On the periphery of hate crime:

Disability at the intersections of marginalisation, vulnerability and difference

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Doctor of Philosophy

June 2018 (Revised)

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by

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A thesis submitted to Middlesex University in partial fulfilment of the requirements for the award of

Doctor of Philosophy

Department of Criminology and Sociology

School of Law

Middlesex University

June 2018 (Revised)

Abstract

This research explores the nature and impact of disability hate crime from the perspective of disabled people, victims and key informants from criminal justice and other agencies. The evidence base included two focus groups with disabled people, an online anonymous questionnaire with 83 disabled participants, narrative interviews with 12 victims of disability hate crimes and semi-structured interviews with 15 key informants. It draws on all forms of disability, impairment and conditions and contributes to the current research deficit in the field of disability hate crime. All of the participants spoke of a prevalence of targeted violence and harassment against disabled people that is cumulative and repetitive in nature. Victims reported a variety of abuse and hostility, from name-calling and verbal abuse to physical and sexual violence, harassment and damage to property. A significant minority reported experiencing a withdrawal of support or assistance from carers or family members, something which is unique to this strand of hate crime. The impact of this victimisation on disabled communities is both emotional and practical, and can include utilising avoidance or acceptance strategies that restrict living and working conditions for disabled people, thereby contributing to their isolation and Othering. Some participants reported suicidal ideation; others were resilient and described their experiences as normative. Victims recount inadequate, offensive and inappropriate responses from the criminal justice system generally, and a consequential lack of confidence in them as a result. Government policy on benefit claimants and concurrent negative media coverage of disabled people were factors in victims' experiences of hate crimes, with participants advocating that recent cultural and social changes in how disabled people are perceived and framed have directly led to an increase in incidents and crimes. The research demonstrates how domination and subordination of a marginalised group in society has led to resignation and acceptance by them of disability hate crime as part of life. It makes recommendations to address this by establishing dedicated hate crime units within police forces, embedding hate crime awareness and training within safeguarding practices and improving third party reporting facilities.

Acknowledgements

Thank you to Professor Anthony Goodman, Dr Jackie Gray and Professor Eleonore Kofman for their supervisory support on this project. I am very grateful for the patience and unending encouragement I have received in particular from Jackie and Tony. Enormous thanks also to all my family and friends who have supported me from near and far; my mam and dad, brother and sisters, cousins, aunties, uncles; there are far too many to list but you have all supported and encouraged me to #getitin. Thank you to Dr Gemma McKenna and Lisa Overton for the opportunity of sharing and supporting our PhD journeys together, despite longevity and distance.

I am especially thankful to all of the participants within this research project; without whom I would have nothing to report; in particular to those who have been victims of disability hate crimes, for their candour, willingness, encouragement and commitment to change. I also thank Middlesex University for funding this research project and believing in researching an 'invisible' topic in 2009.

Finally, I would like to thank my husband Lee, without whom I wouldn't be the person I am today, and my beautiful children, Gemma and Aidan; without them, this PhD would have been finished a lot sooner, but with less empathy and passion.

Dedication

This is dedicated to all survivors and victims of disability hate crimes.

And to Sean Healy who taught me to love books.

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Chapter 1: Doing Disability: Definitions, Research, Models

Introduction

Academic and policy interest in hate crime, although well established, has tended to be dominated by research and debate around race and religious hatred, with disability on the margins of hate interest (Tyson, Giannasi and Hall, 2015; Sin, 2015; Chakraborti and Garland, 2015; Chakraborti, 2010; Chakraborti and Garland, 2009). Despite a recent and welcome increase in research into disability hate crimes, there remains limited robust academic research (Mikton and Shakespeare, 2014), although that which exists suggests that disabled people are at greater risk of victimisation than the general population (Khalifeh et al., 2013; Sin et al., 2009a). Many studies report a lack of confidence in the criminal justice system by those with disabilities (Coleman, Sykes and Walker, 2013; Chaplin, Flatley and Smith, 2011; Clement et al., 2011; Vincent et al., 2009; Action for Blind People, 2008; Mind, 2007). Despite increases in reporting, recording and prosecuting disability hate crimes, official figures remain low when compared to other strands and are considered unreliable due to underreporting (Corcoran and Smith, 2016; Sin, Sheikh and Khanna, 2012). This thesis is concerned with identifying the factors involved in these phenomena; exploring the experiences of victims of disability hate crime and understanding the perspectives of disabled people, policymakers, interested parties and criminal justice personnel when it comes to reporting and responding to disability hate crimes. As a consequence, the research questions are as follows:

1. What are the experiences of victims of disability hate crimes? Specifically, with regards to:
   a. Type of crime/incident;
   b. Multiple and/or repeat victimisation;
   c. Criminal justice response, including Police and Crown Prosecution Service;
   d. Agencies' response, including health, social care, housing and local authorities.
2. What impact does this form of victimisation have on people with disabilities, impairments or conditions? Is it:
   a. Social
   b. Emotional
   c. Economic

        d.   Practical?

   3.   What should be done to improve both the reporting and recording of disability hate crime?

The subsequent chapters will consider the empirical and theoretical literature in greater detail; however, the purpose of this chapter is to provide a brief introduction to concepts and conflicts with regards to conducting *disability* research in the current climate. It begins by considering a number of definitions of disability and a brief history of disability and difference. Following these is an overview of the dominant models utilised in framing how society views disability and how disabled people interpret disability. It then charts the emergence of the disability movement within the United Kingdom before reflecting on a framework for researching disability generally. Lastly, it outlines policy and guidance of relevance to disabled people and the potential implications of these.

Defining Disability

Approximately 15% of the world's population lives with some form of disability. This includes 2-4% who experience significant difficulties in functioning (Hughes, Bellis, Jones et al., 2012; WHO, 2011). In the UK, the Life Opportunities Survey (ODI, 2011) estimated that 29% of the adult population had at least one impairment and 26% met the current accepted definition of disability within the Equality Act (2010). The Office for Disability Issues estimated than 11 million people in the UK had a disability or impairment, including 15% of working age adults and 45% of the retirement population (ODI, 2014). This prevalence of disability within our society is explained by an ageing population, a spread of chronic diseases and improvements in the methodologies used to measure and *define* disability.

Definitions are relevant because how society relates to disabled people is influenced not just by past experience but also by how it defines disability itself, and can reflect anti-disability assumptions and discriminatory practices (Barton, 1996). Furthermore, as definitions of disability vary, disabled people may be regarded and treated differently by different organisations (Sin, 2015).

In the UK, the Equality Act (EA; 2010) was established to provide greater legal protection for nine protected characteristics, including disability[1]. A person is recognised as having a disability if they have a physical or mental impairment that has a substantial and long term adverse effect on that person's ability to carry out normal day-to-day activities. Although the Act does not define impairment, it is distinguished from medical conditions, with the proviso that such conditions may result in impairment. The inference here is that disability is something that occurs within the individual; they are a disabled person, and the EA does not consider the interactive effect of the impaired person and society. The Act includes the long term effects of the impairment, perhaps in consideration of the effects of this in terms of employment, services and education (Law Commission, 2013). Long-term is explained as any effect that lasts, or is likely to last, for at least 12 months.

The United Nations Convention on the Rights of Disabled People (CRDP) takes the definition of disability further, in that it includes those with: "long term physical, mental, intellectual or sensory impairments which *in interaction with* various barriers may hinder their full and effective participation in society on an equal basis with others" (2006: p4, italics added). Thus, the UN recognises that disability is more than impairment and acknowledges the interaction of it with negative attitudes or 'unwelcoming' environments.

The World Health Organization's (WHO, 2003) definition of disability is categorised according to the International Classification of Functioning, Health and Disability (ICF). The ICF recognises disability as a universal human experience. It takes into account the *social* aspects of disability and does not see disability only as a 'medical' or 'biological' dysfunction. It considers impairments of body functions and structure and their resulting limitations and restrictions to participation in society. It then adds environmental factors such as physical, social and attitudinal environments in which people live (WHO, 2003). Thus, the WHO definition of disability is "an umbrella term for impairments... denoting the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environmental and personal factors)" (WHO, 2011, p.303). Thus, disability is more than just impairment or society's response to that impairment, but a combination or 'interplay' between the two (Shakespeare, 2006).

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[1] The EA replaced the majority of provisions within the Disability Discrimination Act (DDA) 1995, which also placed a duty on public bodies to reduce prejudice against disabled people

How disability is defined *within legislation* differs however. The Criminal Justice Act (CJA, HM Government, 2003a), the most relevant legislation with regards to disability hate crime, briefly defines disability as any "physical or mental impairment" (S146:5). There is no mention of length of impairment or scope as to which particular impairments amount to disability, although its guidance for prosecutors states it includes HIV or AIDS (CPS, undated)[2]. Further guidance on the distinction between vulnerability and hostility, however, distinguishes between 'impairment' and 'disability' in advocating that disability is the disadvantage or restriction of activity *caused by a society* that excludes an individual from participating in it (CPS, 2010b). The terminology was designed to be inclusive and encourage reporting (Giannasi, 2015b) and whilst the broad nature of it is welcomed, when it comes to interpreting disability in the process of a prosecution there is a risk of inconsistency as to what is protected by law (Law Commission, 2013).

Thus, there are nuances between definitions; length of impairment is relevant for the purposes of the EA, however there is no such restriction for prosecutions under hate crime legislation. More concerning is the restricted definition of disability as stated in the CJA and the risk of inconsistency in legal interpretation that this may produce. It is encouraging that a number of definitions appreciate the relationship between impairment and *society* in contextualising disability, which emerged because of a social change in perceptions of disability as a result of campaigning by the Disability Movement, discussed below.

Having considered all of the above, for the purposes of this research, the term 'disability' is understood as a physical, mental, psychological or sensory impairment or health condition that, in interaction with an individual's social environment, has a long-term adverse effect on the day to day activities of that individual. However, it fully accepts and respects participants' self-declared disabled status, regardless of whether their disability, impairment or condition meets this definition.

A history of discrimination, isolation and differentiation

The differential treatment of disabled people has occurred throughout history in the form of discrimination, isolation, differentiation and inequality (Hollomotz, 2013). Barnes (1996a) documents civilisations as far back as Ancient Greece where there was little room in society for

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[2] Note that at the time of writing the CPS was in the process of preparing and publishing an updated version of their Guidance for prosecuting disability hate crime (2017);

those with impairments or imperfection. Petersilia (2001) demonstrates how societies have always victimised disabled people, including but not limited to those who were euthanized, institutionalised, or otherwise separated from society. Sobsey (1994) suggests that an 'exosystem' existed; cultural and social beliefs about disability that directly led to the differential treatment and ultimately systematic discrimination of disabled people.

Thus, to be disabled means to be discriminated against, including social isolation and restriction, and is a means of differentiation in modern societies (Barton, 1996). Shakespeare (2004) identifies the major cause of inequality among disabled people as this limitation on their ability to participate fully in society. He believes this is because of society's inability to provide the resources and opportunities required for disabled people to participate and a failure to meet their needs.

Traditional methods of institutionalising disabled people did little to address their social isolation and restriction. The normalisation principle, which aims to make everyday life conditions for disabled people as close as possible to the norms and patterns of mainstream society, influenced the move away from institutionally based services to predominantly community-based ones in the last quarter of the 20th century in the UK (Hollomotz, 2013). However, Hollomotz is concerned about the current degree of autonomy and choice of disabled people. Unequal power relations continue to exist between those in control of services and those for whom these services are essential. In addition, however integrated disabled people attempt to be within society, differentiation and exclusion continues. How society excludes particular groups or individuals involves processes of categorization in which perceived inferior aspects of a person are generated and then legitimated. This form of stereotyping, as discussed in Chapter 2, continues to be challenged by disabled people. Attempts to develop an alternative perspective which recognises disability as a human rights issue involve the struggle for choice, social justice and participation. Part of that struggle is concerned with establishing that discrimination is unacceptable (Barton, 1996) as many forms of discrimination manifest as hate crimes.

Models of Disability – from Medical to Social and beyond

The section on defining disability above highlighted some of the conflict in accurately identifying definitions of disability. The definitions have shown contrasting perspectives on whether it is the individual who is disabled (traditionally known as the medical model) or society that is *disabling* (the social model) (Sin, 2015).

The medical model was traditionally the dominant influence on both professional and commonsense definitions of disability. It presumes, however, a biological or physiological inferiority. It emphasises *individual* loss and inability, with a focus on impairment of individual function, contributing to a dependency framework. Labels such as 'handicapped' and 'retarded' further implied a functional loss and a lack of worth and have tended to legitimate individual medical and negative views of disability (Barton, 1996).

However, the advent of the disabled movement (discussed below) saw many argue that it is not the individual who is disabled, but society that is disabling (Barnes, 1996a; Oliver, 1983). Instead, disability is reconceptualised as a "complex and sophisticated form of social oppression", or institutional discrimination, on a par with racism or sexism (Barnes, 1996a, p.43). Discussion has shifted away from individuals and their impairments to disabling environments and hostile social attitudes. For example, Barnes describes disability as the *oppression* of disabled people and says that this discrimination can be traced back to the origins of western society and the material and cultural forces that created the myth of 'body perfect' and an able-bodied ideal. Activists and writers shifted away from traditional models of disability, "with the accompanying focus on dependency and vulnerability" towards social and cultural models which emphasise the social interaction of 'normal' people with their material environment (Thiara and Hague, 2013, p.106).

The social model thus recognised that attitudinal and environmental factors are just as important as impairment in the assessment of disability. It addresses disability within a social constructionist perspective (Dewsbury et al., 2004). Barnes (1996a) emphasises the structural factors involved in the construction and production of disability and 'dependence' through what he perceived as the central values of capitalist society. In contrast, Shakespeare (1994) argued that people are not disabled by material discrimination but also by prejudice, which is implicit in cultural representation, language and socialisation, objectifying the individual as 'other', effectively predating Western society's capitalism. For Shakespeare, disabled people's oppression is linked to a fear of impairment by non-disabled people, as it reminds them of their own mortality. Disabled people are a threat to those who see themselves as perfect and he suggests that this threat is linked to notions of masculinity and "potency".

Unlike the medical model, which defines people by their impairment rather than society's response to them, the social model emphasises the economic, environmental and cultural barriers encountered by people with impairments (Miller, Gillinson and Huber, 2006). People are ultimately disabled by society's inability to accommodate their needs rather than being something

inherent in them. In the UK the social model of disability is dominant within the disability movement. Disabled people's collective experiences are often described as 'oppression', thus necessitating social change (Sherry, 2013a). Critics of the social model vary in their desire to reject, reform or defend the social model of disability (Thomas, 2004). They reject it because of its conceptual separation of impairment from disability and its assertion that people with impairments are disabled by society and not by their impairments. The fundamental flaw of the social model is that it denies the impact of impairment on disability. It is difficult to determine where impairment ends and where disability starts and disability has to be understood as the product of multiple forces. Shakespeare (2006) argues that the social model has reached a 'dead end' in that it neglects impairment and would be better replaced by an 'interactional or relational' approach (p2), whereas Dewsbury et al. (2004) contend that research has simply replaced assumptions from one kind of (medical) expert with assumptions that privilege other kinds of experts, such as the sociologist or disabled person.

The World Health Organization, drawing upon this tenet, prefer a blended approach to disability that encompasses both models; what they term the 'bio-psycho-social' model (WHO, 2011). Rather than seeing the medical and social models as dichotomous, WHO argue that understanding disability requires a balanced approach. Functioning and disability are described as a "dynamic interaction between health conditions and contextual factors, both personal and environmental" (p.4). Disability is thus an interactional process between an individual with impairment(s) and the attitudinal and environmental barriers that they encounter in their daily lives. As such, it is not an attribute of the person themselves.

Unfortunately, however, many research projects and surveys rely on the use of the medical model when researching disability. For example, the annual British Crime Survey reflects the medical model in its definition (Nocon, Iganski and Lagou 2011), in parallel with the legislation discussed above. The implications of this are discussed in the following chapters.

The Disability (Social) Movement

Applying a social model of disability implies that focus is on the collective experience of oppression and requires social change (Sin, 2015). Indeed, the UK disability movement is active in this very way. It emerged from a period of identity politics, civil and human rights activism at a time of other 'minority' group activism in the 'second wave' of social movements known as 'new social movements' (Shapiro, 1993).

Traditionally, social movements emerged as a reaction to dominant culture, representing minority groups who share key themes or characteristics (Beckett, 2006; Bronner, 1994). Often influenced by critical theory, social movements place emphasis on emancipation, self-criticism and commitment to freedom and rational society. Use of the term "new social movement" distinguished groups such as the women's and the disabled people's movement from much earlier political movements (for example, the socialist movement)[3]. That said, both forms of movements share similar features. Within social movements, the personal becomes political; there is a shared common interest or some form of common identity; they have mass mobilisation as their primary means of power, and their chief concern is to defend, or change, their position within society. Personal troubles become public issues and an individual's own identity is validated, through the solidarity of the mass movement (Shakespeare, 1993). However, new social movements are seen as socially and culturally driven, rather than politically and economically so (Melucci, 2008).

These movements, says Shakespeare (1993), have highlighted the inequalities in standards, social rights, politics and economic power in society. Identity has also been crucial to social movement theory as it is a "reflexive narrative that makes a group and/or an individual unique, distinct from others" (Langman, 2005, p.56). The features of the disability movement, such as exclusion, shared political identity and use of direct action, demonstrate clear parallels with other movements (Shakespeare, 1993) and the disability movement has been a successful social movement. Disability activism around disability hate crime has been effective and strong (Perry, 2013). The disability movement within the UK began to prioritise disability hate crime after 2007 and publicise particularly violent crimes (Sherry, 2013a; Quarmby, 2008). Since then the movement has campaigned at local and national levels, has lobbied for more effective prevention and protection and has worked to raise community awareness and encourage reporting. The inclusion of disability within hate crime legislation was, according to Grattet and Jenness, an "outgrowth of social movement mobilization, the presence of interest groups, and the dynamics of lawmaking" (2001, p.679).

Social movements, according to Perry (2003a), will continue to stimulate change for the communities they represent, but she argues that it is increasingly important that they recognise their shared objectives and engage in "coalition building" with other marginalised groups (p.48).

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[3] For a broader discussion about the definitions of both social movements and 'new social movements' see Shakespeare (1993), Beckett (2006) or Langman (2005).

Instead of forming coalitions, however, some groups have created conflict amongst themselves. This was evidenced in personal correspondence with a senior individual working in a disability organisation who was approached as a potential gatekeeper. She described how she had experienced repeated problems when attempting to work collaboratively with other minority groups; some minority ethnic groups refused to cooperate with this disability group because of their own prejudices against disability. Perry concedes that there is a distinct nature and impact of hate crimes upon different victim groups but contends that intercultural coalitions must occur in order to challenge the basic assumptions about identity that rely on irreconcilable differences between strands.

Disability Research Framework

The slogan 'Nothing about us without us' represents the ethos and unity of the disability movement in the UK (Smith, 2015; Novis, 2013). It highlights the importance of collective solidarity (Barton, 1996) in that all disabled people share a common sense of exclusion and discrimination, despite differences in impairments (Shakespeare, 1993). It is from this perspective that this research study unfolds; there were no restrictions to or exclusions of any disability, impairment or condition. It is deliberately inclusive in its approach to participant selection, asking only that a participant self-identify as disabled.

Furthermore, 'Nothing about us without us' demands that disability research must involve the participation of disabled people at every stage of the process. Direct participation has not only challenged people's perceptions of disability, but also empowered and inspired participants (Shakespeare, 1993). Research in disability, however, has historically been neglected in mainstream academia (outside of disability studies), which perhaps is a reflection of the dominant hegemony in society. As will be discussed in Chapter 5, this study was conducted by a non-disabled researcher, although disabled people were involved in its design. This conflict of a non-disabled researcher 'doing' disability is a controversial one and further elaborated upon within that chapter. This research will subsequently return to the concept of collective representation and inclusivity within the findings chapters.

Government policy: a climate of disability doubters

"There are complex reasons why disabled people are unemployed. Sometimes it's because of employer prejudice or inaccessible workplaces or procedures. Sometimes it's because disabled people cannot do the jobs that are available to them because of their impairments. And sometimes it's because disabled people do not want to work" (Shakespeare, 2004; para.6).

The government has made a number of positive and proactive policy statements and initiatives addressing hate crime (see Chapter 8, Part 1) and disabled people. For example, in 2005, the (then) Prime Minister's Strategy Unit published a vision for disabled people in Britain where they "should have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society" (p.6). As honourable as this may sound, subsequent policy changes in relation to social welfare have depicted disabled people as dependent, no longer in need of benefits and a group who need to be incentivised to work (Void, 2013; Piggott 2011; Lawrence, 2011). Benefits changes put disabled people at the centre of plans to reform welfare changes and language portrayed them as dependent, workshy and unwilling (Ralph, Capewell and Bonnett, 2016; Garthwaite, 2011).

Between 2010 and 2013, 1.03 million existing claimants of out-of-work disability benefits, or incapacity benefit (IB), had their eligibility reassessed. This figure represents 80% of the total IB existing claimants (Barr et al., 2016). The reassessment was built in to a programme of austerity measures put in place by the UK Government as part of their commitment to reduce the overall national deficit following the country's recession. Through a newly established Work Capability Assessment (WCA) disabled claimants were either found fit for work, and moved off disability benefits, or transferred to a new disability benefit scheme, the Employment Support Allowance (ESA). In addition, the Disability Living Allowance, given to disabled people to help with extra costs associated with their disabilities, was being replaced by a Personal Independence Payment (PIP) in a bid to cut overall Department for Work and Pension (DWP) spending by 20%. The impact of this alone has meant a number of disabled people losing the mobility component of their allowance, resulting in the return of their motability vehicles or a restructuring of their finances to find some other way of funding them (Pring, 2016b). Disabled people were arguably already struggling financially before this succession of cuts was instigated. The Life Opportunities Survey reported that 84% of UK households that included at least one person with impairment had difficulty managing their finances because of limited incomes (ODI, 2011) and a higher proportion of

families with a disabled member reportedly live in poverty than those with no disabled family members (ODI, 2014). Thus, cuts were being instigated for those already stretched financially.

Concerns were also raised that the WCA process had an adverse effect on disabled people. The assessment and appeals process are both reported to be stressful and were resulting in additional financial penalties for those already on a low income if they are found to be fit for work. Barr et al. (2016) found the reassessment process was associated with an increase in self-reported mental health problems, prescriptions of anti-depressants and suicides across England.

Quarmby (2013) reports that at the time of this benefit "crackdown" disabled people were presented as either villains or victims within popular news media. In much the same way as asylum seekers have been constructed as 'bogus' and 'genuine' (Ahmed, 2001), the construction of a fraudulent disabled person allowed society to congratulate itself for its generosity to some, whilst constructing others as fraudulent or bogus. Despite an increase in media coverage of disability hate crimes generally, the language used to describe disabled people was one of fraudulent benefit claimants (Briant, Watson and Philo, 2011; 2013; Garthwaite, 2014, 2011). For example, BBC News (2011) incorrectly reported that 75% of benefit claimants who had been reassessed were either found fit to work or dropped their claims. Other British media attempts to disparage and shame disabled claimants added to this image of benefit cheat (Piggott, 2011; Riley-Smith, 2012; Richardson et al., 2016). Richard Hawkes, chief executive of disability charity Scope, said in 2011: "Much of the welfare reform debate has focused on disabled people as benefit scroungers and many disabled people feel this has led to the public being more sceptical about disability issues and more hostile to those who receive welfare support" (Scope, 2011, para.7). Where previously disability had been recognised as a legitimate social category and disabled people would have been seen as *unable* to work (Oliver, 1990), increasingly this image has reversed and disabled people are portrayed as *unwilling* rather than unable, and are categorised as either "deserving" or "undeserving" benefit recipients, leading to increased social stigmatisation and suspicion (Garthwaite, 2014). Marsh (2011) places the blame for this directly at the Government's door and says its 'tough line' policy attempts to reduce the numbers claiming benefits led directly to this media response, suggesting that inciting criticism in this way can only fuel disability hate crimes. Piggott (2011) agrees that Government policy in relation to social welfare was complicit in the depiction of disabled people as dependent. Quarmby subsequently reported that almost 20% of survey participants reported either being called scroungers or too lazy to work and told to "get off" benefits (2015, no pagination). This rhetoric of

fraudulent disabled people underlies the social context within which this research was undertaken.

Chapter Summary

This chapter has considered challenges around defining disability, the emergence of the disability movement within the United Kingdom and identified some of the conflicts and debates surrounding disability that will be considered. It has outlined a number of interacting perspectives within disability research and identified key concepts that will be referred to throughout this research. These concepts will be explored upon in the coming chapters and include: the importance and relevance of a unified definition of disability; the isolation, discrimination and differentiation endemic to being disabled; unequal power relations and their impact on disabled people; legitimising discrimination through stereotyping; interpreting disability through human rights and protectionist models; the collective solidarity of the disabled movement; and the complicities and responsibilities of Government policies. These perspectives establish a narrative through which this research is conducted.

The next chapter considers disability within the context of hate crime; including the emergence of hate crime legislation, prejudice and disablism and unique features of disability hate crimes.

Chapter 2: Disability Hate Crime: definitions and concepts

Introduction

This chapter considers the emergence of disability hate crime within academic and legislative arenas. It begins with an overview of prejudice, definitions of hate crime and disablism. It considers the debate around extending provision to other marginalised groups and criticism of the hate crime label itself. The distinct and nuanced nature of disability hate crime is then considered, along with the concepts of vulnerability and mate crimes. Lastly, the chapter concludes by recognising the significant challenges inherent in researching disability hate crimes.

The emergence of Disability Hate Crime in the UK

Hate "begins in the silence of ordinary people" (Levin, 2013, p.104)

While acts of prejudice, hostility and hatred are not new, they were not conceptualised under the 'hate crime' label until the second half of the 20th Century. A legal concept of hate crime emerged in the USA during the 1980s on the back of growing social and civil rights movements and identity politics[4]. In the UK, although an interest in victimology flourished in the late 1970s and early 1980s, which placed the victim at the centre of the criminal justice system, it was not until the turn of the millennium that hate crime garnered serious interest amongst academics (Garland, 2011; Hall, 2013; 2005; Perry, 2003a). The murder of Stephen Lawrence in London in 1993 and the subsequent public inquiry in 1999 served as a catalyst for raising the profile of hate crime as a social and political problem (Macpherson, 1999). The influence of the Macpherson Report was extensive, in that it set the tone for modern day policing and prosecuting, by shifting power away from authorities and on to victims and witnesses. Although the Inquiry focused on race and racism, it drew attention to other targets of hate-motivated offending and laid the groundwork for the legal recognition of hate 'strands' and is described as the single most important event in bringing hate crime to the fore in the UK (Hall, 2013). However, the word 'hate' itself does not appear in British statutes, which instead use terms such as hostility and prejudice (discussed below).

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[4] For further details on US legislation and the emergence of social and civil movements and identity politics, see Perry (2003a), Levin (2013) and Jenness and Broad (1997)

The nature of the hate crime concept remains contentious at best and there continues to be little agreement regarding its key characteristics. Much of hate crime is not about hate but about prejudice, or specifically, criminal behaviour motivated by prejudice, of which hatred is one small part (Hall, 2013, 2005). This distinction has implications for understanding and responding to hate crimes. In particular, victims of hate crime remain unsure what exactly 'hate crime' is (Chakraborti, Garland and Hardy, 2014a).

Hate Crime is the new Prejudice

"The significance of prejudice as an aggravating feature is explored in most explanations of hate crime" (Dixon and Adler, 2010, p.551)

"Hate crime has become the new prejudice" (Mason, 2005b, p.586)

There is nothing new or extraordinary about acts of bigotry against marginalised and vulnerable groups (Chakraborti, 2010; Perry, 2003a). History has shown that there have always been offences targeted at individuals and groups because of discrimination, prejudice and hatred (Mason, 2005a). What is new however is how these forms of discrimination and prejudice are conceptualised, as crimes based upon prejudice, bigotry and/or discrimination are labelled as hate crime. However, the application of the hate crime label and the subsequent enactment of legislation to respond to it are complex. What the 'hate crime' label offers is the motivation behind a crime (Hall, 2013) but the term itself can be misleading and oversimplifies a complex phenomenon.

Rather than hate itself, it is the concept of prejudice that is central to any understanding of hate crime. Hate crimes are rarely motivated purely by hatred, but rather through prejudice. According to Allport (1954) prejudice is an "antipathy based upon a faulty and inflexible generalization" (p.9) which emerges through an individual's capacity to organise the data we receive on a daily basis. It is both normal and rational human behaviour, utilised in order to make sense of the world around us, as the brain creates generalisations, concepts and categories. Such categorisation naturally involves separation of concepts, objects and ultimately other people, and it is this process, through which stereotypes emerge, that lays the foundations for the development of prejudice (Brown, 1995). Social categorisation is necessary for prejudice but it is also an ordinary and common-place process, as the world is too complex for us *not* to categorise and simplify it. Stereotyping is a powerful process of using social categories and in most cases generalising stereotypes enables people to make assumptions about others (Abrams, 2009). It is the negative

forms of such prejudice that produces hate crimes. Harnishmacher and Kelly (1998) argue that bias thrives on stereotypes, and that the act of categorising people is sufficient to produce discriminatory behaviour. According to Abrams (2010), many prejudices arise from the conflicting goals or demands of different groups and differences in social and economic power.

The feeling of hatred or prejudice, that is to say, the *emotion*, creates an action (Ahmed, 2001). Emotions align individuals with communities through their intensity of attachment to a particular concept or discourse. Where prejudice is an emotion therefore, discrimination is the enactment of that emotion (Thornicroft, Rose, Kassam and Sartorius, 2007). Thus, hate crime is the manifestation of "prejudice in action" (Hall, 2013, 2005, p.123). Furthermore, hatred creates an 'Other' in that the emotion must be felt *towards* someone or something. Ahmed suggests that hate is a form of emotional labour that, like love, endows the Other with meaning and power (2001). It can be argued that hate contributes to the formation of identity and community; it is a method of creating unity and solidarity, of 'us' against 'them'. Further, the act, violence or abuse that is created through this hatred goes on to produce pain and fear in its victims. Thus, verbal abuse or the use of derogatory language or labelling will create an affect within the victim. The importance of the choice of language in expressing such prejudice is emphasised in that it has specifically been chosen for its potential affective impact upon the victim.

Hate crimes arising from prejudices that are deeply engrained impact therefore not just on individuals but across communities (Hollomotz, 2012; Perry, 2002). Allport's (1954) contact hypothesis is an effective approach to reducing prejudice, in that positive inter-group contact between members of advantaged and disadvantaged groups has repeatedly been shown to reduce prejudice (Hewstone and Swart, 2011). However, Deal (2007) warns that failure to incorporate subtle forms of prejudice into attitude change strategies may result in challenging only blatant forms of discrimination, rather than the subtler, more insidious forms which undermine the lives of so many disabled people. Attempts to tackle prejudice towards disabled people need to focus not just on overt discriminatory behaviour but also recognise and respond to these more subtle and less overt forms. This has relevance when evidence of hostility is required for a hate crime prosecution (see Chapter 3), but is also of note when discussing disability awareness as disabled people have faced discrimination across all areas of British society (Miller, Gillinson and Huber, 2006).

Defining Hate Crime

As mentioned above, 'hate crime' was adopted by British researchers following the Stephen Lawrence Inquiry (Macpherson, 1999) and was synonymous with racist crimes, where it is arguably most familiar. A review of possible strands for inclusion that followed the Race for Justice programme in the early part of this century led to the introduction of disability as a protected 'strand' (although there was initial resistance to inclusion of additional hate strands; see Giannasi, 2015b). There are now five legally protected characteristics, or 'strands' of hate crime in the United Kingdom. These are race/ethnic origin, religion/faith, sexual orientation, disability and gender identity (trans-gender).

Hall (2013) says the word hate is "distinctly unhelpful" (p.9) as most definitions refer to prejudice or bias, for the reasons discussed above. That said, the term 'hate' was intended to suggest a level of seriousness that should be addressed with some urgency (Mason-Bish, 2013). However, defining hate crime has proved problematic with a variety of explanations offered by criminal justice agencies, policy makers and academics.

A hate crime is an act which involves the targeting and victimising of a minority group, or member of a minority group, where prejudice or hatred towards that group was the motive or intent (Hall, 2013; Jacobs and Potter, 1998). In essence, this means that a perpetrator (or group of perpetrators) targets an individual or group for no other reason than because of their prejudice, hostility, bias or hatred towards an element of that individual's or group's identity, such as their ethnicity or race, religion, sexual orientation, disability or gender identity. However, the term 'hate' is often replaced with 'hostility' or 'prejudice' in policy and operational definitions in use in the UK. When it came to attempted prosecutions for hate crime, the CPS view was that it would be easier to achieve evidence of *hostility* than evidence of *hatred* (CPS, 2010b ; Hall, 2013, 2005). In addition, it supports the conceptualisation of hate crime as encompassing more than an emotion of hatred. Despite that, choice of language is crucial to our understanding of hate crime, and the transposing of terms like 'hatred' and 'hostility' only further contributes to the confusion over what *is* and *is not* a hate crime.

In the report that followed the Stephen Lawrence Inquiry, Macpherson (1999) defined 'racist' crime, as one "which is perceived to be racist by the victim or any other person" (47:12). In doing so, precedent was set to promote the victim as at the heart of the criminal justice system. Macpherson's definition was later adapted to apply to the five recognised strands by the Association of Chief Police Officers (ACPO, 2009) and subsequently by the College of Policing

(2014b). An agreed definition for hate crimes and hate incidents was established and adopted by criminal justice agencies thereafter. With specific regard to disability hate crime, the Guidance suggests that a disability hate crime is:

> "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" (College of Policing, 2014b).

In addition, the Guidance also establishes protocols for disability-related incidents in that police forces are required to monitor those incidents that are *not* found to be criminal. One of Macpherson's recommendations was that both crimes and non-crimes (that is to say, incidents) should be treated equally in terms of reporting, recording and investigating. When responding to a reported hate crime, police will determine whether the act constitutes a hate crime and, where no recordable criminal offence has occurred, the act should be recorded as a non-crime hate incident. Consequently, a pattern of incidents may not constitute a criminal offence, but could indicate a potential social problem or be a precursor to criminal behaviour (College of Policing, 2014b)[5]. As such, hate incidents are defined as:

> "Any non-crime incident 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" (*ibid.*)

It is notable that the term 'hate' is not included in these definitions, which rely instead on 'hostility' or 'prejudice' as the motivating factor. In addition, it is perception, not motivation, which is of importance in *recognising* hate crimes. That perception can be by the victim or any other person, as there is no evidential requirement here. However, the challenge for the courts is attempting to prove that such motivation exists, as prosecuting hate crimes requires *evidence* of hostility, something which is not always obvious or explicit[6]. Hall (2013, 2005) makes the point that the further removal of the perception element at the evidential stage means that the

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[5] For the purposes of this research project, the term 'hate crime' is used to represent both crimes and incidents, unless specifically stated otherwise. This is because research participants rarely distinguished between crimes and incidents, unless they were or had been criminal justice personnel.

[6] CPS guidance suggests using a dictionary definition for hostility and cites such terms as ill-will, ill-feeling, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike. It recognises hostility is not always clear or explicit and suggests looking at surrounding circumstances.

labelling of 'hate crime' status becomes one of discretion for prosecutors, and also one of interpretation. Although such a broad definition can have a positive impact on recording of hate crime, having such an 'over-inclusive' definition can have a corresponding negative impact. Unsustainable public expectations can result in frustration and/or disappointment for individuals and communities who perceive themselves to be victims of hate crime but where evidence of such motivation is lacking (Mason, McCulloch and Maher, 2015). Not only can this create unrealistic expectations, it can further undermine the efficacy of hate crime policing strategy.

The CPS (2007) view is that motive is difficult to prove and it is likely that more cases will relate to demonstration via hostile *acts* rather than *motivations*. This can involve a reliance on verbal or written comments to demonstrate hostility. It raises questions with regards to successfully achieving a prosecution when the perpetrator, who may indeed be prejudiced, has avoided making verbal or written statements to the fact.[7] Walters, Wietlitzka and Owusu-Bempah (2017), in their interviews with CPS prosecutors, judges and magistrates, report how difficult it is for disability hate crime cases in particular to be prosecuted without evidence of verbal abuse, often because of conflicting interpretations of what is meant by evidence of hostility. As a result, those who believe they have been victims of hate crime can feel let down by the response they receive from the criminal justice sector. Furthermore, an inspection of the handling of disability hate crime cases across police, CPS and probation services, concluded that there was "no clear understanding as to what disability hate crime should be defined as" (CJJI, 2013, p.14, 2.7). Vincent et al. (2009, p.13) say that the definition of a hate crime "requires a full and comprehensive investigation" with a view to maintaining the confidence of the victim and prosecuting the offender and an emphasis on sending a 'strong message' that these crimes will be treated seriously.

