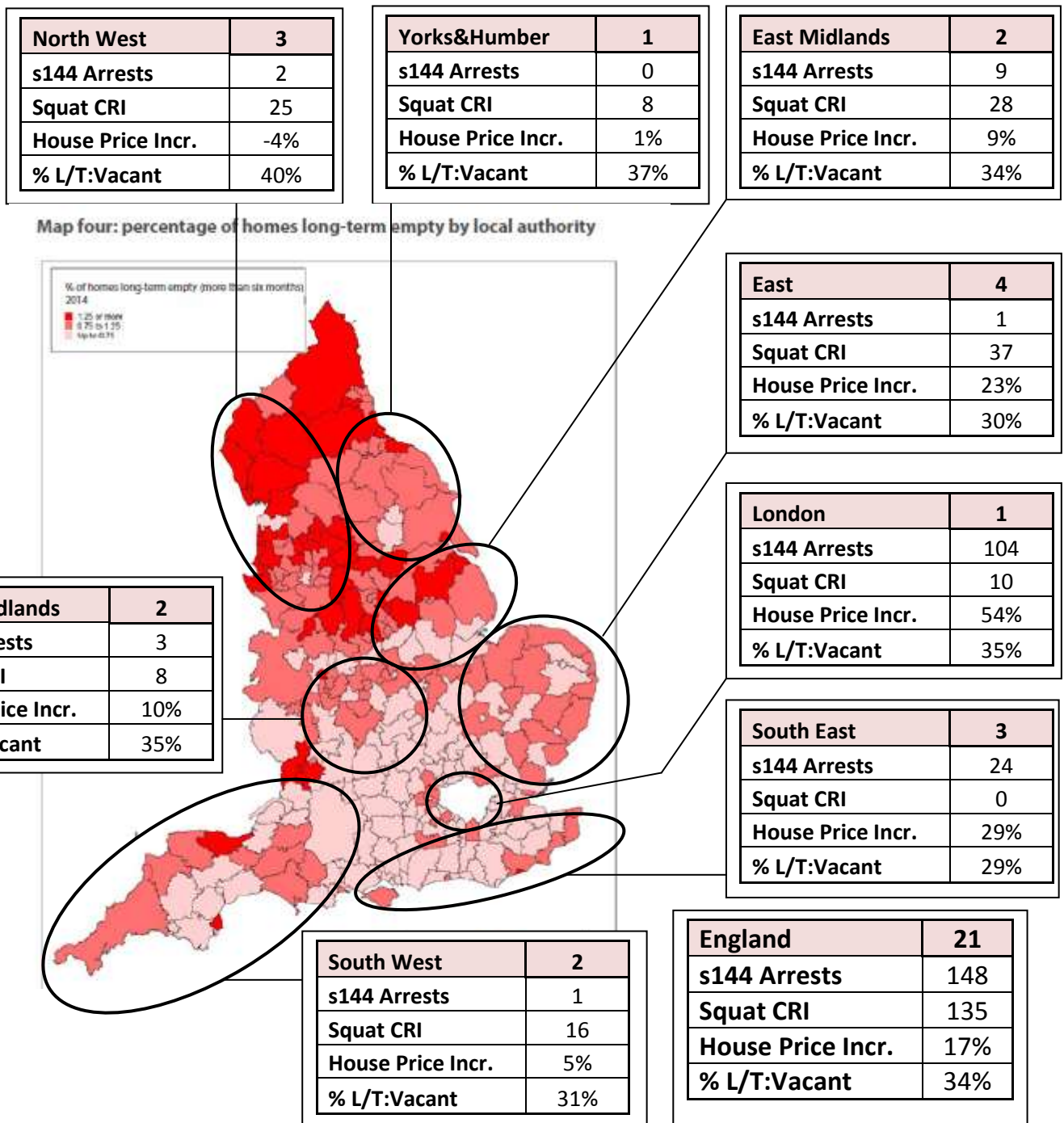
Table 1: Section 144 Arrests and Disposals Summary for 2015, and cumulative 2012 to 2015

	2015	2012-15 (cum)
Arrests	148	736
Of which:		
Cautions	28	151
Charged	94	202
No Further Action	26	42
Unknown		341
Total Disposals	148	736

(Source: SQUASH FOI, 2016)

There appear to be more people being charged with a section 144 offence than initially thought in previous SQUASH reports. The *Homes Not Jails* report stated that only 18% of those arrested were charged between 2012-14²; however this figure was probably too low considering the large number of "Unknown" disposals. The 2015 statistics show that those arrested are now more likely to be charged, 64% of those arrested. Rising prosecutions by the Crown Prosecution Service (CPS), while arrest figures relatively stable at around 160 per year, suggest the number of arrestees being charged is rising.

Map 1: Section 144 Arrests Map, England (2015)



Underlying Map Source: *Empty Homes in England*; Empty Homes, Autumn 2015, Pg 9

Map Key: Deeper red, higher the percentage of long-term empties as a proportion of dwellings

See Appendix 13 for data tables, tables' explanation and information sources

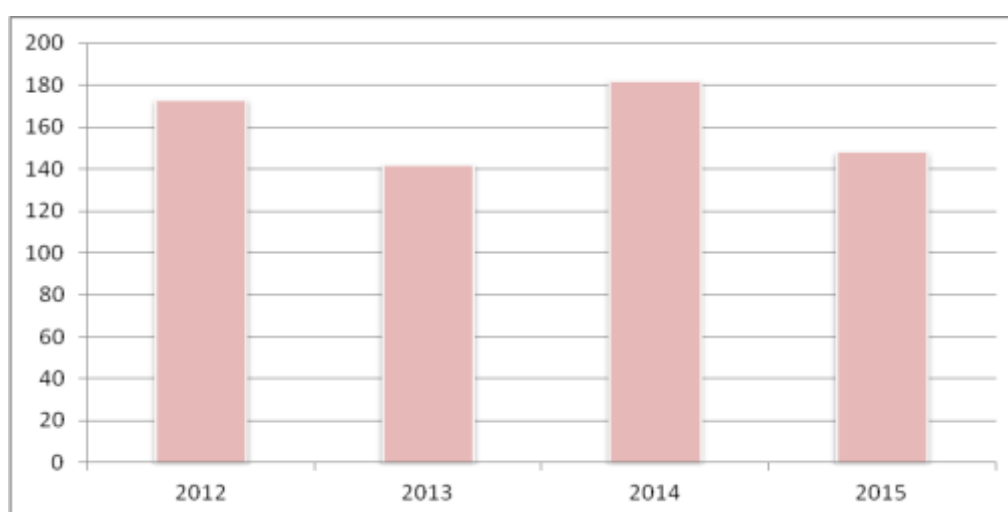
1.2] Application of section 144

1.2.1] Arrests

The application of section 144 LASPOA shows that this anti-squatting legislation is not being used for the purposes stated at the time of its introduction, namely the protection of people's homes. SQUASH's Freedom Of Information (FOI) requests to police forces across England and Wales found:

- **No Displaced Occupiers:** All police forces who responded to Question 6 (Appendix 1) stated: There was ***not one*** case of a "squatting" arrest under section 144 where a displaced residential occupier was involved. This shows that although arrests continue, none are related to removing squatters from people's homes.
- **Number of Arrests for section 144** has remained fairly static, fluctuating between 140 and 182 arrests a year, an average of 161 a year (Graph 1). Even though section 144 was only introduced in September 2012, there was a massive spike of 173 arrests in the four months to December 2012. This suggests that there may be annual arrest targets set for police forces regarding section 144, which the Ministry of Justice alluded to in its 2011 estimated cost savings for criminalisation, forecasting that 680 squatters would be criminalised every year for the next five years.³

Graph 1: Total Annual section 144 Arrests in England & Wales (2012 to 2015)



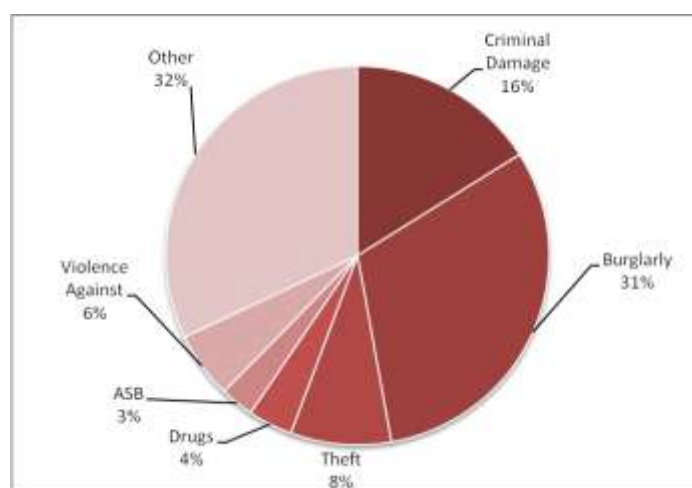
(Source: SQUASH "Homes, Not Jails" (April 2015), SQUASH 2016 FOI)

1.2.2] Alternative Offences

The arrest of squatters, and young homeless, is understated by the section 144 arrest data, as Alternative Offences are commonly used to arrest people opening, or living in, a squat. Many of the police forces which responded stated zero (0) arrests under s144 LASPOA, but noted a number of crime incidents which *might* have involved squatting. The fourteen non-London police forces who searched their databases for “squatting”/ “squatters”/ “squat” retrieved **125 Crime Related Incidents (CRI)** with one or more of these termsⁱⁱ.

The data shows that common alternative offences used for squatting incidents are “Burglary” (33), “Criminal Damage” (17) and Theft (9). These are the more “traditional” charges used by the police against squatters, and seems to predominate in the areas where these charges still work in deterring squatting and section 144 is seldom used (eg North West, South West). Other identifiable charges include possession of drugs, Anti-Social Behaviour (ASB) and Violence against the Person.

