Cyber-disability hate cases in the UK: the documentation by the police and potential barriers to reporting

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Abstract. Disability hate crime is under-reported in the UK with perceived limited support given to the victims. The use of online communication resulted in cyber-disability hate cases, recognised by the Police with the addition of an 'online-flag' in the documentation. However, the cases remain under-reported, with potential individual, societal and organisational barriers to reporting especially during a pandemic. This paper aims to contextualise the reporting of cyber-disability hate cases, identify potential barriers, and provide recommendations to improve support to victims by the Police. The retrospective examination was carried out on disability-related cyber incidents documented by a police force in the UK for 19 months. Among 3,349 cyber-crimes, 23 cases were included. The analysis covered descriptive statistics and qualitative document analysis (QDA). Only 0.7% of cyber incidents or 6.7% of cyber-hate incidents were disability related. The age of victims ranged between 15 and 61 years, with a mean of 25.8 years. Most of the victims (78%) were from White ethnic background, and the majority were females (61.5%). Three overarching themes emerged from the qualitative data as influencers of reporting or documentation, these were: psychological impact, fear for safety, and the type of disability. Cyber-offences resulted in a serious impact on wellbeing, however, cases that included people with visible disabilities were more documented. Further awareness-raising targeting the police and public is needed to understand the impact of cyber-offences and recognise the different types of disabilities, which might encourage both reporting and documentation.

Keywords: incident response, law enforcement, online hate crime, disabled people, justice, law.

1 Introduction

Disability is one of the protected characteristics in the UK. It is defined under the Equality Act 2010 as a "physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities"[1, p.7]. More than 11 million individuals in the UK live with impairment, disability and/or a long-term condition [2]. A substantial proportion of them face challenging circumstances that are considered social determinants of health such as living standards, employment issues, and education [2]. Disabled people are also more likely to experience unfair treatment, discrimination, and crime [2]. These issues necessitate collaborative work to facilitate health-management, support, as well as overcoming the disabling barriers in society.

The victimisation of disabled people is well documented in the literature [3, 4]. Victimisation is any repeated negative behaviour or attention over time by an individual or a group towards the "victim" [5]. It can range from harassment incidents [6-8] to disability hate crimes [9].

Hate crimes include a range of criminal behaviours motivated by hostility towards protected characteristics such as disability, race, religion, sexual orientation or transgender identity [10]. Accordingly, disability hate crime is defined by the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) as "Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's disability or perceived disability" [11]. Such experiences include harassment, intimidation, damaging property or violence. The reporting of disability hate crimes increased over time from 1,748 cases in 2011/2012, to 2,020 in 2013/2014 and reached 7,226 cases in 2017/2018 [10]. In the three years ending March 2018, a total of 52,000 disability hate incidents and crimes were reported in England and Wales [10].

Disability hate crime remains an ongoing issue in the UK, despite the continuous efforts to identify the underlying factors and the systematic consequences [12]. One of the acknowledged issues is the under-reporting and the barriers to the criminal justice system [13]. In a quantitative study, hate crime data over 10 years from 2005 to 2015 were examined. It was observed that disability hate crime is under-reported compared to other categories of hate crime. It was estimated that 56% of disability hate incidents were reported to the police, compared to 42% of race incidents, however, the police were less likely to investigate disability incidents (10%) compared to other crimes such as race incidents (16%) [14]. A potential issue that undermined reporting is the normalisation of hate speech over time, probably due to external factors such as tax-paying [15] and the stereotyping in media representations [16].

Discrimination is an ancient but not a static phenomenon; the increasing use of technology has resulted in 'cyber-victimisation' cases. These are either pure online offences (cyber dependent) or as a continuation of traditional crimes using electronic communication (cyber-enabled) [17]. Online offences were found to have no less devastating multi-faceted impact on the victims compared to their offline counterparts [18, 19]. Cyber experiences are complicated by the anonymity of offenders, the availability of a broad range of means to employ, longevity of exposure due to permanent comments

online and unavoidability by physical absence from a specific context [20]. In the UK, it was found that one in every four adults with disabilities (23.1%) experienced crime including electronically facilitated crimes [21]. Due to the variations in definitions among researchers, disciplines and stakeholders [18], hate incidents that include online communication will be addressed under the umbrella term 'cyber-victimisation' in this paper.

Cyber-victimisation imposes a huge impact upon victims, such as an individual's wellbeing, social relations and can result in long term consequences such as mental health illnesses or mortality [18]. Such impact requires collaborative work to identify risks and provide proper support [22]. A recent investigation by the House of Commons examined the online experiences of disabled people in the UK [23]. The report acknowledged the importance of online communication for people with disabilities, the impact of hostility in online communication, and recognised that current laws were unfit for purpose to protect people with disabilities. Moreover, there is a risk of escalation of disability discrimination during the current COVID-19 pandemic. There are continuous calls to ensure the response to COVID-19 is inclusive and fair to disabled people [24, 25]. However, many UK-based organisations and activists raised concerns over the rights of disabled people during the pandemic in response to perceived discrimination in regulations and practice [26]. Hence, the current situation raises further concerns over cyber-victimisation and requires support channels to provide appropriate response and support to the victims.