Academic and Policy Definitions: Culturally criminal or ordinary bigot

As with crime in general, it is difficult to construct an exhaustive academic definition of hate crime (Perry, 2003a). Hall (2013) contends that academics have proffered so many different definitions of hate crime that they are so broad and complex to be of little use to policymakers and criminal

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[7] In addition, from this researchers' experience on CPS Panels, many cases do not specifically state which of those two elements (demonstration or motivation of hostility) have been shown, raising the risk of cases being taken to appeal because this was not clarified.

justice practitioners[8]. Despite this, there is merit in their consideration in so far as definitions of hate crime appear to fall into two distinct camps. There is conflict within academic research between those who see some hate crime as an ordinary response to day-to-day interaction, and those for whom hate crimes are social indicators of a wider framework of hegemonic control.

For the latter, hate crime is structurally situated within a mechanism of power and control. Like all types of crime, hate crime is a social construct, emerging from a dynamic process involving context and actors, structure and agency (Hall, 2013; Chakraborti and Garland, 2012; Bowling, 1993). Perry (2003a), drawing upon this process, considers that a conceptual definition of hate crime must thus account for historical and social context, relationships between actors and relationships between communities. Any understanding of hate crime is furthered by a definition which recognises the construction of identities within it, and within a framework of relations of *power*, something which is missing from legal definitions. Perry defines hate crime as:

> "acts of violence and intimidation, usually directed towards already stigmatized and marginalized groups. As such, it is a mechanism of power, intended to reaffirm the precarious hierarchies that characterize a given social order. It attempts to recreate simultaneously the threatened (real or imagined) hegemony of the perpetrator's group and the "appropriate" subordinate identity of the victim's group" (2001, p.10).

This definition recognises the structural, rather than individual, response to perceived threat and speaks to the group impact. This impact is one factor that sets these crimes apart from other non-hate offences. However, by encapsulating hate crime within wider constructs of subordination, power and control, it raises questions as to where responsibility lies for hate crimes. This is elaborated upon in Chapters 4 and 9.

Kelly and Maghan (1998) support Perry's structural approach in demonstrating that the pervasiveness of the phenomena of hate crime is evident in its commonality across cultures, time periods, ethnic, racial, religious and sexual groups. In times of social distress and economic uncertainty, tensions between groups are more acute and are expressed in hate crime. Thus, context and social climate is relevant to understanding these crimes as perpetrators take their cues from communities, knowing they can act without strong rebuke or sanction. However, Chakraborti and Garland (2012) contend that, while there is merit to Perry's framework, hate

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[8] Neither is there the space here to consider all definitions of hate crime in detail but see Hall (2005, 2013) for detailed discussion;

crimes are more expansive and consideration must be given to whether this hegemonic power provides a satisfactory account for the experiences and motivations connected to these various acts of hate.

In contrast, rather than conceiving of hate crimes as exclusively a mechanism for subordination, it is suggested that many hate crimes arise out of boredom, jealousy or unfamiliarity. It is suggested that 'ordinary' hate crimes occur in the context of a 'trigger' situation, rather than as a result of entrenched prejudice or underlying power mechanisms (for example, see Chakraborti, 2015; Gadd, 2009; Iganski, 2008b; McGhee 2007; Mason 2005a, 2005b). Hate crime is presented as a departure from normal behaviour in moments of stress, anger or inebriation, or from a sense of weakness or inadequacy (Chakraborti, 2015), committed by ordinary people in the context of their day to day lives. Chakraborti proposes that hate crimes are not exclusively committed by haters, but are everyday acts of prejudice, perhaps suggesting that perpetrators are unable to control their behaviour. However, this theory fails to explain why some perpetrators act upon their prejudicial views in 'trigger' incidents and others do not (Walters, 2011). In addition, an 'ordinary' hate crime could contribute to a normalising effect on the victims, who may see it as part of their everyday lives and fail to challenge or question it. If their experiences are not recognised as hate crime, they will not be reported as such. Furthermore, if hate crime is 'ordinary' it calls into question whether it should even be labelled as criminal (Ahmed, 2001). The prejudice and hostility endemic to much of the hate crime literature, however, does not emerge solely from an instant 'trigger' situation and reflects a former or underlying construct or stereotype against a particular identity or group. This is not to say that some events do not occur as a result of 'triggers' but rather that those triggers engage with deep-seated and possibly even unconscious prejudices and hostilities towards particular categories of people.

Hate crime emerges from a complex network of events and structures (Chakraborti and Garland, 2012). Having multiple meanings to what is meant by hate crime is an inevitable consequence of using a single term to cover such a diverse and complex range of emotions and behaviours, which vary by context, cases, and are open to the interpretation of law enforcers (Chakraborti, 2015). Regardless of type of definition, hate crimes send a message to victims and their communities that they are 'different' and do not belong (Perry, 2001). For this reason they are understood as crimes that inflict greater *harm* upon their victims than other crimes (Iganski and Sweiry, 2016; Chakraborti, 2016). Thus, beyond their immediate impact, they have the potential for greater emotional and psychological impact for victims and their communities (Iganski, 2008a).

This research will consider practitioners' and victims' constructions of hate crime and return to definitions within the findings chapters.

Disablism

Terminology matters when attempting to conceptualise and respond to hate crimes. Within the disability hate crime framework, the term 'disablist crime' has emerged as an alternative and potentially more suitable method of encapsulating this concept. Disablism is defined as "discriminatory, oppressive or abusive *behaviour* arising from the belief that disabled people are inferior to others" (Quarmby, 2008, p.8, emphasis added)[9]. Inclusion of the term 'behaviour' has led disability studies researchers and campaigners to interpret disablist crime as the offence or act that is conducted as a consequence of discrimination or prejudice. Furthermore, it is suggested that the term 'disablism' challenges the essentialism of disabled people, places greater emphasis on the prejudice of the perpetrator and avoids victim blame (Sin, 2015; Mason-Bish, 2013; DWP, 2012). It contributes to contemporary debate by highlighting the structural aspects of prejudicial motivation in the same way that terms such as 'racist' and 'sexist' do. By contrast, the use of the word 'hate' in hate crime has a history of misinterpretation and ambiguity, as discussed above (Thorneycroft and Asquith, 2015).

An additional definition presented by Goodley and Runswick-Cole explains disablism as a form of "social oppression involving the social imposition of restrictions of activity on people with impairments and the socially engendered undermining of their psycho-emotional well-being" (2011, p, 604). This definition is broader than Quarmby's in that disablism focuses on the social and cultural elements of oppressive behaviour, and intimates a social responsibility for the impact of such behaviour. It is thus aligned to the social model of disability, with its emphasis on structural conditions that, combined with impairment, create disability (as discussed in Chapter 1) and links to wider social processes beyond individual perpetrator actions. The arguments put forward emphasise this broader connection to social exclusion and marginalisation and a link to macro-level concepts of power and injustice (Sherry, 2013a; Balderston, 2013a). Indeed, disabled people are, in the main, constructed and interpreted through their disability (Thorneycroft and Asquith, 2017). As such, they are essentialised and abjectified as socially inferior in an ableist world and the label disablism does not necessarily reject this essentialism. Harpur (2009) suggests that 'disablism' continues to focus upon the person with the disability as a contributing

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[9] The concept of disablism was first suggested by Abberley in 1987 in response to the absence of any historical experience of disability (Oliver, 1996) although Quarmby (2008) is regularly cited with reference to its definition.

factor. He argues instead for a focus on the perpetrator's prejudice rather than an element of the victim's identity, in the form of 'ableism', a term which represents bias against anyone who does not meet the physical 'norm'. What ableism offers is a clear lexical focus on the nondisabled self, rather than one of disability, but it lacks the structural and discursive dominance afforded to disablism. In the USA ableism is preferred over disablism, however disability is perceived from an individual or minority group perspective rather than through a lens of social exclusion and discrimination (Sherry, 2013a), highlighting the complexity of international comparative conceptualisations.

It can be argued that disablism emerges from a permissive social or cultural context which allows disabled people to be seen as easy targets of hate crimes. It is aligned to the perception that disabled people are inferior to non-disabled people and may be the underlying *motivation* for disability hate crimes. When racism is defined as: "conduct or words or practices which disadvantage or advantage people" (Macpherson, 1999), our conceptual understanding of racism is about *prejudice* against people of a certain skin colour or ethnic background. That prejudice can be overt, in words or action, or more covert, in decision-making or preferential treatment. Disablism, in the same vein, is about prejudice *against* disabled people. Thus, disablism is about more than an act, but also includes feelings, emotions, thoughts and preferences. It can be overt or covert, in much the same way. Deal (2007) provides an example of disablism by showing how, despite the employment rate improving for disabled people in recent years, more subtle forms of prejudice persist in that disabled people are more likely to receive lower pay, less support and have poorer career prospects than their nondisabled counterparts. Thorneycroft and Asquith (2017) would interpret this as existence of *institutional* disablism as it contributes to the social marginalisation of disability. The literature review for this thesis also identified potential examples of such marginalisation in the academic sphere. For example, Kelly and Maghan (1988), like much early hate crime literature, do not make reference to disability when writing about hate crime. Iganski et al. (2011), in their review of hate crime interventions, appear to have conducted a literature search on hate crime that omitted the word 'disability' (and disablism). Similar evidence has been reported by Hollomotz (2013) who, in her review of literature, identified a disparity between research that refers to 'abuse' when describing violence against disabled participants, and that which refer to 'violence' when describing violence against non-disabled participants. These incidents could be explained as oversights or errors of omission. Alternatively they could be an indication of a systemic failure to acknowledge disability beyond Disability Studies itself. This invisibility or, at the very minimum, *downplaying* of disability within mainstream academic work

further contributes to the marginalisation of disability within hate crime research, and potentially any research being conducted outside of Disability Studies.

Disability hate crimes are an extreme articulation of the prejudice, discrimination and marginalisation that disabled people thus face daily and are ultimately, therefore, a manifestation of disablism (Richardson et al., 2016) or *disablism in action*. It is argued that disablism is a cause of, or contributing factor *to,* disability hate crimes rather than an alternative term *for* disability hate crime. Disablism enables, justifies and engenders disability hate crimes. This research, whilst acknowledging the contribution of the notion of 'disability hate crime' to date, is encouraged by the broader conceptualisation of disability within the concepts of both 'disablist' and 'ableist' crimes. However, disablism does not, as has been argued above, divert the emphasis to perpetrator prejudice rather than something inherent to a 'disabled person' because the focus continues to be on the *dis*ability element. Unfortunately, where ableism arguably offers an alternative focus on a nondisabled perpetrator, it is neglected within the UK disabled people's movement and conceptual frameworks. Disability hate crime is an *outcome* of both ableism and disablism. Rather than a replacement term that better encapsulates disability hate crime within a framework of social prejudice, disablism is "the *root* of disability hate crime" (Dimopoulos, 2015, p.79, emphasis added).

In the course of collecting empirical data within this research, *none of the victims of hate crime* used the term 'disablist crime', 'disablism' or 'disablist hate crime', preferring instead 'hate crime' or 'disability hate crime' when they recounted their experiences or that of others. The same was true of the majority of key informants who took part in the study. Only two participants used the term 'disablist hate crime' during the course of their interviews; Patrick, a police officer, and Susie, a disability-specific support worker at a Third Party Reporting Centre. Neither did any participants use the term 'ableist' or 'ableism'. The term 'hate crime' has an historic and international dominance, and is essentially an umbrella term for all of the above mentioned terms (Giannasi, 2014)[10]. For these reasons, despite the conceptual strengths of 'disablism' and

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[10] Notwithstanding the debate between disability hate and disablist crime, some academics and researchers have also felt it necessary to decline to use 'hate crime' and present alternative concepts that essentially represent the prejudice, bias and hostility that the traditional term encapsulates (or attempts to). For example, see the Equalities and Human Rights Commission's (EHRC) numerous research reports that refer to 'targeted violence and hostility' and 'disability-related harassment'. Stanko (2001) also referred to 'targeted violence' and much US-based literature favours 'bias crime' (see Perry, 2005, for a review of other alternative terms). Sin et al. (2009a) explain that targeted violence and hostility were preferable terms because of the limitations of hate crime discourse, and also crucially because their

'disablist crime', the decision was made to utilise the term 'disability hate crime' throughout this thesis (with the exception of direct quotations where disablism/disablist was expressed). What disablism offers, however, is an important opportunity to conceptualise disability hate crimes and incidents through a lens of disablist (and ableist) attitudes, rather than one of simply hostility (Dimopoulous, 2015). This is endowed by the discursive dominance of disablism as a 'root' cause of disability hate crime.

Prosecuting Hate Crimes

There is no specific 'disability hate crime' offence in the United Kingdom (Giannasi, 2015b). However, there are a number of different pieces of legislation with regards to different strands of hate crime and different types of offences. The legislation explicitly targets crime where hostility, bias, prejudice or hatred is an integral or associated element directed towards a group attribute or characteristic of the victim, according to the five recognised strands and is discussed extensively within the Law Commission Review (2014, or see also Perry, 2009, Sin et al., 2009b, Dixon and Adler 2010 or Hall, 2005[11]). There are three types of provision for hate crime within the legislation currently and a disparity between the five strands in terms of their applicability. Firstly, there are aggravated offences, consisting of the commission of an offence which is aggravated, or motivated, by hostility against specific groups. These offences apply only to racial or religious hostility, provided for under Sections 28-32 of the Crime and Disorder Act 1998[12]. Aggravated offences only apply for nine offence types, including assault, criminal damage, stalking, threatening or abusive behaviour, minor public order and harassment offences. The CDA effectively created new racially aggravated offences based upon pre-existing offences in other legislation[13].

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participants did not use language connected to hatred, although their study primarily involved participants with learning disabilities and/or mental health conditions and therefore is not necessarily representative of all disabled people's view.

[11] And for comparative international legislation see for example, Hall (2013), Gerstenfeld (2013), Garland and Chakraborti (2012), Sherry (2013), Vincent et al., (2009), Bleich (2007), Bunar (2007), Hall (2005) or Jenness and Broad (1997);

[12] Amended by the Anti-Terrorism, Crime and Security Act, 2001 for religiously motivated offences;

[13] This includes offences covered by Public Order Act 1986, Protection from Harassment Act 1997, Offences Against the Person Act 1861 and the Criminal Damage Act 1971; including: wounding, assault; destroying or damaging property;

Secondly, there are public order offences connected with stirring up of hatred against specific groups provided for under the Public Order Act 1986 and the Racial and Religious Hatred Act 2006[14]. These incitement to hatred offences apply in cases of stirring up racial hatred through threatening, abusive or insulting words, behaviour or materials, and, in the case of religious hatred and hatred based on sexual orientation, by way of threatening words only.

Thirdly, there are provisions within the Criminal Justice Act 2003 that ask the court to take account of an offender's motivation or demonstration of hostility against a specific group, and if appropriate enhance the sentence as a result of this. Disability hate crimes are provided for under Section 146 of this act, however, provision here stops short at creating specific offences in the same way as racial and religiously aggravated offences above. Where the prosecution is able to prove an offender demonstrated hostility or was motivated by hostility towards one of the five strands, the court must treat it as an aggravating factor and enhance, or increase, the sentence to the maximum available. Section 145 of the Act requires the court to consider racial or religious hostility as an aggravating factor (but not in cases where an aggravated offence can be charged, above). Section 146 of the Act applies the same on the grounds of sexual orientation, disability and transgender identity (see Table 2.1 below).

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threatening or abusive conduct; harassment or stalking; putting people in fear of violence; stalking involving fear of violence, alarm or distress.

[14] Amended in 2008 by the Criminal Justice and Immigration Act to add offences of stirring up hatred based on sexual orientation;

Increase in sentences for aggravation related to disability or sexual orientation[15]
(1) This section applies where the court is considering the seriousness of an offence committed in any of the circumstances mentioned in subsection (2).
(2) Those circumstances are—
(a) that, at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on—
(i) the sexual orientation (or presumed sexual orientation) of the victim, or
(ii) a disability (or presumed disability) of the victim, or
(b) that the offence is motivated (wholly or partly)—
(i) by hostility towards persons who are of a particular sexual orientation, or
(ii) by hostility towards persons who have a disability or a particular disability.
(3) The court—
(a) must treat the fact that the offence was committed in any of those circumstances as an aggravating factor, and
(b) must state in open court that the offence was committed in such circumstances.
(4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
(5) In this section "disability" means any physical or mental impairment.

The advantage of enhanced sentencing is that, unlike aggravated offences, it can be applied, in theory, to any existing offence, and is not limited to the nine specific types protected under aggravated offences above. In addition, this legislation is applicable to all five strands of hate crimes, demonstrating a unity or perceived fairness in approach. However, in reality, race and religious hatred offences are prosecuted under the aggravated legislation, rather than the CJA, because of their increased sentencing powers and also the message that is sent by conviction of a racially or religiously motive offence. The use of Sections 145 and 146 has limited capacity in sentencing, and currently there are no means for recording the 'hate' bias on the offenders' records (though this was a recommendation from the Law Commission, *ibid.*). Even if individual cases could be 'flagged' or 'tagged' to reflect disability hate crime convictions, there remains limited provision within rehabilitation programmes, and none for disability hate crime offenders currently.

As there is no separate or specific offence for 'disability hate crime' this increase or enhanced sentence under Section 146 is the only method of highlighting and punishing a perpetrator of disability hate crimes. The police and CPS are obliged to ensure that consideration is given to the

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[15] Section 146 was amended in late 2012 to include transphobic hostility as a statutory aggravating feature, in line with disability and sexual orientation.

entire circumstances of the case and that evidence of motivation or demonstration of hostility is brought before the court. Section 146 will also apply even if the incident was prompted by a non-disability related issue, provided the offender demonstrates hostility based on disability during, or immediately before, the offence.

Where a prosecutor successfully proves motivation or demonstration of disability hate crime, the court is required to state that disability was an aggravating factor. The accurate recording of this enhanced sentence, or 'uplift', was scrutinised by a Law Commission review, as prior to this data was seen as "not sufficiently robust" to be published (CPS, 2013, p.6). Figures produced for the year to end January 2013 showed only seven cases of an enhanced sentence being applied on CPS records across England and Wales, as compared to a potential 810 disability hate crimes cases which were flagged on the case management system (CMS) (CJJI, 2013). The following year recorded only 18 cases with an enhanced sentence and a further 12 were reported in the period January to April in 2015 (CJJI, 2015). The report speculates that this is in part due to a lack of accurate recording on the CMS system. Improvements have been seen more recently, as all CPS lawyers have been receiving training in prosecuting disability hate crimes, however it must be acknowledged that, even in cases that have been diligently evidenced, there remains a problem with achieving an enhanced sentence in many disability hate crime cases (Walters, Wietlitzka and Owusu-Bempah, 2017, and see Prosecution Figures, Chapter 3).

There are concerns as to whether enhanced sentencing is meeting its purpose in reducing the numbers of incidents of hate crimes that occur. Walters, Wietlitzka and Owusu-Bempah (2017) suggest that for many criminal justice personnel, the uplift is mere "lip service" (p.16) and question whether longer sentencing for offenders helps to challenge their negative beliefs and prejudices. Benefits might be available for offenders who are identified and can be fed into an intervention programme (discussed further in Chapter 3) but as mentioned above there are no current means to capture enhanced sentencing offenders on the CMS and therefore onto offender records.

Walters, Wietlitzka and Owusu-Bempah (2017), in their study on criminal justice practitioners, reported that many judges felt that offenders motivated by hostility deserve harsher penalties than those who *demonstrated* hostility, often because motivation was felt to indicate premeditation. In these cases, hostility was deemed to be the central cause of the offence (rather than a peripheral factor, such as verbal slurs being used in the heat of an argument) and a potential increased level of threat. This raises concerns about the reliability of the prosecutorial

process if judges are failing to follow guidance and are reluctant to convict on the basis of a perceived 'outburst'. For the victim, the hate crime act that is being prosecuted is unchanged regardless of whether hostility was demonstrated or a factor in motivation. Further guidance must therefore be provided for judges if sentencing is to be accurate and fair for victims of crime.

Stirring up competition

Hate crime legislation has been criticised for creating competition between victim groups (Mason-Bish, 2015), in that not all available legislation applies to all strands, as described above, and is perceived to have created a 'two-tiered' system of hate crimes, or what the Law Commission termed a "hierarchy of victims" (2013, p.84; Roulstone, Thomas and Balderston, 2011). This may be due in part to findings that suggest that as police performance is measured by detecting *crimes*, greater importance is placed on specific *criminal offences,* which currently only apply to race and religious hatred (Woods, 2010). The Law Commission review of existing legislation was an opportunity to restore equality across all strands (2013). The Commission recommended that aggravated offences also be applied to disability, sexual orientation and transgender hate crimes. However, Walters, Wietlitzka and Osuwu-Bempah (2017) emphasise that, if current aggravated offences were to be extended across all strands, the categories of offence would also need to be extended. Certain categories, such as sexual offences, are not currently included in the aggravated legislation and, as Chapter 3 will demonstrate, are particularly associated with disability hate crimes.

Osuwu-Bempah (2015) proposes that an alternative to the extension of offences would be to remove the aggravated offences and apply Ss 145 and 146 to all strands of hate. However, this would limit the maximum sentence to that of the basic offence (and not the increased tariff that is aligned to aggravated charges) and, more concerning, may be perceived as a reversal of the progress previously made to tackle hate crimes. Both these suggestions are more attractive than the current hierarchical format, given the goal of equality of legislation. Unfortunately, the Commission also concluded that it was not persuaded of a *practical* need for an extension of incitement to hatred offences, despite conceding that there was a case in principal (and some have argued there is such a case, for example, Dimopoulos, 2015). This recommendation is disappointing as much of the discussion around enacting hate crime legislation is its symbolic nature or ability to send a message to potential offenders that it is not acceptable (Garland, 2011; Iganski, 1999). The continuing inequality of legislation suggests that some groups are more worthy than others (Walters and Brown, 2016) and contributes to the marginalisation of disability

hate crime. It has led to a preference by some for a new Hate Crime Act to replace the current variety and inequalities of provision (Walters, Wietlitzka and Owusu-Bempah, 2017). A new act has the opportunity to provide equality of strands and clarity of legislation, but it is doubtful there is sufficient policy interest in the current climate, given the Government's preoccupation with the withdrawal of the UK from the EU and the growing debate around which strands should be protected.

Hate Crime Strands: The dilemma of difference

Hate crime legislation was designed to send a positive message to specific victim groups and was a useful way for police to engage with marginalised communities (Hall, 2013). There is continuing debate, however, as to which victim attributes and characteristics, and thus which forms of prejudice, should be protected under hate crime laws (Mason, 2015; Garland and Hodkinson, 2014). UK legislation was established to protect groups who had existing human rights legislation in place and those with a history of social movements. The five strands of hate crime historically represent groups with a shared history of oppression, statistical evidence of victimisation and a 'legacy' of poor criminal justice responses (Mason-Bish, 2013). Contributing factors also include the strength of advocacy lobbying, social movement activity and media attention (Gerstenfeld, 2013). However, debates have continued as to whether other minority groups, with similar experiences of marginalisation and oppression, should be included within hate crime legislation. Strong arguments have been put forward in the academic literature for legislative inclusion for groups with less social advocacy, such as homeless people, asylum seekers, those with drug or alcohol dependency, and other marginalised groups such as sex workers, the elderly and women (Chakraborti, 2016; Chakraborti, Garland and Hardy, 2014a; Garland and Hodkinson, 2014; Chakraborti and Garland, 2012; Garland, 2011; Perry, 2001). Similarities are highlighted between the experiences of these groups and those of existing strands. For example, Garland and Hodkinson (2014) identify a number of comparables between those in alternative subculture and traditional hate strands.

The movement towards extension of protection to other, marginalised communities was initially encouraged by a coalition government paper published in 2012 (HM Government) which stated that not only should consideration be given to the five existing strands of hate but also other crimes that demonstrate hostility or hatred towards other characteristics, such as those motivated by hostility to gender, age or appearance. Police forces across the country have collected data on such 'hate' categories as sex work, misogyny and 'alternative sub-cultures'

(Townsend, 2016; Greater Manchester Police, 2013; Taylor, 2010). However, the Law Commission's review of hate crime legislation notes that while forces can introduce additional classifications of characteristics, these are significant "purely for recording and operational purposes" (Law Commission, 2013, p.2). Ultimately, there are currently no plans to extend statutory provisions beyond the existing five strands and the most recent Hate Crime Action Plan merely states that the Government is continuing to review Law Commission recommendations (Home Office, 2016).

Failure to extend protection to other groups suggests that they are somewhat less deserving of protection than other minority communities and highlights concerns that the strand system is unfair and leads to rivalries and competition for resources (Garland, 2011; Mason-Bish, 2010; Jacobs and Potter 1998). This raises questions as to the positive message that hate crime legislation is supposed to be sending out (Mason-Bish, 2015), however, extending the legislation runs the risk of watering down the provisions to the point of meaninglessness (Mason, 2015). Furthermore, to include additional groups downplays the historical significance seen in established strands and risks disappointing those very groups the legislation was originally enacted to protect. Ultimately, any approach to legislation which focuses on specific identity-characteristics contributes to a 'silo' approach, where groups are added to policy as time goes on (Mason-Bish, 2015). Neither does this approach consider the intersections of existing strands with other, excluded groups; for example, those who may be multiple-disadvantaged through being both disabled and a member of an ethnic minority community (Mason-Bish, 2015; Crock, Ernst and McCallum Ao, 2011). As such, the current strand-based approach to hate crime has tended to oversimplify victim groups and does not take into account the diversity of victims and their experiences. A strand-based approach also communicates that one particular element of a victim's identity is more relevant than others, adding to the hierarchical and divisive interpretations of hate crime strands (Chakraborti and Garland, 2012). Multiple identities are largely ignored in favour of "simplistic, individualist, single-identity protection" (Sherry, 2013a, p.83) when hate crime policy would be better placed to "understand the fluidity of identity and the multiple ways in which prejudice and violence might be experienced" (Mason-Bish, 2015, p.25). Garland (2011) advocates for an alternative focus on the notion of risk of targeted victimisation in order to gain a more nuanced understanding of the most marginalised groups. However, hate crime frameworks must also be mindful to recognise the diversity *within* groups, as the dynamics of particular elements of subgroups can be lost (Sherry, 2013a).

It can be argued that academia, policy makers and activists have heretofore been too absorbed with whether or not to include additional strands and which ones these should be. By doing so, too much attention is focussed on the worthiness and eligibility of the victim based on individual characteristics and neglects somewhat the decision-making of the offender. An alternative legislation or policy is needed that re-conceptualises hate crime within a framework of perpetrator responsibility and motivation, rather than victim blame. It is likely to apply to hate crime (traditional) strands but would not preclude other elements of identity, and would allow for intersectional effects. Such a framework is proposed and discussed in greater detail in the concluding chapter to this thesis.

Criticism of the Hate label

In addition to the ongoing debates around the defining and utility of hate crime, another tranche of academic research has questioned whether such legislation and policy should exist at all. Should certain minority and disadvantaged groups be treated as preferential, at least in the eyes of the law, when it comes to their experiences of crime? Or should all victims of crime be treated the same, despite unique barriers some may face when accessing the criminal justice system (Stanko, 2001)? Policies that emphasise 'special' treatments, particularly affirmative action policies and anti-discrimination laws, can reinforce cultural distinctions between minorities and render the marginalised group's additional needs as the *defining* feature of their identities and ultimately place them in a subordinate role (Grattet and Jenness, 2001). This identification as victim, and thus somehow Other, goes against what many in the disability movement have advocated for: the right to independence and self-determination (Edwards, 2014). Although intended to be a positive approach, disability hate crime legislation can treat disabled people as both 'different from' and 'the same as' the other groups, by simultaneously segregating and integrating people from and into the criminal justice system (Grattet and Jenness, 2001). However, Shakespeare (2004) argues that disability is different to other minority groups because disabled people's *problems* are different and that many impairments result in intrinsic disadvantages that are not the case for those of other minority groups.

Policies that ignore differences thus risk being insensitive to the increasingly well-documented institutional, organisation and interactional disadvantages faced by minority groups. Treating marginalised groups the same does little to challenge the biases and stereotypes and could, arguably, contribute to inequality, especially in the criminal justice system, resulting in a 'dilemma of difference' (Minow, 1990, p.19). Policymakers are faced with the dilemma of whether to

introduce policy changes that will award perceived special treatment to marginalised groups, which may indirectly contribute to stereotyping of said group, and the risks associated with ignoring these differences.

Critics question the success of existing hate crime legislation, and whether it has provided the 'symbolic' value intended by its supporters (Iganski, 1999). Jacobs and Potter (1998) raise a number of serious reservations about the utility and possible impact of hate crime as a legal concept, including whether hate crime policies may contribute to hostility. Recognising and mobilising public reaction could inflate existing social problems and lead to further marginalisation and exclusion. Iganski (1999) notes that in some instances incidents have served as a catalyst for inter-racial violence and retaliation against 'innocent' victims, rather than achieving the goal of social cohesion. Piggott (2011) questions the ability of hate crime legislation to facilitate the safe inclusion of disabled people in current society specifically for similar reasons. Although the legislation was expected to contribute to social cohesion, hate crime laws could generate social division by raising visibility and exacerbating community tension. Related to this, some academics question if it is appropriate or even achievable for legislation to address hate crimes against disabled people. Piggott (2011) suggests that mainstream interventions are presented as being for the benefit of disabled people but are in fact made for a nondisabled society. Disability hate crime laws may recognise the existence of a problem but they do not necessarily address that problem. Despite these criticisms, hate crime legislation is arguably an important part of the ongoing process of identifying and articulating society's values, sending a message about what will not be tolerated and reassuring previously marginalised groups that their rights and interests are valued and recognised (McLaughlin, 2002). The strength of the hate crime concept is that it is an umbrella construct that connects a variety of prejudices and bigotry and a term that lends itself to policy and theory building (Chakraborti, 2015).

Distinct Features of Disability Hate Crime

Disability hate crime is an area of "academic, campaign and government interest" (Roulstone and Mason-Bish, 2013, p.5) yet its understanding is in its infancy. However, academics who have investigated disability hate crimes have noted some nuanced features when comparing it to other strands. For example, Sherry (2013b) likens disability hate crimes more to rape and sexual violence than other forms of hate in that victims are violated, demeaned and dominated through physical and sexual aggression. Disability hate crime has also introduced new forms of 'incident' not necessarily associated with other strands (Mason-Bish, 2013), such as those that involve 'grooming' of the victim (see Mate Crime section, below).

As the following chapter demonstrates, victims of hate crime generally are perceived to be targeted by strangers. This may be because the legislation to address disability hate crimes emerged from previous legislation designed to address crimes against ethnic minority communities, and thus assumed the nature of these offences are the same as a result, i.e. presuming that perpetrators are *not* known to victims (Macdonald et al., 2017). However, in many cases of disability hate crime the victim and perpetrator may have a relationship; friends, family members and care workers are all potential perpetrators (Sin, 2015; Chakrobarti and Garland, 2015; Roulstone and Mason-Bish, 2013; Chakraborti and Garland, 2009; Hunter et al., 2007). However, if a relationship exists between offender and victim it is less likely to be recognised as a hate crime or reported as such, such as in the case of Brent Martin[16]. Perpetrators may in some cases have groomed their disabled victims or feign friendships with them, a concept referred to as 'mate crime' (discussed below).

Certain types of disability hate crimes can also occur in residential homes (Mason-Bish, 2013). Unfortunately, abuse in this setting is often not perceived as hate crime as it is deemed unlikely to be motivated by prejudice, although that is not to say it is not because of hostility and power. In addition, the nature of some disabilities and impairments means that victims have difficulty

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[16] The murder of Brent Martin was not treated as a hate crime despite significant levels of violence, hostility and malice displayed by his perpetrators. Brent, who had learning difficulties, was murdered in August 2007 by three attackers who he considered friends. He was apparently targeted for a £5 bet and was stripped, chased and viciously attacked in four different locations before his death (Quarmby, 2008). One of the perpetrators was quoted as saying "I'm not going down for a muppet". This case was a "categorical and profoundly harmful construction of difference" (Roulstone and Sadique, 2013, p.35) and yet failed to achieve a disability hate crime sentencing outcome because he knew his attackers.

accessing and communicating with the police (Roulstone and Mason-Bish, 2013). Shakespeare (2004) contends that there is an intrinsic disadvantage associated with many forms of impairment when compared to other strands. Furthermore, where other forms of hate crimes are represented as an attack on a community, that community is seen as united, with a capacity to respond and create reprisals, however, disabled people are often isolated and have little opportunity to respond in turn (Thomas, 2013). There are also inconsistencies in the law, resources and prioritisation of different forms of hate crime (Dick, 2009). There is a risk that applying cross-cutting approaches to all forms of hate crime and all communities means the distinct aspects of individual strands, and victims, are not recognised. It ignores how some hate crime strands are more established and advanced in the work they do.

There are further differences between disability hate crimes and other strands when it comes to two dominant concepts; vulnerability and 'mate crime'. These distinct elements are considered next.

Disability and Vulnerability

"One of the key barriers to correctly identifying disability hate crime lies in the perceived difference between hatred and vulnerability" (Mason-Bish, 2013, p.15)

The issues around hate and vulnerability are complex (Roulstone and Sadique, 2013). Traditionally, it was purported that disabled people were targeted because of their perceived vulnerability (Alhaboby et al., 2016), however, Waxman (1991) emphasised how vulnerability provided an opportunity for perpetrators to express their underlying motive of hatred. The concept of disabled people as vulnerable therefore weakened rather than strengthened the movement towards hate crime provisions (Doherty, 2015), amid social policy distracted by vulnerability and powerlessness. As such disabled people were perceived to be vulnerable or easy targets (Sin, 2014; Roulstone, Thomas and Balderston, 2011; Waxman, 1991). Consequently, there were concerns that vulnerability is becoming synonymous with disability, resulting in a lack of hate crime prosecutions (Roulstone and Sadique, 2013; Roulstone, Thomas and Balderston, 2011; Macdonald, 2008). To say that vulnerability is inherent however is to blame the victim rather than the offender and, Roulstone and Saddique argue, to blame all disabled people (2013). Furthermore, the term 'vulnerability' is at odds with the social model of disability as it contradicts central tenets of equality (Roulstone, Thomas and Balderston, 2011).

CPS guidance distinguishes between crimes committed which were aggravated by *hostility*, and those committed because of perceived *vulnerability* (2010b). Although the vulnerability of a victim is a potential aggravating factor in any offence, it is only when hostility is proven that a case can be deemed to be a disability hate crime. Prosecutors must be able to identify those cases where a perpetrator's perception of vulnerability is directly connected to his or her prejudice towards disabled people (Walters and Brown, 2016; Walters, 2013; Chakraborti and Garland, 2012). However, even where this is achieved, judges continue to defer to victim's vulnerability rather than elements of hostility when considering a sentence uplift (Walters, Wietlitzka and Owusu-Bempah, 2017). Mason-Bish (2013) suggests that this prosecutorial preoccupation with vulnerability is a consequence of how criminal justice and social care agencies have traditionally perceived disabled people as in need of care and protection. Constructions of vulnerability can mean that safeguarding and adult protection measures take precedence over criminal justice measures, denying many disabled people the right to be taken seriously and contributing to the cultural expectation that disabled people are dependent and in need of protection (Sin, 2014; Edwards, 2014; Sin, 2014; Thomas, 2013; Roulstone and Sadique, 2013). Roulstone, Thomas and Balderston (2011) suggest that perceived vulnerability also seeks to blame the victim, encouraged by safeguarding approaches that focus on reduction of risk, particularly for those with learning disabilities. Safeguarding and criminal justice responses are thus contributing to and perpetuating these constructions of disabled people as vulnerable, and by connotation, weak and oppressed (Brookes, 2013).

Authors such as Garland (2010), Chakraborti and Garland (2012) and Mason (2014a; 2014b) propose a potential alternative approach to (all) hate crime which focuses on vulnerability and difference, rather than identity and group membership. This alternative approach to hate crime discourse has been welcomed by many as a better representation of the concepts surrounding hate crime victimisation (Mason, 2014b). A vulnerability-based approach recognises the heightened level of risk posed by groups or individuals and the term 'vulnerable' encapsulates the way in which many offenders view their targets; as weak, defenceless and powerless. However, Garland (2011) cautioned that associating inherent vulnerability with disability could unintentionally exacerbate disabled people's victimisation and perpetuate disability hate crime's position on the margins of hate debates. As a consequence, a distinction has been made between those being placed in vulnerable *situations* rather than any inherent vulnerability of victims (Mason-Bish, 2013; Larkin, 2009). Nonetheless, where *perceptions* of vulnerability may go some way to explain opportunist crimes on those perceived as less likely to resist being victimised, they

fails to explain or resolve all forms of hate crime (Roulstone and Saddique, 2013; Walters, 2011). Furthermore, a discussion on vulnerability draws attention away from perpetrators, of which little is known. Alternatively, identifying a *situation* as vulnerable, rather than labelling a victim as such, deflects blame onto the perpetrator, and potentially to society itself.