Graph 2: Breakdown of Categories Cited by Police in 125 Crime Related Incidents regarding “Squatting”/ “Squatters”



(Source: SQUASH FOI, 2016)

Greater Manchester police, like many Northern forces, reported zero (0) section 144 arrests, but did provide useful details on 167 Crime Related Incidents mentioning “squatting”. Because they submitted their Freedom of Information response late, on 8th June 2016, their data was not included in Graph 2. The data helps outline the substance of alternative offences, like Burglary and Anti-Social Behaviour, and the incidents reported have been grouped into five broad categories:

- **Reporting Squatters:** these are calls from the general public reporting suspected squatters in their neighbourhood, particularly observations of movements in and out of empty, or derelict, buildings. These incidents are often classed as Burglary (C03), Rowdy/ Inconsiderate behaviour (D92), or Prowler/ Suspicious Circumstances (G12). For examples see Appendix 6, CRI 1, 2 & 3;
- **Reporting Vagrancy:** these are reports from residents or homeowners, about people sleeping in corridors, utility cupboards, sheds, dangerous buildings, etc. There is often a fine line between squatting and rough sleepers sheltering in empty spaces (eg “skippering”). For examples of those reported living rough, see Appendix 6, CRI 4, 5 & 6;

ⁱⁱ Caution has been used in interpreting this data, as not all incidents will refer to squatters, but could refer to the sitting position - “to squat” - for example.

- **Tenancy Disputes:** these are calls from landlords, and others, reporting tenants who have not left when told to, are refusing to pay rent, or tenants moving other people in; landlords often claim that these tenants or guests are now “squatting”. Similarly, many tenants refusing to leave their houses claim “squatters’ rights”. Examples in Appendix 6, CRI 7 & 8;
- **Landlords and Agents:** these are calls from landlords, bailiffs, or estate agents to the police regarding squatters in the properties that they own, manage or are evicting. Often these are requests for the police to remove squatters, provide backup for evictions, or reports of damage to their properties which they attribute to squatters trying to get in. Examples tabled in Appendix 6, CRI 9, 10 & 11.

A breakdown of the 167 Crime Related Incidents in Manchester in 2015, can be synthesised into three main types: 1) The public reporting squatters and vagrancy to the police (50%), 2) Landlords requesting the police to handle civil matters of possession and eviction (23%), and 3) Other miscellaneous (27%) – see Table 2.

Table 2: Greater Manchester Police Crime Related Incidents, by Type (2015)

	No. CRI	% of CRI
Reporting Squatters	67	40%
Reporting Vagrancy	17	10%
Tenancy Dispute	18	11%
Landlords & Agents	20	12%
Other	45	27%
Total	167	

(Source: SQUASH FOI Response from Greater Manchester Police, 8 June 2016)

1.2.3] Charging

Section 144 is being used as a back-up offence to charge those squatting, especially if the prosecution of the original, and more serious, arrest charge is not feasible. This is indicated by the following FOI responses:

- The police force will try to press the most serious charges first, but if this does not prove possible, they will use whatever lesser offences are at their disposal, as this response from the Suffolk Police suggests:

Please note that where incidents which have resulted in a crime, often the offence code 125/86 is deemed a lesser offence as there may be an assault also, therefore would be crimed under the Assault offence.

(Source: Suffolk Police response to SQUASH FOI, 2016)

- The single person arrested by the Cumbria Police was brought in for “Criminal Damage”, but probably because the police did not have conclusive proof of this, they charged them with section 144, or “Knowingly as a trespasser living or intending to live in a residential building”. It is unknown if the building was residential, but the police probably wanted to charge them with something that did not require the same burden of proof as “Criminal Damage” (Appendix 4).

1.2.4] Prosecution and Conviction Rates

The **prosecution rate** for section 144 in 2015 stands at roughly 50-60% of those arrested, using a sample of four non-London police forces, and Ministry of Justice Criminal Justice statistics (Appendix 9). However **conviction rates** differ significantly between the police sample and national statistics; for 2015 around a third of arrests resulted in a conviction in areas outside of London, but nationally, the conviction rate was almost 50% of arrests. This suggests that areas like London, accounting for three quarters of arrests, have a higher conviction rate, in the region of half of all arrests.

Table 3: Charge/ Prosecution and Conviction Rates for section 144, non-London & National (2015)

January to December 2015	Police Sample (4)		Ministry of Justice	
	No.	% of Arrest	No.	% of Arrest
Total Arrests	18		148	
Total Charged/ Prosecuted	10	56%	87	59%
Total Convicted	5	28%	69	47%

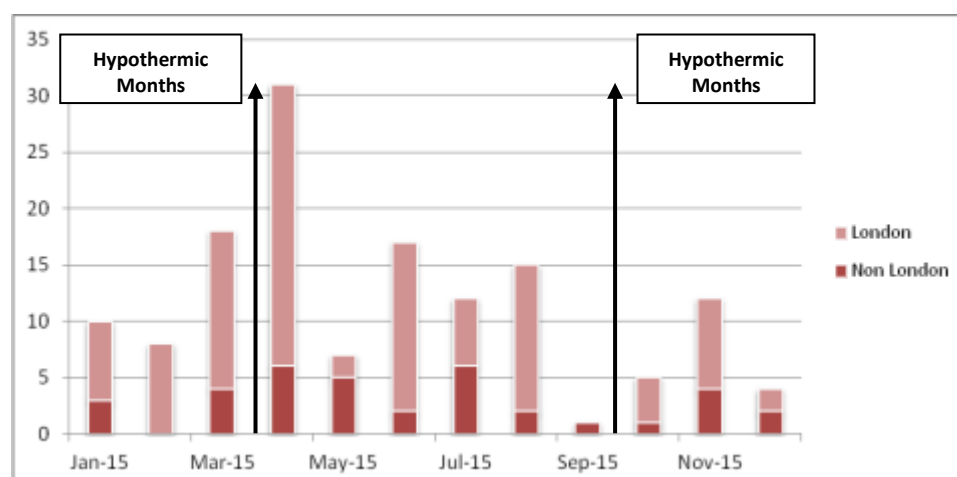
(Source: Four non-London police forces, & MoJ Criminal Justice statistics – Appendix 9, 10)

1.2.5] Timing of Arrests

A major concern in SQUASH *Homes Not Jails* report was that section 144 arrests, and therefore squat evictions, were predominantly taking place in the winter months (between October and March), when the danger of hypothermia to evictees was the highest (“Homes Not Jails”, Appendix 1.1, Table 1.5). Hypothermia claimed the life of Daniel Gauntlett, aged 35, who was found dead outside a derelict bungalow in Kent in 2013⁴. Evictions and arrests in the coldest winter months continue.

The 2015 data shows that arrests are peaking in the spring months of March/April instead. One reason could be, as stated by Kate Osamor, Shadow Minister for Women and Equalities: “[Spring is] a season of buying and selling in the market, and it is consequently the season of evictions.”⁵. This demonstrates that the tax-funded police may be assisting private owners to reclaim their properties without a civil process, for the owner’s private benefit.

Graph 3: London and Non-London Arrests by Month in 2015, with Hypothermic Periods



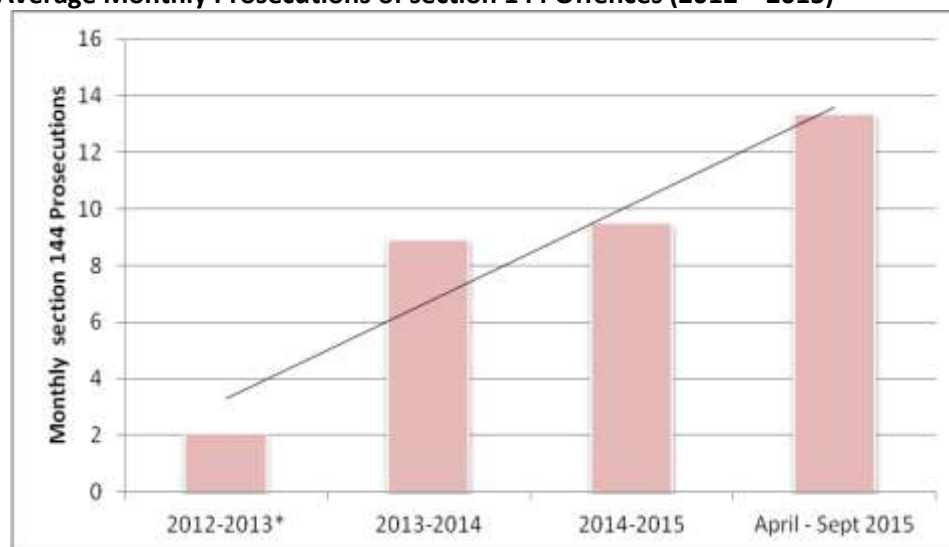
(Source: SQUASH FOI Responses, 2016)

2] Prosecutions

The number of prosecutions of section 144 offences has been rising since 2012/13, according to Crown Prosecution Service (CPS) statistics:

- **Prosecutions Rising:** The average number of prosecutions by the CPS has risen from 2 a month in 2012/13, to 13 in 2015/16 (Appendix 7). Graph 4 below shows the growth in monthly prosecutions since 2012.
- **Total Prosecutions:** There were **80** prosecutions for section 144 the first six months, April to September, of 2015. This brings the total number of section 144 prosecutions brought for a first hearing at a Magistrates court since 2012 to **326**.
- **Length of Prosecution:** The Ministry of Justice states that 66 prosecutions of section 144 LASPOA were completed between January and September 2015, taking an average of **83.6 days** (12 weeks) to complete (Appendix 8). This suggests quick, summary judgements and guilty pleas.
- **Deciding to Prosecute:** The Crown Prosecution Service claims that it decides whether to prosecute section 144 offences based on the two stage test set out in the “Code of Crown Prosecutors”⁶ and its “Trespass and Nuisance on Land” legal guidance⁷.