The Police are one of the major instrumental support channels approached by victims of cyber-offences [27]. The "online flag" in police records became mandatory in April 2015 [10]. It is used to help identify the extent of using electronic communications to facilitate crimes nationally. The online flag is used with offences that were committed or facilitated through computers, computer networks or computer enabled devices. In an analysis of using the online flag by 30 out of 40 police forces in the UK, it was found that racially motivated crimes were highest in numbers (928 offences), followed by sexual orientation (352 cases), disability (225 cases), religion (2010 cases) and transgender (69 cases). Race was also identified as the most common motivating factor reported for hate crimes, however, as a proportion, only 2% of racially motivated hate crimes were online. Thus, after putting these numbers as proportions, the use of electronic communication was commoner in transgender, disability and sexual orientation hate crimes, with a frequency of 6%, 4%, and 4% respectively [10].

Victims of cyber-offences perceived that the support channels did not take them seriously [19, 27], and this is also demonstrated in cyber-disability hate cases [23]. There are ongoing efforts in the UK for police cyber-crime training, and also encouraging researchers to narrow the gap between theory and practice [28]. This paper examines the documented cases of cyber-disability hate by a police force in the UK, to situate cyber-disability hate among other offences, identify the impact upon victims, patterns of reporting/documentation, and guide future work.

2   Methods

An opportunistic retrospective examination of cyber incidents was carried out on police records provided by a police force in the UK, documented over 19 months (between July 1st, 2014 and January 31st, 2016). Qualitative Document Analysis (QDA) was conducted, it is a systematic approach for evaluating and interpreting written documents to elicit meaning [29, 30]. The analysis steps included: 1) setting document selection criteria; 2) identifying key areas of analysis; 3) coding, and analysis [31]. The analysis stage generally includes content analysis, thematic analysis or both [32]. This approach is suitable as a stand-alone method or triangulated with other qualitative methods to increase confidence in recommendations [29].

The analysis in this paper was underlined by phenomenological philosophy, which looks at official reports as social constructs [33] and it is in-line with previous work carried by the authors in this area [19, 27, 34]. Hence, thematic analysis was employed in the last stage. The advantages of using QDA with the Police records include: 1) its efficiency as a research method; 2) lack of reactivity, i.e. unaffected by research process and the stability of data without alteration by researchers; and 3) exactness of police records. This approach helped to address patterns that construct reporting of cyber-victimisation cases targeting disabled people. However, the QDA here is limited by partial reporting of some cases.

Ethical approval was granted by the University Research Ethics Committee (UREC) at a UK University. Cases eligibility criteria included the following: 1) the case is identified via the online flag in the police records; or 2) using a cyber-related keyword search in the documentation; and 3) the victim has a disability and/or a long-term health condition that is documented within the case.

2.1   Case selection process

A total of 3,349 cyber-crime cases were identified from the police records over the specified timescale. This data set included 1,493 cases with "online flag", and 1,856 cases identified using cyber-related keyword searches. From the overall dataset, two subsets were extracted: 1) cyber-hate cases, and 2) disability-related cases. The cyber-hate dataset included all cyber-related cases categorised as hate incidents following the Crown Procession Service (CPS) guidelines, the total was 119 cases. These were scanned for eligibility criteria, 10 cases were shortlisted, and two were excluded due to not looking at a victim with a disability; one case included a comment that implies the offender is speaking on behalf of people with disabilities. The disability data set was extracted following a search using relevant keywords, including "disability", "impairment", "chronic illness", "chronic condition", "long term condition" or "long term illness". The disability dataset initially included 25 cases, of which 6 were excluded mainly due to the victim not having a disability/long term condition, for example, the offender has a mental health condition. From both, cyber-hate and disability-related datasets, a total of 23 cases were eventually included in this analysis. The case selection process is illustrated in Figure 1.
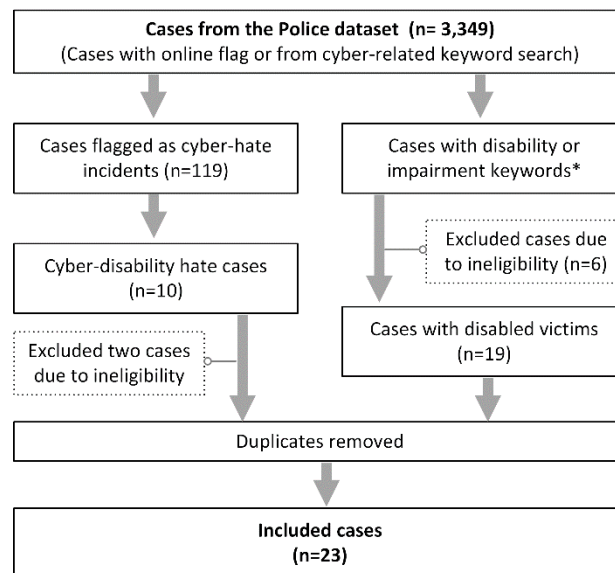
Fig. 1. Flowchart illustrating the case selection process. *These cases were extracted via systematic search using keyword-based queries.