Mate Crime

Mate crime is a form of disability hate crime with specific characteristics associated with false friendship, hence the title. It is predominantly associated with *calculated*, rather than opportunistic, acts against disabled people by those close to them, such as friends or relatives (Thomas, 2011). It is particularly prevalent in hate crimes against those with learning disabilities and has similarities in practice with grooming; relationships are established and over time potential victims are manipulated and ultimately exploited by perpetrators, who play on a disabled person's desire for friendship or relationships (Landman, 2014; Grundy, 2011).

Landman (2014) defines mate crime as when:

> "someone 'makes friends' with a person and goes on to abuse or exploit that relationship. The founding intention of the relationship, from the point of view of the perpetrator, is likely to be criminal, but not necessarily so. The relationship is likely to be of some duration and, if unchecked, may lead to a pattern of repeat and worsening abuse" (p24).

Thus, a mutual relationship exists and develops over time, which can lead to difficulty in recognising and identifying criminality, as well as distinct challenges in persuading victims to report or prosecute such crimes (Thomas, 2011). Victims have a tendency to justify or normalise their experiences, or to blame themselves (Sin, 2016; Richardson et al., 2016; Sin, 2013). Mate crimes can be particularly cruel and exploitative and as such Thomas (2011) suggests have more in common with domestic violence than hate crimes.

Landman (2014) cites numerous cases where learning disabled people were targeted, befriended and abused by people they thought were their 'mates'. The phrase 'mate crime', with its word-play on hate crime, is used to signify this element of *relationship* involved in the abuse. People with learning disabilities often lack the capacity and experience to make sound judgments about individuals and situations and commonly have few friends and little contact with wider society, creating a desire for friendship that can be easily exploited by others. This element of false friendship and exploitation does not exist in other strands of 'hate' (Thomas, 2011, 2013). The

structural and cultural factors that create, maintain and perpetuate disabled people's social exclusion and isolation, combined with their desire for relationships, friends and company leaves them susceptible to mate crime.

Originally, mate crime was conceptualised in cases where disabled people were being targeted for the purposes of theft of cash and property (Doherty, 2015), however, it has since been associated with more sinister and extreme levels of abuse and violence. McCarthy (2017) highlights the complexity of incidents that include elements of domestic violence, hate crime and mate crime, in her study on women with intellectual disabilities. Participants frequently reported experiences akin to mate crime, albeit within the framework of a romantic or sexual relationship. As such, boyfriends or partners move into participants' homes, in the phenomenon described as 'cuckooing'. This has at times resulted in carefully selected victims being inculcated into criminal activity (Chakraborti and Garland, 2015; Grundy, 2011). Because of the romantic or domestic nature of many of these relationships, safeguarding and support agencies can fail to identify the hate crime nature of these experiences, despite the often extreme forms of cruelty, humiliation and violence that victims are subjected to. As such, responses by those in a position to support the victims can vary and, in many cases that McCarthy reports upon, perpetrators were effectively immune to repercussions for these offences (2017).

Landman (2014) identifies similarities between mate crimes with cases of sexual abuse but highlights a general lack of research evidence to establish to what extend this 'grooming' or exploitation is a part of offending against disabled people. Thomas (2013) describes the relationship as one of an 'affinity' rather than dependency, and that victims value the relationship more than the offender, who uses it to exploit or humiliate the victim (Thomas, 2011). In addition, victims are less likely to report their experiences because of feelings of dependency or relationship with their perpetrators.

With regards to convictions and prosecutions, the CPS (2014) directs that prosecutors should avoid the term mate crime as they say it is potentially confusing for people with learning disabilities. Indeed, the College of Policing guidance (2014b) also makes little reference to mate crime other than a recommendation that officers need to understand the term, and that it can occur either through calculated or opportunistic ways. Thorneycroft and Asquith (2015) and Perry (2013) concur that the term mate crime does not help in framing or understanding this form of abuse; rather it falsely represents the problem as one of dynamics between two people rather than on the discrimination and prejudice that leads to such treatment. Like Hollomotz (2013), the

term could be considered to represent the different social standing of disabled victims of crime, however, Landman (2014) reports that usage of 'mate crime' grew because disabled people were able relate to it (and see also Brookes, 2013; Doherty, 2015).

In conclusion, despite efforts to downplay the term 'mate crime' in criminal justice and academic spheres, those working with learning disability communities acknowledge its growing relevance and recognition. Mate crime also emphasises the differential experiences associated with disability when compared to other strands. However, the term 'grooming' likely better reflects the experiences of victims, with its focuses on the active processes involved in perpetrator decision-making and victim manipulation (Perry, 2013). There is a need for further evidence in better articulating and appreciating this 'strand' of hate, however, as shall be discussed, this research did not identify any clear cases of mate crime in the empirical data.

Chapter Summary

This chapter has discussed the emergence of hate crime in the UK in policy, research and legislation. It has considered many of the limitations to the concept and how it is understood. Some scholars have contended that hate crimes are ultimately about power and subordination of one group over the Other, and the social and historical context in which such subordination takes place. In contrast, other academics emphasise the 'ordinariness' of hate crimes and dismiss somewhat any underlying power dynamics, which they argue are not always in play. This is an important distinction that influences the interpretations of the findings in this study.

The chapter has also considered key terms that will be referred to throughout this research and highlighted some of the ongoing debates surrounding prejudice, hate crime, vulnerability and disablism. The use of language is crucial when explaining, recognising and understanding hate crime. Disability hate crimes are distinct from other strands and vulnerability in particular has a greater influence on prosecution decisions than in other strands. Whilst hate crimes are now given greater recognition within levels of society, clearly significant questions remain unanswered.

The concept of hate crime continues to create challenges in interpretation, not just for scholars and professionals, but also for the individual on the street (Perry, 2009). There continues to be definitional debates around hate crime, mate crime, disablism and ableism, particularly when it comes to victims' interpretations and expectations. The issue of the language is embedded in the hate debate as hate crime can have a different meaning for the general public than for police or

prosecutors. The implications of this must be considered, particularly in terms of how the police and justice system responds. Combined, these concepts and challenges demonstrate the importance of investigating the hate crime experiences of disabled people.

Chapter 3: The extent and nature of disability hate crimes

Introduction

The extent of disability hate crime is not limited to frequency of incidents but also how those incidents can impact upon the victim. This chapter considers existing research in victimisation experiences, reporting rates and prosecutions of disability hate crimes. It presents and evaluates evidence with regards to types of offences, motivation of perpetrators, risk factors and potential relationships between victims and perpetrators. It identifies barriers to increasing reporting of disability hate crimes and considers the suitability of interventions used with other hate crime strands, with regards to disability hate crimes.

The research discussed in this chapter covers a variety of forms of disability and where possible specific impairments or conditions are referred to or explained. As discussed in Chapter 1, a disability or impairment can present in various forms; from those with learning difficulties to wheelchair users to those with mental health conditions, to name but a few. The majority of the research included here is UK-based but some overseas studies are also included where relevant. Notwithstanding the US, which has been collecting hate crime data on disability since 1997 (limited though it might be), research and policy on hate crimes has tended to overlook disability hate crimes (Sin, 2015). Most of the research on hate crimes concentrates on victims of racial and religious groups and as such research that covers other strands of hate crimes will be critically examined where relevant.

Victimology research

Research into victims of crime emerged in the 1970s and has grown to such an extent that victimology is regarded as a discipline in its own right (Zedner, 2002). There have been regular and repeated studies in the UK that have investigated fear of crime and victimisation (for example, Coleman and Sykes, 2016; Corcoran et al., 2015; Chaplin, Flatley and Smith, 2011; Budd, Sharp and Mayhew 2005; Jones, Maclean, and Young 1986; Sparks et al., 1977; or see Zedner, 2002 for further examples). The role of the victim emerged from these studies and led to an increase in the recognition of the victim and victims' rights within the criminal justice system. Despite this growth, large gaps in knowledge exist about the prevalence and risk of violence and

abuse[17] against disabled adults (and children) (Mikton and Shakespeare, 2014). Research is also needed as to the impact of hate crime prosecutions and convictions on victims. This may be a reflection of the relatively late recognition of disability hate crime or the absence of policy endeavours linked to specific disability hate motivated events, which Roulstone, Thomas and Balderston call "policy invisibility" (2011, p.355).

Official Figures on Disability Hate Crime: Crime Survey, Police Recorded Crime and Prosecutions

Official figures suggest that either disabled people are at lower risk of being victims of hate crimes or that disability hate crimes are under-reported (Walters and Brown, 2016). However, this section shall demonstrate how recorded figures cannot be considered an accurate or unproblematic reflection of experiences of hate crime but rather reflect the contexts of reporting, including how data is collected and used. An overview of the process of how crimes are experienced, reported and then prosecuted provides an insight into the extent of the challenges of prosecuting cases of disability hate crime.

The Crime Survey for England Wales (CSEW, formerly the British Crime Survey [BCS]) is the largest annual crime survey in the UK, combining victim survey responses with police recorded crime figures and is thus considered a more accurate representation of hate crimes. As early as 2008, Kershaw, Nicholas and Walker estimated that 13,337 victims of crimes of violence and theft in the BCS described themselves as having a longstanding illness or disability. It is important to recognise that the CSEW is limited to adults living in households, and as such does not include disabled people living in institutional settings, care homes or supported accommodation who may be victims of crime. Thus, many disabled people may be unable to report their experiences through the CSEW.

The most recent CSEW figures for victims of crime estimated that there were 222,000 hate crimes per year during the period of 2012/13 to 2014/15, which equates to approximately 3% of all crime (Corcoran, Lader and Smith, 2015). Disability was the second most common motivating factor (after race) with an estimated 70,000 incidents of disability hate crime per year. During the period 2015/16, police recorded crimes included 62,518 hate crimes, which included 3,629 disability hate

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[17] As discussed previously, Hollomotz argues that research studies use the term abuse when describing violence against disabled adults and use 'violence' when describing experiences of non-disabled adults (2013). Both terms are used.

crimes (Corcoran and Smith, 2016; see Table 3.1[18]). Although police recorded disability hate crimes had increased by 44% on the previous year, there is a significant disparity between the two sets of figures. The total number of police recorded disability hate crimes (3,629) equates to 5% of those reported to the CSEW (70,000). Comparing these figures to race hate crimes, for example, produces CSEW estimates of 106,000 race hate incidents and crimes per year and police recorded hate crimes of 49,419 in 2015/16. Put another way, the total number of police recorded race hate crimes was almost half (or about 47%) of the total reported race hate crimes, whereas comparable data for disability represents 5% of total reported crimes. Research is needed to explore why so few disability hate crimes are being recorded as compared to other strands.

A suggestion as to why so few disability hate crimes are recorded may relate to the nature of the experience. As hate crimes commonly involve so-called 'low-level' incidents (for example, harassment), police may be recording some of these larger numbers as incidents, rather than crimes, or treating them as incidents of anti-social behaviour rather than hate crimes (Macdonald, Donovan and Clayton, 2017; Chakraborti, Garland and Hardy, 2014a; Sin et al., 2009a; Dixon and Ray, 2007; Rainbow Ripples and Butler, 2006). Nevertheless, the figures are consistent with the notion that prevalence of hate victimisation is significantly under-reported (Walters and Brown, 2016; Sullaway, 2004; Gerstenfeld, 2002). The increase in figures could be as a result of improved reporting and recording techniques, as there have been drives to improve this area as well as further training of staff (Corcoran and Smith, 2016). However, it is also possible that some of the increases are due to an increase in criminal behaviour.

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[18] An estimated 5% of respondents had more than one motivating factor.

Table 3.1: Hate crimes recorded by police by monitored strand, 2011/12 – 2015/16 (taken from Corcoran and Smith, 2016)

Hate Crime Strand	2011/12	2012/13	2013/14	2014/15	2015/16	% change 2014/15 to 2015/16
Race	35,944	35,845	37,575	42,862	49,419	15
Religion	1,618	1,572	2,264	3,293	4,400	32
Sexual Orientation	4,345	4,241	4,588	5,591	7,194	29
Disability	*1,748*	*1,911*	*2,020*	*2,515*	*3,629*	*44*
Transgender	313	364	559	607	858	41
Total number of motivating factors	43,968	43,933	47,006	54,868	65,500	19
Total number of offences	-	42,255	44,577	52,465	62,518[19]	19

In addition, comparisons across police forces[20] show disparities between recorded offences. For example, Northumbria recorded just one disability hate crime in 2011 compared to 116 in Norfolk. In 2014/15, Northumbria had improved, recording 28 disability hate crimes but Norfolk had dropped to 63 cases, whilst other areas had seen increases. Table 3.2 shows some examples across police forces. As will be discussed in greater detail in Chapter 8, police forces are responsible for determining whether to have dedicated hate crime investigation units respond to hate crime reports or have all police officers available to respond to and process reported hate cases (College of Policing, 2014b). Decisions as to where to target resources and funding therefore may have an impact on recording rates for disability hate crimes. In addition, disparities in population density and demographics as well as local area socio-economic climates (Chakraborti, 2016; Clayton, Donovan and Macdonald, 2016; Williams and Tregidga, 2014; Bowling, 1998) and confidence in police, combined with officer training and awareness can all impact on recorded

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[19] These figures do not include hate incidents.

[20] Despite efforts by UK policing generally to position itself as a 'service' rather than a 'force' (Giannasi, 2014), literature continues to refer to police 'forces' e.g. Corcoran and Smith, 2016. In addition, all four police officers and one former police officer who were interviewed specifically referred to the police as a 'force'. For these reasons, whilst acknowledging the attempted re-positioning and cultural shift in policing, the term 'force' is used throughout.

disability hate crimes (Mason-Bish, 2013; Roulstone and Saddique, 2013; CJJI, 2013). These elements are discussed further below.

Table 3.2: Recorded disability hate crime figures for selected police forces in England and Wales, 2009-2015

Police Force	2009 (Jan-Dec)	2011 (Jan-Dec)	2012/13 (Apr-Mar)	2014/15 (Apr-Mar)
Northumbria	3	1	36	28
Norfolk	75	116	77	63
Metropolitan Police Service	99	116	85	233
Merseyside	17	59	73	181
West Yorkshire	25	55	109	90
Suffolk	98	99	122	94
Leicestershire	35	87	188	84

Prosecution figures present an additional perspective on the prevalence of disability hate crime although must be interpreted with caution as courts and sentencing data are often incomplete (Giannasi, 2015a). The CPS prosecuted 15,442 hate offences in 2015/16, which resulted in 12,846 convictions; this included 707 disability hate crime convictions. Table 3.3 shows the numbers of successful outcomes for all hate crime strands and that figure as a percentage of total prosecutions (CPS, 2016, 2014, 2012, 2010a).

Table 3.3: Number of convictions across all hate crime strands, 2007/08 – 2015/16

Convictions (% successful outcomes)	Disability	Race & Religion (R&R)	Homophobic & Transphobic (H&T)
2007/08	141 (77%)	10,398 (80%)	778 (78%)
2008/09	299 (76%)	9,576 (82%)	815 (81%)
2009/10	483 (76%)	9,993 (82%)	929 (81%)
2010/11	579 (79.8%)	11,038 (83.1%)	1,034 (80.7%)
2011/12	480 (77.3%)	10,412 (84.2%)	951 (78.7%)
2012/13	494 (77.2%)	9,415 (83.1%)	885 (80.7%)
2013/14	470 (81.9%)	10,532 (85.2%)	913 (80.7%)
2014/15	503 (75.5%)	10,680 (83.5%)	1,037 (81.2%)
2015/16	707 (75.1%)	10,920 (83.8%)	1,219 (83.0%)

As discussed earlier, police recorded approximately 3,629 disability hate crimes during 2015/16 (above). CPS figures for the same time period (707) therefore equate to convictions in about 20% of recorded disability hate crimes and roughly 1% of reported disability hate crimes (70,000). However, disability hate crime conviction success rates are lower when compared to other strands. In 2007/08, 141 convictions for disability hate crime represented a 77% success rate of all disability cases taken by the CPS. Unfortunately the most recent figures show a drop to 75% conviction rate, its lowest level to date, after a peak of above 81% in 2013/14. Although it is difficult to make specific comparisons across *individual* strands, the remaining four strands have notably higher percentages of successful convictions.

The reason why disability hate crime conviction rates are lower as a percentage of overall cases, when compared to other strands, may relate to the types of crimes that are prosecuted. Offences against the person represented 48% of all cases for disability in 2015/16 (CPS, 2016). This compares to 59.2% for combined Homophobic and Transphobic hate crimes (H&T) and 76.4% for Race and Religious hate crimes (R&R). Burglary, robbery, theft, fraud and sexual offences are all significantly higher for disability hate crime prosecutions than other strands. The CPS (2016) suggests this may reflect the exploitative nature of some crimes but exploration of this area is needed. Research needs to be able to identify whether there are certain types of offences that are committed against disabled people specifically, whether there are certain types of offences

that are more likely to be recognised as disability hate crimes and whether they are certain types of offences that are more likely to be reported as disability hate crimes.

Another reason for the lower successful conviction rates may relate to guilty pleas. Guilty pleas make up a large proportion of successful convictions such that, in 2015/16, 63.4% of successful convictions for disability hate crimes were guilty pleas, as compared to 74% for R&R offences and almost 74% for H&T offences (CPS, 2016). Unfortunately, the CPS figures do not explain why fewer perpetrators of disability hate crimes plead guilty than other strands but it could go some way to explaining their higher success rates in other strands. It may be that guilty pleas are more forthcoming in cases involving offences against the person, as there could be greater evidence to support the prosecution. In a similar vein, public order offences make up only 9.3% for disability, compared to almost 29.8% (H&T) and 15.1% (R&R). Research is needed as to whether the police are recognising and recording public order offences when dealing with disability-related incidents (Walters, Wietlitzka and Owusu-Bempah, 2017), whether victims are less willing to report all forms of public order abuse (or recognise that it is a crime) or whether public incidents are less likely to occur in relation to disability. The evidence fails to explain *why* disability hate crimes have lower successful conviction rates when compared to other strands but goes some way to identifying potential routes of investigation.

Finally, CPS (2016) figures show that the application of an enhanced sentence or 'uplift' remains low for disability hate crime, at 11.9% (despite increasing to its highest level to date). This compares to 34.8% successful uplifts for R&R and 37.8% for H&T. Whilst the increase is laudable, and improvements in achieving uplifts at sentencing may be indicative of a number of initiatives that the CPS instigated to enhance their performance in this area, compared to other strands disability hate crime uplifts remain disappointingly low.

To conclude, victims are experiencing high levels of disability hate crimes, however, police recording and CPS conviction figures do not reflect this. Following the drop in recorded figures in 2011/12 (Table 3.3) a joint audit of disability hate crime was established to review the effectiveness of recording and prosecuting processes (Giannasi, 2015b). Since then disability hate crimes have been a priority for government and criminal justice agencies and, as will be discussed below, a number of reports and enquiries have attempted to address and improve reporting and recording figures (e.g. CJJI, 2013, 2015). Low recorded and conviction rates can perpetuate the misconception that there are low levels of hate crimes against disabled people (Sin, 2015) and investigation was and continues to be needed to explore this phenomenon.

Disability Hate Crime Research

The official figures above demonstrate the extent of experiences of hate crimes and the criminal justice response to it. Research by academics, charities and third party organisations further demonstrate the nature of these hate crime experiences. Findings suggest that disabled people are at greater risk of being victims of violent crimes and theft than non-disabled people (Emerson and Roulstone, 2014; ODI, 2011; Walker, 2009; Sin et al., 2009a; Greenhalgh and Gore, 2009; Vincent et al., 2009; GLAD, 2004; NACRO, 2002). For example, Hughes et al. (2012) found that disabled adults were one and a half times more likely to be victims of violence than non-disabled adults. In contrast, victims also report that their initial experiences are commonly 'low level' or hate *incidents*, often in the form of harassment or intimidation (Piggott, 2011; Sin et al., 2009a; Gillen, 2007; Wood and Edwards, 2005; Disability Rights Commission, 2004; Berzins, Petch and Atkinson, 2003; NSF, 2001). Although they may be an everyday, some might say minor, manifestation of prejudice or discrimination, these incidents can escalate into serious violence and significant harm if they are not reported or resolved (Mason, 2005a; Bowling, 1998). GLAD (2004) claimed that the majority of their disabled participants who had been physically attacked had also experienced verbal abuse and harassment. However, because harassment is not always recognised as criminal, this can result in a lack of response from the criminal justice system (Sin et al., 2009a; Dixon and Ray, 2007; Rainbow Ripples and Butler, 2006).

The literature also highlights how widespread disability hate crime victimisation is. Disabled victims are more likely to report multiple forms of abuse, including name-calling, verbal abuse, physical attacks, theft, vandalism and attacks on property (Scope, 2011; DRC and Capability Scotland, 2004). For example, Chakraborti, Garland and Hardy (2014a) report that disabled people were more likely to experience multiple forms of victimisation than any other marginalised group, with 92% experiencing harassment, bullying or threatening behaviour, 50% experiencing violent crime and 22% sexual violence. As such, the majority of victims of hate crime are repeat victims, or at greater risk of becoming repeat victims. Incidents often escalate in severity and frequency, with victims experiencing verbal and physical violence, abuse and harassment over several months and years (Richardson et al., 2016; Williams and Tregidga, 2014; Chakraborti, Garland and Hardy, 2014b; Pettitt et al., 2013; Sherry, 2013a; EHRC, 2011; CPS 2010b; Vincent et al., 2009; Sin et al., 2009a; Action for Blind People, 2008; NISRA, 2007; ACPO 2005; Mason, 2005a; DRC, 2004). Furthermore, evidence suggests that disability hate crime victimisation involves higher levels of threatening and intimidating behaviour and abusive language when compared to other hate strands (Macdonald, Donovan and Clayton, 2017).

The impact of this repeat victimisation can be long-lasting and have devastating effects on mental and physical health (Pettitt et al., 2013; Sin et al., 2009a), including premature deaths (Mikton and Shakespeare, 2014) and therefore early identification of repeat victimisation is crucial. Thus, abuse can be an ongoing process enacted by the same perpetrator or can be repeated, one-off incidents that become accepted and normalised for disabled people (Sin, 2015). The evidence emphasises the need to monitor all reported incidents because of the risk of persistent and escalating abuse (Richardson et al., 2016).

Unfortunately, much of the disability hate crime literature fails to distinguish findings by impairment type (Emerson and Roulstone, 2014), leading to a scarcity of robust evidence on disability and violence. Those which do examine specific impairment types may not be generalisable to all groups of disabled people, however, they do suggest that different forms of disability or impairment may result in greater risk of victimisation and abuse than others (Chakraborti, Garland and Hardy, 2014b; Clement et al., 2011). The literature is dominated by research into learning disability[21], and demonstrates that there is increased risk of victimisation for those with learning disabilities than other impairments (Macdonald, 2015; Emerson and Roulstone, 2014; Fyson and Kitson, 2010; Sin et al., 2009a; Horvath and Kelly, 2007; NISRA, 2007; DRC, 2004; Mencap, 2000). Macdonald (2015) also found that, despite experiencing similar *types* of incidents compared to other impairments, people with learning difficulties were less likely to have their experiences investigated by police. They also report that disabled victims were less likely to receive victim support after a hate incident, suggesting far greater evidence is needed in this area. Additionally, studies have found a significantly increased risk of being a victim of crime or harassment for those disabled people with mental health conditions compared to disabled people with other forms of impairment (Emerson and Roulstone, 2013; Pettitt et al., 2013; Khalifeh et al., 2013; Hughes et al., 2012; Sin et al., 2009a; Mind, 2007; DRC 2004; Berzins, Petch and Atkinson, 2003; NSF, 2001). The nature of victimisation also differs according to type of impairment with Chakraborti, Garland and Hardy (2014b) reporting that participants with mental ill-health reporting increased levels of sexual violence when compared to those with learning or physical disabilities. Victims with disabilities were also more likely to *suffer* mental health problems as a result of being victimised (Khalifeh et al., 2013). This research presents empirical

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[21] Learning disability is the most commonly used term in the UK to refer to what is often referred to internationally as 'intellectual disability', which is understood as "significant impairments in cognitive and adaptive functioning of early outset" (Scior and Werner, 2015, pp.4).

evidence with regards to experiences of victimisation in intersection with type of impairment in Chapters 6 and 7.

The literature also demonstrates how excessive violence, including torture, degradation, humiliation, exploitation, sexual assault and rape is common to many cases of disability hate crime (Pettitt et al., 2013; Khalifeh et al., 2013; Levin, 2013; Hughes et al., 2012; CPS, 2010b; Action for Blind People, 2008; Petersilia 2001; Marley and Buila, 2001; Sobsey, 1994). Although cases of disability hate crimes can involve theft or vandalism, Sherry (2013a), writing in the US, says that a significant proportion is particularly sadistic and at times results in death[22] and others demonstrate how dehumanisation of disabled people appears to be a contributing factor to enabling such violence (Ralph, Capewell and Bonnett, 2016; Moore, 2001; Sobsey, 1994).

Individual risk factors

The role of the victim in their own victimisation is a controversial issue. As discussed in the previous chapter, perceived vulnerability places the blame of disability hate crime victimisation with the victim rather than the perpetrator. However, denying that any element of the victim's attributes or behaviours might influence their risk of victimisation could suggest that individuals are powerless to reduce their risk. Whilst this research contends that victims are placed in vulnerable situations, as opposed to being inherently vulnerable per se, there are elements of individuals' identities that can place them at greater risk of targeting and abuse than others (Brownridge, 2006). Impairment-specific abuse is frequently reported in the literature, including denying access to mobility aids and to accessible facilities (Sherry, 2013b; Thiara, Hague and Mullender, 2011). More visible forms of disability or impairment also appear to increase risk of victimisation, such as Action for Blind People's (2008) study which identified walking aids or white sticks as targets that draw negative attention to their users. In some cases targeting is direct, such that a victim is unable to escape an attack, but often there is an assumed social and cultural response to disability that enables perpetrators to justify their abuse (Shakespeare, 1996; Sobsey, 1994). Furthermore, disabled people are often conditioned or encouraged to ignore and accept negative behaviour towards them, by carers, family members and society (Sin, 2013). In addition, as some disabled people are dependent on others to provide care for them, this can prevent them from resisting abuse. Perpetrators may learn that they can victimise without fear of

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[22] Sherry does not specify what percentage this 'significant proportion' represents, however, states that he has documented "hundreds of case" that demonstrate the hyper-violent and hyper-sexual nature of disability hate crimes (Sherry, 2013b, p.57)

consequences. Related to this point, people with learning disabilities can fail to recognise their experiences of victimisation, exploitation and abuse, leaving them open to risk (Richardson et al., 2016). This conditioning can lead to an acceptance for disabled people that they have to live with certain forms of victimisation.

Numerous studies have found that disabled women are at greater risk of victimisation than non-disabled women and disabled men, are more likely to experience domestic/interpersonal violence and are at increased risk of sexual assault and stalking (McCarthy, 2017; Coleman, Sykes and Walker, 2013; Balderston, 2013a; Thiara and Hague, 2013; Pettitt et al., 2013; Hughes et al., 2012; Smith et al., 2011; Barclay and Mulligan, 2009; Brown, 2004; Marley and Buila, 2001; Mirrlees-Black, 1999). Petersilia (2001), in a review of literature on disabled victims of domestic violence, and Bruder and Kroese (2005) confirm particularly high rates of sexual assault against women with learning disabilities. Similar findings are reported by Marley and Buila (2001) in sexual offences against women with mental health conditions. In addition, many perpetrators have a relationship with their victim and, as such, they have greater opportunity to re-victimise (Landman, 2014, Brownridge, 2006). CPS figures also indicate higher proportions of female victims of disability hate crimes, compared other strands (CPS, 2014[23]). This may be explained by the intersection of both gender and disability as contributing factors to victimisation and empirical findings in this regard are presented in Chapter 7.

As a consequence of certain impairments and conditions, some disabled people exhibit behavioural characteristics that increase their risk of abuse, such as tantrums, aggressiveness, or non-compliance, which can negatively affect the relationships they have with parents, caregivers or any encounters they may have (Petersilia, 2001; Bruder and Kroese, 2005; Brown, 2004). Any resulting interaction could result in violent behaviour. Further evidence suggests that hate crime victimisation can be aggravated by drug and alcohol abuse or misuse by the victim, or victims with a history of violence, leaving them susceptible to a higher risk of victimisation, complicating the relationship between victim and perpetrator and making it less clear-cut who is responsible for victimisation at times (Pettitt et al., 2013; Walters and Hoyle, 2012).

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[23] Although Awan and Zempi (2016) report higher rates of female victimisation than male with regards to anti-Muslim hate crime; highlighting the problem of interpreting figures for "religious" or combined "race and religious" hatred as homogenous groups.

Economic and Socio-Spatial Factors

Hate crimes can be presented as personal prejudice, pathologising perpetrators and presenting them as autonomous and rational individuals, rather than considering the social and spatial context within which the crimes take place (Clayton, Donovan and Macdonald, 2016). Rather, Perry (2003a) constructs hate crimes within their historical and social context and considers the relationships between both actors and communities. Thus, for Perry, hate crimes are conceptualised through a social lens where difference is actively constructed. Consequently, however, academics have considered the spatial dimension of hate crimes, including demographic, socio-economic and situational contexts (Chakraborti, 2016; Garland and Chakraborti, 2012; Iganski, 2008).

Notwithstanding individual risk factors above, victimisation is a dynamic process, set in social, political and cultural contexts. The location of the crime and socio-economic demographics of both victim and offender are also complicit in hate crime offending and experiences (Clayton, Donovan and Macdonald, 2016; Williams and Tregidga, 2014; Bowling, 1998). The majority of all hate crime occurs in or near the victim's home, followed by work, school or local neighbourhood (Chakraborti and Garland, 2009; Sin et al., 2009a; Mason, 2005a). However, as discussed in Chapter 2, disability related hate crimes are not necessarily comparable to other strands. Some studies found that hate crime offences were more likely to occur in public places, such as streets, shops or on public transport (Vincent et al., 2009; DRC, 2004). Others, such as Berzins, Petch and Atkinson (2003) and the NSF (2001), suggest that local authority housing rather than geographical area per se was a factor in risk of victimisation. However, reporting rates may be low for offences that take place in private homes (Vincent et al., 2009) and evidence suggests that there are higher rates of disability amongst tenants of social landlords than private ones (Hunter et al., 2007). In addition, research has identified hotspots of victimisation in relation to transport and general areas where people come together and where there is higher crime generally (Thomas, 2013; Iganski, 2007; Mason, 2005b; Umemoto and Mikami, 2000; Mencap, 2000). Interestingly, Roberts et al. (2013) found that there were twice as many disability hate crimes recorded in Wales than in England and Wales combined (8% compared to 4%), suggesting that perhaps there are elements of geography or homogeneity of population that may be increasing reporting, or perhaps improvements to police recording that impact upon figures.

Higher levels of hate crime have been reported in areas of poverty or deprivation (Sin et al., 2009a; Bowling, 1998) but as discussed above, there are relatively more disabled tenants in local authority housing, an area also associated with poverty levels (Hunter et al., 2007). Furthermore,

socio-economic issues are often not sufficiently covered in hate crime policy and guidance documents, leading to inadequate crime prevention and ineffective policy response (Perry, 2009). Clayton, Donovan and Macdonald (2016), in their study of 3,908 hate incidents, found that hate incidents occurred in all wards in their study areas in the North East of England, however, those with higher than average levels of deprivation, a history of economic decline and increasing levels of poverty reported higher levels of hate crime. In particular, they found a significant correlation between disability hate incidents/crimes and areas of deprivation, such that the areas with highest levels of deprivation contained one third of all reported disability hate incidents. As discussed in Chapter 1, disabled people face increased financial hardship compared to non-disabled people (ODI, 2011, 2014) and as such they are often housed in areas of high deprivation (Macdonald et al., 2017), suggesting that social housing contributes to disabled people's risk of victimisation. Not only do areas with high levels of deprivation tend to have higher numbers of disabled tenants, they also tend to have larger ethnic minority population, and thus the intersections of race, class and disability may combine to increase the likelihood of victimisation for already marginalised groups.

Tensions exist in areas with increasing economic and social pressures, which can potentially result in increased violence and hostility in a fast-changing social, economic and cultural landscape. Existing evidence demonstrates an increased risk of both hate crime and violent crime for those in poverty (Emerson and Roulstone, 2014; Brownridge, 2006; Petersilia, 2001) and that hate crime cases can be exacerbated by socio-economic disadvantage and social proximity (often found in deprived areas) (Walters and Hoyle, 2012). Thus, research should consider the 'structural violence' of disproportionate relative poverty experienced by disabled people (Perry, 2013). Although the evidence is not clear whether poverty plays a causal role in hate crimes (Mikton and Shakespeare, 2014) it highlights the potential maelstrom in placing large numbers of minority populations in areas of economic deprivation which experience community tension and conflicts.

Cyberhate

"As these incidents often go unchecked, this type of 'low-level' online abuse leads to the normalization of such behaviour and even an escalation to physical attacks" (Awan and Zempi, 2016, p.4)

The emergence of hate crime on the internet has created additional significant challenges, exacerbated by a perceived lack of capacity to contend with the global nature of such crimes, a disparity of legislative approaches available, and difficulties crossing jurisdictions (Alhaboby et al., 2016; Giannasi, 2015a). A general lack of regulation by many internet service providers can enable perpetrators to attack disabled people without fear of prosecution. An example of this was the un-moderated 'Spending Challenge' website launched by the Government in 2010, which was closed shortly after launch due to high levels of offensive comments towards disabled people (Quarmby, 2013). The internet has further enabled online communities to merge together, with collective prejudices, commonalities and the promotion of alternative, hate-fuelled messages (Perry and Scrivens, 2016). This ability to create collective identities and communities online can contribute to a wider "global hate environment" (Bakalis, 2016, p.268) that is harmful not simply to a targeted individual but beyond that to global society. Regulation of such communities however is minimal, given significant technical and practical difficulties in identifying and responding to these offences (House of Commons, 2017). There have been rising levels of 'cyberhate' being perpetrated. For example, Wells and Mitchell (2014) in a US study of young Internet users found disabled participants were more likely to report receiving online victimisation than nondisabled internet users. Notably, those young people with physical disabilities were more likely to form close online relationships than those without disabilities, suggesting that perhaps there are specific features associated with young disabled people that is increasing their risk of online abuse. Furthermore, the benefits of online shopping and 'chatting' online, whilst advantageous to disabled people, can be outweighed by the reduction in direct contact with other members of their communities, further isolating and socially excluding disabled people. Indeed, the home is not the safe space it was once perceived to be, with the advances of online victimisation (Clayton, Donovan and Macdonald, 2016). Social isolation is known to play a large part in the development of inter-dependent abusive relationships, potentially contributing to increased risk of victimisation (Landman, 2014). In a study of anti-Muslim hate crime, Awan and Zempi (2016) found that the boundaries between online and offline worlds are more 'blurred' than first thought in that it is difficult for victims to isolate the online threats they suffer. Like other minority groups, disabled people may be faced with the possibility

of online threats materialising in the physical world, and this is something this research considers in Chapter 6.

To conclude, the evidence presented above demonstrates how disability hate crime can occur along a continuum (Hollomotz, 2012), from low-level, non-violent incidents to serious and extreme violent crimes. It is often associated with ongoing, repeated and multiple incidents which, in intersection with the submissive or compliant nature that is encouraged to sections of disabled communities, can lead to greater opportunity for re-victimisation. A victim's likelihood of being targeted is associated with a number of factors, including their gender and the nature of their disability or impairment, highlighting how an intersectional approach to research is required in order to better understand the extent and nature of disability hate crime. In addition, external factors, such as socio-economic disadvantage, geographic location and poverty are associated with risk of victimisation. Risk of victimisation has also moved 'online' with the growth of cyberhate, potentially contributing to further isolation and marginalisation of disabled people. As existing literature is limited in these areas, the contribution of this research will enhance current understanding of experiences of disabled people along and between this continuum of victimisation.