Graph 4: Average Monthly Prosecutions of section 144 Offences (2012 – 2015)



(Source: SQUASH FOI response from Crown Prosecution Service, 2016)

SQUASH’s *Homes Not Jails* report found there were major issues with regards section 144 prosecutions going before a magistrate, notably:

- **Magistrates** do not have the legal training to interpret key terms such as “residential”, “living” or “intending to live.” This needs to be decided by a professional judge, and not a magistrate or police officer. Magistrates tend to be biased against defendants, and tend towards summary convictions.
- **An Appeal Courts** set the evidence threshold to prove “living” or “intending to live” in a residential property requires 1) Observation, 2) Forensics, 3) Detailed Interviews, and 4) The normal requirements of residence⁸. There is nothing to suggest this is being followed.

3] Convictions

The Ministry of Justice released its “Criminal Justice Statistics to December 2015” on 19th May 2016. Within this data release, a small section recorded basic information on convictions and sentences for section 144 LASPOA cases in 2015 only – see Appendix 10. This was the first release of national, official conviction statistics for section 144, and therefore SQUASH have used them to extrapolate backwards in order to get a sense of convictions and sentences since 2012 – see Table 4.

Table 4: Table of Prosecutions, Convictions & Sentences for section 144 LASPOA in 2015 (Actual) and 2012-15 (Estimated)

	Actual 2015	Estimated 2012-2015
Arrested	148	736
Prosecuted	87	326
Convicted	69	259
<u>Sentences:</u>		
Absolute Discharge	2	7
Conditional Discharge	14	52
Fine	35	131
Community Sentence	7	26
Suspended Sentence	2	7
Immediate Custody	3	11
Otherwise Dealt With	6	22
Total Sentences	69	259

(Source: Ministry of Justice Criminal Justice Statistics, 19 May 2016, Appendix 10)

Of the 69 convictions in 2015, sentencing ranged from the more popular Fines (51%), Conditional Discharges (20%) and Community Sentences (10%), to imprisonment (Immediate Custody), of which three people received (2 women and 1 man). Of those convicted, 55 (80%) were men, but while women were less likely to be convicted (only 67% of those prosecuted), if they were, they had a 1-in-4 chance of being sent to prison.

A sample of **sentences for convictions** in 2015, from police forces which disclosed this information, provides an insight into the substance of some of these sentences:

- “offender being found guilty of squatting in a residential building and given a £75 fine and ordered to pay £85 costs” – **Cumbria**
- “At court 1 charge was discontinued and the other was sentenced to one days detention (time already served in custody).” – **Leicester**
- “There was a total of one conviction for this offence in 2015: Sentence was Community Order, 12 months Supervision Agreement, 60hrs Unpaid Work Requirement and payment of Costs and Victim Surcharge.”- **Avon & Somerset**

The Impact of section 144

The impact of section 144 LASPOA, which criminalises squatting in residential properties in England and Wales, as well as other homeless criminalisation, is two-fold; that is it:

- **Increases the number of those who resort to street homelessness and rough sleeping**, at the same time as degrading their quality of life and criminalising them further;
- **Provides public protection for the properties of residential landlords**, including those who leave them empty, helping drive up property prices in general.

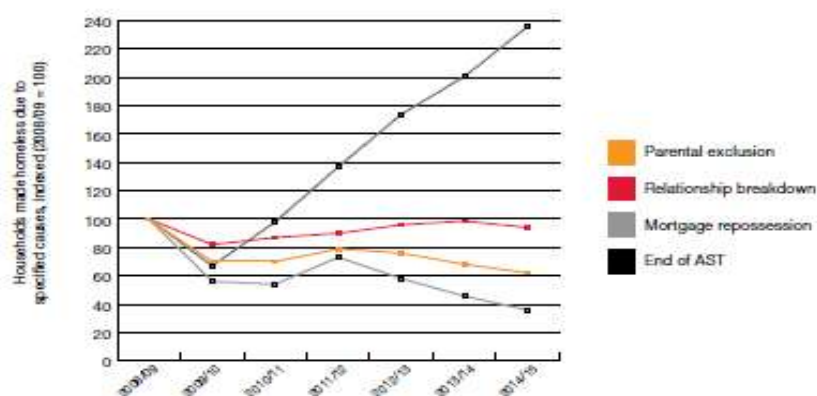
4.1] Criminalising Homelessness

The criminalisation of squatting in England and Wales was first discussed in 2010, and quickly made its way through the Parliamentary process during 2011 and 2012, even though the legislation was criticised by the police, lawyers and housing charities. The law was passed by the House of Lords in March 2012, and was the first legislation to criminalise homelessness on a national scale. Since the law came into effect in September 2012, **at least 738 people have been arrested, 326 prosecuted, 260 convicted and 11 imprisoned for the offence**, based on the information available.

Those who have been arrested and prosecuted are men and women, aged between 17 and 57, but predominantly in their 20's and 30's (Appendix 5.2). It is this demographic that Crisis, in its *The homelessness monitor: England 2016*⁹, identified as a serious and growing concern in England with respect housing security. These age groups faces serious challenges in both social housing, where the new Single Accommodation Rate is too low to cover rent, and in private housing, where the end of Assured Shorthold Tenancies (AST) has led to rocketing evictions (pg 19) – see Graph 5. Single people aged between 25-34 were a demographic 54% of Local Authorities “often” found difficult to house, as were the 18-24 (44%) and over 35 (39%) age brackets (Pg 18). The result is that “young people are **three times** more likely to have experienced homelessness in the last five years than older members of the general UK population” (Pg 26).

Graph 5: Reasons for Homelessness, including Ending of Assured Shorthold Tenancies (AST)

Figure 4.8 Change in number of households made homeless due to selected immediate causes, 2008/09-2014/15 – indexed



Source: Collated from DCLG statutory homelessness statistics

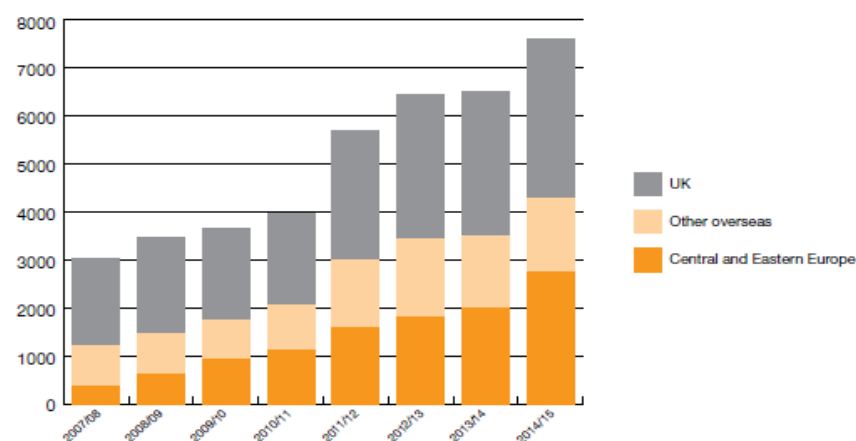
(Source: *The Homeless monitor: England 2016*; Crisis, Pg 60)

Squatting provides a refuge for women of all ages facing eviction or fleeing sexual/ domestic violence. For example, many “squatting” incidents in the Greater Manchester Police records relate to single women and mothers with children (Appendix 6, CRI 1, 12, 13 & 14), and Kate Osamor, Shadow Minister for Women and Equalities, giving evidence on Homelessness stated: “One woman, a former lawyer, was homeless for over six months. She and her disabled adult daughter resorted to squatting, and to sleeping in churches or on night buses.”¹⁰ With the introduction of section 144, vulnerably-housed families, mothers and single women are facing the added danger of arrest and imprisonment for being made homeless.

The Crisis report *Squatting: a homelessness issue* (2011) found “that 40% of single homeless people squat. Furthermore, squatting is often —a prominent feature of peoples' homelessness career...”¹¹. Traditionally, squatting offered a buffer for many homeless people, temporary shelter when they needed it most, like the winter months. Rough sleeping has been on the rise in England since 2010, especially in London, where it doubled in the period to 2015. There was a marked increase in the rough sleeping numbers between 2010/11 and 2011/12, when section 144 was being deliberated in Parliament and anti-squatting media was at its height (see Graph 6). The numbers of rough sleepers in London has continued to rise, with another significant increase between 2013/14 and 2014/15 (by 16%) especially among Central and Eastern European (CEE) nationals, a notable demographic in squatting (Appendix 5.3).

Graph 6: Number of Rough Sleepers in London, 2007/08 to 2014/15, by Nationality

Figure 4.2 Rough sleeping in London 2007/08-2014/15: breakdown by nationality



Source: St Mungo's 'Street to Home' monitoring reports (<http://data.london.gov.uk/dataset/chain-reports>) supplemented by unpublished data provided by St Mungo's

(Source: *The Homeless monitor: England 2016; Crisis, Pg 51*)

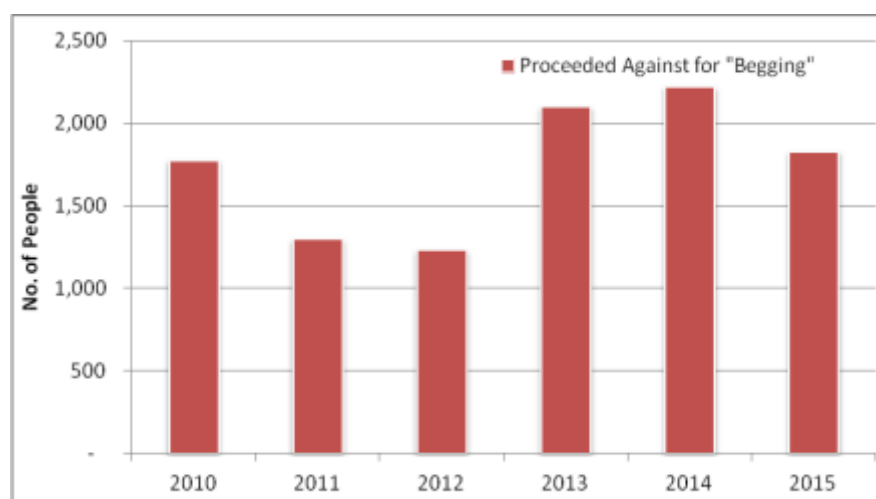
A major issue for the street homeless is de-generating health and a higher mortality risk. Crisis' *Homelessness Kills* report (2012) states that: “Homeless people are more likely to die young, with an average age of death of 47 years old and even lower for homeless women at 43, compared to 77 for the general population, 74 for men and 80 for women.”¹². The young and homeless, whether ex-squatters or evicted tenants, are facing destitution and a shorter future. “In London in 2015, 194 rough sleepers died on the streets, but the true figure is almost certainly higher”, states Jon from Streets Kitchen, a homeless action group based in North London; “Other English cities, such as Birmingham, Manchester, and Brighton, are facing similar homeless crisis’ and the situation is serious.”