2.2 Analysis

This paper presents the results collectively without references to individual cases. Free text written in each included case was extracted into a separate document. The guidelines for thematic analysis were followed [35]. The text was read, re-read and then open codes were applied. Codes were examined and further grouped into categories, then themes were arranged around a central concept, focusing on the reporting and impact of cyber-victimisation of disabled people. Demographics of victims and alleged offenders were extracted from included cases to situate the sample; however, the data was incomplete in some instances.

3 Results

Only 0.7% of the overall cybercrime incidents, or 6.7% out of cyber-hate incidents, were disability related. Incident were reported from 6 different cities and towns, and the included cases were recorded by the police under different crime groups as visualised in Figure 2. Harassment was the highest group 10 (44%), one of which was a single incident, followed by sending grossly offensive materials via electronic communication (18%), disability hate 3 (13%), domestic incident 2 (9%), racial hate incident 1 (4%), and one racial hate incident with an injury, followed by 1 (4%) sending letters to cause distress, and one (4%) public fear/distress case.
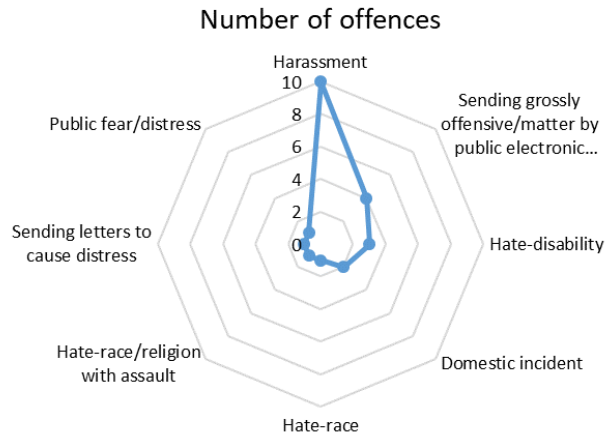
Number of offences

Harassment
Sending grossly offensive/matter by public electronic…
Hate-disability
Domestic incident
Hate-race
Hate-race/religion with assault
Sending letters to cause distress
Public fear/distress

Fig. 2. Radar chart illustrating how disability-related cases were recorded by the Police.

3.1 Demographics

Most of the victims were females 16 (61.5%) compared to 11 (42.3%) male victims. These numbers are higher than case numbers due to the involvement of more than one victim in one case. The age of victims ranged between 15 to 61 years, with a mean of 25.8 years. In one case there were 3 victims aged 13, 13 and 12 years. The majority of victims 18 (78%) were from White ethnic backgrounds, 2 (8.7%) from Black ethnic backgrounds, one (4.3%) victim was from Asian ethnic background, and 2 (8.7%) un-reported cases.

The alleged perpetrators were equally males (n=10), and females (n=10), and 3 cases with unreported gender. The age range of offenders was 14 to 51 years with a mean of 31.8 years in 17 reported cases. Ethnicity wise, 15(65.2%) offenders were White and one offender (4.3%) was from Black ethnic background, and 7(30.4%) unreported cases.

Offender's relationship to the victim was mainly acquaintance 7 (31%) and ex-part-ner 6 (26%), followed by stranger 4 (17%), neighbour 2 (9%), and 4 (17%) unreported cases.

3.2 Qualitative findings

Upon examining the written text in the documentation, three overarching themes emerged from included cases. The themes below do not include direct quotations to ensure the anonymity of reporting such sensitive issues.

Theme 1: Psychological impact. The most common impact shared in documented cases was psychological. Reports frequently mentioned the victim being distressed, scared, worried, anxious, alarmed, stressed, upset, crying or being afraid. One case

explicitly included that the victim's illness has deteriorated following the incident. One case mentioned sleep disturbances. Other psychosomatic or behavioural effects reported were also influenced by psychological impact and interacted with the second theme.

Theme 2: Fear for Safety. This theme emerged from reports where victims shared threats received or abusive communication that lead them to fear for their safety or the safety of their family members. These threats or abusive comments were mainly through electronic communications such as phone messages or photos. However, in a few cases, this was associated with offline actions such as knocking the door or breaking windows, in these cases the threats were taken more seriously by the victims. Such fears resulted in avoiding being outdoors, taking leave from work or not sending children to school.