Offender typology and motivation

Hate crime motivation is not always easily identified (Woods, 2010) and a focus on the victim has meant that the perpetrator has to some extent been ignored (Hall, 2015). As a consequence, there is a paucity of research on the motivation of disability-specific perpetrators (Sin, 2015; Roberts et al., 2013; Iganski et al., 2011) but parallels can be drawn from studies on other strands of hate to some degree, limited as they also are. However, it is imperative not to assume motivation ahead of research evidence and not to implicitly accept that motivations for one strand are applicable to others (Roulstone, Thomas and Balderston, 2011). Although further evidence about perpetrators is needed in order to develop a conceptual theory of hate crime, Chapter 9 proposes a method of approaching disability hate crime research to enable this.

McDevitt, Levin and Bennett's typology of hate crime offenders was one of the earliest published studies into perpetrators of hate crime (2002). Drawing on work from Levin and McDevitt (1993), they identified four types of hate crime offenders; thrill-seekers, who committed their crimes for the excitement, or the 'thrill'; defensive, who saw themselves as defending their homes or neighbourhoods from outsiders; mission-oriented, whose life's mission was to rid society of those

they considered inferior (or 'other'); and retaliatory, or those who act in response to a real or perceived crime. They categorised two thirds of their sample as thrill-oriented offenders, followed by 25% as defensive, 8% retaliatory and less than 1% mission-oriented. However, their findings are limited to a relatively small sample of 169 police case files in the USA and based on data from over ten years ago. They also relied heavily on the perpetrator's use of language to determine their bias and their findings have been criticised for failing to explore possible underlying reasons for offending (Chakraborti and Garland, 2009). Despite the criticism, there is some evidence to support an element of thrill-seeking behaviour within hate crimes (Walters, 2011; Dixon, 2002; EHRC, 2011).

Perpetrators of thrill attacks were described as teenagers or young adults in the main, who are bored and looking for excitement (Levin, 2013). There is further evidence to support youth as a contributory factor to hate crime offending (Richardson et al., 2016; CPS, 2014; Levin, 2013; Walters, 2011; Sin et al., 2009a; Vincent et al., 2009; Action for Blind People, 2008; Levin et al., 2007; NSF, 2001; Mencap, 2000). For example, Chakraborti, Garland and Hardy (2014a) reported that 72% of hate crime perpetrators were between 13 and 30 years old. Iganski et al. (2011), in a review of national and international intervention programmes with convicted perpetrators, found the majority of offenders were young, with more than half of those aged under 25 being responsible for racial and sectarian offences, and more than half under 30 for homophobic offenders. Unfortunately there are no figures provided for disability offences, possibly because of the small number of convicted disability hate crime offenders reported in their data[24]. In addition, despite the preponderance of young perpetrators, offenders are represented across all ages.

In a review of hate crime literature, Roberts et al. (2013) conclude that the demographics of perpetrators tended to match the demographic proportions of the population in any given area, such that the majority of hate crime offenders (across all strands) are white, male and under 25 in England and Wales. Both CPS (2016) and Iganski et al. (2011) also found the majority of all hate crime defendants were white. Perpetrators of disability hate crimes are also more likely to be men than women (CPS, 2016), however, there is a *higher* proportion of women offenders for disability hate crimes than for any other strand (24.5%, compared to 17% for race and religious

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[24] The report includes figures for the MPS, Lancashire Police Constabulary and the Police Service of Northern Ireland only; disability hate crimes were 11, 11 and 4 respectively

crimes and 16% for homophobic and transphobic crimes) (CPS, 2016; Williams and Tregidga, 2013; Roberts et al., 2013), in contrast to other strands.

Disability hate crime offenders are less likely to act alone. A number of studies have demonstrated that multiple perpetrators are often involved in disability hate crimes (Williams and Tregidga, 2014; Chakraborti, Garland and Hardy, 2014b; Sherry, 2013a; CPS, 2010b). For example, Roberts et al. (2013) reported multiple offenders in 71% of disability hate crimes. However, many studies do not illustrate whether these multiple offenders are of a particular age or commit a particular type of hate crime offending.

The relationship between socio-economic marginalisation and victimisation, highlighted above in socio-economic risk factors, is also applicable to perpetrators as offending does not occur in a vacuum. Multiple studies have found a relationship between low socio-economic prospects, low-skilled or no employment, economic disadvantage and hate crime offending (Walters, 2011; Iganski et al., 2011; Ray, Smith and Wastell, 2004). They suggest that perpetrators may be motivated by a desire to protect geographical space or socio-economic security, or may feel shamed or disadvantaged compared to the minority group they are targeting (see also Gadd, 2009). However, the applicability of these trajectories with regards to disability hate crime is not clear-cut. As demonstrated above, disabled people are more likely than non-disabled people to suffer financial hardship, and be housed in areas of poverty and deprivation. Perceptions of fraudulent benefit recipiency may play a part, particularly in light of the recent media and government rhetoric which has presented disabled people as 'scroungers' and 'benefits cheats' (as discussed in Chapter 1, and further below). However, it cannot be assumed that offenders are shamed, although they may indeed feel disadvantaged, compared to disabled members of their communities. That said, there is a possibility of a distinction between disability hate crimes and other strands here, which highlights the problems inherent in interpreting findings from one strand to another.

Offender typology has also considered whether offenders are generalist, that is to say those who participate in a wide range of offending behaviours including hate crimes, or specialist, such as those for whom offending is exclusively hate motivated (Dixon, 2002) and there has been some evidence to support the generalist-offender type (Iganski et al., 2011; Stonewall, 2003). As was discussed previously, Thomas (2013) differentiated between opportunist and calculated hate crimes, such that mate crimes are more likely to be calculated and involve a process of grooming, whereas other forms of hate targeting are more opportunistic in nature, which may align with a

generalist-approach to offending. This 'opportunistic' offending type is further evidenced by some general hate crime literature, which suggests that perpetrators are 'everyday' people who offend due to perhaps a trigger incident, irritation or conflict (Chakraborti, 2015; Gadd, 2009; Iganski, 2008b; McGhee 2007; Mason 2005a, 2005b), reflecting the insidious and unpredictable nature of it. For example, research by Iganski, Kielinger and Paterson (2005) on religious hate crimes found that perpetrators of hate crimes were 'ordinary' people who offended in the unfolding contexts of their everyday lives. Sentiments that lie beneath the surface gave perpetrators an opportunity to vent their prejudices. This approach advocates that hate crimes involve opportunistic, situational and spontaneous violence, often fuelled by real or manufactured interpersonal disputes. Roulstone, Thomas and Balderston (2011) suggest that perceptions of vulnerability and "categorical distaste for impairment" (p.360) combine with these behaviours as the basis of opportunistic crimes on those least likely to fight back or resist.

Victim perspectives on hate crime perpetrators further contribute to knowledge in light of the limited data on offender motivation. Victims believe they have been targeted because they were viewed as a 'lesser' person, or because perpetrators were fearful of them, particularly for those with mental health problems. Other possible motivations included perpetrators thinking that they could 'get away with it' and an unbalanced power relation between perpetrator and victim (Clement et al., 2011; EHRC, 2001; Sin et al., 2009a; NSF, 2001; Mencap, 2000). Victims also reported retaliation following previous incidents, similar to McDevitt's retaliatory offender above. In addition, both visible and hidden impairments were potential motivators (Sherry, 2013b); the former because of the perceived vulnerability of the victim and the latter because of challenges by perpetrators to their disabled status.

To summarise, research on perpetrators suggests that motivations are multiple and complex (Walters, Brown and Wiedlitzka, 2016). Some hate crime offenders are generalist in nature, that is to say, they are also non-hate crime offenders, although evidence remains scant in this area. Motivation encompasses perceptions of threat, fear, discrimination, visibility of impairment and general thrill-seeking behaviour. These factors are potentially influenced by and reflective of wider social attitudes. However, there are differences between disability and other strands so findings cannot be assumed to be replicable from one type of hate crime to another. Disability hate crime offenders are more likely to be female than for other strands of hate crime; this may be a consequence of the types of offences that occur in disability hate crime offending (as

discussed earlier), or perhaps speaks to the perceived vulnerability or nature of disability hate crime victims. Further research is needed to explore these concepts.

Victim-Offender Relationships

Early studies in victimology emphasised the importance of relationship between victim and offender (Petersilia, 2001). However, traditionally, hate crime was seen as a 'stranger' crime, with little consideration given as to whether a relationship existed between perpetrator and victim (Chakraborti and Garland, 2009; Mason, 2005a; Stanko, 2001). A typical image of hate crime involved a victim who is a personal stranger to the perpetrator, as with popular images of sexual assault, rather than from people with whom they have an intimate or regular relationship (Mason, 2005b). This reflected the perception that victims were selected on the basis of their membership of a minority group, rather than any relevance of their own identity, and obscuring any relationship involved (Thorneycroft and Asquith, 2015; Mason, 2005a).

In contrast, a number of disability hate crime research studies have found significant numbers of perpetrators were known to their victims (Williams and Tregidga, 2014), with many estimating that up to half of incidents reported involved perpetrators who are known to the victim to some extent (Richardson et al., 2016 [48% were 'friends']; Chakraborti, Garland and Hardy, 2014a [41%]; Scope, 2011[44%]; Action for Blind People, 2008 [44%]; DRC, 2004 [56%]). Despite these significant proportions, consideration must also be given to the decreased likelihood of victims' reporting experiences of hate crime by those close to them, suggesting that numbers are in fact much higher than those reported. Furthermore, many studies do not clarify what is meant by 'stranger' and so greater contextualisation is needed as to the relationship involved, if any (Mason, 2005a, 2005b). To explore this element within this research, the e-survey included two options for stranger-as-perpetrator; 'stranger: never met or seen before'; and 'stranger: familiar but not known personally' (see Chapters 5 and 6 for details).

A large number of hate crime studies have identified perpetrators as neighbours (for example; Mason, 2005a; Iganski, Kielinger and Paterson, 2005) and in disability hate crimes specifically (Berzins, Petch and Atkinson, 2003; NSF, 2001; Mencap, 2000). The implications of the neighbour-relationship are clear; in a shared community, victims are at greater risk of harassment and victimisation due to the proximity of their perpetrators, and thus less likely to engage with their community (Mencap, 2000). Friends and family members are also represented in the literature

on perpetrators of disability hate crime (Sin, 2015; Levin, 2013; Pettitt et al., 2013; Thiara and Hague, 2013; Chakraborti and Garland, 2012; Hunter et al., 2007; Mencap, 2000). Research also indicates that many perpetrators can be in positions of care, working with disabled people (Sin, 2015; Chakraborti and Garland, 2012; Clement et al., 2011; EHRC, 2011; Mencap, 2000; Sobsey, 1994). Participants in these studies report mental and financial abuse, invasion of privacy, and general intrusion into their lives. The concept of perpetrator as care worker is significant in that it puts disabled people at greater risk of repeated attacks and escalation of violence (Sin, 2015). Incidents can be further complicated when they are treated as a safeguarding issue rather than hate crime; this is considered within the empirical findings of Chapter 8.

Relationships that involve disabled and non-disabled partners also factor here. Disabled women are particularly vulnerable to victimisation from those they are in a relationship with (Magowan, 2003; Petersilia, 2001; Marley and Buila, 2001; Sobsey and Doe, 1991). Disability-specific factors can limit disabled women's abilities to leave such relationships, in terms of individual limitations and structural inequalities of service provision (McCarthy, 2016; Thiara and Hague, 2013). The limited routes to safety for disabled women and their reliance upon their abusers to perform caring tasks mean they are effectively forced to stay in abusive relationships for longer. This dependence upon partner-carers, many of whom use the impairment as a target for abuse, compounds the experiences and increases victims' difficulties in seeking help. The intersections of gender and disability are explored within the findings in Chapter 6.

The relationship between victim and perpetrator however is not always clear cut and in some incidents conflicts can be multi-layered with numerous perpetrators and victims over a protracted period of time, particularly those involving local neighbourhood disputes (Walters and Hoyle, 2012). Difficulties can occur as a more fluid narrative of 'perpetrator' and 'victim' emerges, with roles reversing and disputes between those involved. The concept of perpetrator as family members, neighbour, employee or friend appears to be more prevalent in disability hate crimes than in other strands of hate[25] (Sin, 2015) and warrants further investigation. This element of relationship contrasts with earlier studies which make no mention of friends as potential perpetrators, suggesting that for some time this area has been overlooked in disability hate crime research (DRC, 2004; Mencap, 2000). A 'friendship' relationship can appear to suggest that the abuse is consensual (Landman, 2014) and contribute to a lack of recognition or reportage, as

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[25] For example, Dick 2009 found only a small proportion of homophobic hate crime perpetrators were known to the victims and the vast majority were strangers.

discussed in the section on Mate Crime (Chapter 2). Many disabled people have few friends and experience companionship and a social life they would not otherwise have had, however this reduces the likelihood of their abuse being reported or recognised as hate crime.

Understanding the relationships involved in hate crime is crucial to its interpretation and response, as well as explaining why reporting figures remain low and providing insight into how they can be improved. The dominant but misleading image of hate crime as stranger-crime risks excluding or ignoring those cases where both victim and perpetrator know each other to some extent. Failing to recognise fluid and changing relationships means that legal, educational and criminal justice interventions lack a more nuanced understanding of hate crime that includes the full expanse of incidents, rather than a focus on random or anonymous attacks (Mason, 2005b).

Impact on the victim

Although the effects of crime are multiple and manifold, for disabled people, the impact of targeted violence, harassment and hostility can be long-lasting and more serious (Iganski, 2008a). Disabled people restructure their lives to minimise risk, by introducing coping mechanisms such as avoidance and acceptance strategies and social isolation in an attempt to reduce their risk of further victimisation (Sin, 2016; Iganski and Lagou, 2014; Sin et al., 2009a; Green et al., 2005). Research studies report participants changing their daily routines and avoiding specific areas in order not to be attacked or to feel safe (Richardson et al., 2016; Action for Blind People, 2008; DRC, 2004). In addition, victims may not report their experiences, often on the advice from those around them, as a result of a protectionist strategy (Sin et al., 2009a).

These avoidance and acceptance strategies have significant social implications in the opportunities available for disabled people to engage within society (Sin et al., 2009b). The long-term consequences of withdrawing from society can be profound for disabled people, leading to heightened social divisions and sending messages of vulnerability or dis-empowerment, culminating in a culture of social exclusion, which could fuel further abuse (Clement et al., 2011; Blee, 2007; Umemoto and Mikami, 2000). Although there is some debate about the harm inflicted

by hate crimes compared to any other serious crimes (Iganski and Lagou, 2014[26]; Morgan 2002[27]), the literature suggests that hate crimes have a significant impact on disabled victims and their engagement with society, leading to disabled people reporting significant psychological and physical impact following hate crime victimisation (Williams and Tregidga, 2014). Furthermore, impact can be even more pernicious in cases where there is a relationship between perpetrators and victims (Landman, 2014; Thomas, 2013, 2011; Petersilia, 2001).

Disability hate crime also has significant impact upon victims' physical and mental health and well-being (Sin et al., 2009b; Shapland and Hall, 2007). The effects of harassment, abuse or violence experienced by victims can include hospitalisation and in some cases attempted suicide or suicidal ideation (Chakraborti, Garland and Hardy, 2014b; Pettitt et al., 2013; WHO, 2011; Sin et al., 2009; NSF, 2001). Additionally, victims of hate crime also frequently report experiencing fear and anger (Chakraborti, Garland and Hardy, 2014b; Shapland and Hall, 2007; DRC, 2004; NSF, 2001). Fear in particular can arise as a victim is aware they were targeted for a core element of their identity, and thus risks facing future repeat victimisation (Iganski and Sweiry, 2016).

The most commonly cited outcome in the literature has been that victims have reported moving home, or trying to move home, as a result of their experiences (Thiara and Hague, 2013; DRC, 2004; Perry, 2004; Berzins, Petch and Atkinson, 2003; NSF, 2001; Mencap, 2000). Victims of hate crimes are also more likely to report moving home than those of non-hate motivated crimes (Iganski and Sweiry, 2016; Iganski and Lagou, 2014). The implications of moving home are considerable in that victims are removed from their local community and often place of work, and security of tenure is at risk for many (Iganski et al., 2011). For those who were unable to move, participants spoke of being 'isolated' from other people, as they were prevented from leaving their homes and felt intrusion into every aspect of their lives (Thiara and Hague, 2013). There is often a gap in service provision for disabled people, particularly disabled women, as well as more pronounced needs by them due to their isolation (*ibid.*).

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[26]Iganski and Lagou in their study on victims of race hate crimes warn that there can be a diversity of reactions between victims; not all are affected the same way and some report less emotional impact than others; they also note that many studies fail to compare victims experiences of hate crimes to that a control group.

[27] Some have suggested that the argument that hate crimes inflict greater harm is actually weak – see Morgan (2002) for a review of the literature;

Many studies also report that participants 'normalise' their experiences, seeing it as something that is part of their everyday life, and accepting that they have to live with it and that little can be done (Richardson et al., 2016; Chakraborti, 2015; Vincent et al., 2009; Blee, 2007). This is particularly so in areas of lower socio-economic conditions, which has been highlighted above as a particularly common feature for disability hate crimes. Vincent et al. (2009) note how the impact on people's experiences is "especially acute for those who are often in the poorer groups in society and have to bear the financial impact of the loss and/or repairs to equipment" (p.55). This then impacts upon disabled people's confidence and quality of life and presents an obstacle to reporting (Richardson et al., 2016).

Impact on the community

"When hate crimes go unaddressed, we as a society send a message to offenders that this behavior is acceptable and possibly even appreciated" (McDevitt Levin and Bennett, 2002, p.305)

Hate crimes not only victimise individuals, but also impact upon members of the community and/or group that they appear to represent or are part of (Perry, 2003a; Shaw and Barchechat, 2002) and it is this impact on elements within society that sets them apart from other types of crime. Evidence suggests that the fear that is experienced by the victim is accompanied by a collective fear in the victim's cultural group (Perry, 2003a) and that it sends a 'message' to other individuals or groups with the same characteristics (Iganski and Sweiry, 2016; Iganski, 2001). As such, hate crimes are intended to intimidate and instil fear in the whole of the targeted community. However, despite stating that little is known about the extent, nature and impact of violence against disabled people, Perry (2003a) claims that the victimisation experienced by disabled people is similar to that experienced by other targeted minorities.

Hate crime thus involves the labelling or targeting of a group or community into the body of one individual (Ahmed, 2001). As such, it is both violence against one person and, symbolically, violence against many. Furthermore, ongoing patterns of violence and harassment can impact upon broader society, in that they are divisive and can result in deterioration of relationships and reinforcing barriers between groups (Perry, 2015). This has potential repercussions for the marginalised group as, as evidenced above, it can result in restricting movement, withdrawal and additionally retaliatory responses (*ibid.*

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The impact on disabled people and disabled communities is thus manifold; resulting in deteriorating physical and mental health, withdrawal from society and a normalisation and acceptance of violence and abuse. It is particularly prevalent for those living within lower socio-economic means and can result in victims losing both their social network and their homes as a consequence.

Disability Hate Crime Research Limitations

There are numerous challenges to conducting research on disability hate crimes. One of the most obvious limitations encountered during this literature review was how little information was available on *who* was participating in the research, with few publications reporting specific impairment rates. Studies frequently state that "disabled people" experienced a particular type of victimisation. They fail to elaborate on the variety of impairments and conditions of their participants and thus assume a coherent, homogenous disabled experience (for example, see Sin et al., 2009b; Clayton, Donovan and Macdonald, 2016; Chakraborti and Garland, 2015).

A further limitation involves the age of respondents in studies. Many studies include adults over the age of 18 and neglect the history of abuse and violence from before, particularly when close relationships are involved (e.g. Vincent et al., 2009), although Chakraborti, Garland and Hardy (2014a) included young people aged 16 and up. The impact of early life experiences on how disabled people engage with society and respond to potential threats is thus often not available to the researcher. Furthermore, even when disabled people are engaging in research, many potential participants do not consider their impairments to be a disability. A reluctance to be labelled or identified as a 'disabled person' can determine how people chose to respond to a particular survey or study. Notwithstanding these limitations, however, any research produced is welcome and contributes to reducing the lack of overall studies on disability hate, particularly from the academic arena.

Barriers to Reporting

"despite progress, disabled citizens still experience unequal access to justice, with low levels of reporting, a lack of trust in the criminal justice system and little voice in the development of services and strategies" (Sin et al. 2009b, p28)

Although all crime is under-reported by victims generally, there has historically been a "severe lack of studies" into disabled people's experiences of reporting to the police (Sin et al., 2009b, p.32). Lack of reliable data hinders the police from moving from a responsive to a preventative strategy approach. Although the official data presented previously shows an increase in both recording and prosecuting figures, these figures are considered unreliable due to significant underreporting (Richardson et al., 2016; Sin, 2013; Sin, Sheikh and Khanna, 2012). A study by Macdonald, Donovan and Clayton (2017) found that of the disability hate incidents reported to a third party reporting centre in the North East of England, only 51% of victims went on to report to the police. Roulstone, Thomas and Balderston (2011) report that of the 304 participants in their study who had experienced verbal abuse, threats, attacks or vandalism, only 11 had reported the incident to the police or other agency. Persistent under-recording of disability hate crime can perpetuate the misperception of low levels of harassment, abuse and violence and limit potential hate crime prevention strategies if they are not targeted in the right direction (Sin, 2013; Walters and Brown, 2016). Failing to recognise forms of harassment and anti-social behaviour as hate crimes can also lead to a lack of recognition and response from the criminal justice system (Macdonald et al., 2017; Chakraborti, Garland and Hardy, 2014a; Sin et al., 2009a; Dixon and Ray, 2007; Rainbow Ripples and Butler, 2006).

The reasons for under-reporting are varied. A number of studies suggest the possible relationship between perpetrator and victim is a significant factor in under-reporting (Clement et al., 2011; Sin et al., 2009b; Petersilia, 2001). Others propose fear of reprisals or possible recriminations as a factor (e.g. Sin, 2013; Sin et al., 2009a; Vincent et al., 2009; Action for Blind People, 2008; Mencap, 2000). There are also concerns about the lack of diversity awareness within criminal justice organisations in responding to disabled people's experiences (Mason-Bish, 2013), often compounded by a general lack of disability awareness. Macdonald, Donovan and Clayton (2017) found that, although disability hate crimes and incidents were more likely to be reported to the police than other strands, the police were *less likely* to investigate these incidents. The Criminal Justice Joint Inspection (CJJI, 2013), in their review of case management systems, found that officers were at times too sensitive to ask disabled people if they were disabled. Sin (2013)

reports how police stereotypes about certain disabilities and impairments can lead to reports being trivialised, particularly for those with learning disabilities and/or mental health conditions. This results in disabled people at times being treated as potential perpetrators rather than victims. In addition, Roulstone and Sadique (2013) suggest that the police have selectively assumed disability hate crime occurs only for those with mental health problems and learning disabilities. This general lack of disability awareness combined with diagnostic overshadowing (the tendency to make assumptions about certain impairments and conditions) can 'doubly' disadvantage disabled people as a result (Sin et al., 2009b[28]). In addition, there are also both practical and "structural" barriers to reporting hate crimes that are demonstrative of the "position of disabled people in society" (Sin, 2015, p.200). The former includes lack of accessibility to police stations and reporting systems, lack of interpreters, communication limitations, lack of access to an advocate, inaccessible reporting systems, lack of consideration of special measures, poor wheelchair access and a lack of training for frontline staff (Balderston, 2013b; Sin, 2013; ECDP, 2010; Vincent et al., 2009; Cunningham and Drury, 2002; Petersilia, 2001). The latter consists of welfarist and protectionist assumptions around disabled people, culminating in a risk-averse response to them and a focus on harm avoidance, often underpinned by assumptions about a disabled person's vulnerability (Sin, 2015; Perry, 2004; *see also section on Vulnerability*). A common response to disabled people, protectionism assumes all disabled person are vulnerable and in need of protection or help, rather than considering alternative criminal justice or human rights approaches situated with a social model approach to disability (Sin et al., 2009a; Perry, 2008).

From the victims' perspectives, many studies report that disabled people are often unaware that what they are experiencing is anything other than a daily occurrence and is perceived to be routine (cf. Sin, 2015; Vincent et al., 2009). Wong and Christmann (2008) in their study of 47 victims of hate crimes found that many would not report incidents such as verbal abuse or name calling as they were deemed to be not serious enough to warrant the time and energy spent from both victim and police in terms of reporting, recording and responding. However, the more severe and frequent the incidents, the more likely they were to be reported. This process involves victims 'calculating' the cost of reporting, in terms of time and effort, against the likelihood of achieving a

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[28] Diagnostic overshadowing is the tendency to attribute health problems to a disability rather than investigating alternative causes. Sin et al. apply this framework to the criminal justice system as personnel fail to follow correct protocol (2009b). It is often influenced by assumptions about impairments and specific disabilities, such as treating learning disability and mental health conditions as the same, leading to ill-informed judgments (Sin, 2013).

result. Victimisation becomes internalised as 'normal' or 'everyday' (Iganski, 2008) and thus crimes go unreported. Confusion around the language of hate crimes and incidents contributes to widespread misunderstanding on the part of victims. As harassment and abuse are seen as part of everyday life, victims are not aware that what is happening to them is criminal, or in breach of their human rights (Sin, 2013; Clement et al., 2011; Sin et al., 2009a; Vincent et al., 2009; ECDP, 2010).

Previous experience with and confidence in the police were also found to be major factors in under-reporting across the hate crime literature (Wong and Christmann, 2017; Brown et al., 2016; Chakraborti, Garland and Hardy, 2014a, 2014b; Sin, 2015; Sin, 2013; Pettitt et al., 2013; Clement et al., 2011; ECDP, 2010; Sin et al., 2009b; Vincent et al., 2009; Action for Blind People, 2008; Quarmby, 2008; DRC, 2004; Mencap, 2000). Participants report not being listened to, believed, taken seriously and even being blamed by the police, particularly those with mental health conditions, and are thus fearful of the consequences of reporting (Thorneycroft and Asquith, 2015; Sin, 2013; Sin et al., 2009a).

Disabled people also reported a lack of confidence that the criminal justice system was fair or effective for those with disabilities (Coleman, Sykes and Walker, 2013; Clement et al., 2011; Chaplin, Flatley and Smith, 2011; Vincent et al., 2009; Action for Blind People, 2008; Mind, 2007). The apparent reluctance by the CPS and police to pursue cases involving victims with learning disabilities contributes to this perception (Sin et al., 2009a). Victims are often not believed or are thought to be misinterpreting a situation (Petersilia, 2001). Studies also found that participants refuse to report as they feel nothing would be done or that the police could not or would not be able to help in any way (Wong and Christmann, 2017; Vincent et al., 2009; Mind, 2007; DRC, 2004; NSF, 2001). Thus, few saw any point in reporting. Piggott (2011) suggests that many disabled people also do not want to define themselves as objects of hatred, and thus do not want to report hate crimes. The impact of the crime itself is also a potential barrier in that participants report shame, embarrassment or humiliation about being victimised (Pettitt et al., 2013; Clement et al., 2011).

Disabled people may also be conditioned by family and friends not to report their experiences at all (Sin et al., 2009a). Some of this conditioning can be well-intentioned but a focus on avoidance and risk minimisation can lead to a disabled person changing their routine and withdrawing from their community. Much of this protectionism is underpinned by explicit or implicit assumptions about vulnerability (Sin, 2015; Sin, 2013; Clement et al., 2011). A protectionist response can

impact upon multi-agency working and a blurring of responsibility between social care, mental health support services and the criminal justice system (Sin et al., 2009a; 2009b).

Third Party Reporting Centres

Third Party Reporting (TPR) is an alternative reporting mechanism for those who do not want to speak directly to the police. Third party reporting centres are run by agencies established outside of the police service, to receive reports of hate incidents from victims and witnesses, and to encourage victims to report to police. The Government's commitment to improving TPR (as a consequence of the Macpherson Report) led to the establishment of both national and local organisations exist, such as Stop Hate and Tell MAMA. Some organisations are linked directly with the police (for example, True Vision is a national police-sponsored organisation, which not only collects third party reports of hate crimes but also provides information about accessing support, raising awareness and current hate crime statistics), and others work directly through user-led organisations on a local, or strand-based level. Victims can choose to report at a TPR centre, via a website or an app.

It has been suggested that increasing numbers of victims of hate crime report to a third party agency rather than to the police (Action for Blind People, 2008) but this area is under-researched and findings vary (Wong and Christmann, 2017; Sin, 2013). Recent studies report that disabled people are not utilising third party reporting organisations and that many were not even aware that they exist (Macdonald, Donovan and Clayton, 2017; Chakraborti and Hardy, 2015, 2014b; Shakespeare, 2012; Roulstone, Thomas and Balderston, 2011; Wong and Christmann, 2008). As such, data provided by these agencies cannot be considered conclusive. Macdonald, Donovan and Clayton (2017) suggest that inadequate partnerships existed between third party reporting organisations, disabled people's user-led organisations (DPULOs) and the criminal justice system. In contrast, disability rights activists argue that the best third party reporting centres are those set up by DPULOs so that they have a mandate to speak for disabled victims (CPS, 2013; Novis, 2013; Balderston, 2013b). However, Wong and Christmann (2008) report that disabled participants were concerned with the ability of any TPR centre to be able to respond to victims' needs and that they were failing to provided effective and accessible services. Mergers of TPR agencies has also seen DLUPO-led agencies combine with others to provide a one-stop-shop type of TPR response, often as a consequence of reductions in available local authority funding (Clayton,

Donovan and Macdonald, 2016). Although the role of TPR has remained in place, any support previously available for victims is diminishing, leading to an emphasis on data collection only.

In conclusion, the service available through TPR sites is reducing and the evidence about its success or otherwise is debatable. Marginalised communities risk greater targeting and stigmatisation if the essential outreach work that has been done in the past is lost. Notwithstanding recent contributions, further research is warranted as to who reports to TPR agencies and how that report is constituted (Sin, 2013).

Potential interventions for Disability Hate Crime offenders

Most of the research on rehabilitative interventions addressing hate crime offending appears to be limited to racial offenders, and to a lesser extent, religiously-motivated offending. There is growing support for the use of restorative justice (RJ) and education programmes as a more effective route for preventing re-offending and challenging prejudices generally (Underhill, 2017; Walters, 2015; Iganski and Lagou, 2014; Walters and Hoyle, 2012; Walters and Hoyle, 2010), although CPS policy has shied away from this in the past because of the intention to charge as much as evidentially possible (2007). As such, guidance advocates against the use of rehabilitative or community mediation-based approaches for hate offenders, although this is currently under review. Gavrielides (2012) cites a small number of participants working within RJ fields who have had success using these methods in hate crime cases (although they were all related to race-hate incidents) and momentum is building that suggests at the very minimum that there is local enthusiasm for rehabilitative practices as an alternative to enhanced penalties (Underhill, 2017). Although the use of RJ is limited in hate crime cases, existing literature suggests it may be useful for local, neighbourhood-based hate disputes and should be considered in greater numbers (Walters, Wietlitzka and Owusu-Bempah, 2017; Walters, 2016; Walters, 2015; Chakrobarti, Garland and Hardy, 2014a; Walters and Brown, 2016; CJJI, 2012). Bearing in mind that much of hate crime involves low-level disputes that can escalate into more serious offending, interventions at the 'lower' end of the spectrum that may stop this escalation from occurring are particularly appealing both to criminal justice personnel and victims of hate crime. At present however there is a dearth of evidence surrounding its use in disability hate crime cases.

In the absence of existing literature on disability hate crime offenders, an alternative is to consider interventions in other, related fields, such as those programmes targeted at other hate

strands. For example, Dixon and Adler (2010) cite a number of successful hate crime offender interventions that focussed on experiences of socialisation, cultural and racial identities and managing prejudice. Other studies have identified an absence of victim empathy or awareness through their interventions with convicted race hate offenders (Court, 2003; Dixon, 2002). However, an international intervention programme review by Iganski et al. (2011) identified a knowledge gap in understanding what works with hate crime offenders and limited provision generally. Even the limited programmes that did exist were at risk of or did shut down due to funding cuts and thus interventions for hate crime are scarce and lack adequate assessment.

Efforts to tackle disability hate crime offenders may also benefit from interventions used within interpersonal violence settings (Iganski, 2008b; McGhee, 2005; Perry, 2001) or those working with sex offenders (Dixon, 2002). For example, McGhee (2005) argues that interventions used within interpersonal violence settings could be applied to methods of intervention for hate crime, with an emphasis on engaging in dialogue and reflecting on practice, as well as the promotion of positive identities. Mikton, Maguire and Shakespeare (2014), in a meta-review of interventions designed to prevent interpersonal violence against people with all forms of disabilities, found that none of the interventions they reviewed was fully effective and concluded that there was little guidance available to policy makers, programme commissioners or disabled people when it comes to selecting them. The authors argue strongly for more and better quality research, particularly on other forms of disability such as physical or sensory impairments and mental health conditions. However, in order to target specific interventions to disability hate crime offenders, more perpetrators need to be prosecuted and identified within the criminal justice system to warrant their introduction. Unfortunately, as few disability hate crime perpetrators are given an enhanced sentence (as discussed previously), perceived small numbers of disability hate offenders suggest it is not necessarily cost-effective to design or implement a programme, even if there were a method of identifying them.

Chapter Summary

"the voices and experiences of minority victims of hate crime have not played a sufficiently central role in the debates" (Boeckmann and Turpin-Petrosino, 2002, p.222)

This chapter has demonstrated the paucity of literature, evidence and intervention programmes in relation to disability hate crimes. What has emerged is the profound and complex nature of the victim's experience, within the broader context of social forces that discourage or subtly facilitate hate crime. Characteristics such as physical appearance, gender, type of impairment or condition, dependent or antagonising behaviour and conditioning can contribute to an increased risk of being a victim of disability hate crime. Information regarding disability hate crime offenders is limited although they appear to be generalist in nature, and predominantly young, white males from socially disadvantaged backgrounds. The complexity of factors involved in hate crime offending is considered, although it is perhaps preferable (and less challenging) to utilise categories such as McDevitt, Levin and Bennett's (2002) typology than to fully consider the complex intersections of disadvantage, age, gender, socio-economic conditions, and so on.

In addition, this chapter has demonstrated that disability hate crime is not the same as other strands. Much of disability hate crime appears to be about the humiliation, degradation, dehumanisation and discrimination of people with a variety of disabilities, impairments and conditions, often involving impairment-specific victimisation. However, a large part of the existing literature has focussed on learning disabilities. Although a particularly hard to reach and high risk group, to limit research to learning disabilities risks ignoring the experiences of victims with other forms of impairments and the distinctions that may be involved. It further risks contributing to the lack of disability awareness amongst criminal justice agencies that fails to recognise broader impairments and conditions, and the co-morbidity of many such impairments. Robust, evidence-based hate crime research is urgently needed across the spectrum of impairment and disabilities.

Chapter 4: Theoretical models and frameworks

Introduction

This chapter considers theoretical approaches to researching hate crime, including the application of intersectionality, human rights and dominant models and framework for hate crime.

Intersectionality as a hate crime research framework

"the intersection of multiple systems of oppression and domination shapes individual and collective experiences and struggles" (Thiara and Hague, 2013, p.107)

Intersectionality within research involves the concurrent analyses of multiple, intersecting sources, based on the principle that any impact on one form of subordination may differ depending on its combination with other potential sources. Liasidou (2013) and Balderston (2013a) advocate that it is a suitable method for interpreting experiences of disability hate crime, as it explores the way in which social and cultural categories inter-weave and compound forms of oppression and marginalisation. By considering multiple, intersecting layers of oppression or subordination, the impact of experiences of hate crime can vary. Intersectionality challenges the researcher to contemplate what it means to have a marginalised status within a marginalised group (Purdie-Vaughns and Eibach, 2008). Originating in the work of Kimberle Williams Crenshaw, in her feminist research on the multiple forms of discrimination and oppression experienced by African-American women (1991), subsequent researchers have utilised an intersectionality approach to explore oppression not simply on the basis of gender and race but also of other sources of discrimination and oppression, such as class, sexual orientation and ability. Its analytical approach to researching minority groups considers the meaning and consequences of multiple and overlapping categories of identity, difference and disadvantage.

Research studies have shown how the experience of disability is compounded when disabled individuals belong to multiple minority groups, such as sexuality or gender (for example, Coleman, Sykes and Walker, 2013; Clement et al., 2011; see previous chapter). Intersectionality acknowledges this compounding as it advocates awareness that every individual occupies multiple categories simultaneously and that those individuals can be members of majority and minority communities concurrently. Early research demonstrated how independent consideration of categories of identity can limit research analysis because in actuality individuals experience

these elements of identity collectively and simultaneously (Cole, 2009; Horvath and Kelly 2007; Liasidou, 2013)[29]. These intersecting categories of identity can move up and down in terms of priority or positioning of identities, like layers that can be worn in a different order, at different times (Anthias, 1988).