The response of the British government to the homeless crisis has been to understate the extent of the problem. The Department of Communities and Local Government (DCLG) rough sleeper statistics came under serious scrutiny in 2015, when the UK Statistics Authority found their figures “do not currently meet the required standards of trustworthiness.”¹³ Calculations by other housing charities found that the government statistics were understating young homeless numbers by a factor of 3, with the true figure closer to 83,000.¹⁴

Another response to the increasing numbers of street homeless in British towns and cities has been to criminalise rough sleeping itself. A major step in this direction has been Operation Encompass, launched in January 2014, a joint operation between the London Metropolitan Police, UK Border Force and six local authorities (Camden, Croydon, Islington, Lambeth, Southwark and Westminster). The Met Police press release states that the purpose of the Operation is to concentrate “[...] on engaging, disrupting and deterring rough sleeping and begging”, with “all agencies [...] committed to dealing with this matter in a robust and proportionate fashion.”¹⁵ The Operation has since been rebranded the “Safer London Business Partnership”, but its tactics remain the same, to “arrest people found begging and issue Anti-Social Behaviour Orders [ASBO]” and to share “information and intelligence via a secure intelligence platform”¹⁶. The result has been large-scale police operations to round-up rough sleepers¹⁷ and to drive the homeless out of certain areas using harassment and ASBOs to prevent them returning¹⁸.

The intensifying criminalisation of the homeless is borne out by the recent Criminal Justice statistics released on the 19th May 2016¹⁹, which show a notable increase in prosecutions for “begging” since 2013, a year after street homelessness increased dramatically (Graph 7). Prosecutions rose by 71% between 2012 and 2013, and 83% were convicted of the offence between 2013 and 2015 (5,068 people). While Fines (62% of convictions, averaging £62 per fine) and Conditional Discharges (25%) were the most popular sentences, a total of 20 people were imprisoned for the offence - 3 months or less in custody –, a third of all imprisonments for “begging” since 2005. Thus the government’s response to the homeless crisis has been to repress the consequences of its pro-landlord housing policies by criminalising those forced into destitution.

Graph 7: People Prosecuted in a Magistrates Court for “Begging” in England & Wales, 2010-2015



(Source: Ministry of Justice Criminal Justice Statistics, 19 May 2016)

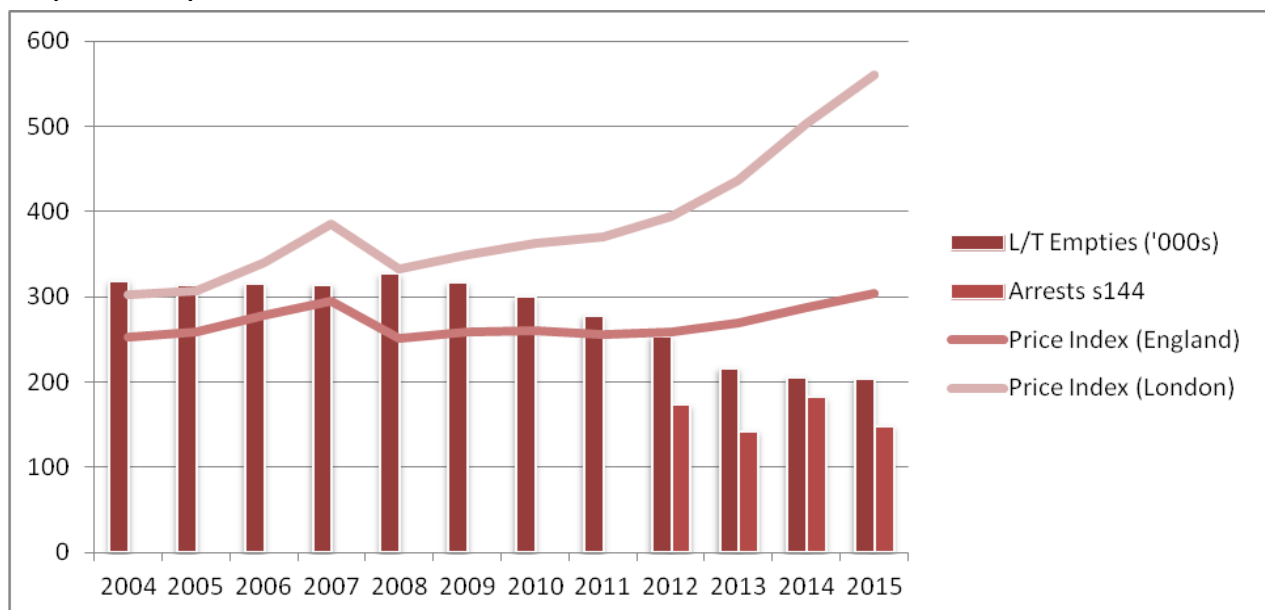
4.2] The Market Effect of Criminalising Homelessness

One of the major reasons for the introduction of section 144 LASPOA, was public protection for residential landlords who wanted to keep their properties vacant or derelict. The original anti-squatting clause was formulated in 2010 by landlord lobby group, Landlord Action, and Tory MP Mike Weatherley. Section 144 became yet another legal instrument for residential landlords to fast-track evictions, along with the ending of Assured Shorthold Tenancies and section 21 notices. The result has been rising house prices, higher rents and a wholesale transfer of wealth to Private Rented Sector (PRS) landlords.

There were still *at least* 610,123 empty residential dwellings in England according to the Empty Homes Autumn 2015 report²⁰, of which 205,821 (33%) were long-term empty (i.e. empty for more than six months). The number of long-term empties has been falling rapidly since around 2010, due to a combination of actual reductions and underreporting (Appendix 11). As seen in Graph 8 below, the sharp reduction in long-term empties from 2010 is concurrent with the upsurge in house prices, especially the London market, where house prices rose by 54% (2010-15). A massive supply of long-term empties to meet housing demand should have depressed prices, suggesting that renovated or unreported long-term empties are still uninhabited.

Rising house prices have also run parallel with the criminalisation of squatting in 2012, and London has been the primary focus for this legislation, accounting for 75% of all arrests. Section 144 was introduced to provide added protection for residential landlords to leave property empty, and the arrest of more than 100 people a year for the offence has proved an effective deterrent to those seeking to use these properties for shelter. The result has been rising confidence in the London property market from speculative, buy-to-leave and foreign investors, who can leave property empty with total immunity. By keeping property out of the market, demand outstrips supply and house prices rise.

Graph 8: Long-term Empties, House Price Index (England, London) and Arrests under section 144 (2004-2015)



(Source: Price Index: Land Registry, L/T Empties: Gov.uk, s144 Arrests: SQUASH)

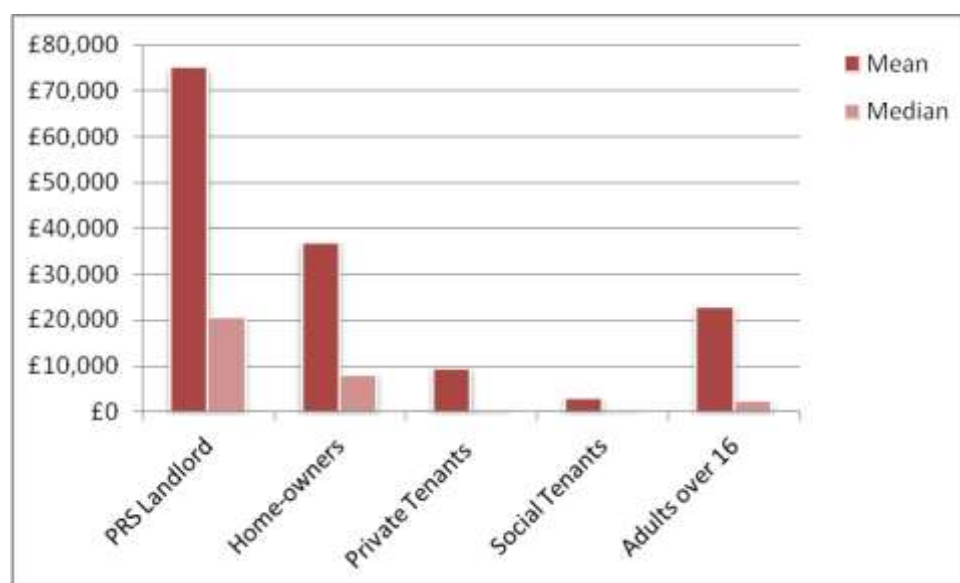
The connection between criminalising homelessness, empty properties and rising property prices is illustrated using a sample of two types of local authorities in London (Appendix 12); these types are:

- **High Empties, High Risers, Punitive (HHP) – Westminster, Hackney, Lambeth**
These boroughs have had a consistently high level of long-term empties (average 2% of dwellings), have seen dramatic increases in the property values in the borough (average 139%, 2004-15) and are engaged in aggressive tactics against street homeless, such as Operation Encompass (2/3).
- **Low Empties, Low Risers, Tolerant (LLT) – Harrow, Hounslow, Richmond-upon-Thames**
These boroughs have had a consistently low level of empties (average 0.4% of dwellings), a more modest rise in house prices (average 74%, 2004-2015), and are not notable for their anti-homeless actions.