Theme 3: The Type of Disability. Most of the reports in this recurrent theme implied in the incident records that the victim had a visible impairment. This was apparent through comments of harassment or disability hate incidents where the offender used words such as "crippled", "spastic" or referring to how the victims look physically. Some cases involved referring to the victim's use of disability aids. This was followed by a few cases in which the victim had a learning disability or was attending a special education school. In some of the cases of learning disability, the offenders also has other disabilities. While few cases involved victims having mental health illness. No other types of disabilities or impairments were mentioned in the records by the police.

4   Discussion

The documented patterns of reporting showed a triad of three factors that could have influenced the victims' decision into taking the case to the police. These themes were mainly developing psychological consequences, receiving threats, and living with certain types of impairments. These factors could be summarised in Figure 3.

Fig. 3. The interplay of identified factor in reporting cyber-victimisation by disabled people to the police.

The psychological impact is a consistent finding in the literature that is associated with cyber-victimisation experiences [18]. Hence, triggering stress seems to be an important factor contributing to the decision of contacting the police. The second factor is receiving threats or extremely abusive comments, which is documented with online and offline victimisation [36, 37].

The third factor, having certain types of impairments could be a major contributor to under-reporting. The findings here suggest that having a visible disability or to a less extent learning disability are potentially related to reporting being a victim of cyber incidents. This is relevant to a UK-based survey that examined the perceived motivation of offenders in disability hate incidents [9]. The motivation of offenders ranged from hate and jealousy to accusations of fraud because of the relative invisibility of some impairments. Other work suggests that people with invisible disabilities such as Myalgic encephalomyelitis or epilepsy are also targeted, and when encouraged they are keen to share their experiences of online abuse [34]. This indicates under-reporting of incidents involving invisible impairments.

The under-reporting of disability hate crimes is a multifaceted issue. One aspect lies in public awareness and the stereotyping around disability. This could be linked to the ongoing debate about adopting the medical model and the social model of disability. The medical model focuses on impairments, and the medical diagnoses lead to a legitimised 'sick role' in society [38]. However, this model has the potential of exacerbating discrimination due to focusing on deficits. Hence, the social model was introduced with the argument of separating the impairment from the disability, i.e. people with impairments are disabled by their surrounding societies. Activists in disability campaigns advocate for adopting the social model but the medical model and diagnosing medical conditions can influence how the public view and stereotype disabled people. The legislations in the UK to protect disabled individuals might have created an inherited prejudice towards people who are being put in vulnerable situations because of their

immediate socio-cultural context [12]. A suggested official explanation of under-reporting focused on people's understanding of the questions and that responses were based on 'perceived vulnerability' [10]. This might indicate the police documentation is reliant on the medical model of disability and the legitimised 'sick role' in society [38]. Resulting in a complicated situation in which people with visible disabilities were discriminated against, and those with invisible disabilities to be abused for not looking physically ill. Hence, further, awareness-raising is needed to understand the different types of disabilities, and to encourage people with all types of impairments to come forward.

Under-reporting of disability hate incidents is not a new phenomenon [14], and the results in this paper indicate that the 'cyber' aspect had worsened the situation. This could be because of victims' issues in trusting the support channels [19], or due to issues in training the police to deal with cyber-crimes. In a recent study, the majority of participants from a police force in the UK (56% n=163) did not feel confident to deal with cyber-crime cases [17]. This issue is of concern especially in pandemic circumstances where appropriate support is needed. During the pandemic, people relied more on online communication, and concerns over escalations of disability discrimination were constantly shared [25, 26].

Most of the victims in this paper were from White ethnic backgrounds. This information should be treated sensitively and requires further research because disability-hate is under-reported compared to other hate crimes [14]. However, it is also to be acknowledged that in the records a hate crime can be recorded under more than one motivating factor or flag, which potentially requires further investigations and leads to undercounting [10]. Hence, race is also a protected characteristic and its interplay with disability, if not appropriately addressed, could result in less trust in the criminal justice system and exacerbate marginalisation. Additionally, it is important to note that some of the excluded cases from the analysis here could have been involving an individual with a disability but were missed if this was not documented by the Police or brought up by the victim. This also indicates the need for a coherent multiagency system and consistency in documentation.

5 Conclusion

In conclusion, cyber-disability hate crime is an under-reported issue in the UK compared to other hate crimes and cyber offences. This could be influenced by several factors such as race, type of disability, in addition to fear and distress. Therefore, it is recommended to appreciate this gap as part of training programmes delivered to police personnel. This will help to raise awareness about the different types of disabilities and improve the training on the impact of cyber-crime and its documentation. Raising awareness among the public is also indicated to support the role of the police in tackling disability discrimination, which includes cyber offences and covers all types of disabilities.

Acknowledgement

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