Intersectionality is inherently at odds with hate crime policy, therefore, in that it not just acknowledges overlapping 'layers', or elements of identity, but considers that traditional, simplistic analyses fail to make sense of the lived experience of victims (Horvath and Kelly, 2007). Accumulated risk factors can heighten the likelihood of being a victim, both on an individual and socio-environmental level, producing different levels of risk and experience (Sin, 2015). Perry (2009) suggests that a single-strand approach to hate crime undermines victims' confidence in the criminal justice system as it misses opportunities to meet victims' needs and prevent further crime. Policy should not assume that one element of identity is dominant over others, as a single strand approach to hate crime risks failing to capture the entirety of a victim experience. Rather, what is needed is consideration of the multiple identities involved. However, lack of integration between current strands of hate crime and the possible neglect of gender and socio-economic perspectives at policy level further contributes to inadequate crime prevention and ineffective responses.

A hate crime model informed by intersectionality thus needs to engage on a multi- rather than single-strand level and reduce the "real risks of oversimplifying the victim experience" (Perry, 2009, p.9). There have been calls for further intersectional analysis of disability hate crimes to identify and explore how other elements of identify can impact upon experiences (Sin, 2014; Sherry, 2013b). To date, however, there have been limited attempts to understand the experiences of those who occupy multiple positions of inferiority such as women with disabilities (Sin et al., 2009a; Perry, 2003b), although there are some exceptions (Williams and Tregidga, 2014; Barclay and Mulligan, 2009; Brownridge, 2006). Perhaps the reason for a lack of sustained exploration of intersectionality in disability studies is due in part to the dominant ethos of the disability movement as a homogenous group. This unified political identity has potentially detracted from the diversity of disabled people and led to an absence of insights from Disability

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[29] Previously, scholars discussed concepts such as 'double disadvantage' or 'multiple jeopardy' but Crenshaw was the first to introduce the term 'intersectionality' (Simien, 2007). Other terms used to represent similar approaches to understanding multiple levels of oppression include compound disadvantage, simultaneous discrimination, compound oppressions; see Thiara, Hague and Mullender, 2011, for further elaboration.

Studies exploring intersections and multiplicity (Thiara, Hague and Mullender, 2011). Added to this are pre-existing perceptions about disability on the part of both lay-people and researchers that can obscure both intragroup difference and emphasise possible commonalities across disabled communities (Cole, 2009). Presenting the Disability Movement as a united, marginalised 'other' has in some ways contributed to a denial of personal and multiple identities within (Peters, 1996).

Disability research could draw parallels with other minority groups. For example, Ludvig (2006) describes the 'diversity approach' to feminist theory as a move away from the dichotomy of gender to the reconsideration of differences and inequalities between women. In the same manner, disability is historically, socially and culturally constructed. Thus, disability-related harm, like gendered harm, is similarly constructed. Where feminist theorists conceive that women's lived experiences are not monolithic and universal but are culturally diverse, highly contextual and socially constructed, so must disability researchers think the same. Consideration must be given to the particularity of disabled people's lived experiences and the generality of linking their experiences to issues of wider subordination in society.

Many academics agree that consideration of hate crime on an individual strand basis fails to recognise the interplay of these elements of identity with other social and situational characteristics (Mason-Bish, 2015; Chakraborti and Garland, 2015; Chakraborti, 2015; Walters and Hoyle, 2012). For example, disabled women are more likely to have lower socio-economic status, and be at greater risk of domestic violence (Brownridge, 2006), and thus the experiences of all disabled people will not be the same. Researching hate crime through a wider lens, beyond simple constructions of identity, acknowledges the roles other elements have to play in experiences of victimisation, including that of socio-economic conditions. In addition, strand-based approaches draw attention to those left out of hate crime protection and victim groups are presented in simplistic forms. However, the concept of intersectionality has its limitations in terms of practical and policy questions as to how many aspects of identity should be considered (Mason-Bish, 2015). Furthermore, the current strand-based approach allows for monitoring and legislating against crimes, which would otherwise be difficult to categorise operationally.

Miller, Gillinson and Huber (2006) raise some concerns as to the suitability of intersectionality to disability hate crime research. Whereas non-disabled people can express multi-faceted identities, constructed from a variety of characteristics and influences, many disabled people are essentialised and pathologised by their impairments and therefore lack an equal starting point.

Yet, an intersectionality approach does not assume a level of equality of positionality. As Anthias (1988) suggests, different layers of identity are dominant at different times. There is no deficiency in disabled people being placed in an unequal position, because the very nature of intersectionality allows for an understanding of that inequality and inferiority. What intersectionality offers to disability is a move away from such individual pathology and towards a framework on social justice and human rights as a method of tackling wider systemic regimes, in sympathy with social model proponents (Liasidou, 2013).

Human Rights and inequalities

Horvath and Kelly (2007) argue that, given the failings of hate crime as a unifying concept, violence and abuse should be addressed at the intersections of disadvantage, inequality and human rights. Violence (and by default discrimination) is both a cause and consequence of inequality and there are a variety of ways in which experiences of victimisation are connected to inequalities and human rights. The foundations of a human rights approach are based upon the concept of protecting individuals from state violence, and the illegitimate use of power to silence, intimidate and demean. For example, the European Convention on Human Rights (ECHR) prohibits torture, inhuman and degrading treatment of individuals (Art. 3, Council of Europe, 1950). Since its establishment, human rights have been extended as awareness emerges of how social groups are discriminated against.

As an alternative to the single strand, individual focus of hate crime, a human rights based approach can address violence across equality strands in a "more sophisticated, holistic way" (Horvath and Kelly, 2007, p.13). Victimisation follows the 'contours' of disadvantage and exclusion, and thus belonging to a group that is discriminated against increases the likelihood of experiencing violence or abuse. As such, it is a suitable approach to apply to an intersectionality framework.

Efforts to tackle disability hate crime also may benefit from a critical examination of the lessons generated from discourse on violence against women. Reframing violence against women as one of a human rights issue has placed individual experiences within a wider pattern of inequality, reflecting a broader, gendered, construct of society, and requiring cultural change. Barclay and Mulligan (2009) suggest this could provide useful lessons for tackling targeted violence against disabled people, such as conceptualising targeted violence against women as a cause and consequence of their inequality, and thus as a human rights issue. Whilst conceding that there are

differences between groups, areas of commonality between violence against women and hate crimes include the structural context of inequality and its link to violence as part of a wider pattern of behaviour that reinforces such inequality. Targeted violence against disabled people can therefore be "conceptualised as the wider subordination of disabled people within society", shifting focus away from individual issues and towards "systemic disablism and abuse of human rights" (*ibid*., p.44). However, as Murray and Powell (2009) warn in their research on domestic violence, tensions can arise between situating responses within a discourse on rights to participate equally in society, and framing women as vulnerable and in need of protection. The same argument can be applied to disability issues. Protectionist discourses have tended to pathologise women (and disabled people) as vulnerable or helpless victims in order to legitimise policy responses.

Priority can also be given to service provisions for victims of violence by placing violence within an equalities concept. Targeted violence against disabled people prevents disabled people from fulfilling their potential and realising their rights. By considering this issue within an equalities framework, greater legislation is available for recourse. Furthermore, by using a human-rights based approach, the onus is placed on the state to protect individuals proactively (Barclay and Mulligan, 2009). However, equalities work in the UK has tended to be one or two dimensional, and therefore a challenge to intersectional analysis (Horvath and Kelly, 2007) and failure to think about the equality strands as interconnected can result in inappropriate policy responses. Any examination of the role of inequality should consider how individuals (and groups) are embedded in cultural and historical contexts (Cole, 2009). Differences should be conceptualised as stemming from *structural* inequality rather than *individuals*, supporting the social model approach to disability, and attempting to avoid victim-blaming.

Constructing a Criminological Theory of Hate Crime

As discussed in Chapter 3, in order to develop a conceptual theory of hate crime greater research is needed on offenders and their motivations. To date, empirical research on the theoretical frameworks within which we can interpret hate crimes is limited (Hall, 2015; Walters, 2011). Explanations of causation remain undeveloped and in some cases substantially incomplete.

Critical criminology

"Critical criminology is largely engaged with the question of the impact of ideologies and their practices on those on the down side of power relations" (Hudson, 2000, p.184)

Critical criminology emanated from the philosophical sphere of Critical Theory[30], in that it is concerned with many of the same fundamental tenets; those of emancipation of an oppressed social group, challenging power in society, self-reflection and the connection between theory and practice. The role of critical criminologists therefore is to engage in analysing the ideologically driven practices of a style of policing or criminal justice, and the ideologies themselves which give rise to those practices in the first place (Hudson, 2000). It is often linked to campaigns on behalf of the powerless and has espoused the *standpoint* of minority and marginalised groups. As criminology is part of the apparatus of control in modern societies, by contributing to knowledge in the areas of criminal justice, it must also be conscious that the labels, diagnoses and images of the criminal it produces can potentially contribute to stigmatisation and derogation of others.

Critical criminology does not propose a single unitary identity on which all research should be based, but insists that research should acknowledge its standpoint and that standpoint should be on the side of the oppressed: "What is constant in critical theory is an awareness and acknowledgment of standpoints, and an explicit commitment to values of social justice and human rights" (Hudson, 2000, p.189). As an explanatory framework for hate crime, critical criminology emphasises the marginalisation of victims and the relative privilege of offenders, within a socio-historical context (Perry, 2001). It focuses on ideologies and practices that continue

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[30] Critical Theory emerged from the Frankfurt School in the 1920s as a multi-disciplinary framework with a focus on emancipation of people from all forms of domination and oppression. It strongly influenced the arrival of new social movements such as the disability movement, as discussed in Chapter 2, in that it aimed to produce knowledge for social change and placed importance on marginalised groups in society (see Bronner, 1994; Rediger, 1996; Beckett, 2006; Langman, 2005 for more detail).

to marginalise minority groups. Perry suggests it does not explain why minority groups are victims and not perpetrators, as its stance develops from the concept that marginalisation contributes to crime. In contrast, Perry suggests that hate crime has the opposite stance; crime contributes to marginalisation. That said, marginalisation of minority groups can be perpetrated by other minority groups, particularly within social systems that are embedded with multiple and intersecting layers of inferiority.

Strain

Many sociological theories of hate crime have their roots in anomie and strain theory (Walters, 2011; Hopkins-Burke and Pollack, 2004; Merton, 1968), in that it explains deviant behaviour as a result of a conflict between culturally prescribed goals and the socially acceptable means of achieving these goals. Violence and shame are rooted in the socio-economic instability of a perpetrator's own life, and blame is placed upon minority groups, partially fuelled by suggestions that these minority groups are in receipt of some form of economic advantage. Various minority groups thus become the scapegoats for the problems faced by the dominant members of society and blame is amplified by media portrayals of such groups as the root cause for social problems. Sibbitt (1997) found some support for this in identifying social factors that combined to create a need in perpetrators to find scapegoats to blame for the strain in their lives. She found unemployment, competition for housing and lack of facilities contribute to hostile and prejudicial attitudes. In the US, Ryan and Leeson (2011) also found evidence of increased hate crimes in areas with higher unemployment and economic hardship.

However, Walters argues that not all hate crime can be explained in terms of socio-economic disadvantage or feelings of shame. If hate crimes are committed by those who have least in society, then marginalised groups are more likely to be perpetrators rather than victims, as they are the most disadvantaged in society (Hall, 2015; Perry, 2001). Strain theory thus fails to account for those hate crime perpetrators who were otherwise integrated and conformist members of society. In reality, minority groups are most likely to be the victims. This is particularly so for disabled families, who experience a greater financial burden than families without disabled members (ODI, 2014) and could arguably be said to be experiencing higher levels of strain than others.

Walters 'theories' of hate crime

Walters (2011) suggests a theoretical framework that combines strain, 'doing difference' (discussed below) and self-control theories to provide a more comprehensive explanation for hate crimes. He states that cultures of prejudice exist within a context of socio-economic disadvantage where negative views are normalised and accepted. Marginalised groups are seen as a threat to the status quo of cultural and socio-economic security, thus combining both doing difference and strain theories. Walters contends that the combination of socio-economic instability and internalised frustrations with regards to economic security creates a culture of prejudice through *fear*. His argument is that fear is an over-riding factor upon which prejudice is acted, and fear affects different people in different ways. It is this fear of Others who may encroach upon group identity and socio-economic security that drives prejudice and spreads throughout a community, regardless of socio-economic status. He does not address how applicable a theory driven by fear is to disability hate crimes, however.

Walters also suggests that socio-economically powerful people can incite those who are more unstable into blaming others for their disadvantaged situation. In this way, they are maintaining or protecting socio-economic security. Socio-economic strain and a general fear of 'difference' combine to promote a culture of prejudice against others. He utilises Gottfredson and Hirschi's (1990) theory of self-control, which explains crime as a consequence of low self-control, as attempting to fill the gap between macro level causation and micro level offending. He links this to the 'thrill seekers' discussed in Chapter 3, as an example of risk takers. Walter's argument is that the difference between those who do and do not offend is the self-control of the individual against the perceived 'different'. Some are less able to control their animosity towards those they deem to be different. He considers research which demonstrated that hate crime offenders frequently lack academic qualifications and tend to be in low-skilled jobs or unemployed (for example, Iganski et al., 2011). However, he concedes that some types of perpetrators, those who are 'mission' oriented, or those, as Perry suggests, who are powerful and mobilising from above, would not necessarily show signs of low self-control. Thus, he recognises that this theory is not complete; it is not applicable to all hate offenders.

Walters concludes by reiterating that theories of structure (such as Perry (2003b, 2001, below) and socio-economic strain (Merton, 1968) both cultivate cultures of prejudice through the emotion of fear, in reaction to a perceived difference. Combining these theories provides a macro explanation of hate crime but fails to explain why some commit hate crimes but others do not.

Neither theory explains why only certain individuals commit hate crimes. Self-control theory goes some way towards filling the gap but does not entirely resolve it. However, its contribution to theoretical debate and a more sophisticated approach to hate crimes has been welcomed (Hall, 2015).

Doing Difference: creating an 'Other'

"bias-motivated violence is reflective not of individual values or sentiments, but of culturally normative values of domination and subordination" (Perry, 2005, p.125)

Arguably the greatest contribution to a theoretical construction of hate crime is Perry's structured action theory, entitled 'doing difference' (2003b; 2001). According to Perry (2001, p.16), the "goal of hate theory" is to conceptualise hate crime violence within the psychological, cultural or political contexts that "condition hostile perceptions of, and reactions to the 'other'. In particular, it places perpetrators and their actions in context". Her theory incorporates the cultural, social and political processes that underlie hate crimes. Hate crime is part of and symptomatic of larger patterns of intergroup conflict, and particularly of subordination. These crimes are thus a social practice "embedded in broader patterns of oppression which systematically restrict the capacities and autonomy of its victims" (2001, p.17).   According to Perry, acts of aggression are directed towards minority communities because they are less about the individual and more about the cultural groups they represent. These acts are involved in a "socially situated, dynamic process, involving context and actors, structure, and agency" (p.1).

For Perry then, hate crimes are a response by the dominant members of society to perceived threats from challenges within. They allow perpetrators to reaffirm their place in the social hierarchy and are therefore instruments of intimidation and control. She argues that the perceived politics of difference can lie dormant until periods of threat emerge; whether by immigration for example or when relationships between groups change for political or economic reasons. Hate crime is thus a mechanism of power intended to sustain hierarchies, directed towards stigmatised and marginalised groups. In this way, it defends the social order. The 'hatred' involved in hate crimes and incidents is thus justified or explained through the perception of the victim as a threat (Ahmed, 2001). Hate perpetrators perceive those who are different in some way as threatening jobs, security, wealth, and so on, and in doing so threaten to take something away from the perpetrator. The 'Other' threatens the perpetrators' perceived security or economic

stability by their presence and demands. In this way, hate straddles the boundaries between the 'us' and 'them' in that it is a mechanism for creating solidarity towards a perceived threat.

'Doing difference' suggests that society classifies people into different categories of 'belonging', where boundaries are fixed and impermeable. In creating a group identity, a group will thus naturally create its opposite, or antithesis. In a similar vein to Allport's (1954) in-groups and out-groups, where the former are perceived (or perceive themselves) as dominant and the out-group is seen as subordinate and disadvantaged, difference applies to all those who do not meet the societal norms. With difference comes assumptions of inferiority and subordination. These hierarchies of difference, from the norm at the top to the different positions below, are reinforced from a cultural and social perspective, in terms of employment, politics, sexuality and culture, which continue to reinforce and maintain this dominant order.

Rather than explaining hate crime as a behaviour produced by young people or groups who are low-skilled, unemployed or from some form of subculture, Perry says that hate is *cultural*. It is the norm, not the abnormal. In the same vein, hate crime perpetrators are not powerless but powerful. Theirs is an act of domination that maintains the social and cultural hierarchies, by subordinating others. When minorities step out of their structural and constitutional norms, hate crime emerges as a response to the threat posed by them. Identity is shaped "relationally" (2001, p.55), that is both perpetrator and victim engage in a process of constructing their identities. Victims are punished for their collective or individual performance of identity, and perpetrators reassert their own hegemonic identity. Victims can be punished for transcending normative conceptions of categories of difference, but also for conforming to relevant categories. Thus, if members of minority groups: "perform their identities on the basis of what is expected of them, they are vulnerable. If they perform in ways that challenge those expectations, they are equally vulnerable" (Perry, 2001, p.56). Hate crime is therefore about situated conduct. The interactions between perpetrator and victim provide context in which hierarchies of social power are either perpetuated or reconfigured. Boundaries of superiority and inferiority are created and maintained. For these reasons, Perry's theory is particularly suited to disability hate crime, although disappointingly she does not consider disability specifically within her writing.

Hate crimes are therefore more than bigoted acts and rather demonstrate that violence is embedded in the structural and cultural contexts within which groups interact (Perry, 2002). In essence, Perry is drawing on Bowling's original interpretation of race hate crime as a socially dynamic process that occurs within a state of constant social change (1998). Hate crime does not

occur in a social or cultural vacuum and theory must therefore consider the cultural, social and political processes that underlie hate crimes.

Thus, Perry (2001) argues that hate crime is an extreme form of discrimination that has arisen as a consequence of a culture of segregation, discrimination and marginalisation of those who are different. Difference contributes to the construction of powerful social hierarchies and categories of identity become binary classifications, such that an outgroup is created. Those who are deemed to be different are resisted because they are feared, based on the assumption that they will encroach upon the ingroup's identity and social and cultural norms. This creates feelings of helplessness and insecurity and results in negative emotional responses to gain control over others. Subordination of the minority Other is further embellished by the private and state agencies that systematically discriminate through their practices and policies. Violence and hate crimes are therefore a response to those who are outside of socially and culturally accepted boundaries. Moreover, it is the ongoing recognition of group membership, and insider versus outsider, or us versus them, that typically leads to hate crime. Hate crime is accordingly a tool for maintaining the social norm and for offenders to reinforce their dominance. It is a mechanism of power in terms of both empowerment and disempowerment (Perry, 2005). It is not simply about an individual victim and an individual perpetrator but is a result of a structured and hierarchical society which relies heavily on the history and persistence of relations of advantage and disadvantage.

Perry's goal is to enact structural and cultural change, in the same manner as critical criminologists, but she suggests, as with intersectionality, difference is not identified by dichotomous categories inherently associated with bias on one side or the other. Rather difference should be enacted *differently*. For her, the state itself is deeply implicated in the politics of difference, involving exclusionary language and practice. If as she suggests, political rhetoric inflames hatred, so then must positive political language temper those flames. If difference is socially constructed, it can be socially reconstructed. Instead, difference should be the foundation of inclusion in society and social, cultural and economic practices should *empower* difference rather than disempower it. Thus, reform is required at all levels of society; not simply policy and legislation, but also within education, employment, public services, housing and so on.

Criticism of doing difference

Despite being a dominant theory, critics suggest that the concept of hate crime as an expression of power masks a number of complexities associated with individual offences, offenders and victims (Hall, 2015; Chakraborti, 2015; Walters, 2011). If hate crime is about dominance and power, it has been argued, perpetrators should therefore be members of the dominant social group and minority group members can only ever be victims. Yet victims of hate crimes are often members of dominant social groups, and perpetrators from minority groups. In addition, structural theories say little about individual victims or offenders, and whilst power may be an underlying factor, hate and prejudice can be expressed in different ways, with no two cases ever exactly the same (Hall, 2015). However, Hall does not consider the implications of applying both situational and intersectional approaches to hate crimes. Applying an intersectionality framework to doing difference illustrates how multiple and overlapping layers of identity contribute to greater marginalisation. Victims with more than one layer or element of minority identity, such as disability, gender and sexuality combined, are at greater risk of violence and greater likelihood of subordination and discrimination. Thus, even members of perceived dominant groups (captured under one strand of minority identity) may be subordinate to other groups, in differing situational and identity-based contexts. As such, domination and subordination occur along a continuum of social, situational or other identity-based facets.

If Perry's framework recognises hate crime as a method to sustain and reinforce boundaries of oppression and difference, Chakraborti (2015) argues that there is space to go beyond this concept and consider significant but peripheral issues that could be considered within hate crime discourse. He says there is too much reliance on conventional constructions of hate crime without ensuring that they provide a satisfactory account of the experiences and motivations involved. For example, marginalised minority groups without the social and political capital to campaign for hate crime recognition, but who may have much in common with other strands, such as the homeless or sex workers. He contends that by considering hate crime through ideological structures of oppression, we fail to recognise the ordinariness of hate crimes and ignore what for some offenders is an act arising out of boredom or jealousy (as discussed in Chapter 2; see also Walters, 2011).

Perry's theory has also been criticised for not explaining why some individuals commit hate crimes while others do not, despite being exposed to the same strains and hegemonic constructions of identity (Walters, 2011). Chakraborti and Garland (2012, 2009) are of the view

that Perry's theoretical framework, whilst laudable, has been interpreted unduly narrowly in terms of the parameters of hate crime victimisation. Although they consider the causes of hate crime as being linked to theories of dominance/superiority and 'us' versus 'them', they also excogitate elements of neutralisation and rationalisation, as well as peer influence and thrill-seeking behaviour (as discussed in Chapter 3). They contend that rather than an identity-based approach to hate crime, focus should be placed upon factors that unite victims, which "in essence is their perceived vulnerability and 'difference'" (2012, p.510). With reference to intersectionality, they propose that it is the way in which someone's identity intersects with other aspects of themselves *and* other situational factors and contexts that makes them *vulnerable*. The same conceptualisation can be applied to Walter's criticism above; how someone's identity intersects with other facets of their social and cultural environment can influence their likelihood of offending and thus individual and situational factors cannot be discounted. (See also Chapter 2 for a criticism of the use of the term vulnerability to disability hate crime research.)

It may be to critics advantage to see hate in its more limited context however. Perry (2005) suggests that hate crime is a safer construct when taken at its more basic meaning, which neglects patterns of oppression or consideration of how violence is constituted by difference. Instead, hate crime is removed from a "cultures of violence" perspective and kept within psychopathology of violence instead, interpreted rather from the context of an unstable individual or minority. Pathologising hate presents it as irrational and abnormal and the product of a 'sick mind'. The reality, says Perry, is rather different. Violence is not aberrant or abnormal but rather is normative in our society. Thus, racist, anti-Semitic or disability-related rhetoric or acts are normal and seen in cultural forms in our Western society, including language, media images and even legislation. Violence is more than a reflection of a perpetrators' frame of mind but rather an observation of popular notions of identity and hierarchy.

A framework for disability hate crime

Aligned to Perry's structured positioning, Sobsey (1994) argued that the abuse of disabled people cannot be explained away simply in terms of a small number of 'aberrant' offenders. A victim-blame mentality, along with society's supposed willingness to accept this, justifies the devaluation and abuse of disabled people. However, if disabled people are more at risk of victimisation than non-disabled people, as Sobsey suggests, this implies that some real or perceived characteristic associated with disability acts to increase that risk, either directly or indirectly. In addition, offender characteristics and the environment have a role to play. Sobsey developed a number of

models of abuse which combine these factors in an attempt to develop a theory of disabled abuse (which is conceptualised through a hate crimes lens for the purposes of this research). He presents abuse as an interaction between individuals in a specific social setting, but which is part of a broader cultural context. His most extensive model of abuse is considered below.

Sobsey and Calder's Multi-factorial Model

This model incorporates characteristics of victims, offenders, and interactions between potential victim and potential offender, and the relationship that determines those interactions (Petersilia, 2001; Sobsey and Calder, 1999, p.10). It further incorporates social control agents, the environment where the interaction occurs and the culture of society that influences every interaction within it (Figure 4.1)[31].

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[31] The model is similar to Sin's (2014) layers of influence model, which recognised not only the immediate circumstances of the disabled person but also the organisations and institutions surrounding them, and wider society and accompanying attitudes (as social 'layers'). These layers are interactive and interdependent in much the same way as Sobsey and Calder's, as Sin's model is designed to explain the interaction within and across different layers of influence. Sin does not include potential offender/perpetrator within his model, though does acknowledge the unequal power relationships that contribute to disability hate crime and highlights the gap in evidence around why people offend (or are inhibited to do so).

Figure 4.1 : Sobsey and Calder's multi-factorial model of abuse
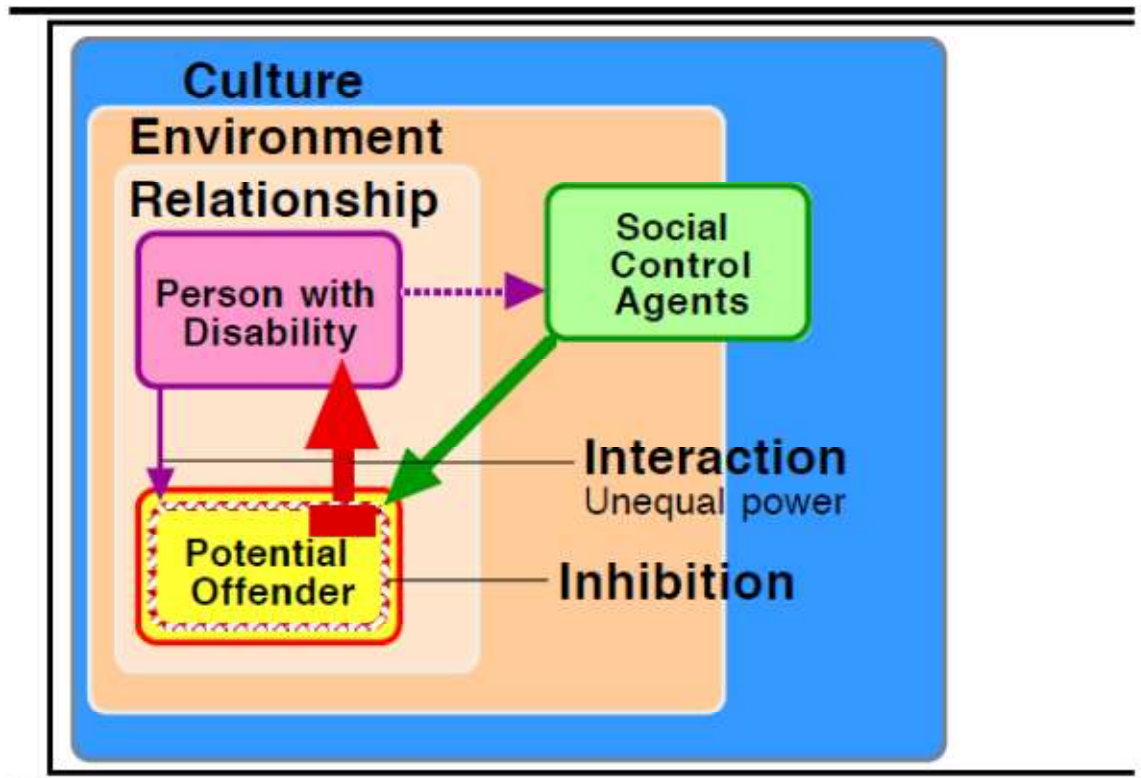
Within this model, Sobsey and Calder explain various factors that contribute to victimisation. These factors to a great extent reflect the risk factors discussed in Chapter 3 but are considered in light of Sobsey and Calder's framework below:

Victim factors

Sobsey and Calder say factors such as age, gender, lifestyle, socioeconomic status and disability all affect the risk of victimisation. These can be direct, in that a particular impairment can directly affect the capacity of the victim to protect themselves or avoid an offender, or they can be socially mediated, in that disabled people can be taught passive communication strategies and few social control functions, and are rarely taught their rights. They can also be less likely to take precautions or have difficulty recognising dangerous situations. Victims may also be attractive in some way, such as their perceived vulnerability to sexual or financial exploitation.

Offender factors

As discussed in Chapter 3, offenders may perceive the victim as vulnerable, easy targets, or deserving or dehumanised in some ways. Worryingly, they can be in caring roles; for example, predatory or corrupted care workers (Sobsey, 1994) or family members.

Relationship factors

Dependence on others, including care workers, may result in power inequalities which can lead to an increased possibility of abuse. In addition, exposure to a large amount of caregivers increases the risk that one or more may be abusive, although Sobsey and Calder were explicitly concerned with care environments. As such, they do not specifically consider relationships outside of the immediate environment, although the research outlined above and in Chapter 3 emphasises the role played by neighbours, family members, 'false friends' and so on.

Environmental factors

Factors include: severe substance abuse problems in mothers, families being isolated from communities and extended families, vulnerable people clustered together in alternative living arrangements, increased risk of victimisations in care homes, group homes and institutions, being prevented from making alternative life choices that may reduce the risk of victimisation and exposure to high risk environment through routine activities.

Petersilia (2001) argues that this model is the most sophisticated attempt to consider all of the factors thought to increase risk of victimisation. Sobsey and Calder appeal for more research to determine if these comprehensively represent the various mechanisms involved, or there are other alternative factors not yet determined.

Chapter Summary and Discussion

This chapter has considered the predominant criminological theories with regards to hate crime. Combining these theoretical approaches with the concept of intersectionality provides a potential route to exploring disability hate crime through which more nuanced and tailored analysis can be achieved. By avoiding a binary approach in the research, it is hoped a broader and more reflective image of the victim of disability hate crime will emerge. In addition, applying a human rights ethic avoids any risk of engaging with protectionist or victim-blame interpretations, and supports a social model understanding of disability.

The theories considered here offer potential frameworks for greater understanding of disability hate crime. Perpetrators appear to be motivated by one or more of a range of social, psychological, cultural or political factors (Hall, 2015). However, this chapter has exposed the difficulty in identifying a suitable hate crime theory that is applicable across complex socio-economic, situational and individual factors. A lack of empirical fieldwork generally has hampered any systemic or controlled testing of such theories with regards to disability hate crimes. Where

research has been achieved with perpetrators from other strands or groups, its applicability to disability hate crime is untested. Although academics such as Iganski (2008a) or McDevitt, Levin and Bennett (2002) have contributed by conducting research with convicted hate crime offenders, the limited numbers of convicted *disability* hate crime offenders, as discussed in Chapter 2, hampers greatly any attempts to access this field. An alternative is to explore victims' experiences of hate crime and their perceptions of perpetrator motivation. Biased as this may be, it can go some way towards contributing to this complex and often misunderstood area of research. Hudson (2000) suggests that an appropriate method of developing a critical criminological approach to a theory of hate crime includes victim surveys, documenting people's real experiences of crime. Research must then identify a single ideological phenomenon to compare and contrast findings with other examples. This process will establish whether something significant is occurring rather than simply isolated events, enabling theory to develop from a real rather than ideological process. The following chapters document the methodology and analysis of the research process, culminating in a comparison of victim experiences of disability hate crime with a high profile hate crime case, as Hudson suggests.

Chapter 5: Research methodology

Introduction

The literature chapters have demonstrated the paucity of research in the field of disability hate crime and the need for further study. A significantly large number of hate crimes are estimated to go un-reported annually and, although numbers of reported crimes are increasing, disability lags behind the other hate crime strands. There has been little exploration as to why disability figures are lower than for other strands, but they result in a lack of confidence in the criminal justice system and subsequent under-reporting (Coleman, Sykes and Walker, 2013; Chaplin, Flatley and Smith 2011; Clement et al., 2011). There is a scarcity of research on the interaction of disability with other elements of identity and little on the situational context of violence against disabled people (Sin, 2015; Emerson and Roulstone, 2014; Balderston, 2013a; Sherry, 2013b; Balderston and Roebuck, 2010). Academic exploration is thus warranted into the nature and extent of abuse and violence against disabled people, the factors associated with under-reporting, the relationship between victims and offenders, and the situational and individual context in which these experiences take place. Although reports such as those produced by the EHRC and other disabled people's organisations have attempted to explore some or all of these factors, robust academic literature is scarce (Sin, 2015). Criminological research into disability hate crimes in particular must contribute to the development of theoretical and conceptual frameworks, which are currently dominated by research on other strands. This research contributes to these research fields and this chapter outlines the methodology involved in this project. It begins with an elaborate as to why this research is important, a consideration of the key research questions, techniques used and the epistemological reasons for choosing them. It then discusses research design, methods of data collection, ethical conflicts, access issues and project limitations.

Why research disability hate crime specifically?

"disability hate crime remains largely invisible. Its existence is frequently denied and disabled people who report it are routinely ignored or are dismissed as unreliable witnesses. As a result those who commit disability hate crimes often go unpunished and public awareness of these incidents remains low" (Quarmby, 2008, p.60)

There are numerous reasons why research into disability hate crimes is warranted and timely. Historically, there has been a paucity of research into disability hate crime although research in the area is steadily increasing (Chakraborti and Garland, 2015; Roberts et al., 2013; Hughes et al., 2012; Chakraborti and Garland, 2009; Vincent et al., 2009; Grattet and Jenness, 2001). Chakraborti (2016) underscores the important contribution of academic research to policy formation, however, the majority of hate crime research to date has been conducted on race and religious hate crimes, with disability marginalised somewhat from academic and policy hate debate (Tyson, Giannasi and Hall, 2015; Sin, 2015; Chakraborti, 2010; Chakraborti and Garland, 2009). Indeed, Garland (2011) goes so far as to describe disability hate crime as the "poor relation" of the other strands (p.3). The perception persists that a hierarchy exists amongst hate crime victim groups, with victims of racism at the top and victims of disability hate crime at the bottom, reinforcing the idea that disabled people are less worthy of receiving justice (Sin, 2014; Mason-Bish, 2010).

The launch by Scope of their report entitled "Getting Away with Murder" was seen as a turning point to many in terms of disability hate crimes (Quarmby, 2008). The report found that disabled people throughout the UK were facing a crisis of justice, as widespread casual and institutional disablism was fuelling the conditions in which disability hate crime could occur. They noted a complete lack of official government data on the prevalence of hate crime against disabled people (at the time), despite claiming that incidents of hate crime are widespread. Indeed, this was further emphasised by Lord Ken MacDonald (then Director of Public Prosecutions) who recognised that disabled people had been let down by the criminal justice system (2008, and reiterated in 2014: Fox). Consequently, an EHRC study published in 2009 (Sin et al., 2009a) exposed and reinforced the extent of disability hate crimes. Despite being limited to interviews with 30 victims of disability hate crime, it was groundbreaking in identifying and recognising patterns related to disability harassment and abuse (as discussed above and in the subsequent chapter). This research contributes to the growing body of work in this area.

Another reason for conducting this research is that what limited research has been done suggests that there is a lack of awareness generally amongst the public, disability support organisations and the criminal justice system about disability hate crimes, despite disabled people experiencing more crime than non-disabled people and being at higher risk of repeated or multiple victimisation (Sin et al., 2009a; Chakraborti and Garland, 2009; Vincent et al., 2009; Zedner, 2002; Young, undated). Disabled people have repeatedly reported being routinely ignored, dismissed or their crimes not being recognised and thus going unpunished (Fox, 2014; Quarmby, 2008).

Disability hate crimes also commonly involve so-called 'low-level' incidents that are not necessarily criminal acts, such as harassment and anti-social behaviour (Chakraborti, Garland and Hardy, 2014a; Sin et al., 2009a; EHRC, 2009). These incidents can create repeated patterns of abusive behaviour that can have long-lasting effects on victims' lives (Pettitt et al., 2013) and result in people restructuring their lives in order to minimise risk (Sin et al., 2009a). In addition to which, hate crimes do not simply victimise individuals, but also have an impact upon members of their community and/or group (Shaw and Barchechat, 2002; Perry, 2001). This impact is further magnified because of the historical context of the victimisation of disabled people and the suggested complicity of "mainstream institutions and culture" in this victimisation (Boeckmann and Turpin-Petrosino, 2002, p.209). Mikton and Shakespeare (2014) contend that crimes against disabled people are so significant that they represent a public health and human rights issue. Thus, disability hate crimes involve potentially more criminal incidents and have greater impact because of the nature and history of disability. By understanding more about hate crimes, researchers can contribute to identifying appropriate assistance for victims and identifying and prosecuting offenders (McDevitt, Levin and Bennett, 2002).