There is a clear link between keeping housing off the market (and unused), rising property prices and the criminalisation of homelessness, even if causation is not clear. A probable explanation is that a mixture of lower supply and targeting the homeless for removal, through government subsidy and legislation, helps drive private property prices up. This is borne out by the spread of section 144 arrests in England (Map 1), concentrated in London, the South East, East of England and the Midlands, where there is higher house-price growth compared to the rest of the country.

The result of pro-landlord legislation by the government, whether section 144, Operation Encompass or ending ASTs, has meant a massive transfer of wealth to Private Rented Sector Landlords (PRS). The *Understanding Landlords*²¹ survey of PRS landlords, Home-owners and Tenants in 2013 shows the massive disparity in wealth between PRS Landlords and the rest of the general British populace (Graph 9). Pro-landlord policies enable the more unscrupulous to aggressively drive financial gains by evicting tenants, raising rents, leaving properties empty, and selling property when prices hit their peak.

Graph 9: Total Financial Assets of Landlords, Homeowners & Tenants (2013)



(Source: *Understanding Landlords: A study of private landlords in the UK using the Wealth and Assets Survey, 2013*)

Conclusion

In 2011, SQUASH and other housing campaigners warned that criminalising squatting during a housing crisis was irresponsible and would lead to increased suffering for the homeless²². The consequences of the new law, which came into effect in September 2012, are now starting to be felt. This includes arbitrary enforcement, widespread confusion about the law, and the arrest of more than 700 people, prosecution of over 300, and conviction of 260 under section 144.

The latest statistics, three and a half years on, show that arrests are continuing, and prosecutions rising. The publically-funded protection provided to residential landlords through section 144, is causing an explosion in rough sleeping and youth homelessness. In 2011, the Crisis report *Squatting: a homelessness issue* found “squatting is often —a prominent feature of peoples' homelessness career...”²³, and this remains true today. The young are facing increasing housing insecurity, and are actively being prevented from accessing the traditional buffer of squatting as an interim solution to dire housing need.

Crisis' *Homelessness Kills* report (2012) states: “At the ages of 16-24, homeless people are at least twice as likely to die as their housed contemporaries; for 25-34 year olds the ratio increases to four to five times, and at ages 35-44, to five to six times.” (Pg vii)²⁴. At least 194 people living on the streets in London died in 2015, but the mortality rate of rough sleepers across the country is, more than likely, much higher. Criminalising squatting and rough sleeping while more than 83,000 young people have been made homeless through private sector evictions and reduced welfare benefits, is perpetuating a cycle of poverty for a whole generation. While 610,000 empty residential properties in England stand empty, a third of them long-term, the desperate situation of the people surviving on the street, is unnecessary, negligent and plain criminal.

In England, the majority of known arrests under section 144 have taken place in London and the South East (134/148 in 2015), where average house prices increased by 42% (2010-2015), more than double the national average of 17% for the same period. London is at the centre of the largest rise in house prices in the country (43% since September 2012), and the city with the largest number of people arrested for squatting under section 144 (545 since September 2012), as well as the most aggressive in charging and conviction. Other regions are less likely to use section 144 to ensure empty properties are left empty, preferring to use the traditional list of alternative offences (eg Criminal Damage, Burglary).

Anti-homeless policies, such as Operation Encompass, harass, fine and arrest rough sleepers in police-led swoops. On analysing the London boroughs acting punitively against the homeless, SQUASH found they had a higher proportion of long-term empties, and a higher rate of house-price growth (Westminster, Hackney, Lambeth), compared to ones with the opposite characteristics (Harrow, Hounslow, Richmond-upon-Thames). More research needs to be conducted in this area to clarify the causation and correlation, but SQUASH believes that State-sponsored legislation is helping to drive up house prices, for the benefit of a wealthy few, by criminalising the most vulnerable.

Section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act (2011) is grossly unjust piece of legislation, with real consequences for those facing homelessness. The law was introduced in a completely undemocratic process, and was totally unnecessary, as confirmed by numerous agencies including the police and the Law Society. SQUASH & Streets Kitchen call for a repeal of this new law, and a complete review of all pro-landlord policies and anti-homeless operations, so that the homelessness crisis can be addressed in a proportionate and fair manner.

In order to fully assess the scale of the problem, SQUASH would like to see the following **information and research** available in the public domain:

- The **full extent of arrests**, disposals, prosecutions and convictions of section 144 since September 2012, and accurate homeless statistics for the country, including deaths caused by homelessness;
- Credible reasons for the massive drop in **empties and long-term empties** since 2010, and a proper assessment of the number, and quality, of empty residential properties in England and Wales;
- A full assessment and econometric analysis of the link between criminalising homelessness and rising house prices, and the resulting **public subsidy** to private sector landlords.

SQUASH continue to demand the **end to the unjust persecution** of those squatting empty properties:

- 1] **A repeal of Section 144** of the Legal Aid, Sentencing and Punishment of Offenders Act (2011) by an Act of Parliament, and an immediate end to arrests and prosecutions under this law;
- 2] Possession claims must return to being a **“civil” , rather than a “criminal”, matter** with a proper examination of the evidence in the presence of a trained judge;
- 3] **An end to fast-track, illegal and unlawful evictions** by private and public agencies;
- 4] The curbing of the use of alternative offences against squatters, and an **expansion of rights and protections** for those using empty properties for its “use” rather than “exchange” value.

Squatting Statistics 2015:

The link between rising homelessness and the criminalisation of squatting - May 2016



Appendices

Appendix 1&2: SQUASH Freedom of Information (FOI) Requests, 2016

Appendix 1: SQUASH Freedom of Information Requests to Police Forces, February 2016

Sent to:	37 Constabularies	in February, 2016
Avon and Somerset	Essex	London Met
Cambridgeshire	Gloucestershire	Merseyside
Cheshire	Greater Manchester	Norfolk
City of London	Gwent Police	North Yorkshire
Cleveland	Hertfordshire	Northamptonshire
Cumbria	Humberside	Northumbria
Derbyshire	Kent	South Wales
Devon and Cornwall	Lancashire	South Yorkshire
Dorset	Leicestershire	Staffordshire
Durham	Lincolnshire	Suffolk
Dyfed-Powys	Warwickshire	Surrey
Warwickshire	West Midlands Police	Sussex
West Mercia	Wiltshire	

“We would like to know, for the period 1st January 2015 to 31st December 2015, answers to the following questions (Please provide a breakdown by calendar month where possible, and any personal data collected, such as age, ethnicity, sex, etc.):

- 1] How many people have been arrested under s144 LASPO (or offence code 125/86)?
- 2] How many people have received cautions for a s144 LASPO (or offence code 125/86) arrest (including, if possible, the number of simple cautions and conditional cautions)?
- 3] How many people were charged for a s144 LASPO (or offence code 125/86), and of these how many held on remand for court, and bailed to court?
- 4] How many people were released without charge/ no further action taken for a s144 LASPO (or offence code 125/86) arrest?
- 5] If known, how many convictions for s144 LASPO offences (or offence code 125/86) have been secured, and if so, what were their sentences?
- 6] How many Crime Related Incidents (CRI) involving “squatters”/”squatting” have been recorded? Please note: CRI relates to incidents such as police assisting bailiffs to remove squatters, “illegal raves”, ‘Burglary – Dwelling’, ‘SOCAP Arrest Powers – Non Crime Reportable’. Please provide dates and details where possible.
- 7] In how many cases of arrest, or caution, was there a Displaced Residential Occupier (or a person displaced from their primary residence) involved? Please give dates and details where possible.”

Appendix 2: SQUASH Freedom of Information Requests to Three Government Departments, February 2016

Appendix 2.1: FOI to Crown Prosecution Service

"We would like to know, for the period 1st January 2015 to 31st December 2015:

- 1] How many cases, under s144 LASPOA, has the Crown Prosecution Service decided to prosecute at a First Hearing in a Magistrates Court?
- 2] Please provide background details for those prosecuted, such as age, sex, ethnicity, etc. where available.
- 3] Please clarify where the decision comes from that decides whether the CPS prosecutes or not?
- 4] Does the CPS have a set of guidelines with relation to the prosecution of s144 LASPOA offences? If so, please attach relevant sections."

Appendix 2.2: FOI to Ministry of Justice

"We would like to know, for the period 1st January 2015 to 31st December 2015 (data by month where possible):

- 1] How many cases, under s144 LASPOA, have been prosecuted at a Magistrates Court during the period?
- 2] How many convictions for s144 LASPO offences have been secured (please include case name, date and court where possible)?
- 3] How many cases, prosecuting s144 LASPO offences have not secured a conviction (please include case name, date and court where possible)?
- 4] What were the sentences given to those convicted of a s144 LASPOA offence in a Magistrates Court (individual or amalgamated average)?
- 5] What was the background of those prosecuted, and those convicted, of s144 LASPOA offences (eg sex, age, ethnicity, etc)?
- 6] What is the average cost and time to prosecute a s144 LASPOA offence?"