Another justification for research is that, although crime is under-reported by victims generally, research into victims of hate crime suggests that when disability hate crimes are reported, they are often not recognised as such by the police (Quarmby, 2008). Successfully prosecuting them has proved problematic for the criminal justice system (CJJI, 2013). Because of inadequate responses, disabled people become vulnerable to further targeting and abuse can escalate if left unpunished (Sin et al., 2009a).

Exposing the social context in which disability hate crime exists is another reason for conducting research in this area. As discussed in Chapter 1, the welfare reforms introduced by the Government and the suggestion by many that these reforms have led to disabled people being labelled benefit scroungers and frauds has potentially led to an increase in the abuse of disabled

people (Garthwaite, 2014; Briant, Watson and Philo, 2011; 2013). Evidence that contextualises and contributes to the framing and understanding of welfare policy and disability in this regard is crucial. One of the problems with the marginalisation of disability hate crimes has been that disability is recognised as one, homogenized group. Rather, disability has many strands within itself, from physical, to intellectual, to mental health issues. There are further differences between life-long versus late-onset impairments, and it is these disparities, within the whole, that are contributing to competition for resources and support.

Walklate (2011) identified the need for subjective accounts of experiential victimisation in order to understand the process of interaction that results in becoming the 'victim'. The effects of hate crime victimisation on individual victims are under-researched (Iganski, 2001). Despite many researchers campaigning for improved research and data collection in disability hate crime, limited improvement has been made in the last decade (Scope 2008, EHRC 2010). Possible reasons for this include: "widespread disablist attitudes" that refuse to take disability hate crime seriously; that it is somehow too dissimilar to other strands to be recognised and warrant research (Garland, 2011, p.4); that it is perceived to be a rare phenomenon which warrants little attention (Roulstone and Saddique, 2013); or whether there is some other, as yet unspecified, reason for this lack of interest. In the current era of government cuts, to be disabled or impaired is to be open to ridicule, accusation and hatred, often encouraged by media responses to government statistics, and seized upon by a population more interested in looking after 'us' than 'them'. This suggests that hate crimes against those with disabilities are only going to increase, and therefore action is urgently needed. Without further research, there are many unknowns around disability hate crimes. This research project addresses such a deficit and supports the argument that disability crimes are often ignored or denied within the literature *and* the criminal justice system.

Key Research Questions

This research investigates the experiences of those who have been a victim of disability hate crime. Recognising the sensitive nature of the topic itself, this study is exploratory in approach, using predominantly qualitative methods. It explores the views and perspectives of both victims and 'stakeholders' (key informants and policy makers) as to how best to respond to disability hate crimes. Due to the disparity in the criminal justice system's response to disability hate crimes in particular, the research priority is on victims' experiences with the Police and the Crown Prosecution Service (CPS), as well as supporting social care agencies, from reporting incidents through to convictions.

The following are the key research questions that directed the design and structure of the research:

1. What are the experiences of victims of disability hate crimes? Specifically, with regards to:
   a. Type of crime/incident;
   b. Multiple and/or repeat victimisation;
   c. Criminal justice response, including Police and Crown Prosecution Service;
   d. Agencies' response, including health, social care, housing and local authorities.

2. What impact does this form of victimisation have on people with disabilities, impairments or conditions? Is it:
   a. Social
   b. Emotional
   c. Economic
   d. Practical?

3. What should be done to improve both the reporting and recording of disability hate crime?

The first research question explores the *experiences* of victims, such as: what type of offence was involved; has the participant experienced multiple forms of hate victimisation, for example, because of their disability *and* their sexual orientation; and, was the participant repeatedly victimised. It considers the intersectionality between individual risk factors (such as sexual orientation and ethnicity) and situational risk factors (such as geographical location and housing environment). It investigates whether participants reported these experiences, and if so, to whom, why and what happened.

The second research question explores the *impact* of that victimisation upon the individual. It asks: has the experience changed how they see themselves or feel about their disability; have they changed their routines or daily lives because of what they have experienced; has it changed their economic circumstances, such as being able to continue to work; have their perceptions of risk changed; and have they established or adapted their coping strategies in their day-to-day activities.

The final research question relates to the issue of under-reporting and low level of recorded disability hate crime figures. College of Policing guidance sets out what *response* a victim of hate crime should expect from the police, such as developing a supportive, sensitive and professional relationship (2014b). This research investigates whether this is being achieved, both from the victim and stakeholder perspectives. All participants were asked what they would like to see done in order to encourage greater reporting of hate crime and improve the overall reporting figures. Consideration will be given to reporting initiatives, such as third party reporting centres.

Thus, this research asks: what are the experiences of victims of disability hate crime? Why do reported and recorded crime figures remain low? What do victims and key informants believe should be done to improve them? The effectiveness of the police and CPS at identifying and responding to disability hate crimes will be considered. This includes possible barriers in systems and processes that prevent them from achieving appropriate successful outcomes for victims, and examples of good practice.

Methodology: Describing, interpreting, understanding or changing the experience of disability?

A methodology is a "coherent set of ideas about the philosophy, methods, and data that underlie the research process and the production of knowledge" (McCall, 2005, p.1774). Oliver (1996) suggests that the central methodological issue within research is whether it is to describe, interpret, understand or change phenomena. These elements are reflected in the choice of design, framework and epistemology:

Epistemology and Reflexivity in the Research Process

The ontological framework upon which this research is constructed derives from both constructivist and participatory approaches. From a social constructivist perspective, the research is exploring social, cultural and historically constructed meanings of disability and identity. The participatory research element draws upon these perspectives, interpreting the world as we engage in it but further addressing issues of social justice that arise from it. Issues such as empowerment, inequality, oppression and domination are focal points of the research (Cresswell, 2003). The research framework draws upon elements of emancipatory research design in that participants were engaged 'with' rather than 'upon'[32] and the focus was one of inclusive research that aimed to be collaborative and to address issues that mattered to disabled participants (Nind, 2017). A 'recursive' dialogue was established with participants, in order to discover and realise their practical, social and cultural needs (Cook and Inglis, 2012) and the research proceeded collaboratively, in that participants contributed to the research process. Not only is participatory research with marginalised communities of utmost import, so is the way in which it is conducted, with particular focus upon whether disabled participants are being empowered or further alienated (Nind, 2017; Aldridge, 2014; Dupont, 2008). As such, fundamental issues of empowerment and reciprocity with the research participants were built in by self-reflection through a daily journal (see Reflexivity section at the end of this Chapter).

Research Design

Due to the format of the research questions and the sensitive nature of the topic itself, this research is *qualitative* in nature. Qualitative studies have the potential to empower participants by actively engaging them throughout the research process (Fassinger and Morrow, 2013). A qualitative approach is one that recognises and analyses the different perspectives of participants, and their diversity. Further, it involves reflexivity of the researcher and the research as part of the process, and although utilising a variety of methods, the emphasis is placed on the issue being investigated and the attitude and approach of the researcher, within temporal and historical context (Flick, 2006). Barnes (1992) suggests that the aim of qualitative research is to depict a social world *as it exists* for those participating in the research (emphasis added). It attempts to

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[32] Oliver (1996) argues that true emancipatory research can only be conducted from within, that is to say: disabled researchers conducting disability research. This debate around non-disabled researchers is revisited later in this chapter.

emphasise the subjective and understand human experience rather than behaviour. As such, it is interpretive in meaning within a social and historical understanding and aligned with 'thick descriptions' of experiences (Geertz, 1973).

Although seen as more time-consuming, qualitative research can thus provide a richness of results not often seen within alternative methods (Awan and Zempi, 2016; Bryman, 2004; Jupp, 2000), allowing for data collection in a more natural setting and an environment for interpretation, rather than reporting, of findings (Wengraf, 2001). As such it is suited to both the constructionist and participatory epistemologies. It has an underlying exploratory perspective and a phenomenological framework, which involves exploring the lived experiences of participants, through engagement with them (Cresswell, 2003; Robson, 2002). Much of hate crime research has tended towards the qualitative method as it allows for greater illumination of the emotional and psychological impact of hate crime (Iganski and Sweiry, 2016) and greater exploration of the often complex "socio-spatial dynamics" that quantitative methods can lack (though some large scale studies have attempted to do so; *cf.* Clayton, Donovan and Macdonald, 2016, p.64).

Within this study research findings, or 'data', were collected using a variety of methods. Qualitative methods are most suited to researching marginalised groups (Awan and Zempi, 2016) and both Perry (2003a) and Aldridge (2014) suggests that addressing 'gaps' in research should be done in a multidimensional way (p14), to include surveys, focus groups, case studies and so on. As is often the case with participatory research however (Cresswell, 2003), the methods are mixed, though priority and emphasis is given to the qualitative elements. The dominant framework was qualitative in that the majority of the data collection utilised qualitative tools, via semi-structured and narrative interviews and focus groups, however quantitative data was also collected via an e-survey (Cresswell, 2003). The interview and focus group schedules and the survey design are attached in Appendix A.

Challenges to this form of mixed methods research design include the time-intensive nature of analysing both textual and numeric data and the need to be experienced in both types of research methods. However, the combination and triangulation of methods was designed to provide broader knowledge about the topic and produce a more comprehensive 'picture'. Furthermore, the qualitative elements facilitated the interpretation of the quantitative method (Flick, 2006).

The data collection occurred in four phases:

Phase 1: Focus groups

Two focus groups were conducted in early 2011. The 43 participants had a variety of disabilities including physical, mobility and sensory impairments, learning difficulties and chronic medical conditions. The focus group method of data collection is a form of interview with several people, with an emphasis on interaction within the group and joint construction of meaning, a consideration of the way in which individuals discuss the topics and respond to each others' views, as members of a group (Bryman, 2004). Focus groups were chosen because of their association with "natural" processes of communication and their attention to people's normal, everyday experiences (Wilkinson, 1999). They are a useful method for researching vulnerable or marginalised groups and provide the opportunity to examine the collective character of participant experiences as well as sharing experiences and local knowledge (Peek and Fothergill, 2009). They demonstrate how individuals collectively make sense of a phenomenon and construct meanings around it, and reflect the processes through which meaning is constructed in everyday life. They are thus beneficial in that they often result in more open discussion on sensitive issues within a communal setting (Madriz, 2003). They are also useful for observing interaction and encouraging participation.

The aim of the focus groups was to facilitate discussion on the topic of hate crime *within* disabled community/ies and they encourage discourse around attitudes, beliefs and barriers to experiencing and reporting offences. Although participation was not bounded to victims of disability hate crimes, many disabled people reported their own experiences as victims of hate. The groups were participant-led as much as possible and exploratory in nature, engaging with disabled people in identifying key issues with regards to disability hate crimes. Moore, Beazley and Maelzer (1998) emphasise how the priority which participants attach to issues to be explored through research is useful for gauging relevance and utility of research findings. The focus groups shared opinions on attitudes, beliefs and barriers in experiences and reporting of hate crimes. The two sessions aided the researcher in designing the interview structure and informed future stages of data collection.

Verbal consent was obtained from all participants in both focus group sessions, drawing on guidelines for 'vulnerable' groups suggested by Brod and Feinbloom (1990), that ensure the process is as rigorous as written consent but less coercive[33]. Each participant was given an

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[33] Brod and Feinbloom suggest that a verbal consent protocol assess the competency of participants, ensure knowledge of risks and benefits involved are explained, ensures consent is voluntary, and considers the additional or specific needs

information sheet and consent form, both of which were explained to them. An element of gaining verbal consent in particular is that there is evidence that potential participants have a clear choice as to whether or not to take part (Cameron and Murphy, 2006) and thus their participation and informed consent was discussed with the groups, including that their participation was voluntary, that they could withdraw from the research if they so wished and they were given the opportunity to ask questions. They were then asked if they were happy to continue with the focus group or withdraw from participation.

Focus Group 1:

Focus Group 1 was a group of nine learning disabled adults. It was held at the offices of an organisation for people with learning difficulties in a large metropolitan city. I was introduced to the organisation through colleagues and was invited to run a focus group with their service users. There were no care workers or support workers in attendance.

Focus Group 2:

This focus group included members of a disabled people's user-led organisation (DPULO) in a suburban town. Members were attending an annual meeting, accompanied by some care workers and staff from the organisation itself. I was invited by my contact at this organisation to present a short session on disability hate crime to the service users and was subsequently given the opportunity to run a focus group after my presentation. Interest in the topic was over-whelming and 34 people wanted to participate in the focus group, emphasising the perceived absence of representation for those with disabilities and underlining the importance of conducting the research.

In Group 2, because of the number of participants I asked that topics should be considered in general, rather than personal, terms, whilst retaining the emphasis on meaning-making and interaction (Wilkinson, 1999). However, some participants took this opportunity to give voice to their experiences and shared particularly distressing stories and offences against them, demonstrating their desire to be heard. Because of the difficulty in engaging in discussion in such a large group, participants were divided into smaller groups of 5 or 6 people (Peek and Fothergill, 2009; Bryman, 2004). Because of how this session was organised, it was not possible to use recording equipment. Each 'smaller' group was asked to discuss hate crime and I joined each

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of a population who may feel threatened by being asked for written consent, which has historically been associated with authority figures.

group in turn to help facilitate, along with my colleague (another PhD student). After a set period of time, we combined the groups and continued a shared discussion of the various themes that had emerged. The 'smaller' groups fed back to the other participants their comments and perceptions on what they had discussed. The remainder of the participants were then welcomed to contribute further to the discussion, and notes were taken of both individual and group feedback as well as interaction and meaning making. During this process it was noted that one group had placed greater emphasis on what they perceived to be secondary victimisation by the police when reporting hate crimes. This demonstrated both the importance of exploring criminal justice responses to hate crimes but also the usefulness of the focus group method, which allowed participants greater opportunity to assert the research agenda and develop upon themes that were important to them (Peek and Fothergill, 2009; Wilkinson, 1999).

Across both focus groups, some participants were more engaging and forthcoming with opinions and experiences than others. Many were outspoken and vocal about their experiences but interaction tended to be complimentary overall and allowed the groups to reach consensus. Most welcomed the opportunity to discuss and share opinions on this topic. All focus group participants were given an information sheet with details of various reporting mechanisms available to them and support organisations should they wish to speak to someone (see Appendix A).

Phase 2: Semi-structured interviews with stakeholders

Fifteen stakeholder interviews were conducted with key informants, criminal justice agency employees and policy advisors (see Table 5.1). As some evidence suggests that disabled people are more likely to report to a third party than police (College of Policing, 2014b; Sin et al., 2009a), in addition to criminal justice agents, stakeholders also included housing association, local authority and victim support staff as well as representatives from disabled people's organisations and a disabled campaigner. This element of the research provided an opportunity to engage with stakeholders about their views on a variety of disability hate-related issues, including experiences of third party reporting centres, challenges of inter- and multi-agency working, examples of good practice and recommendations for improvements. The research was particularly interested in their views on improving reporting and recording figures. The choice of semi-structured interviews allowed for a clear but open-ended interview schedule, as well as to fully explore issues and have comparable 'data' (Bryman, 2004; Barnes, 1992).

Table 5.1 Stakeholder participant interview details

Participants	Pseudonym	Related field or area of expertise	Date of interview and whether in person (IP) or by phone/skype (PS)
1	Amy	Disability Campaigner and activist	13.03.14 (IP)
2	Denzil	Head of Cohesion, Council 'N'	22.05.14 (IP)
3	Emily	Community Safety Officer, Housing Organisation	24.07.14 (IP)
4	Freya	Lived Experience Officer, DPULO	17.11.11 (IP)
5	George	Senior Service Delivery Manager, Victim Support, Area 'S'	05.08.14 (IP)
6	Jayne	Hate Crime Officer (International organisation)	12.06.14 (PS)
7	Leah	Detective Constable, Police, Force 'A'	04.03.14 (IP)
8	Max	Senior Advisor, CPS	28.02.14 (IP)
9	Patrick	Hate Crime Sergeant, Neighbourhood Policing, Force 'S'	05.08.14 (IP)
10	Phoebe	Hate Crime Caseworker, Council 'H'	24.09.13 (IP)
11	Riley	Learning Disability Coordinator	31.07.14 (PS)
12	Sally	Hate Crime Project Worker, Victim Support, Area 'L'	29.05.14 (IP)
13	Susie	Project Leader, Third Party Reporting agency, Area 'A'	25.06.14 (IP)
14	Teagan	People, Confidence and Equality Officer, Force 'D'	31.07.14 (IP)
15	Tom	Neighbourhood Policing Chief Inspector, Force 'N'	22.05.14 (IP)

A supervisory meeting in June 2013 led to the establishment of a quota of 10 stakeholder participants[34]. Drawing on Research Question 3, which investigated what could be done to improve reporting and recording measures, it was agreed that I would identify and approach representatives that deal directly with victims of disability hate crimes, or that record, respond to or may be exposed to disability hate crimes. This applied to both the criminal justice arena (thus,

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[34] One interview was conducted prior to this meeting (Freya)

police and CPS are included) but also social care and social policy areas (including Council, Victim Support, Third Party Reporting agencies, housing organisations). Given the importance of campaigning by the disability movement, campaigners were also identified, as was a representative specifically for learning disabled groups. Thus, the following list of categories was produced:

- Police X 2 (hate crime coordinator/ACPO lead or similar, *and* a safer neighbourhood team or 'beat' officer)
- CPS (Equality and Diversity unit representative or prosecutor)
- Council representative (Hate Crime unit coordinator or similar)
- Victim Support representative
- Third Party Reporting Centre representative
- Disability Campaigner X 2 covering different regions/areas of expertise (suggested names were discussed at the meeting)
- Learning disability representative
- Housing organisation representative

Having identified which sectors should be included in the research, identification of potential participants was via policy and research publications, networking, at conferences and through personal connections in both the hate crime and disability fields. Possible participants were then invited to interview (Wengraf, 2001; Francis, 2000). Although the original design was to interview 10 key informants, a snowballing effect occurred where some participants recommended I interview other experts (Robson, 2002). There have been concerns that snowballing can produce the same suggested names time and again (Bolognani, 2007) and indeed some individuals were suggested by more than one participant. This may have been as a consequence of the limited field of stakeholders and campaigners working in the area of disability hate crime, however, snowballing is encouraged when researching within marginalised communities (Fassinger and Morrow, 2013). Although snowballing could be criticised for potentially compromising any results, I felt repeat suggestions emphasised the relative influence and import of these individuals, and their perceived (and actual) expertise and depth of knowledge within this field. In this way, these individuals offered potentially valuable insights and were approached and also invited to interview. Supplementary to this, as the interviews progressed, I was aware of the disparity between police forces in how they tactically responded to hate crime, and two additional police interviews were scheduled (bringing the total police participants to four). Thus,

there were 15 stakeholder interviews rather than the 10 that was originally planned, all of which were authorised by supervisors. Appendix C provides a pen-portrait of each of the participants.

As Table 5.1 shows, the majority of these interviews were conducted face-to-face, although one was via telephone and one via Skype, and all were recorded in whole or in part. One interview setting involved two participants providing views that were both complimentary and contrasting (Tom and Denzil).

Phase 3: Online survey of disabled victims of disability hate crime

The online survey was designed for two reasons: firstly, to capture limited data on the frequency and type of disability hate crime victimisation, something that was lacking in the academic literature. Secondly, as surveys are a useful method for gaining access to possible interviewees (Flick, 2006), it was devised to identify potential participants who would be willing to be interviewed to gain their views and personal experiences in more detail.

The survey was quantitative in design, involving closed-ended questions and multiple-choice options. Introductory questions included participants' age, gender, nationality and disability, condition or impairment. The second set of questions explored participant's experiences (manner and frequency) of disability hate crime. Questions were specifically designed to be simple and clear. At the end of the survey participants were asked if they would be willing to discuss their experiences further. If so, there was a free-text option for them to provide their contact details. There was also an additional free text box where participants were welcomed to add comments or feedback on the topic.

The survey was designed using templates and software developed by Bristol Online Surveys (BoS). It was distributed to contact groups and advertised on the Disability Hate Crime Network's social media site. The 'DHCN' is a disability-led network which uses Facebook to publicise and draw attention to hate crime cases (Brookes, 2013)[35].

After a pilot session, the survey was live from November 2013 until April 2014[36]. There were 90 respondents during that time period, exceeding the target of 50. Access to the survey was not

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[35] See Glossary for further details on the DHCN; Appendix D.

[36] The survey pilot ensured that questions were correct, that data was being correctly captured and it was accessible for readers/users. Accessibility is particularly relevant when researching disability; the use of explicit wording, simple language and short sentences is required, with clear and unambiguous text. In addition, for those with visual

restricted to login requirements, as I was concerned that requiring participants to register their email address beforehand could inhibit their participation. Anyone who had access to the survey's web-link could complete it, potentially numerous times, raising the possibility of multiple or erroneous entries[37]. This was unfortunately a limitation of the research; however seven entries were removed following data cleaning (including blank, duplicate and non-disabled participants), leaving a complete dataset of 83 participants.

As the information being requested is of a sensitive nature, to include medical condition or disability, and because the survey asked those willing to be interviewed to provide an email address or telephone number, the website was encrypted to ensure responses could not be intercepted by a third party, using a Secure Sockets Layer (SSL). SSL is recognised by a small padlock icon displayed in the bottom right-hand corner of most browsers and was provided as part of the BoS service package.

Of the 83 participants who self-reported has having some form of disability, impairment or condition, 62 reported experiencing disability hate crime. A copy of the survey questions is included in Appendix A.

Demographic analysis of survey responses showed that the respondents were predominantly white British or English and the majority were over the age of 45 (n=45). There were only two participants who were in the age bracket 19-24 and eight in the age group 25-34. The findings cannot therefore be construed as representative of all disabled people and this gap warrants further exploration around young people's experiences of disability hate crimes and the means of gaining access to them. The use of alternative social media sites may be more favourable for accessing younger respondents, for example, Snapchat or Twitter, or through the identification of a specific support organisation established for young disabled people in particular. Although these are limitations of the research, they do not negate the overall contributions of the e-survey. As the majority of disabled people have internet access (Prescott, 2017; with the bulk of those

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impairments, a vertical list of options on multi-choice questions is preferable to horizontal. A white background was also avoided. The survey was also operable without a mouse; therefore participants could submit responses via keyboard only, if required.

[37] As mentioned, in order to restrict survey completion to a single visit per person, access control would have had to be established, involving registration via email account with usernames and passwords. It was felt that this could potentially discourage participants due to the sensitive nature of the topic.

without internet access age 75 or over: ONS data, 2017), use of an e-survey enables a wide group of potential participants who, as discussed below, self-identified as being victims of hate crime.

Phase 4: Narrative interviews with victims of disability hate crime

Victims of hate crime were at the heart of the research design. Narratives of disability hate crimes were central to answering the first two research questions; namely, what are the experiences of victims, and what impact have these experiences had on their lives. The research was particularly interested in identifying those victims who had been through the criminal justice process; from police reporting, to charging, through to court, with a view to exploring their experiences of the court process and the success or otherwise of Section 146[38]. Similar to semi-structured interviews, narrative interviews use open, non-leading questions and are seen as a participatory process in which meaning is co-produced by participants and interviewer, with close attention paid to what each say to each other and how they say it (Esin, 2011).

All 12 participants were victims of disability hate crime (see Table 5.2). Nine were identified and approached through their completion of the survey; a further two were interviewed through recommendations from a contact at a learning disability support group; and one was a stakeholder who was also a victim of disability hate crime. These interviews explored personal experiences of crime, harassment and abuse, and the impact of these events on the participants in depth. They probed into what happened when participants reported hate incidents, and whether this resulted in a conviction and/or Section 146 uplift. Although care workers were either not required or not present at the interviews, a support worker was in the room with the two participants with learning difficulties (discussed below).

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[38] As earlier chapters have demonstrated, there are significant differences between disability and other strands in the success rates in the application of Section 146.

Table 5.2 Victim participant interview details

Participants	Pseudonym	Type of disability, impairment or condition	Interview date and whether in person (IP) or by phone/skype (PS)
1	Amy	Physical impairments and a wheelchair user	13.03.14 (IP)
2	Anne Marie	CDG, congenital disorder and physical impairments	23.03.14 (IP)
3	Ciara	Learning and physical disabilities	31.10.14 (IP)
4	Daniel	Sensory impairment (blind) and medical conditions	25.06.14 (IP)
5	Gemma	Sensory impairment (blind) and medical conditions	04.06.14 (PS)
6	Grace	Auto-immune disease with physical impairments and a wheelchair user	02.07.14 (PS)
7	Hayley	Medical conditions and genetic disorders	30.04.14 (PS)
8	Martin	Multiple sclerosis and a wheelchair user	29.04.14 (PS)
9	Ruby	Cerebral Palsy, Asperger's Syndrome, PTSD and a brain tumour	02.07.14 (PS)
10	Sarah	Myalgic encephalomyelitis (ME), physical and mental health conditions	11.04.14 (IP)
11	Stuart	Amputee (right leg)	20.03.14 (PS)
12	Zane	Learning and physical disabilities	31.10.14 (IP)

Participation was voluntary, however, participants were offered a £20 voucher as a thank you for contributing to the research. Although the use of an 'incentive' could suggest participants were being induced to take part, the voucher was offered after the interview took place. For face-to-face interviews, participants were offered the voucher when they were thanked at the end of the interview. In telephone interviews, the voucher was posted to the participant after the event, with a thank you note. The last section of the project information sheet al.so stated that a "small financial incentive" may be offered to cover the cost of travel or expenses for participants.

Those participants who completed both survey and subsequent interview strongly self-identified as having been both victims of hate crime, and as being disabled. In contrast, the two participants with learning disabilities who were identified through their support agency were unable to explain what a 'hate crime' is, although the experiences they talked about met the definitions of hate crimes and incidents (see Chapter 6). There was a greater awareness from the other ten participants about the nature and definition of hate crime itself. It could be argued that this level of understanding has biased results, however, without their awareness and ownership of their experiences as disabled victims of hate crimes, their participation would not have happened. What these participants provide is a more nuanced, in-depth and knowledgeable contextualisation of disability hate crimes. The findings are interesting and informed as a result however they warrant further exploration of the challenges of recognising and reporting hate crimes amongst learning disabled communities.

Challenges to the Research Process

Unconventional focus groups

The focus groups were slightly unconventional in nature for a number of reasons. Firstly, recording equipment was not used in either group. Focus Group 1, a group of learning disabled adults, was divided in its opinion on the use of recording equipment; some were distrustful of the recorder and why it was being used (something Peek and Fothergill, 2009, report in one of their studies). Many said openly that if it was used they would not speak in the discussion. In order to encourage their trust and participation, it was agreed that the recorder would not be used, but that a colleague (another PhD student) could take notes during the session. This negotiation process and ultimate consensus is a feature of participatory design and enabled the participants to have a 'voice' in the process (Aldridge, 2014; Cresswell, 2003). Fortunately, extensive notes and quotes were taken and a fruitful and informative record of the session was gathered. However, one individual in Group 1 was particularly antagonistic and presented challenging and confrontational behaviour, highlighting the ongoing difficulty in engaging in research with a hard-to-reach group such as this.

Focus group 2, because of the difficulty in attempting a discussion in such a large group, required immediate modification and therefore smaller focus groups of 5 or 6 people were created. Each of these smaller focus groups was asked to discuss a perspective of hate crime. I joined each group in turn to help facilitate this, along with a colleague (as discussed above). After a set period

of time, the groups reported their comments and perceptions on the topic they were posed to the other participants. Because of how this session was organised, recording equipment was not used here either.

Variance in interview format

Initially, the research design involved face-to-face interviews wherever possible. The options of e-interviews, Skype or telephone interviews were considered less suitable alternatives, as they would not offer the nuances, expressions and relationship built between researcher and participant when they meet (Flick, 2006). Interpretation of data is helped by having as many clues as possible as to how the participant is feeling or expressing her- or himself. However, qualitative researchers have argued that the use of telephones should not be considered a 'second-best' option (Holt, 2010; Sturges and Hanrahan, 2004) and highlight the many benefits to telephone (or Skype) interviews. Indeed, as this research progressed, it became clear that the option of an e- or telephone interview was, in many cases, preferable for participants. One participant reported that it was "less painful to help by phone" than by face-to-face interview, demonstrating that the mere act of being interviewed is challenging in itself, and could put potential interviewees off participating. A second participant agreed to a telephone interview as he was unable to get out of his home. However, at the agreed time of interview he did not answer when called; this was because his care worker had not yet arrived and therefore he was unable to answer the phone. This participant communicated by email once the care worker had arrived, and the interview went ahead by telephone slightly later than planned.

Notwithstanding the fact that the interviewees were spread across the UK geographically, and would have required a lot of travelling to meet with, providing an option for alternative methods of data collection/interview is a necessity for disabled participants. It demonstrates consideration of participants' conditions and acknowledges the limitations of some impairments. It is crucial for potential disabled participants to be given a variety of options for interview, if researchers want to have the broadest spectrum of participants available. By limiting academic research to face-to-face interviews alone, a proportion of these interviews would not have taken place.

Principles and process of narrative interviews

Qualitative interviews generally involve participants describing some element of experience or reality and a narrative approach addresses these interviews as stories, or narratives, through which participants see their world (Esin, 2011). Narrative analysis is a popular method of interpreting, authentically, the voices and experiences of victims (van Dijk, 2009). Thus, this

approach is suitable to both the constructionist and participatory paradigms of the research; that the participants are active narrators who 'weave stories'. In addition, narrative interviews are best suited to small to medium-sized numbers of research participants. The research priority was to achieve rich, detailed narratives rather than specify targeted quotas from the outset. The number of participants, therefore, is of less concern than the quality of the data (Esin, 2011).

In terms of the interview itself, as Esin suggests, many of the questions began with an open invitation such as "tell me about ..." or "tell me what happened". The research also borrowed from Ludvig's (2006) opening statement: "I am interested in your life-story. Please tell me everything that comes to your mind and that you would like to tell me" (p250-1) in which participants were asked "what was it that you wanted to tell me/talk to me about". Questions were designed to be simple and straightforward and long pauses were left between them to allow the participants to continue at their own pace or to 'indicate' non-verbally when they were finished. Attentive listening attempted to discern silences and to identify clues as to what or not to ask. That said, the participants had the right to choose how to answer and what they were going to say. I was aware that participants have their own agenda and their own understanding of the interview interaction and was mindful that the aim was to allow them to tell their stories in their own way, expressing their own views.

As discussed above, the majority of participants were identified through the survey. Twenty respondents of the survey indicated they were willing to be interviewed and left their contact details. Initial contact from the researcher was via email and phone calls (within four weeks of their details being submitted). Where messages were left and there was no initial reply, an additional follow up request was issued four weeks later. If the second request was also unsuccessful then the researcher closed the file.

Participants were contacted well in advance of the main interview to arrange a preliminary discussion, and to enable the breakdown of social barriers between interviewer and participants and allow for discussion on the participants' possible involvement in the research (Barnes, 1992). Some of these discussions took place repeatedly, over weeks and in some circumstances, months, allowing for a 'cooling off' period until the participant felt ready to be interviewed. This is not uncommon in researching difficult to reach groups, such as those with disabilities (Jepson, 2015; Cameron and Murphy, 2006), which Cook and Inglis describe as a "recursive" approach to gaining consent (2012). At no time were participants placed under any obligation to participate in the interview and all were given a suitable time to consider whether they wished to do so. This gave

them more control in terms of the decision involved and time to consider the issues fully, ensuring their participation was meaningful (Fassinger and Morrow, 2013). However, this process of establishing a relationship and allowing potential participants' time to consider if they wanted to consent to the study meant that the interview timeframe had to be extended considerably. Having anticipated conducting all of the interviews within a three month period, this timeframe was extended to six months. In some cases, this relationship continued for some weeks but ultimately the participant decided not to continue with interview. Extensive field notes were taken throughout this preparation period.

Transcribing and transparency with transcripts

Although unavailable for focus groups, a dictaphone was used for both stakeholder and participant interviews, allowing for a flow of conversation that could otherwise have been inhibited by stopping to write notes. Where face-to-face interviews took place, it also enabled the researcher to capture additional non-verbal cues without distraction (Wengraf, 2001; Martin, 2000). However, the sound quality varied greatly, depending on the location of interview and following the experiences of focus group participants, consideration was given to the potential influence this may have had on participants' candour. Detailed notes were taken as a back up to any malfunction with equipment, or when there was a barrier to using it (the focus groups). At this stage, key themes began to emerge from the data and these formed the beginnings of the analysis.

Interviews were transcribed as soon as possible after recording. Transcription is an interpretive practice that is part of the analysis and also shaped by the assumptions of the researcher (Esin, 2011). Choice of structure, presentation and what to include all have serious implications in interpreting the text. Following Esin's recommendation, multiple rounds of transcription were done; firstly, to draft the entire interview, including all words and other features such as laughing, crying, pauses, as much as possible. This was done as soon as possible after the interview itself to maintain the overall perspective and tone of the interview, with added comments or field notes where necessary. Secondly, the recording was reviewed to add shorter pauses, emphases and utterances such as 'umm' and 'ahh' to the transcript document. Further rounds of transcription were also completed in those cases where background noise was a particular distraction. Two of the interviews had such considerable background noise that ultimately they were written up in summary rather than verbatim.

Participants were also given an opportunity to comment on their interview transcript, which was then incorporated into the documents for analysis. This enhanced the transparency of the research and went some way towards shifting the balance of 'power' between researcher and participants. All participants were emailed a copy of their interview transcript, and given the opportunity to provide feedback or adjust it. Sharing transcripts and publications is common practice amongst qualitative researchers, as this is part of the conversation between researcher and participants in the co-construction of narratives (Esin, 2011). Vernon (1997) said her participants valued having been given a copy of the interview transcript as it allowed them to reflect on their experiences. It can also reduce the "passive acceptance" many feel when participating in research (p.172). Some participants edited their transcript, working collaboratively with me; others did not. Some editing involved numerous communications until the participant indicated they were completely happy with what was written. Only at this point was the data then added to the analysis software.

Access and sampling frame rationale

The goal of the research was to identify disabled people who had been victims of hate crime and interested parties and stakeholders who work in this arena. Thus, the research involved targeted purposive sampling which, although it has been criticised as being too selective by some, does fit the purpose and qualitative nature of the study (Garthwaite, 2015; Bryman, 2004). Iganski and Sweiry (2016) highlight the important contribution of smaller, purposive samples within qualitative studies to fully understand the emotional and psychological impact of hate crime in greater depth. Disability support groups and charities were short-listed and approached to discuss participation in the research project (although not all responded). Identifying disabled people who had been victims of hate crime is a particularly challenging task and disability is a difficult area to research, particularly for a non-disabled researcher (Moore, Beazley and Maelzer, 1998). Therefore, the research design incorporated the e-survey to assist in identifying victims of crime who may be willing to be interviewed. This quantitative element of the research involved targeted, purposive sampling of those with disabilities and impairments. This population then effectively self-selected participants for interview.

Findings from the data collection and the literature informed each subsequent stage of the research. The samples attempted to include a variety of participants from as diverse a social, economic and impairment background as possible but ultimately was limited to those willing to participate. Consideration was made to include both genders, a variety of ages (from 18 years

upwards), ethnicities, onset of impairment (birth or later-in-life) and home setting (institutional, social housing, supported housing or private accommodation), although the research was restricted to a great extent by those who wished to share their stories. For example, as was discussed, only two people aged between 18-24 participated in the survey and neither consented to be interviewed; further, more women than men consented to interview.

A variety of disabilities and impairments were included in the research. As discussed in the previous chapters, many studies have restricted themselves to one or two forms of disability, condition or impairment, with a particular over-reliance on those with learning disabilities or mental health conditions (for example, Sin et al., 2009a, 2009b). By limiting research to specific groups with specific experiences, comparisons with other studies become more difficult (Sin et al., 2009b) and there is the risk of assuming specific forms of hate crimes apply only to specific types of disability or impairment. Furthermore, many disabled people have multiple forms of impairments and conditions (as evidenced by the participants herein; see Table 5.2). As Cole (2009) highlights, defining disadvantage by one particular type of group excludes members of multiple-subordinated groups. By focussing on groups that were previously neglected in research, she adds that we are better able to understand the groups' experiences *contextually*. However, disabled people's experiences can vary considerably depending upon the nature of their impairment (Chakraborti and Garland, 2009; Sin et al., 2009a). This study explores whether that is the case by considering a range of disabilities and impairments, albeit within a small cohort.