Appendix 2.2: FOI to Home Office

"We would like to know, for the period 1st January 2015 to 31st December 2015 (numbers per month, and geographical location where possible):

- 1] How many people have been arrested under s144 LASPO (or offence code 125/86)?
- 2] How many people have received cautions for a s144 LASPO (or offence code 125/86) arrest (including, if possible, the number of simple cautions and conditional cautions)?
- 3] How many people were charged for a s144 LASPO (or offence code 125/86), and of these how many held on remand for court, and bailed to court?
- 4] How many people were released without charge/ no further action taken for a s144 LASPO (or offence code 125/86) arrest?
- 5] How many convictions for s144 LASPO offences (or offence code 125/86) have been secured, and if so, what were their sentences?
- 6] What was the background of those prosecuted, and those convicted, of s144 LASPOA offences (eg sex, age, ethnicity, etc)?
- 7] In how many cases of arrest, or caution, was there a Displaced Residential Occupier (or a person displaced from their primary residence) involved? Please give dates and details where possible."

Arrests

Appendix 3: Data Tables for Police Forces Responding to SQUASH FOI, 2016

Police Forces	Q1. Arrests	Q2. Cautions: simple	Q3. Charged: Bail	Q3. Charged: Remand	Q4. RWC/ NFA	Q5. Convicted	Q6. CRI
Non-London Police							
Avon and Somerset	1		1			1	6
Cumbria	1		1			1	1
Hertfordshire							3
Humberside	3		3				
Kent	10		5	1	4	2	
Lancashire	1		1				
Leicestershire	6	1	2		3	1	17
Lincolnshire	3	2	1	0	0	0	11
Merseyside							24
Norfolk							7
South Yorkshire							8
Suffolk							19
Sussex	6	1			5		
Warwickshire							3
West Mercia	3	1		2		3	5
Cambridgeshire	1				1		8
Gwent Police	1		1				3
Devon&Cornwall							10
Surrey	8		7		1		
Sub-Total	44	5	22	3	14	8	125
London							
Metropolitan	104	23	25	44	12		10
Total	148	28	47	47	26	8	135

Appendix 4: Cumbria Police Arrest and Disposal section 144, 2015

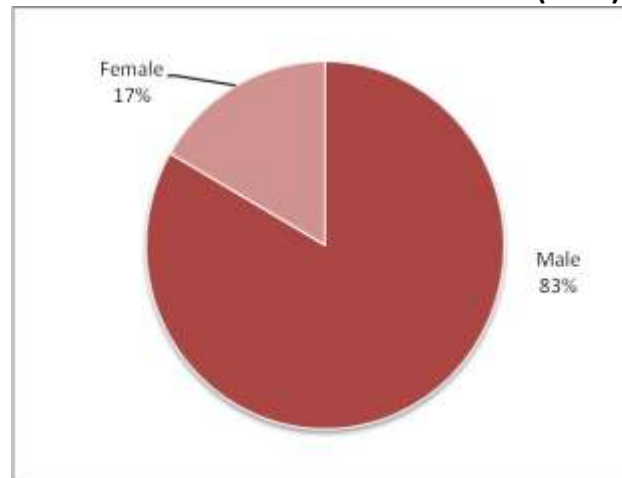
Table 1: Cumbria Police Arrest and Disposal regarding section 144 Offences, 2015

First Arrest Offence	Most Serious Disposal	Arrest Date	HO Stats Offence Code	HO Stats Offence Sub Code	IJ Document Disposal	Offence Title
Criminal Damage	Charged and Bailed To Court	25-Jul-15	125	86	Charged and Bailed To Court	Knowingly as a trespasser live / intend to live in a residential building

(Source: Cumbria Constabulary response to SQUASH FOI, 2015)

Appendix 5: Demographic Profile of those Arrested for section 144, 2015

Appendix 5.1: Sex of those Arrested for section 144 Offences (2015)



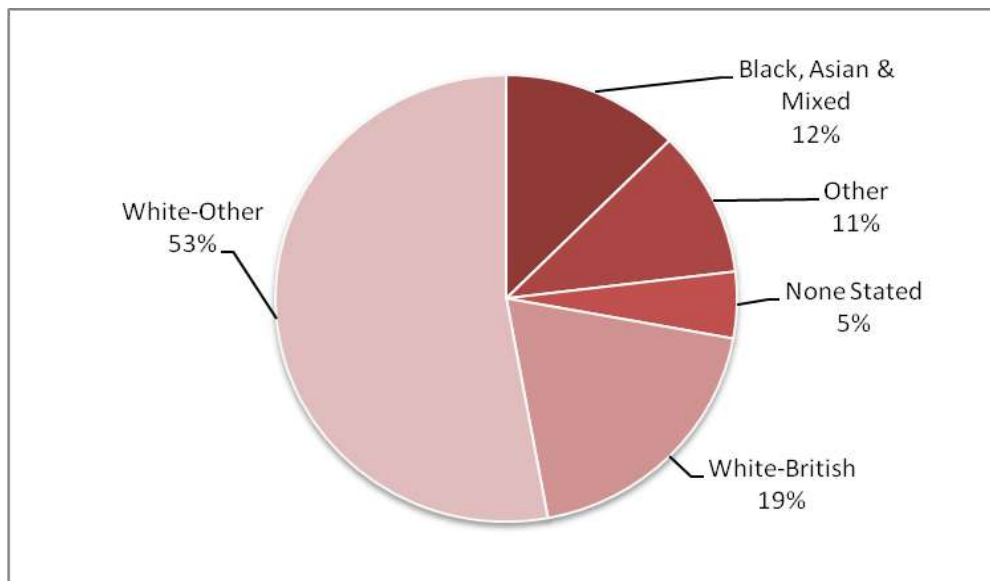
(Source: Sample of 5 Non-London police forces and London Metropolitan police, SQUASH FOI 2015; total sample size 30+104=134 arrestees)

Appendix 5.2: Age of Those Arrested for section 144 Offences (2015)

The demographics of those arrested and prosecuted during 2015, are much the same as those established in SQUASH's 2015 report, "Homes Not Jails"; that is young homeless men and women, with an overall average age of 30. Women make up a smaller part of arrestees (17%), while men make up the majority of arrestees (83%). These proportions are exactly the same for a sample of five non-London police forces and the London Metropolitan Police data. Women tend to be younger than the men on average (26 years); however ages range between 17 and 40. Men tend to be older, with an average age of 31; again, the age range in the sample is large, between 17 and 45. The Met Police data for 2015 shows similar characteristics in terms of age profile of the majority of those arrested (between 18-50), as well as the presence of under-18's and over-50's.

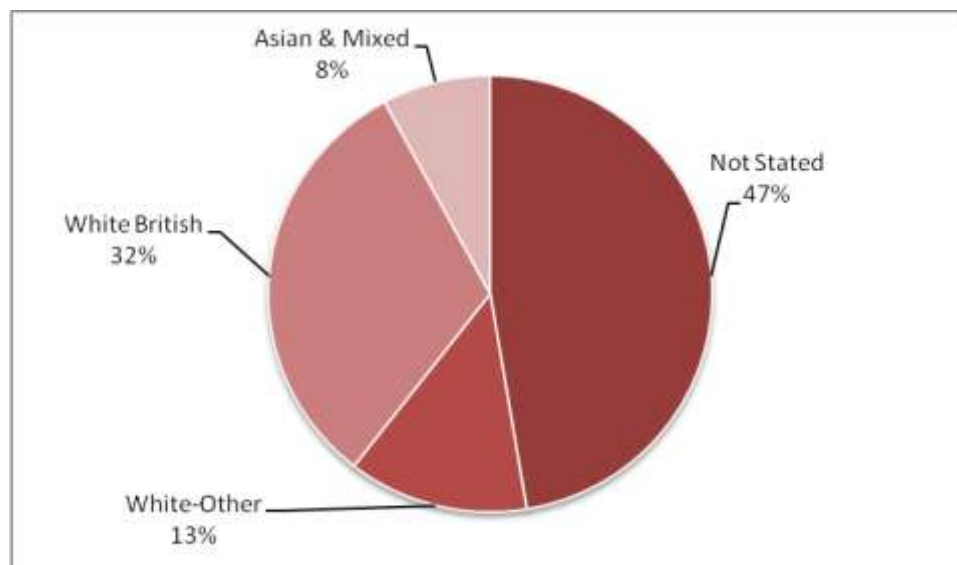
Sample 1: Scatter Diagram of Ages Arrested from a sample of 30 Arrests (Non-London police)	Sample 2: Age Ranges of those Arrested by the London Metropolitan Police in 2015 under section 144
<p>Source: SQUASH FOI responses from Lincolnshire, Avon, Kent and Sussex, 2016</p> <p>Sample Size: 30</p>	<p>Source: SQUASH FOI response from Metropolitan Police, 2016</p> <p>Sample Size: 104</p>

Appendix 5.3: Ethnicity of Those Arrested for section 144 Offences – London (2015)



(Source: SQUASH FOI response from Metropolitan Police, 2016; 104 arrestees)

Appendix 5.4: Ethnicity of Those Arrested for section 144 Offences – Non-London (2015)



(Source: SQUASH FOI response from Lincolnshire, Avon & Somerset, Kent, Sussex, Surrey; sample size: 38)

Notes:

White – Other: this includes, Europeans, Central and Eastern Europeans and White Irish. The exact breakdown is not known, but “Homes Not Jails” (2015), Appendix 2.1, has some estimate for this: of all arrests, White-Other was made up of 21% European and 36% Central and Eastern European (CEE).

Appendix 6: Crime Related Incidents – Greater Manchester Police

Crime Related Incident	Incident full date	Opening code and description	Principal closing code	Message text
1 Reporting Squatters	12/01/2015	C03 – BURGLARY	L20 - Contact Record / Message / Information	POSSIBLY UNAUTHORISED ACCESS GAINED INFT STATES OVER THE LAST FEW DAYS HAS NOTICED A NUMBER OF YOUNG FEMALES IN AND OUT OF THIS ADDRESS AT ALL HOURS BELIEVES THEY ARE SQUATTING.
2 Reporting Squatters	26/08/2015	D01 – DISTURBANCE IN PUBLIC PLACE	D93 - Neighbours	POSS SQUATTERS 2 "SCRUFFY" MALES HAVE GONE INTO ADDRESS VIA FRONT DOOR - PROPERTY IS EMPTY. SEEN TAKING A MATTRESS INTO ADDRESS.
3 Reporting Squatters	25/04/2015	G15 – OTHER GENERAL REPORT	D92 - Rowdy or Inconsiderate Behaviour	THIS IS NOW A DERLECIT HOUSE AND HAS BEEN FOR THE PAST 5 YRS - INFT HAS NOTICED A FEW MALES WHO HAVE BEEN GOING INTO THE BUSHES AND NOT COMING BACK LEADING HIM TO BELIEVE THAT THERE POSS SQUATTERS LIVING THERE
4 Vagrancy	12/01/2015	G15 – OTHER GENERAL REPORT	D12 - Begging / Vagrancy	SQUATTERS IN THE BUILDING - A/P STATES THAT THERE IS MALE AND FEMALE SLEEPING ON THE FLOOR IN THE CORRIDOR FOR THE PAST WEEK.
5 Vagrancy	17/06/2015	G15 – OTHER GENERAL REPORT	G51 - Dangerous Building	BUILDING COLLAPSING INFT STATES THE ROOF OF THIS BUILDING IS COLLAPSING AND BRICKS GOING INTO THE ROAD, INFT STATES THAT HOMELESS PEOPLE MAY BE SQUATTING INSIDE.
6 Vagrancy	23/02/2015	G15 – OTHER GENERAL REPORT	D12 - Begging / Vagrancy	POSS SQUATTER USING ADDRESS INF SAYS THAT THE FLATS HAVE 6 BLOCKS IN, HAS JUST DISCOVERED THAT THE DOOR TO THE CLEANING CUPBOARD IN THEIR BLOCK WAS OPEN, HAS LOOKED INSIDE SEEN A BED SOME COVERS PLATES AND BOWLS
7 Tenancy	21/02/2015	G15 – OTHER GENERAL REPORT	G21 - Civil Disputes	INFT STATES THAT A MALE TENNANT AT ONE OF PROPERTIES IS SQUATTING DUE TO LYING ON THE CONTRACT AGREEMENT. THE MALE HAS ALSO DAMAGED THE LAMINATE FLOORING
8 Tenancy	05/01/2015	G15 – OTHER GENERAL REPORT	G07 - Concern for Safety (17 and under)	INF HAS A TENNANT IN A SHARED PREMISES WHO HAS MOVED IN A FEMALE AND CHILDREN. THEY DO NOT HAVE PERMISSION TO BE THERE AND ARE ESSENTIALLY SQUATTING

Crime Related Incident	Incident full date	Opening code and description	Principal closing code	Message text
9 Landlord & Agents	02/03/2015	G15 – OTHER GENERAL REPORT	L20 - Contact Record / Message / Information	POLICE ASSISTANCE REQ INFT IS ASKING IF POLICE CAN ATTEND ADDRESS WHILE THEY CHANGE THE LOCKS ON ABOVE ADDRESS, THERE HAVE BEEN ISSUES BEFORE WHERE HISTORICALLY A SQUATTER HAS BEEN PRESENT. SQUATTER HAS BEEN PREVIOUSLY AGGRESSIVE
10 Landlord & Agents	21/03/2015	G15 – OTHER GENERAL REPORT	G21 - Civil Disputes	SQUATTER REFUSING TO LEAVE AFTER BEING ISSUED WITH NOTICE TO QUIT INFT HAS ARRIVED AT PROPERTY WITH A POSSESSION ORDER AND A COURT ORDER TO ENTER THE PROPERTY - THE FEMALE INSIDE IS A SQUATTER AND SHOULD HAVE VACATED THE ADDRESS
11 Landlord & Agents	15/10/2015	C03 – BURGLARY	C03 - Burglary inc. bogus / distraction caller	POSS SQUATTERS AP OWNS THIS PROPERTY BUT DOES NOT CURRENTLY LIVE THERE AND IT HAS BEEN LEFT EMPTY. AP HAS JUST BEEN TOLD TODAY THAT SEVERAL PEOPLE HAVE GAINED ENTRY TO THIS PROPERTY AND ARE STAYING INSIDE THE ADDRESS
12 Vulnerable	24/12/2015	G15 – OTHER GENERAL REPORT	L20 - Contact Record / Message / Information	POSS SQUATTERS/INSECURE PROPERTY. INF SAYS THAT PEOPLE HAVE GONE INTO THE PROPERTY NOW, DOESNT KNOW WHO THESE PEOPLE ARE, THERE ARE POSS 4 ADULTS AND A BABY ENTERED
13 Vulnerable	17/11/2015	C03 – BURGLARY	G07 - Concern for Safety (17 and under)	PROBLEMS WITH SQUATTERS INFT HAS CAME TO PROPERTY, AS IS LANDLORD AND FOUND 1 X FEMALE WITH 5 X CHILDREN INSIDE SQUATTING.
14 Vulnerable	02/06/2015	G12 – PROWLER/SUSPICIOUS CIRCS	L20 - Contact Record / Message / Information	INFT STATES THAT TODAY SAW A MALE AND FEMALE WITH A MALE CHILD, COMING OUT OF THE SIDE DOOR OF THE DISSUED CINEMA THINKS THEY MAYBE SQUATTING

Table: Greater Manchester Police categories for CRI reports, by Type (2015)

Type of CRI	Often Reported as (Police Code)
Reporting Squatters	Prowler/ Suspicious Circumstances (G12); Burglary (C06); Disturbance in a Public Place (D01); Other Crimes (C13); Insecure Premises (G13); Rowdy/ Inconsiderate Behaviour (D92); Neighbours (D93); Criminal Damage (C06); Civil Disputes (G21)
Reporting Vagrancy	Trespass (D95); Begging/ Vagrancy (D12); Dangerous Building (G51)
Tenancy Disputes	Disturbance in a Public Place (D01); Civil Disputes (G21); Personal Violence (C01)
Landlords and Agents	Burglary (C06); Disturbance in a Public Place (D01); Criminal Damage (C06); Trespass (D95)
Other	Domestic Violence (D05); Civil Disputes (G21); Prowler/ Suspicious Circumstances (G12); Concern for Safety (G16); Complaints Against the Police (L03)

Prosecutions & Convictions

Appendix 7: Prosecutions of section 144 Offences by the Crown Prosecution Service

	2012-2013*	2013-2014	2014-2015	April – Sept 2015
s144 LASPOA Prosecutions - CPS	25	107	114	80
s144 LASPOA Prosecutions - average monthly	3	9	10	13
s144 LASPOA Prosecutions - projected for 2015-16	25	107	114	160

(Source: SQUASH FOI to Crown Prosecution Service, 2015 & SQUASH calculations)

Appendix 8: Days Taken for Completion of Prosecutions for Squatting Offences

Table 1 Average number of days taken from offence to completion for 'Squatting' in England and Wales 2015 Q1-Q3 ^{1,2,3,4,5}		
	Number of defendants whose cases have completed	Offence to completion (days)
	Number	Mean
2015 (Q1-Q3) ⁶	66	83.6

(Source: SQUASH FOI to Ministry of Justice (Justice Statistics Analytical Services), 2016)

Appendix 9: Prosecution & Conviction Rates

Table: Sample of Four non-London Police Forces Reporting Convictions (2015)

Constabulary	Q1. Arrests	Q2. Cautions: simple	Q3. Charged: Bail	Q3. Charged: Remand	Q4. RWC/ NFA	Q5. Convicted
Avon and Somerset	1		1			1
Cumbria	1		1			1
Kent	10		5	1	4	2
Leicestershire	6	1	2		3	1
Total	18	1	9	1	7	5

(Source: SQUASH FOI responses from four non-London police forces, 2016)

Appendix 10: Convictions - Ministry of Justice Figures (19 May 2016)

The Ministry of Justice (MoJ) published its first data on S144 the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, in “Experimental statistics on proceedings and outcomes by Home Office offence code” under Home Office offence code “12586: Knowingly as a trespasser live/intend to live in residential building.” Since section 144 is a “non-notifiable offence”, it is not included in their more detailed databases, such as the Magistrates Court offence outcomes. Instead it is mixed in with the Criminal Law Act 1977 (Home Office offence code 19599), “a catch all code for a large amount of summary offences under a broad range of legislation”, and therefore impossible to analyse. The section 144 data readily available is analysed in the Tables below:

Table: MoJ Statistics for Prosecutions, Convictions and Sentences for section, by Gender (2015)

% Gender Breakdown	14%		79%		7%	Of Prosecutions	
Gender:	Female	%	Male	%	Not known	%	TOTAL
Prosecuted	12	Of Pros.	69	Of Pros.	6	Of Pros.	87
Convicted	8	67%	55	80%	6	100%	69
Sentenced	8	Of Con.	55	Of Con.	6	Of Con.	69
Absolute Discharge	0		2		0		2
Conditional Discharge	2	25%	12	22%	0		14
Fine	4	50%	25	45%	6	100%	35
Community Sentence	0		7	13%	0		7
Suspended Sentence	0		2		0		2
Immediate Custody	2	25%	1		0		3
Otherwise Dealt With	0		6	11%	0		6

(Source: Ministry of Justice Criminal Justice Statistics to December 2015, 19 May 2016)

Table: Convictions & Sentences for section 144 LASPOA in 2015 (actual), and 2012-15 (estimated)

	Convictions Actual [1]		Convictions <i>Estimated</i>		
	2015	%	2012-2015	%	
Arrested	148	of Arrests	736	of Arrests	[2]
Prosecuted	87	59%	326	44%	[3]
		of Prosec.		of Prosec.	
Convicted	69	79%	259	79%	[4]
Sentences [5]:		of Convict.			
Absolute Discharge	2	3%	7		
Conditional Discharge	14	20%	52		
Fine	35	51%	131		
Community Sentence	7	10%	26		
Suspended Sentence	2	3%	7		
Immediate Custody	3	4%	11		
Otherwise Dealt With	6	9%	22		
Total Sentences	69		259		

Sources:

[1] 2015 Prosecutions, Convictions and Sentences for section 144: “Experimental statistics on proceedings and outcomes by Home Office offence code”, Offence code: 12586: Knowingly as a trespasser live/intend to live in residential building; Ministry of Justice, Criminal Justice Statistics, 19 May 2016; <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015> [accessed: 23/06/2016]

[2] Arrests – Total Confirmed Arrests 2012-2015, *Homes Not Jails* (2015) & SQUASH FOI (2016)

[3] Prosecuted – confirmed Crown Prosecution Service prosecutions, Sept 2012 – Sept 2015.