Confidentiality and consent

Participation in the interviews was confidential and data was anonymised as far as possible for the purposes of findings and reports[39]. Participants were also provided with a carefully selected list of contact organisations that offer advice and support for victims of crime. Pilot studies were conducted at the outset of each method of data collection to test the credibility of the interview schedules. At interview stage, care was needed in the initial contact and conversations about participation in research. As narrative research focuses on stories about people's lives and experiences, confidentiality is of particular importance.

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[39] Silverman (2010) notes that some participants may prefer if their interviews were *not* anonymous; indeed two stakeholders specifically said they were happy to be quoted directly. As the majority were anonymous, the decision was taken to apply anonymity to all.

At interview and focus group stages, all participants were provided with an information sheet, outlining what the project encompassed, a consent form[40] explaining their right to withdraw from the research at any time and verbal or written consent was obtained from all participants (Cameron and Murphy, 2006; and see above). Basic demographic information, such as gender, job title (if working) and form of disability (if applicable) were also collected. Ethnicity was not requested; see below for further discussion on this. Similar demographics were requested within the survey, which also included a privacy statement explaining why the information was being requested and how it would be used and safeguarded.

Data Protection Act

The Data Protection Act (DPA; HM Government, 2003b, 1998a) regulates the obtaining, recording and processing of personal information. The data collected during this research is subject to the DPA's principles in relation to sensitive personal data as it includes a person's physical or mental health condition, and the racial and/or ethnic origin of the individual (Information Commissioner's Office, undated). This research was therefore conducted in accordance with the eight data protection principles. All data was stored, analysed and recorded in compliance with data protection legislation. Participant data was stored on a secure drive on a personal computer. Copies are kept on a personal USB stick, stored in a secure location. In one case, the audio file of an interview was destroyed after transcription, at the participant's request. Printed documents were kept secure in the researcher's home-office. Access to the data was limited to the researcher and supervisory team only[41].

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[40] The research offered to provide a Braille format of the Consent Form to those participants who were visually impaired, and an 'easy read' version for those with learning difficulties (see Ethical Issues for more discussion on Consent);

[41] For this reason full interview transcripts are not included in the Appendices, instead Appendix C provides an overview of each participant and Appendix E includes details of codes and themes.

Interpreting and understanding findings: utilising intersections of identity

The initial design for the research was to use content analysis of the interview and focus group data to identify the dominant themes emerging from the research questions. However, during the early stages of the interview process, I became aware of multiple and overlapping categories of identity within participants' stories (see below), which raised the question as to whether a more intersectional approach to analysis would be preferable. Methodologically, researchers often hold one category as constant (often race or gender) so that they can manage their comparisons (Simien, 2007). Intersectionality, however, requires more than this simple separate analyses and a move away from traditional theories to interpret results (Cole, 2009; Horvath and Kelly 2007; and see previous Chapter). It endeavours to construct new theories and methodological approaches that address this complex process through which social categories shape and determine ourselves, although its complexity can make analysis difficult if it includes a wide range of dimensions and categories (McCall, 2005). Drawing on McCall's (2005) intracategorical approach to intersectional analysis was useful in addressing this in that she advocates for an explicit recognition of a 'master category' (p.1777) or element of identity to be researched. In this research, disability/impairment was identified as the master category. I recognised that disability may not always have been the most important or significant element of identity to the participants at all times, however, participants had self-identified as disabled or impaired and it was a dominant category in their descriptions of themselves.

Although a broad range of other identity dimensions was not the intended focus of exploration, this approach allowed for other categories to *emerge* from the fieldwork and data collection processes. For this reason, the research instruments did not ask participants for their race, ethnicity or sexual orientation, for example, as the opportunity for those to be recognised and prioritised through participants' *own* self-categorisation was available through this intersectional approach[42]. Participants' self-perceptions do not always fit with the perceptions of others or with external identity markers that may be placed upon them (Aldridge, 2014). Using the phrase "tell me about yourself" enabled my participants to talk to me about what they felt was important and

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[42] On reflection, it may have been useful to request ethnicity/sexual orientation/social class data from the e-survey element, as this was a closed survey and did not provide the opportunity for participants to identify with anything other than their gender, age, nationality and disability status. The survey findings are therefore unable to contribute to further examination or contextualisation of the intersecting elements of identity beyond these limited categories.

how they defined themselves. In this way, I was reducing the risk of placing greater emphasis on what *I* might have perceived as important elements of their identities. Rather, I was being directed to this by the meaning and description provided by participants themselves. This approach to design fitted within the narrative framework and is particularly common in Feminist intersectional research. As Crenshaw (1993) suggests, the process of categorisation is in itself an exercise of power and a method of resistance for members of subordinated groups. Self-categorisation subverts the unequal power relations by enabling "some degree of agency that people can and do exert in the politics of naming" (p.1297).

As expected, many participants self-identified through the interview process as having one or more categories of identity or "dimensions of social life" (McCall, 2005, p.1772) which were important to them. These included: a stakeholder explaining what it was like being a Black officer in the police; a participant talking about her experiences of being a victim of 'gay-bashing'; a participant negotiating her role as both a mother to a disabled child as well as being disabled herself; as well as many participants recounting experiences of discrimination because of their presumed welfare benefits. Thus, although information regarding ethnicity, sexual orientation, roles and social class were not specifically requested in the research instruments, asking the participants to 'tell me about yourself' allowed them to identify the relevant and most important elements of their identity, as stated above. Drawing upon Feminist scholarship in this way engaged with the problematic nature of researching the complex lives – and priorities – of others whilst avoiding essentialising them through potentially tokenistic, objectifying or voyeuristic means (Crenshaw, 1993). It recognised their own categorisation, not just to the 'master category' of disability, but to other, equally valid elements of identity and social life. Through their narratives, participants naturally and authentically indicated how multiple dimensions of identity shaped their experiences.

Data analysis

An ongoing criticism with regards to data collection and analysis within qualitative research is that there can be a low degree of applicability or reliability of results and it can be difficult to clarify how these results were determined, or how 'transparent' they are (Flick, 2006). The use of Computer-Aided Qualitative Data Analysis Software (CAQDAS) has attempted to address this concern[43]. Although doing analysis by hand can give a better contextual understanding of the themes that are emerging, there is a risk of human error, and it is useful to have established methods of testing for reliability and consistency (Auld et al., 2007).

For interviews and focus groups, analyses was conducted with the aid of an NVivo software package (QSR NVivo 8.0 and 10.0), which provides computer-aided assistance in the identification, coding and content analysis of large tranches of qualitative data. Given the exploratory nature of the research, an inductive approach to data analysis was taken.

Coding is essentially a process of categorising the information or data that is received. Categories are groups of similar codes, the main goal of which is to break down and understand the text. Thematic coding was chosen as the most suitable method for stakeholder interviews and focus groups. For narrative interviews, deep analysis of a single case was done first; to develop categories for that single case (Flick, 2006). Initial coding followed the principles of 'open coding' within a constructivist perspective, and data was developed into key themes or 'nodes' (Bryman, 2004). Open coding is a process of breaking down data into easily manageable pieces for analysis. From a large number of open codes, selective coding then refines and differentiates the categories and themes that emerge. The relationships between these categories were then

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[43] Considerable debate surrounds the appropriateness of software packages to qualitative data analysis (Bringer, Johnston and Brackenridge, 2004; Crowley et al., 2002). The key issue is the way in which the analysis is approached, and whether this enhances or detracts from the quality of the data. Some fear that it can turn qualitative research into rigid, automated texts and ignore interpretations of rich data. There are also concerns that the software will drive the analysis, rather than the researcher, and by turning words into 'numbers' the research is more akin to quantitative methods. However, others suggest that rather than the software distancing the researcher from the data, it can have the opposite effect; by using automated functions in the software, more time is available for interpretation and it is a tool for aiding research (Bringer et al., 2004). The decision as to whether to use manual coding or a software package is ultimately influenced by a range of factors, such as volume of data, number of researchers involved, time required and the availability and cost of the software itself (Auld et al., 2007; Welsh, 2002), as well as personal preference. I felt CAQDAS provided a filing and management system for coding and analysis, which did not restrict my interpretations. It enabled me to manage large volumes of interview data across a variety of intersecting themes.

elaborated on and clarified, considering the causes, context and consequences of the phenomena. These categories were then assessed for all further cases and the overall categories were modified when new or contradictory aspects emerge. This method helps to identify constant topics across different domains and to compare across cases and groups. It allowed sensitivity to individual cases but the development of a thematic structure, grounded in a comparison of cases and is particularly useful for comparing groups that were defined in advance, as in this research (Flick, 2006). As the coding developed, additional, advanced codes were added as they emerged from the data[44] (see Appendix E). Drawing on the literature chapters, codes include recognition and definition of hate crime, experiences of crime and responses to crime, types of impairments, identities and barriers to reporting. Case studies are used to showcase these themes in the findings chapters.

For the survey, data was collected and interpreted using Bristol Online Survey (BoS), for which Middlesex University has an account. Additional analysis was conducted using pivot tables within Microsoft Excel, producing elemental descriptive statistics. Statistical significance was not tested for within the data sets; reasons for this are twofold. Firstly, it would be misleading to claim results are representative of general populations, given the size of the dataset. Secondly, statistical significance does not fit within the qualitative, participatory research framework (see below).

Transparency, confirmability and reflexivity in the research process

Social research requires some form of criteria to assess the quality of its findings. Classical concepts of validity, reliability, statistical significance and objectivity cannot be applied per se and are generally considered inappropriate. Qualitative researchers prefer to use terms such as rigorousness, transparency and confirmability instead and the use of software can add veracity to this (Bringer et al., 2004; Welsh, 2002). However, confirmability and transparency are dependent upon the skills of the researcher and how familiar they are with the software[45]. As discussed

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[44] It is not always the case that additional coding contributes to any greater understanding of the data, although it may add to claims of rigorousness and transparency (Welsh, 2002). Gilbert (2002) warns of a tendency to get 'bogged down' in coding, losing reflexivity and 'closeness' to the data. Too much coding can become mechanical and risks fitting codes into existing themes without due consideration.

[45] And see footnotes above for further reflection on the pros and cons of CAQDAS.

previously, participants were offered the interview transcripts to review and comment, adding to the transparency of the research process.

In addition to data collection, a rigorous process of documenting conversations and records and the use of journals were utilised at every stage of the research analysis. Thus, by collecting data from these different methods, each element informed alternative data analyses and thus aids in triangulation and credibility of results. This pluralist approach to analysis is not unusual to feminist and social justice research (Esin, 2011, Cook and Fonow, 1986). The use of multiple methods can uncover the multiple layers of meaning that are constructed and presented and is more likely to contribute to the veracity of the research as a result.

Finally, findings are representations of my *own* analysis of the data. Each individual piece of research is potentially embedded in the beliefs and ideologies of any researcher's own preconceptions. Results are thus reflective of my awareness that any interpretation is subject to my distinct social, cultural, economic, individual and political circumstances. Qualitative research occurs in the 'real world' and it is absurd, as Sobsey suggests, to talk of an "objective researcher who operates independent of any motivation" (1994, pxviii-xix). However, Barnes (1992) warns that the usefulness of qualitative research techniques "depends ultimately on the integrity of the researcher and their willingness to challenge the institutions which control disability research" (p123). Aligned to this, many researchers have rather superior positions of power to their participants (Wodak and Meyer, 2009). Whilst acknowledging my position of relative 'power', I have utilised a variety participatory methods and self-reflection to counter-balance this.

Ethical issues

Good ethical practice requires assessing the potential benefits and risks to participants, considering voluntary participation and right of withdrawal, protection of participants, obtaining free and informed consent and ultimately doing no harm (Aldridge, 2014; Silverman, 2010). This research has been approved by Middlesex University's School of Law, Sociology, Criminology and Social Science Ethics Sub-Committee and also complies with the British Society of Criminology's Code of Ethics (BSC, 2006, 2015)[46]. Copies of ethical approval are provided in Appendix B.

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[46] Ethical codes for research were established because of misuse and abuse in the past and codes attempt to regulate researchers in terms of their relationships with participants and the fields they engage in. The basic principles include avoiding harm, respecting others, achieving informed consent, as well as advocating against invasions of privacy and deception, encouraging voluntary participation and providing the fullest possible information about the research. Codes

Collecting data is a form of political activity and much research is carried out on the relatively powerless, as touched upon above (Hughes, 2000). Even when access is given, questions may be raised as to the objectivity of a researcher who becomes involved with the research participants. Codes of practice and guidelines are helpful in protecting the vulnerable from exploitation and conducting research along these lines should maintain a reasonable level of public trust, however, stringent ethical procedures risk excluding marginalised or vulnerable individuals from being included in research (Aldridge, 2014). It is important to ensure that participants are not excluded because research ethics or methods are not straightforward and as such utilising participatory and inclusive methodologies is paramount. Researchers are often faced with a choice between the quest for greater human knowledge and the potential harm done to individuals in the pursuit of this knowledge. Any researcher must also consider doing 'justice' to their participants, whilst being aware of their feelings if certain judgments are made about them (Flick, 2006). Below are a number of ethical concerns that have been considered in greater detail:

Risk

There were a number of risks to both researcher and participants. Health and Safety requirements were adhered to in order to reduce the risk of harm to the researcher; for example, interviews took place at pre-arranged locations and a support and contact system was established for me to keep in touch with a contact at all times.

Additional risks exist in terms of potential harm to the participants in asking them to recount potentially traumatic experiences. Concern for participants' psychological well-being when participating in the research process was paramount. Consultation with user-led organisations and support groups went some way to help with this, in terms of drawing on their expertise and experience. Targeted information about alternative support/advice services was provided. However, some victims of trauma can find the process of discussing their experiences worthwhile and, in some cases, beneficial in dealing with their victimisation (Gekoski, Gray and Adler, 2011). In line with this, two participants reported that it was cathartic to participate in the research and describe how talking about it made it less of an "ordeal".

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must also be method-sensitive so that they do not constrain the research or inadvertently risk harm. Data must be stored securely and details changed to protect identities (Flick, 2006).

Informed consent

Informed consent should be given by someone who is competent to do so, so that participants are adequately informed and consent must be voluntary (Flick, 2006; Sin, 2005). Although the consent form was designed to be easy to understand and the Participant Information sheet (PIS) clearly set out what the research involved, questions remain as to whether this was truly understood and consent *had* been granted, regardless of whether this is in written or verbal formats. Debates continue within academic literature as to how much *any* participant truly consents to participate in a research project and how far vulnerable participants may be open to intrusion and misuse (*cf.* Crow et al., 2006; Brown, 2006; Robson, 2002). This is of particular concern when conducting research with those disabilities and more specifically with learning difficulties (Hamilton et al., 2017; Jepson, 2015; Cook and Inglis, 2012; Iacono, 2006; Cameron and Murphy, 2006). Design of confidentiality and consent procedures for those with limited comprehension or understanding is acknowledged to be more complicated (Aldridge, 2014). As a consequence, historically, people with learning disabilities have had reduced opportunities to participate in research (Jepson, 2015). Whilst it is important that participants understand the nature and implications of the research, and that they must also be protected from potential abuse, there is a risk of excluding learning disabled people from research as a consequence of the challenges associated with this (Cameron and Murphy, 2006; Aldridge, 2014) or indeed of including them without consent. In addition, the often fluid nature of consent requires a reflexive approach to engaging with it and renegotiating it throughout the research process, rather than as a 'tickbox' process in the initial stages (Sin, 2005). Consideration was given as to whether participants were fully aware that what they were saying was for the purposes of research, as this was clearly stated in the relevant literature and in communication with participants. Verbal consent in focus groups enabled participants to state specifically that they were willing to contribute and they were also provided with a consent form. Good practice was followed in terms of providing information to potential interviewees to consider through a recursive dialogue (Cook and Inglis, 2012) and then allowing a 'cooling off' period (Jepson, 2015; Nind, 2017). An additional opportunity to remind participants about the outcomes of the research was provided when sending them the transcript of their interview.

Interviews with carers, care workers, support workers or assistants

There were ethical concerns about the decision to interview care workers, whether in place of the victims themselves, or jointly with victims. Any participation may present *their* interpretation of the victim's experiences rather than the victim's *actual* experience and thus the accuracy of data

is jeopardised (Petersilia, 2001) and Chapters 2 and 3 demonstrated how care workers are often perpetrators of victimisation. Beazley, Moore and Benzie (1997) found that the role of workers or carers is a barrier as they may introduce their own value systems and beliefs and there is inevitably a level of dependency. This concern also applies insofar as care workers may contribute to the interview but have not formally provided their consent (Rowe, 2007), however, they may be the only way of gaining information from a particularly hard-to-reach group. A support worker attended one interview, involving two participants with learning disabilities, as a means of facilitating the researcher's introduction and supporting the participants' needs. She directed some of the conversation and prompted the participants at times, but also offered assistance in terms of understanding. On reflection it was felt that the benefit of having her there outweighed the risks, as it meant that the interview could proceed with a particularly difficult to access group (Jepson, 2015). There were no care workers present at any other interviews.

Reporting abuse

The welfare of vulnerable participants is paramount and had any suspected abuse, neglect or illegal behaviour been uncovered, I had a responsibility to report this to the police and/or supporting agencies involved, dependent on the circumstances, and despite any prior agreement of confidentiality. This was clearly stated in the consent form, in that their participation was confidential, except in circumstances where someone was at risk of harm. Fortunately, this was not needed.

Anonymity

Participants who had been victims of crime were told their personal details would be made anonymous, disguising their home location and using pseudonyms and alpha-numeric codes in the analysis. Because of the nature of certain disabilities, however, the risk remains that some participants could be identified by readers. For this reason, as little identifying information about participants as possible is included, to obscure their identities and protect their rights and privacy. That said, guaranteeing anonymity did not always dispel reservations of the participants (Flick, 2006), as was seen in Focus Group 1's concerns about the use of the recorder.

Bias

The researcher also needs to be flexible, open, curious, reflective and self-aware in terms of their own perceptions and blind spots (Silverman, 2010; Flick, 2006). No research is ever completely free from bias and the closer the subject matter is to a researchers' life and experience the more their beliefs about the world may shape the output (Fassinger and Morrow, 2013, Vernon, 1997).

Indeed, being a non-disabled researcher has allowed me to observe and record from the 'outside' (see below) but is not without its challenges. There is a thin dividing line between identifying with research participants and exploiting them. Researchers must recognise and acknowledge their own experiences and biases. Oliver (1997) asserts that it is not possible to research oppression in any objective or scientific way as researchers are either on the side of the oppressors or the oppressed (and Barnes, 1996b, agrees). Vernon (1997) concurs that there is "no neutral ground in researching the experience of oppression" (p.173). Bias is something reflected upon in both the research journal and within supervisory meetings.

Insider/Outsider Status

A final dilemma for the research was that I am a non-disabled researcher. The term 'non-disabled' is deliberately chosen over 'able-bodied' as it challenges the stigma of otherness and is an attempt to sustain the process of emancipation of all disabled people (Hughes and Paterson, 1997). There is ongoing debate within disability research, particularly by those in support of the social model, around non-disabled researchers being able to investigate disability with any authenticity (Fawcett and Hearn, 2004, p.209; Barnes, 1996b; Shakespeare, 1993). For a researcher to empathise with those being researched, their argument is that it would be best if the researchers' life history was as near as possible to those being studied (Barnes, 1992). Just as feminist sociologists have suggested that only women can adequately research women, so it is suggested that only disabled people can research disabled people. Drawing on standpoint theory to some extent, this viewpoint appears to be about who is warranted, entitled or qualified to conduct research on disabled people (Dewsbury et al., 2004), suggesting that unless researchers possess the same frameworks of meaning or experience they cannot appreciate the reality of disability and their research is correspondingly flawed. This argument assumes that disabled people share a culture that is different to others and homogenous across all forms of impairments however. It also fails to consider that 'insiders' are not always recognised as 'inside' the community or that their experiences may differ markedly from those of their research participants (Fassinger and Morrow, 2013). By choosing to acknowledge, but ultimately ignore, this assumption the research could potentially discover that such cultural differences are not quite as homogenous as previously thought. The experience of impairment is not unitary and the range of disabilities and impairments is vast. Shakespeare (1993), although strongly in favour of disabled people conducting disability research, concedes that there are differences between impairment types by reflecting: "if a non-disabled person cannot describe or represent my experience, then can I describe or represent the experience of someone with a different

impairment?" (p.255). As this research study includes a wide variety of impairments and conditions, it would be difficult to find a disabled researcher able to relate to all these elements with authenticity. For example, Balderston (2013a), a disabled researcher, reflects on her outsider positionality in regards to her Deaf[47] participants. Instead of her outsider status being restrictive, she says her position was valuable and aided her own reflections on her experiences of being a disabled woman. Effectively, having an impairment does not provide someone with an affinity with other disabled people, nor the inclination to do disability research.

Barnes (1992, p.121) is "not convinced that it is necessary to have an impairment to produce good qualitative research within the emancipatory model" either. He suggests the gulf between researchers and participants has as much to do with social indicators like class, education, employment and life experiences, as with impairment. That said, it is a concern for non-disabled researchers like myself to contextualise disability research with authenticity. Stone (1997), a non-disabled researcher, was so concerned with her outsider standpoint that she describes being "terrified" of being labelled a parasite. Instead, as her research took place in China, she was able to assert the Chinese side of her identity, and in this way she derived what she describes as "legitimacy" (p.207). This outsider conflict is not restricted to disability researchers either. Dupont (2008), in her research on African-American women, echoes these outsider concerns when she describes being "conflicted about it because I am afraid of further marginalizing or reinforcing negative stereotypes" (p.197). Funnell, (2013) in her study on race hate crimes, reflected upon how, to her participants, being a woman appeared to be more important than her (white) ethnicity. She discusses how she was "perceived, received and responded to" primarily as being a woman and a parent, rather than via other elements of her identity (p.62). It was these elements of her womanhood that made her approachable. These examples demonstrate how participatory researchers have enabled access to their participants by embracing other categories or elements of identity that they share with their participants.

The role of the nondisabled researcher raises questions as to a potential lack of personal experience of disabling barriers, however. Researchers who fail to engage regularly with disabled people are less likely to understand the problems they are experiencing (Learning Disabilities Task Force, 2007). Without regular interaction, they would have no idea of the full extent of discrimination and experiences. However, both disabled and non-disabled researchers live in a

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[47] Deaf with a capital D is used by those who identify as part of a sub-culture; rather than seeing deafness as an form or impairment those who are Deaf see themselves as part of a strong culture: See Balderston (2013a)

disabling society and as such both can contribute to disability theory and research (Barnes and Mercer, 1997). What is preferable is that the researcher looks at the ordinary features of everyday life for a disabled participant, regardless of whether they are disabled or not (Dewsbury et al., 2004). Constructionist versions of experience can become essentialist positions if members of one social group are held to be incapable of experiencing the experiences of another social group and lead to a failure of understanding.

I was conscious of negotiating ways of remaining 'faithful' to the experiences and needs of my participants in an appropriate and accurate format (Aldridge, 2014) whilst recognising my 'outsider' standpoint. Like Dupont (2008), I was never completely comfortable with the potential power imbalance between me, a non-disabled academic, and my disabled participants. Yet, there has traditionally been a lack of interest in disability research and disabled people generally by the majority of society (Petersilia, 2000). This is problematic in terms of producing authentic research findings that are both reflective of a disabled community's experience but also interesting enough to engage with the general population. I felt very strongly that what was important was challenging disability hate crimes *throughout* society, rather than by one, potentially marginal, element within it. There is a far greater risk of marginalisation if only those with direct experience of an area can conduct research in it. Like Barnes (1992) I was keen to contribute to a working dialogue between the research community and disabled people. By being non-disabled, I am able to stand in the 'space' between disabled users and the disabling system that may be working around them. In addition, I am a conduit for my participants, to raise their concerns through my research framework, within an academic sphere that is dominated by hate crime interests in other strands. As one participant, Gemma, says: "until you join together you're not gonna have a voice".

Regardless of disability, ultimately a researcher should be recognised as an 'expert' in their field (Moore, Beazley and Maelzer, 1998). I was willing to disclose my non-disabled status although many of the participants did not ask about it. However, as raised previously, it is worth considering who gains from the research. There is a balance between ethical research and what matters to participants (Jepson, 2015). Arguably, researchers have the most to gain (Fassinger and Morrow, 2013; Oliver, 1997; Scanlon, 1993). Whether disabled people generally have gained is more difficult to determine. Any contribution to their welfare or that of similar communities via publications, policy recommendations and their ilk is likely indirect and long-term, whilst I as an academic benefit considerably from their participation (Dupont, 2008). The offer of a small

stipend for their participation is commonplace to research studies in that it recognises the power imbalance between researcher and participant, is a way of appreciating their time and demonstrating respect for participants (Fassinger and Morrow, 2013) and is a form of 'take-and-give' methodology (Scanlon, 1993). In my exchange with the learning disabled organisation, I was invited to have my photo taken with them after we had conducted the interviews. This reciprocity, involving my consent and participation, enabled me to give something tangible to my participants, as they informed me that they had photos taken with every visitor that engaged with them. Indeed, they seemed very pleased to pose with me to have our picture taken and it raised questions for me as to why I had automatically considered offering financial reward to research participants rather than alternative, more reciprocal methods (which I will certainly consider in future studies). Other participants may have gained personally with the small stipend offered for their participation, but perhaps a collaborative photo offers more to participants in terms of a more distinct appreciation of their engagement. Some interview participants reported satisfaction in having been able to contribute to the study generally, and some refused the £20 voucher that was offered. Others still spoke of the catharsis of being able to share their stories (as mentioned above). The small process of negotiating a photograph between researcher and learning disabled participants may have been equally as meaningful. Thus, whilst the research aim may have been to contribute to worthwhile knowledge, it attempted to do so in genuine and meaningful ways for those participants involved (Nind, 2017).

Limitations of the research study

As a PhD project this research was limited in size; to one full time researcher and a small number of participants. The proposal attempted to address this by using a number of different data collection methods, as broad a sample as possible and with an emphasis on an exploratory perspective. In addition, during the process, the researcher took two periods of interruption for family reasons, which meant that the research process itself was far longer than the normal three year full time timeframe. There were benefits to this, however, in that it allowed the researcher greater periods of reflection on the topic, and to return to writing with a fresh approach after each interval. In addition, cultural and social changes during the prolonged period, particularly around the introduction of re-assessment of disabled people for benefits, meant that the research gained tremendously in conducting the interviews at that crucial time period. Furthermore, returning to participants with copies of their transcripts 18 months later enabled me to ask if anything had changed or improved for them in the interim, contributing to the overall findings.

Access to a sample was a concern however as participants can and do drop out of research projects at any time. It was anticipated that by developing a close working relationship with them at the outset, participants would continue to support the project. While four potential interviewees did withdraw prior to interview, an acceptable number contributed and findings are extensive and illuminating. In addition, the area of disability hate crime victimisation has been acknowledged as a particularly difficult one to research. Vincent et al. (2009) report difficulties in identifying and interviewing anyone who self-identified themselves as victim of hate crime, not because people had not experienced it but because people rarely recognised that what had happened to them was hate crime. General public awareness was seen to be either limited or non-existent, further supporting the research proposal but highlighting a barrier in terms of access. The design and use of the e-survey enabled this study to identify participants who had experienced disability hate crimes.

As the research was limited to a small number of victims of hate crime, however, there is an argument that the sample will not be seen to be 'representative' enough, particularly in light of its pan-disability perspective. By deliberately taking this approach, it could be criticised for being *too* broad to make any conclusions meaningful. However, any findings are not attempting to be 'generalisable'; rather this project is concerned with an *exploration* of victims' experiences, primarily with the impact of hate crime on the victim, and not necessarily on the type of disability *per se.* The findings however appear to indicate that people with particular types of disability are more vulnerable to victimisation, but the research is innovative in that it has no pre-conceptions about what type of disability that might be. It is for future, larger research projects to explore experiences of various types of disability in greater numbers. Furthermore, findings at this level of research are rarely going to be representative of the population generally, but it does aim to focus on diversity within a specific, neglected academic area (Cole, 2009). Despite its size, I am endeavouring to illustrate the extent of the experiences and oppression of my participants and hope that the findings can be useful in justifying further resources in this regard.

Another limitation is that by using an internet survey to gain access to interviewees, potential participants who are particularly vulnerable will have been missed because they did *not* have access to the internet or have not been made aware of the survey request (see above for discussion on survey participants). Younger participants were also limited in number, and future research should consider broader promotion across multiple social networking sites to widen the pool of potential participants to include a younger demographic.

A further limitation that may be of concern is the 'validity' of the research process. Jupp (2000) emphasises the importance of validity – what he calls the validity 'trade off' – in that all research is a compromise between what is desirable in terms of validity and what is practical in terms of cost, time, politics and ethics (p.11). This research is not 'valid' in any scientific, quantitative measure but by being clear and specific throughout the process, as discussed previously, the research is instead rigorous, credible, informative, in-depth and also 'replicable' (Bell, 1999). As this project was qualitative in nature, it does not claim to be applicable to entire populations of disabled people. What it offers, instead, is an in-depth, exploratory interpretation of key themes involving a select group of individuals who have themselves been victims of disability hate crime or have engaged with victims.

Participatory research with disabled groups is particularly challenging (Aldridge, 2014; Cameron and Murphy, 2006). Beazley, Moore and Benzie (1997) found that disabled people's rights to research involvement can be smothered by others who exercised strong and complex positions of power over their lives, more so than non-disabled participants. By extending the interview period and providing copies of transcripts to participants, relationships were allowed to develop and trust was established, providing participants with greater ownership and input to the process. Their voices were placed centre stage in the design and objectives of the research, in line with a participatory research format (Aldridge, 2014).

Related to this, before conducting research, it is usually necessary to gain access from an institution or informal group. The problem of access does not end once you are through the door, as gatekeepers have an important function in this regard (Hughes, 2000). The role of gatekeepers can be particularly difficult in limiting or restricting the involvement of disabled people in research (Jepson, 2015; Beazley, Moore and Benzie, 1997). Disability researchers must be prepared to be very flexible in responding to obstacles that are thrown in the way of disabled people's participation. For example, a problem for Beazley et al. was gaining consent for disabled people through third parties. I was fortunate to have been given access to the focus groups but these organisations were two out of many that were approached and arguably it was the organisations that gave me permission, rather than the participants. However, even when access is gained through a gatekeeper, the participants will need to be convinced and thus 'social' access will need to be gained (Hughes, 2000). I was grateful that most interview participants were accessed directly via the DHCN website so that social access was gained in advance of the interview and survey process.

A final problem I encountered, which is also reported by Beazley, Moore and Benzie (1997), involved knowing when and how the relationship with the participant could be deemed as good enough for meaningful conversations to take place. Some of the participants were disabled in social contexts because of communication barriers and true experience of exclusion. Although a solution in one interview with the two learning disabled participants was to involve an intermediary, because of communication and cognition barriers, this support worker may have inadvertently introduced her own value systems and beliefs and created further barriers. She was encouraging the participants to speak but also directing them, for example, as to what the term 'hate crime' meant. There is also inevitably a level of dependency in the relationship and the participants may have not wanted to disclose certain types of victimisation in front of their support worker. This highlights the challenges which are inherent to authentic disability research.

Reflexivity within the research

Reflexivity is defined as "the examination of the ways in which the researcher's own social identity and values affect the data gathered and the picture of the social world produced" (Vernon, 1997, p.159). It is particularly important for researching disabled community/ies from 'without', as much early research was criticised for failing to involve disabled people except as objects for interviews and observations, and designed by researchers with no experience of the day-to-day reality of disability (Oliver, 1996). Disabled people became alienated from disability research as a result. Research was seen to have maintained or perpetuated oppression rather than be a critical tool for eradicating oppression. My own research position was considered through ongoing writing in the research journal and repeated self-reflection. In addition to which, the design of interviews and focus groups, with an emphasis on free expression throughout, enabled the research process to be reflexive and engaged in dialogue.

Throughout the research process, I reflected upon the nature and impact of victim participation, and the implications of this for both my participants and myself. The research attempted to be constructive and participatory in nature and content, but I was conscious of my non-disabled status throughout and found myself regularly questioning my authenticity. The relationship between researcher and participant is a particularly fraught one when you are aware of your own marginalised, outsider status. However, participants were warm and encouraging of the research process, validating the study and my role within it. Many expressed the view that they wanted to let people know what was happening to them, the long-lasting effect it can have on them and that, for perpetrators, that their actions can be hurtful and "very disempowering for the victim"

(Gemma). They want to make non-disabled people aware of the *cumulative* effect of what they say and do through the medium of empirical enquiry. In addition, three interview participants said they participated because they wanted to be helpful and two others described the process as cathartic in some ways, making their experiences less of an ordeal. This confirmed to me that the research was worthy of conducting, but also made me conscious and cautious about 'doing right' by my participants. The return of interview transcripts to them for their review and any comments they wished to add enabled me to engage with participants again and helped to address my concerns.

As the findings developed, I was further conflicted in wanting to be true to the roots of the research project itself; to inclusivity and a social model perspective. However, there were differences across impairment types, not just in victim experiences but also in terms of their level of participation and engagement. Macdonald (2015) reassured me that identifying research by impairment type does not mean abandoning a social model framework, as future research needs to consider how particular impairments are responded to differently and are at greater risk. The utility of intersectionality amplified this for me, in recognising the contribution of different characteristics and elements of identity, as these quotes from my journal shows:

> "I'm all over the intersections of gender and disability... it definitely increases your risk of targeting... but it's a layering, if you like. You're targeted for being female, but also for being disabled - the perfect storm ....
>
> And one of my participants is talking about her BDSM lifestyle and I'm thinking that wasn't a reason for being targeted [or was it?] but her friend who was TV or TG WAS being targeted....
>
> when did we as women sit back and accept that this is a risk that we have to concede to... And we take the precautions?"

Reflections such as these emphasised to me the importance of challenging existing hate crime responses that perpetuate victim-blame and protectionist responses.

Chapter Summary

This chapter has outlined the methods and methodology applied to the research project. The research is participatory in design, drawing on inductive and intersectional frameworks in interpretation. It involved opportunities for reflection and involvement of the participants. Although there are mixed methods elements to the research, the overall research project is qualitative in both nature and approach. It considers the pros and cons of the variety of data collection methods and highlights the challenges that were encountered during the process and the means employed to address these. Despite these limitations and also the constraints of time, resources and sample size, this research offers a distinct contribution to the limited knowledge surrounding disability hate crime and is thus original in its thought and application.

Chapter 6: Experiences

Introduction

This chapter explores victims' experiences of disability hate crimes. The first research question focussed on the experiences of victims, with regard to: type of crime or incident; multiple or repeat victimisation; and responses by both criminal justice and other supporting agencies. Findings here are drawn from the two focus groups, the 83 survey participants, and narrative interviews with 12 victim/survivors of hate crimes. Extracts from interviews with 15 stakeholders are included at specific points, although the majority of the chapter presents the victims' voices. Participant references are in the following formats: references to victim-participants involve the use of pseudonyms; references to stakeholder-participants include pseudonyms and their field of expertise; reference to survey participants includes identifying information only, such as their gender, age bracket and disability/impairment[48].

The chapter begins with participants' descriptions of their own impairments and conditions; and then presents their perspectives on what hate crime means. Victims' experiences are reported next; charting what happened to them, how, by whom and when it happened. Views of perpetrators' motivations are also voiced. Case studies are used to illustrate how the police and criminal justice system responded to some the types of experiences reported. Lastly, the chapter considers the context of participant's experiences in comparison to the high profile deaths of Fiona Pilkington and her daughter Frankie Hardwick.

One of the prevailing themes from the research findings was the misperception and marginalisation of disabled people as fraudulent benefit claimants, and associated levels of government and media responsibility aligned to that. Findings presented within this current chapter unavoidably reference and signpost the reader towards this topic as a consequence of reporting victims' experiences. However, due to the dominance of this theme, the framing and marginalising of disabled benefit claimants is critically analysed and presented in the following chapter (Chapter 7).

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[48] For example: "male, 55-64, physical/mobility" represents a male survey participant aged between 55 and 64 and who identified himself as being physical or mobility impaired; "Gemma" refers to a victim-participant; "Patrick, Police" refers to a stakeholder-participant who works in the Police. See also Chapter 5 Table 5.2 and Appendix C for further information about interview participants.

Part 1: Contextualising disability and hate crime

How do participants define their disability, impairment or condition?