[4] Convicted – assuming 2015 conviction rate (79%) of confirmed prosecutions 2012-15 (326); calculated figure is an estimate which assumes 2015 sentences have been applied throughout, the closest estimate we can make for the whole period.

[5] Sentences – Sentences as a breakdown of Convictions for 2015 are applied to estimated convictions between 2012 and 2015, to estimate of the number of people imprisoned (2012-2015).

Housing Market

Appendix 11: Empty Dwellings in England, Autumn 2015

The rapid decline in long-term empty properties since 2010 – **68% in just four years** – is highly unusual, and can only be accounted for by:

- **Mass Demolition/ Renovation:** Mass decant and demolition of council, and other social, housing, and/or the rapid renovation and inhabitation of long-term empties. Coalition Government regeneration schemes such as HMR Pathfinder, and its £60 million Clusters of Empty Homes Fund, may have reduced some of the long-term empties figures (Pg 16), but not massively.
- **Unreliable Statistics:** In April 2013, legislation was introduced giving local authorities the option to charge up to 50% extra Council Tax for properties empty for 2 years or more. The result is that many landlords would have reclassified their properties, and stopped reporting their empty buildings because they could not rely on the council tax discount which had previously been offered (up to 50% off) - (Pg 11)
- **Incomplete Statistics:** The official vacant dwellings statistics do not take into account buildings listed as “derelict and uninhabitable”, second homes, property guardians, buy-to-leave and other forms of property vacancy/ underuse. (Pg 11) For example, the London Borough of Islington conducted a survey of 1,979 new build properties in the borough, and concluded that 30% were “buy-to-leave” properties (see Table B below).

The official empty homes statistics only provide a snapshot of a proportion of vacants (2.6% of dwellings), and long-term empties (0.88%), in England in 2014 – see Table A.

Table A: Empty and Long-term Empty Dwellings in England, By Region (2014)

Table one: Number and percentage of dwellings empty by region				Table Two: Number and percentage of dwellings long-term (more than six months) empty by region			
Region	Number of dwellings	Number of dwellings empty	Percentage of dwellings empty	Region	Number of dwellings	Number of dwellings recorded as long-term empty	Percentage of dwellings recorded as long-term empty
North East	1,196,943	40,708	3.40%	North East	1,196,943	16,052	1.34%
Yorkshire and Humber	2,357,866	77,117	3.27%	Yorkshire and Humber	2,357,866	27,058	1.15%
North West	3,193,675	109,485	3.43%	North West	3,193,675	40,461	1.27%
East Midlands	2,014,514	55,737	2.77%	East Midlands	2,014,514	19,490	0.97%
West Midlands	2,413,862	63,991	2.65%	West Midlands	2,413,862	22,257	0.92%
East of England	2,590,719	58,197	2.25%	East of England	2,590,719	17,202	0.66%
London	3,470,247	56,715	1.63%	London	3,470,247	20,795	0.60%
South East	3,768,624	84,666	2.25%	South East	3,768,624	23,956	0.64%
South West	2,457,713	63,507	2.58%	South West	2,457,713	18,550	0.75%
England	23,464,163	610,123	2.60%	England	23,464,163	205,821	0.88%

For local authority level data from the official statistics of the total number of empty homes please visit: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> and click on table 615.

For local authority level data from the official statistics of the number of long-term empty homes please visit: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> and click on table 615.

(Source: Empty Homes in England; Empty Homes, Autumn 2015, Pages 6 & 10)

The London Borough of Islington attempted to find out the scale of “Buy-To-Leave” in the borough by surveying 14 of its new-build developments, by finding how many electors lived in the premises. If there were zero electors in the unit, LB Islington assumed that it was a buy-to-leave property. The results of the survey in Table B.

Table B: Number of Units & Zero Electors (Buy to Leave properties) in 14 new-builds by LB Islington in 2014/15.

Development	Postcode area	Units	Zero electors	
			Number	Percent
Bezier Apartments, Old Street ¹¹	EC2	188	88	42%
24 Leonard Street	EC2	45	26	58%
1 Lambs Passage	EC1	79	42	53%
12A Islington Green	N1	70	34	49%
Worcester Point	EC1	160	72	43%
1 Gifford Street	N1	154	57	37%
Dance Square	EC1	268	90	33%
Northstand Apartments	N5	213	55	26%
9 Clerkenwell Road/25 Goswell Road	EC1	174	44	25%
Eaststand Apartments	N5	111	23	21%
Weststand Apartments	N5	116	17	15%
Stadium Mews	N5	28	4	14%
Southstand Apartments	N5	254	34	13%
52 Holloway Road	N7	119	9	8%
TOTAL		1,979	595	30%

(Source: “Preventing Wasted Housing Supply: Draft Supplementary Planning Document”; London Borough of Islington, July 2015; <http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2014-2015/%282014-12-05%29-Preventing-Wasted-Housing-Supply-Draft-SPD-December-2014.pdf>)

Appendix 12: Two Types of London Boroughs, Tolerant/ Punitive

Low Empties, Low Risers, Tolerant (LLT)		
	L/T Empties 2010 % of dwellings	House Price Rise 2004-2015 % increase
Harrow	0.3%	61%
Hounslow	0.5%	65%
Richmond upon Thames	0.4%	95%
Average	0.4%	74%

High Empties, High Risers, Punitive (HHP)		
	L/T Empties 2010 % of dwellings	House Price Rise 2004-2015 % increase
Hackney	2.0%	138%
Lambeth	1.6%	120%
Westminster	2.1%	159%
Average	1.9%	139%

(Source: SQUASH Analysis using House Price Rise: Land Registry, Long-term Empties: Gov.uk statistics)

Notes:

2010 Long-term empty statistics have been used because SQUASH believe they represent a better measure of the number of long-term empties in England. The rapid decline since 2010 is unexplained and 2015 proportions for the boroughs above are similar, but less exaggerated.

Italics – Local authority engaged in Operation Encompass

Appendix 13: Section 144 Arrests, Vacant Dwellings & House Price Indices

	Arrests 2015	CRI 2015	Vacant 2015	L/T Empty 2015	% L/T 2015	Price 2010	Price 2015	Price % change	Areas
Suffolk		19	8,303	2,782	34%	273.9	321.3	17%	East
Cambridgeshire	1	8	5,949	1,866	31%	274.4	343.3	25%	East
Norfolk		7	10,914	3,171	29%	270.8	310.0	14%	East
Hertfordshire		3	8,342	2,087	25%	302.1	407.3	35%	East
Kent	10		15,470	4,496	29%	269.9	341.7	27%	South East
Surrey	8		10,223	3,114	30%	292.0	401.4	37%	South East
Sussex	6		13,930	3,902	28%	291.5	356.0	22%	South East
Leicestershire	6	17	6,710	2,268	34%	240.6	263.8	10%	East Midlands
Lincolnshire	3	11	9,207	3,111	34%	221.4	241.0	9%	East Midlands
Merseyside		24	23,999	8,956	37%	206.5	205.2	-1%	North West
Cumbria	1	1	9,492	4,413	46%	242.9	235.0	-3%	North West
Lancashire	1		20,758	7,681	37%	195	183	-7%	North West
Devon&Cornwall		10	17,777	5,780	33%	316.0	333.1	5%	South West
Avon and Somerset	1	6	7,266	2,078	29%	272.8	287.7	5%	South West
West Mercia	3	5	11,806	4,023	34%	248.3	262.0	6%	West Midlands
Warwickshire		3	6,282	2,265	36%	251.4	289.9	15%	West Midlands
South Yorkshire		8	16,730	6,140	37%	205.0	206.6	1%	Yorks&Humber
London	104	10	59,881	20,915	35%	363.2	559.6	54%	London
England (Overall)	148	135	600,179	203,596	34%	260.1	303.9	17%	

(Sources: Arrests & CRI: SQUASH FOI 2016, Vacants: Gov.uk statistics, House Price Index: Land Registry)

[Region]	Explanation	[No. of Police Forces Responding]	Source
s144 Arrests	Arrests for section 144 LASPOA (2015)	No. of People	SQUASH FOI, 2016
Squat CRI	Crime Related Incidents for "squatting" (2015)	No. of Incidents	SQUASH FOI, 2016
House Price Incr.	Change in house prices (2010-2015)	% Increase or (Decrease)	Land Registry Index
% L/T:Vacant	Long-term empties as a proportion all vacant	% L/T Empties: All Vacants	Gov.uk Statistics, 2016

About

SQUASH (Squatters Action for Secure Homes) is a campaigning organisation which, since the early 1990s, has worked to protect squatters and other vulnerably housed people. We campaign to raise awareness of the impact of new laws, and give voice to squatters and others experiencing insecure housing. Our broader aim is to provide resources for the achievement of secure housing for all.

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Streets Kitchen is a homeless action group operating in the UK & Ireland, organising Food Runs, Housing & Benefit Advice, and other Services. Our website offers information & news that benefits those on our streets. We work in partnership with grass-roots groups across the UK and beyond. Our motto is: Solidarity NOT Charity.

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