As evidenced in Chapter 5, a valuable contribution of this research is that focus group, survey and interview participants had a broad spectrum of disabilities and impairments. Eleven of the 12 interviewees reported having more than one impairment (see Table 5.2 in the previous chapter). These included physical disabilities, with some in wheelchairs, having restricted mobility and one having had a limb amputation; medical conditions, such as heart problems and diabetes; visual impairments and blindness; learning difficulties; genetic and auto-immune conditions; mental health conditions and brain or head injuries. The majority of the e-survey respondents also reported having more than one condition or impairment to describe themselves (72%). The results are presented in Figure 6.1. As can be seen, 56 of the 83 survey participants described themselves as having a chronic medical condition such as fibromyalgia, motor neurone disease or epilepsy. In addition, 51 participants also reported having a physical or mobility impairment, such as being a wheelchair user, and 29 as having some form of mental health condition or illness. Eleven describe themselves as having a sensory impairment, seven as having specific learning difficulties such as dyslexia and dyspraxia; and six as having Asperger's Syndrome or Autistic Spectrum Disorder. One participant identified as having a restricted growth condition, such as Dwarfism, and 11 chose 'other' categories of disability-identity.

As Chapter 3 revealed, few research studies have previously considered such a broad spectrum of disability or impairment. The evidence here highlights the commonality of co-morbidity of conditions for disabled people. Participants do not naturally fit into the selective categories of 'learning disability/mental health conditions/physical disability' but rather this research shows how for many individual participants, they experience a range of conditions and impairments. The results here question the likelihood of other research study participants being categorised into a master-category such as 'physical disability' when in reality they experience intersecting and interwoven impairments and conditions that have a consequence on how they engage in their communities and how they are perceived (e.g. Chakraborti, Garland and Hardy, 2014a). Furthermore, one individual's experiences of 'physical disability' could differ greatly from another, in that this category alone could include for example, loss of limb or paraplegia. This evidence

suggests future studies need to be more nuanced and attentive to how disabled people define themselves and their levels of impairments and supports the research methodology.

Types of impairment (n=83)
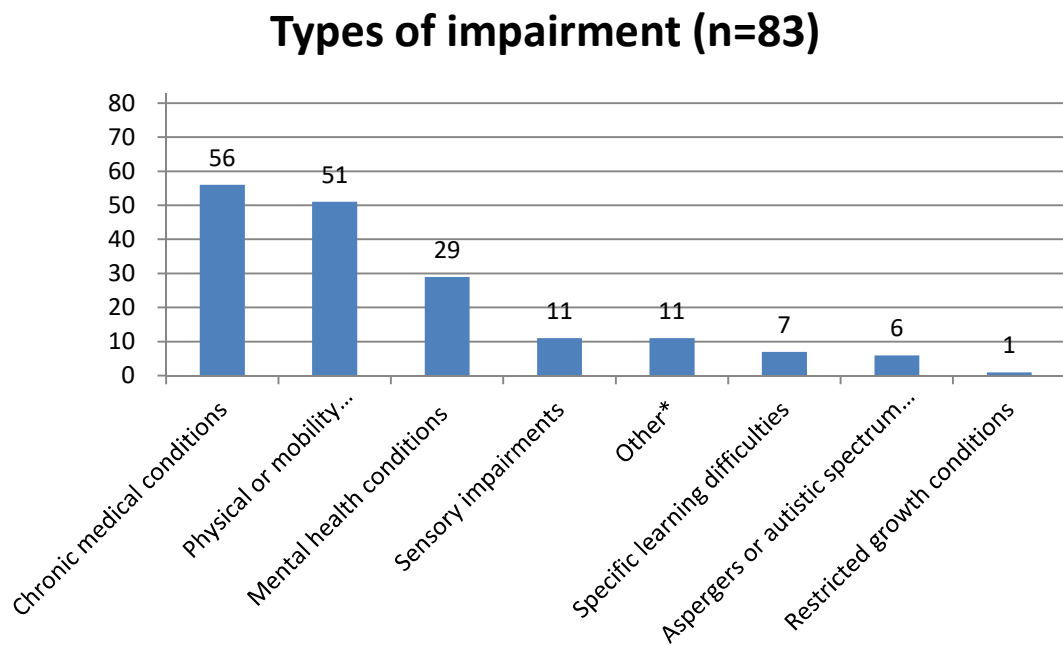
Figure 6.1: Types of disability, impairment or condition self-reported by survey participants[49]

Coping with disability

Almost all of the interview participants spoke of the "constant" or "chronic" pain they experience, with many describing themselves as "severely" disabled. Some participants were born with these conditions; others acquired them later in life, through accident, disease or injury. For those with late-onset disability, they describe the shock and the impact this has had in terms of their own mental health, as these two examples show:

> "I thought I was…fantastically prepared. I just thought I would stick the artificial leg on and…everything goes back to normal - it doesn't" (Stuart)

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[49] *Other includes: Diabetes, Diabetes Anaemia, Mild Learning Disabilities, Landau Kleffner Syndrome, Amputee above knee, Neuro Tremors, 'genetic disorder', SAH/Stroke and Hemiplegia, IBS, 'Massive angina and mobility problems', Hypermobility and Osteogenesis Imperfecta. As the participants had identified with these as 'Other', there was no attempt to 'fit' these terms into existing categories.

> *"Sometimes I can't face coming out of the house, sometimes I physically can't come out of the house... I never expected to be disabled" (Sarah)*

The combination of frequent or constant pain and the struggle to deal with what has happened are important factors when it comes to considering how participants respond to and deal with their experiences of violence and abuse. Some participants show resilience in how they look 'on the bright side' of what they are experiencing, playing down their pain or frustrations, and tend to see setbacks as challenges to be overcome, as these two examples show:

> *"well the physio has said [walking again is] very doubtful, I just said is that a challenge?" (Martin)*

> *"I have some days where I feel quite down about it and then like I just think come on there's other people worse off than you, come on! And I give myself a good kick up the backside, I think you know life could be a lot worse, you know" (Gemma)*

Jayne (International Policy) suggests this may be partially because disabled people are continuing to struggle for equality in so many other areas of life. Harassment, abuse and other forms of victimisation are not a priority when disabled people continue to battle for equality of healthcare, housing, education and social care. As a consequence, disabled people may be downgrading their own victimisation as a lesser issue. This has implications for reporting mechanisms as disabled victims may be less inclined to report their experiences as a result of this (and see Chapter 8 for police recording and reporting experiences).

Hierarchy of disabilities

This study has identified how some disabled participants believe that a hierarchy of disabilities exist *within* their communities, in that some forms of disability are more acceptable to disabled people than others. Specifically, wheelchair users are perceived as the acceptable image of disability and, consequently, as less open to criticism. For example, Grace describes how she feels safer in a wheelchair than when she was on "sticks" (walking aids) as she believed it attracted fewer comments by passersby and was more socially acceptable. Just as the universal symbol for disability is a wheelchair, so these participants feel that wheelchair users are somehow more deserving of a disabled label: "I think it's socially acceptable to insult somebody with one leg...

whereas it's not yet socially acceptable to insult somebody with a wheelchair" (Stuart). Consequently, those who are non-wheelchair users feel there is an unfairness in not being recognised or accepted as suitably disabled. Stuart recounts being told by another disabled person: "That's not a real disability, I'm in a wheelchair" (he has an above knee amputation). Deal (2003) describes this hierarchy of impairment as the perception of people with certain impairments as more socially acceptable than others.

An additional element to this is the conflict that it causes for participants who support the social model of disability, because the social model is concerned with the *shared* experience of being disabled. Yet this hierarchy puts wheelchair users in a separate category. As Stuart puts it:

> "until - until it becomes socially unacceptable like the wheelchair users managed to achieve by a concerted, you know, concerted campaigns, they got the language changed, it became uncomfortable to use a lot of words relating to the - or pointing to the fact of the wheelchair" (Stuart)

This unfairness exists both within disabled communities, and in how they believe they are perceived by potential perpetrators. Stuart feels he must "wear the leg" in order to reduce the attention he might attract when he is out; Gemma feels she has to hide her "stick" as that too draws unwarranted abuse. For participants whose disabilities are hidden, they also face criticism of their disability by those who are not aware of their conditions, as evidenced by the following example:

> "if I'm in a shitty mood, or I'm hurting a lot and somebody's having a go about disabled people I go [slams on table] fucking read that then, telling me I'm not disabled. And they read it and go, oh, I didn't realise" (Sarah).

Aligned to this is the concern from some participants that independent disabled groups are in competition with one another in a "race to the top". Gemma describes how disabled organisations such as DPAC, Spartacus and Black Triangle[50] are working against each other instead of collaborating together:

> "I've seen fellow campaigners against other campaigners and a lot of bullying, everything [continues] ... and when we've got people who are constantly [harrassed] and severely ill

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[50] See Glossary in Appendix D for details of these organisations

> *and are being bullied by other campaigners, it's disgusting, it's absolutely disgusting you*
> *know, it's like that disability hierarchy kicks in" (Gemma)*

Amy (activist) says there is a difference between organisations that are *for* disabled people and those that are run *by* disabled people. She describes one organisation as established by "white men... in suits... in wheelchairs", again validating the perception of wheelchair users as the dominant image of disability. Her comments support those of Vernon (1996) who found that disabled *women* are neglected within disability research, perhaps as a consequence of disabled men being in prime positions within organisational hierarchies, and also by Liasidou (2013) who demonstrated the privilege of the white wheelchair user, replicating the social hierarchies and unequal power relations that exist within society generally.

Relatedly, a strand-focussed approach to hate crime contributes to a lack of disability awareness. Amy argues it is unacceptable to have different strands or hierarchies *within* disability, despite the evidence presented above:

> *"I just cannot allow... segregation of disabled people again in any shape, way or form,*
> *we've experienced too much of it historically so to me segregating out different*
> *impairment groups around our experience of crime is not helpful, and misleading to the*
> *police and the other authorities" (Amy, activist)*

These findings are in line with the discussion in Chapter 4 around the risk of oversimplification of victim experiences and the lack of exploration of intersectionality in disability studies as a consequence of the dominant ethos of a unified, homogenous disabled people's movement. This dominant political identity has detracted from the diversity of disabled people's experiences and created a void in exploring intersections and multiplicity (Thiara, Hague and Mullender, 2011). As Peters (1996) identified, presenting the disability movement as a marginalised, unified 'other' has contributed to a denial of personal and multiple identities within it as, increasingly, the evidence demonstrates that experiences of disability cannot be interpreted homogenously (Wells and Mitchell, 2014). As Hopkins-Burke and Pollack (2004) comment, power exists at all levels, even within those groups that are perceived as less powerful, supporting the argument by Crenshaw (1993) that the identity of the 'group' has been traditionally centred on the intersectional identities of a 'few'. Thus, there is a lack of coherence to the disabled people's movement that has been hitherto hidden from the dominant social and cultural non-disabled perspective. This hierarchical structure and marginalisation of many within the disabled people's movement may

go some way to explaining why disability has not yet succeeded in getting the political recognition it has long advocated for.

What does it mean when we talk about hate crime?

Interview and focus group participants offer a consensus when defining hate crime; they used words such as abuse, harassment, victimising, targeting, intolerance and bullying. Participants reported similar experiences to that of other studies, in that hate crimes are directed at them because they are "perceived as different" and that they have "far more long lasting effects" (Gemma) and are repetitive. Hate crimes are "a lot more personal and therefore a lot more hurtful" (Stuart). Much of the findings here support existing literature, informing the debate on this issue (see for example, Iganski and Sweiry, 2016; Chakraborti, 2016; Pettitt et al., 2013, Sin et al., 2009a; Perry, 2001).

Verbal abuse is endemic to participants' perceptions of disability hate crimes, again supporting existing literature (see earlier chapters; Chakraborti, Garland and Hardy, 2014a, 2014b; Piggott, 2011; Scope, 2011; Sin et al., 2009a; Gillen, 2007; Wood and Edwards, 2005; Disability Rights Commission, 2004; GLAD 2004; Berzins, Petch and Atkinson, 2003; NSF, 2001): "I think it's mainly, it's verbal... it's usually verbal" (Martin). However, it is not simply words themselves that are offensive, but the means in which they are said, as Hayley elaborates:

> *"the way it's said... it's the force in the voice, it's the way it's said to you... it's not like an off the cuff, light remark, it's the force behind the voice when it's said to you, like you're a piece of dirt, a piece of muck on somebody's shoe... and that's what makes it a hate crime" (Hayley)*

Previously, evidence suggested that there was a risk of verbal incidents escalating in severity and frequency, with victims reporting abuse and harassment occurring over several months and years (e.g. Richardson et al., 2016; Williams and Tregidga, 2014; Chakraborti, Garland and Hardy, 2014a, 2014b; Pettitt et al., 2013; Sherry, 2013a; EHRC, 2011; CPS 2010b; Vincent et al., 2009; Sin et al., 2009a; and other studies cited in Chapter 3). Findings here support that view. For example, Hayley comments that verbal abuse "mounts and mounts and mounts and the next stage after the verbal abuse is physical abuse". It is perhaps these verbal and repetitious elements (and a perception that verbal abuse is not criminal) that may account for why disability hate crimes are reported less and result in fewer convictions.

Participants also understood that hate crime is not always about hate. Language instead focussed on physical or verbal abuse, harassment, intolerance, prejudice and hostility. They describe the deliberate targeting of someone because they are different in some way. This is unsurprising given that the majority of participants self-identified with being victims of hate crimes. Yet not all victims recognised the difference between hate crime and other crimes, particularly those with learning disabilities and difficulties. For example: "I don't know! I don't know the difference between hate crime and crime? [laughs]" (Anne Marie). This links to previous findings by Richardson et al. (2016, and others) in that those with learning disabilities can fail to recognise hate crimes. Two of the participants with learning disabilities who were identified through engagement with a disabled people's organisation, Ciara and Zane, were interviewed with a support worker because there was a fundamental difference in their level of cognitive functioning when compared to other participants. They are exceptions to the research findings in that they were the only two participants who did not self-identify as being victims of disability hate crime. Although they spoke freely about their experiences of verbal abuse, they did not always recognise these experiences as hate incidents and crimes. Their experiences, and the narrative that emerged from speaking with them, highlight the difficulties in conducting research with learning disabled participants. They offer an insight into potential challenges for learning disability research but also contribute an alternative perspective to victims and perpetrators of hate crime. For example, Zane was arrested by police after he engaged in an exchange of verbal abuse with a relative, whom he reports as having been abusive to him. Despite these elementary differences with respect to the other participants, their contribution is included throughout.

As such, given the level of understanding of the concept of hate crime by the majority of these participants, there was a comfortableness about the use of the term. There was also a recognition however that many other victims are unlikely to understand what hate crime is (see also Thorneycroft and Asquith, 2015; Hall, 2013; Mason-Bish, 2013). Consequently, helping others to recognise what they are experiencing as hate remains a challenge. As Amy (activist) says:

> "it's a term that we've had to latch on to and use because that's what the police use... but actually everyday people do not see what they experience as hate because the bar for hostility can be very low... for what we experience... you don't see it as hate crime and the police don't either really... They don't HATE as such".

Stakeholders also recognise the difficulty with the term hate crime. Leah (Police) describes hate crime in the following way: "the nasty nature of it, and the very unpleasant affect on the victims

[continues] it's offenders bullying - it's bullying tactics a lot of the time, you know, it's very unpleasant". Freya (DPULO) adds: "I think there's a spectrum and I know some people kind of use hate 'incidents' , emm, because they're not always criminal but actually I think the word hate is sometimes a barrier. Not necessarily to us doing something about it but to people themselves in terms of understanding what's happening to them."

Irrespective of the problems in defining hate crime and its somewhat misleading title, participants agreed that there needs to be a "shared term" when addressing these forms of abuse, harassment, hostility and so on, and that hate crime, for the foreseeable future, is it. As discussed in Chapter 2, none of the participants and only two of the stakeholders used the term 'disablist' crime when talking about experiences. Freya (DPULO) considered the term 'targeted violence and harassment' (utilised by the EHRC, for example, in Sin et al., 2009a) as perhaps being more accurate in describing experiences, however suggested that it was not helpful to use it in place of 'hate crime' as it is not as well recognised. By identifying disability hate crimes in terms of its disabled victims, the emphasis however remains on a victim-focussed approach to responding to these types of crime, in the absence of any other preferable term.

Part 2: Experiences of victims

Survey Responses

As discussed in Chapter 5, the online survey explored personal experiences of disability hate crime and was promoted via the Disability Hate Crime Network's Facebook page, as well as shared by stakeholders amongst their client lists. The survey was live between November 2013 and April 2014.   A total of 83 respondents self-identified as disabled, with respondent's age ranging from 19 to 74 (with a mode in age group 45-54). Eighty of the 83 self-identified as British, English or Scottish[51]. Thirty were male and 52 were female, with one of unknown gender. There were only two participants in age group 19-24. Garthwaite (2015) in her study of disabled people on Incapacity Benefit, reported a similar age range to this study, with participants being between 32 to 63 years. This may be indicative of the age of onset of certain impairments and conditions, which warrants further investigation into experiences of this younger group and the means of gaining access to them.

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[51] The remaining three were from the Republic of Ireland, Spain and New Zealand.

Of the 83 respondents, three quarters (74.7%; n=62) said they had been a victim of hate crime.

Participants were asked "how would you describe what you experienced?" and given a range of options to select from (allowing multiple choices). The results are displayed in Figure 6.2. The findings suggest that participants experienced multiple and repeated violence and abuse, ranging from verbal abuse to physical violence, supporting those reported by other major studies (for example, Richardson et al., 2016; Williams and Tregidga, 2014; Chakraborti, Garland and Hardy, 2014b; Pettitt et al., 2013; Sherry, 2013a; EHRC, 2011; and see also Chapter 3). The majority reported experiencing verbal abuse (77%; n=48), name calling (58%; n=36) and almost half also reported non-verbal intimidation (n=30), bullying (n=29) and threats made against them (n=26)[52].

In addition, 11 participants reported experiencing physical assaults (17%), nine had objects thrown at them (15%) and seven had threats made against their property (11%). The majority of participants (84%, n=52) reported that this abuse had occurred in the previous 1-2 years before the survey was conducted (although two preferred not to say).

Notably, 21 of the 62 participants selected "withdrawal of support or assistance" as a form of victimisation, something which is specific to disability hate crime. This finding contributes new knowledge to our understanding of this area. It is a concerning response, given the implications in terms of day-to-day care and the routine activities for disabled people, as well as being potentially indicative of relationship types that may be involved in violence and abuse (Sin, 2015; Sobsey, 1994 and see Chapter 3). Additionally, if a relationship or dependency is involved, this may be a contributing factor to under-reporting of disability hate crime to police. Existing evidence suggests that disabled women are more likely to experience violence and abuse than non-disabled women and that often this abuse takes the form of withdrawal of support (for example, see McCarthy, 2017; Balderston, 2013a; Thiara and Hague, 2013, and see Chapter 3). However, evidence as to the extent of this abuse on men is limited in this area. Nine of the 21 participants of this study who selected this type of hate were men. All of the men were over 35 years, and seven of them were over the age of 45. This finding suggests further research is warranted into the gender-specific experiences of hate crime to determine whether men's experiences of having support withdrawn are the same as women's and the nature of relationships, if any, with their perpetrators. That information is unfortunately beyond the scope of the current study but contributes new knowledge and suggests a future route for research practice.

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[52] As discussed in the previous chapter, because of the small numbers involved in the study and the qualitative nature of the research, statistical significance was not sought within the survey findings. More extensive quantitative research is needed in this area.

Types of hate (n=62)
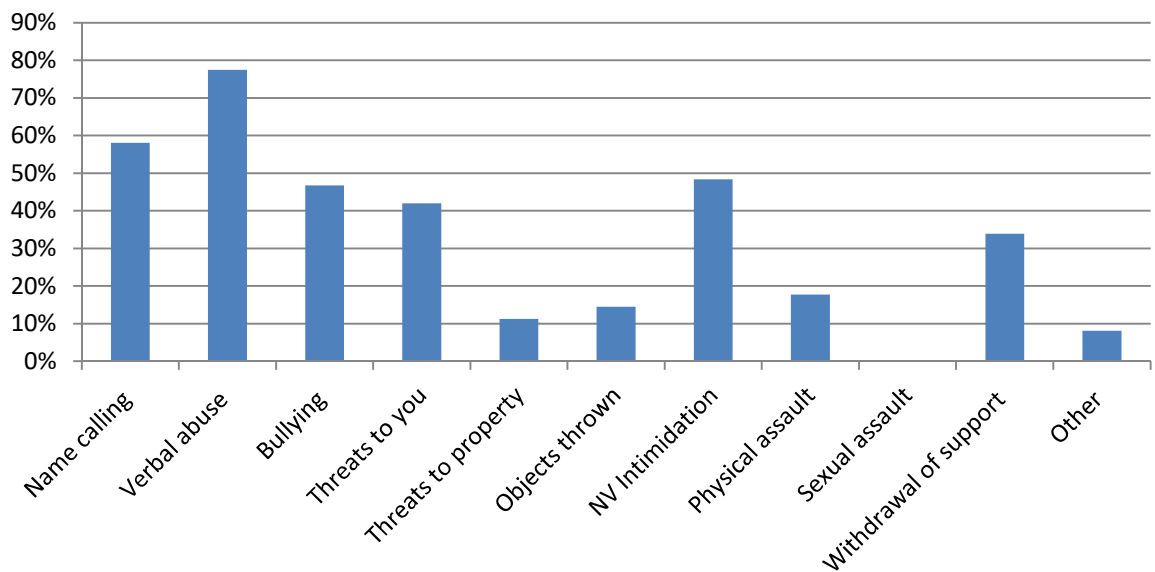
Five participants selected 'Other' to describe what they experienced. These included online hate crime (discussed below), spitting, 'minor thefts' and damage to property. Two of these make reference to being challenged as to the veracity of their own disability or impairments, which appears low considering the climate in which the research was conducted. However, the free text section of the survey included a large number of comments from participants who experienced challenges, criticism and accusations about their entitlements to disability benefits. Examples include being told they deserved to die, they should have never had been born and that they are "fakes" or "nuisances". This particular element of hate crime may therefore be represented in categories such as threats, verbal abuse or intimidation.

As mentioned previously, any attempts at separating disabled individuals by impairment risks promoting greater stigma and prejudice (Novis, 2013). However, few disability hate crime studies have explored differences between impairment types and this research is attempting to contribute to the gap in literature. When considering types of impairment in isolation, verbal abuse was the most commonly reported experience across all types of abuse; for example, reported by 81% of those with chronic and/or mobility impairments (n=38 and 34, respectively),

96% of those with mental health conditions (n=23) and all of those with autistic spectrum disorders (n=3) and learning difficulties (n=5). However, it appears that those with mental health conditions report the highest levels of *all* types of abuse (Figure 6.3).

Types of abuse by impairment
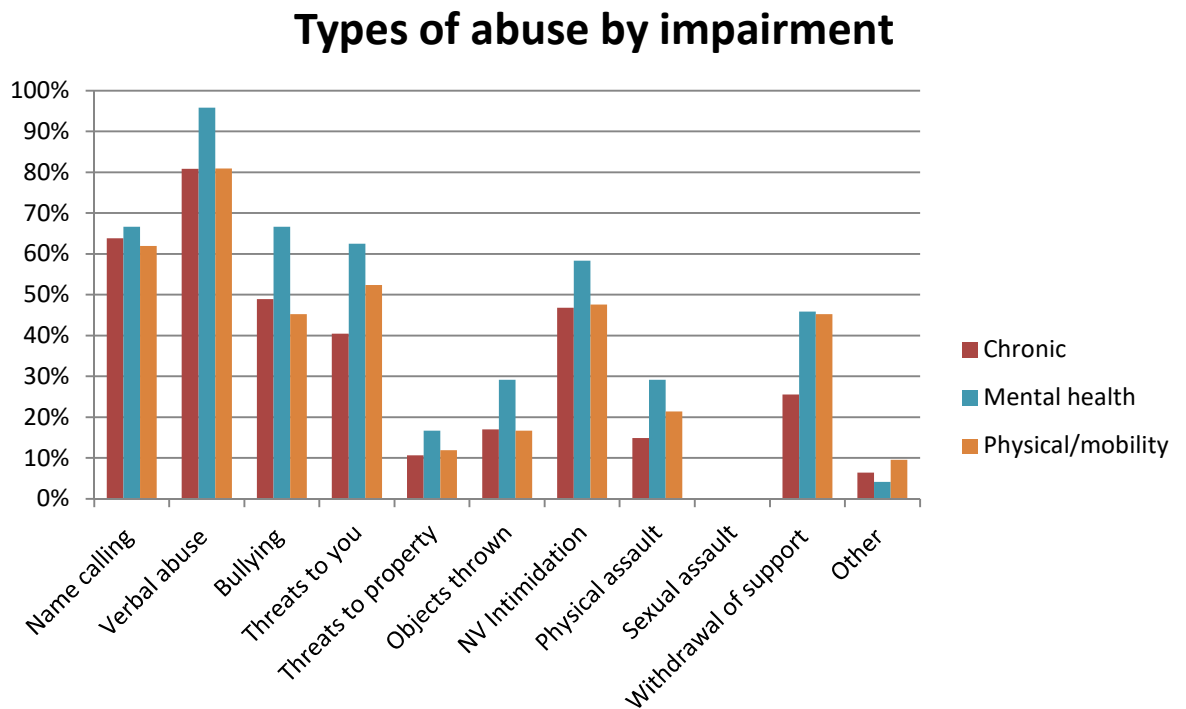
Figure 6.3: A comparison of types of abuse by major impairment types [survey data]

To categorise individuals by form of impairment or disability, however, can be misleading. What must be borne in mind is that the majority of participants selected multiple forms of impairment. Thus, the 29 respondents with self-reported mental health conditions also had other medical conditions. Indeed, 19 also reported having physical or mobility impairments, and 21 reported chronic medical conditions, and so these findings cannot be interpreted in isolation. However, what they indicate is that assumptions cannot be made as to certain abuse or violence being specific to one or other form of impairment. Many disabled people have multiple impairments and previous research has not fully encapsulated these comorbidities. Crucially, this evidence demonstrates that, for those who have a number of impairments or conditions, including mental health conditions, they appear to be at increased risk of victimisation. This builds upon previous

findings by, for example, Emerson and Roulstone (2013), Pettitt et al. (2013) and Khalifeh et al. (2013) (see also Chapter 3).

Research has also found that the more visible an individual's impairment is, the greater the risk of victimisation (e.g. Action for Blind, 2008 and see Chapter 3). Disability aids such as white canes, walking aids and wheelchairs are all targets for perpetrators, as is the use of disabled parking bays. However, this conflicts with those participants who report that they feel safer now they are in a wheelchair (for example, Gemma and Martin), as opposed to before, suggesting that some visible forms of disability or impairment can attract greater negative attention than others[53].

Experiences in context: Where did the hate crimes happen? Are disabled people more likely to be targeted when they are alone?

The two questions listed above need to be considered simultaneously in order to provide context to participant experiences. Findings presented here are taken from focus group and interview data alone as survey participants were not asked about the numbers of perpetrators involved or the location of incidents (as discussed in Chapter 5). Participants recounted their experiences of abuse and violence in all geographical areas, as evidenced in the case studies below, by a number of different types of perpetrators. Participants were on some occasions alone, on others they were with friends or family. They describe encounters in public spaces, such as transport hubs, buses, trains, pubs, markets, food outlets, council offices, supermarkets and shops, supporting existing literature (e.g. Chakraborti and Garland, 2009; Sin et al., 2009a; Vincent et al., 2009; Mason, 2005a; DRC, 2004). For example, Amy reports being threatened in her local market; Ruby received abuse at her local shop; Martin at the market in his nearby town; Gemma coming out of a nightclub; Anne-Marie at a bus-stop; and Grace whilst in a shopping district. In addition, they report experiences in school and work locations, as well as at conferences and seminars. For example, Stuart recounts experiencing humiliation and discrimination at an academic conference; Anne-Marie talks of being pushed down stairs at school (leading to a head injury).

Prior to this study, research indicated that disability hate crimes were likely to be found in public places, such as shops and public transport, general hotspots of victimisation in relation to large movements of people (e.g. Thomas, 2013; Vincent et al., 2009; Iganski, 2007; Mason, 2005b; DRC,

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[53] Targeting an obvious sign of 'difference' or identify is not specific to disability; for example, Iganski and Sweiry (2016) report on a study on anti-Jewish hate crimes which found that 21% of those surveyed reported they always or frequently avoiding wearing, carrying or displaying items that might identify them as Jewish in public.

2004). These participants are no more or less likely to be on their own at the time these incidents occurred (contrasting findings by e.g. Chakraborti, Garland and Hardy, 2014), possibly because they occur so frequently in so many different locations. For example, Ruby was with her husband when she encountered her most recent perpetrator at the surgery, but alone when she encountered local youths near her home; Martin and Grace were both alone when they were abused in public, although surrounded by passers-by; Amy was with her PA when she was threatened, and also when her PA was threatened. The case studies also illustrate the variety of situations where these offences occurred. The findings present no clear pattern of victimisation as a consequence of being either on their own or within a group; rather, offending appears to depend on perpetrator opportunity and circumstance.

The loss of 'safe space'

Some of the environments in which the victimisation occurred might have previously been expected to be safe and secure for disabled people. Ruby recounts abuse in her doctor's surgery; a focus group participant describes being sexually assaulted in the warden's flat in her building; Sarah talks about verbal and physical abuse at her WCA assessment; Hayley and Stuart recall abuse in disabled parking bays. In addition, many participants have experienced abuse at home, or near their homes, including Daniel, Sarah, Ruby, Gemma and Hayley. Although Mason (2005a) and others suggested that the majority of incidents take place near home, findings suggest that disability hate crime is not limited to the home environs. Chakraborti and Garland (2012) suggest that hate crimes can be exacerbated by socio-economic conditions and analysis must allow for some potential targets being safer than others by virtue of where victims live. However, this research has found that regardless of socio-economic background, nowhere is safe for disabled people. It appears that disabled people are targeted and victimised in every social setting. Previous studies reported how participants change their daily routines and avoid specific areas in order not to be attacked or to feel safe (Richardson et al., 2016; Action for Blind People, 2008; DRC, 2004), however, this study has identified how difficult it can be to feel safe in previously considered 'safe' venues. Chakraborti, Garland and Hardy (2014a) acknowledge that incidents and crimes can occur in a range of locations and emphasise the impact and influence that this can have on victims. These elements are considered in the case studies discussed below.

Disability Hate Crime perpetrators

As the literature chapters demonstrated, there is limited knowledge on perpetrators of disability hate crimes (e.g. Hall, 2015, and see Chapter 3). Every element of data collection asked questions about the perpetrators of hate crimes to directly address this gap in the literature and findings here include focus group, survey and interview data.

The survey asked respondents to describe the person or people "who committed this hate crime against you". As before, participants were allowed to select multiple options from a list and Figure 6.4 shows the results[54]. A quarter of respondents identified their perpetrators as "local kids" or teenagers (n=16), supporting many previous studies which identified young perpetrators (for example, Richardson et al., 2016; CPS, 2014; Levin, 2013 and see Chapter 3). Additionally, 58% of respondents reported that the perpetrator was a stranger, who they had never met or seen before (n=36). This contrasts to other research which found significant numbers of perpetrators were known to their victims (Williams and Tregidga, 2014), and those studies that estimate that as much as half of incidents reported involved perpetrators who are known to the victim to some extent (Richardson et al., 2016; Chakraborti, Garland and Hardy, 2014a; Scope, 2011; Action for Blind People, 2008; DRC, 2004). These studies have tended to show that disability hate crimes usually involve more *known* perpetrators than other hate strands. However, the results here show high levels of strangers involved.

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[54] Other includes: two transport employees; "someone I met once"; DWP/ATOS; Government/politicians

Who are the perpetrators of hate crime (n=62)
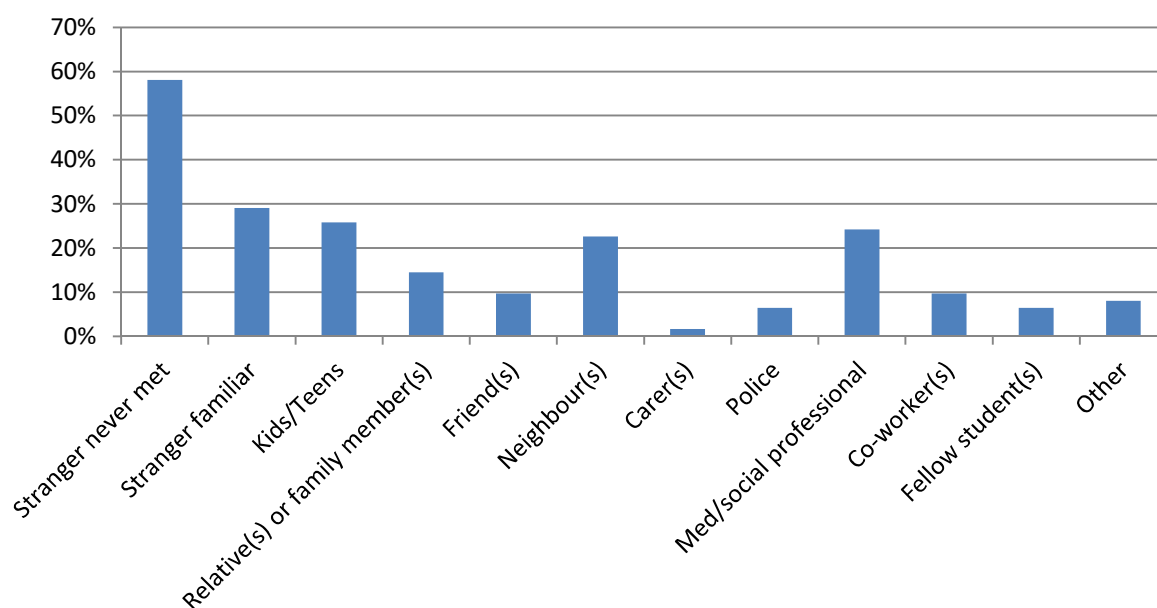
Figure 6.4: Survey Participant descriptions of perpetrators

An additional 29% of survey respondents selected someone who is both a stranger and familiar to them. The survey wording distinguishes between "Stranger(s) – someone you've never met or seen before" and "Stranger(s) - someone who is familiar but you do not know personally". 18 participants selected the latter, resulting in a total of 54 participants selecting some kind of 'stranger' as a perpetrator of disability hate crime towards them. This element of the research was drawing upon Mason's work on the importance of language and relationship in hate crime research (2005a, 2005b). As Mason suggests, greater exploration of the context of such victim-offender relationships could contribute to identifying the motivation and repeat offending characteristic of disability hate crimes. If the perpetrator is familiar in a third of all 'stranger' incidents, this may indicate that perpetrators are local to participants' homes, place of work or somewhere they frequently visit in their communities. As such, this links to the lack of safe spaces discussed above and suggests that disability hate crime is not simply about random targeting of a disabled person but may also involve the targeting of known disabled people and the risk of further repeat victimisation as a consequence of this 'relationship'.

In addition to a variety of 'strangers', findings also indicate that perpetrators include those in positions of trust and responsibility, such as wardens, police officers, bus drivers, council officials

and medical professionals. Again, this speaks to the lack of 'safe spaces' for victims of disability hate crime. For example, Daniel received verbal abuse from a bus driver; Stuart received offensive comments by police officers related to his disability; a female focus group participant was assaulted by the warden in her building. Hoghton (2015) suggests that one possible route to increasing reporting of disability hate crimes is to target those in positions of trust and encourage their support in recognising and reporting hate crimes. By engaging with care workers, council staff and GPs, it is suggested that the amount of reported disability hate crimes will increase. However, if the very groups that are proposed as targets of hate crime awareness-raising are also perpetrators of this type of offence, it is less likely that a resulting increase in reporting will occur. Indeed, if they are the 'gatekeepers' for many disabled people, a true figure of disability hate crime may never be identified. This research returns to the issue of improving reporting figures in Chapter 8.

In contrast with the point above, however, is that the image of carer as abuser was not dominant within the survey (n=1), despite a large number of respondents selecting "withdrawal of services" as a form of hate crime they experienced (n=15; Fig.6.2). Notwithstanding the limitations of this element of the research, survey participants did however identify relatives or family members (n=9) and medical/social professionals (n=5) as other perpetrators of hate crime and so perhaps it is these groups that were responsible for this withdrawal. There is also the possibility that participants may be referring to a withdrawal of benefits or service as a result of the WCA re-assessment process (discussed in Chapter 7).

Almost a quarter of survey respondents said they had experienced victimisation by neighbours (22.6%, n=14). As well as influencing victims' ability to participate in social and community engagement, complex neighbourhood disputes can lead to difficulty in distinguishing between perpetrators and victims. Chakraborti and Garland (2012) warn that minority group members may be both perpetrators as well as victims. This research identified examples of this from the participants with learning disabilities. One focus group participant admitted she knew what hate crime was because she had "done it" against someone else. She had subsequently been warned by police about her racist abuse (whether this was a formal warning is not known). Interview participant Zane also reports how he was arrested by police for having an altercation with an acquaintance at a bus stop. Zane said he had challenged the individual because of his treatment of Zane's girlfriend (who also has learning disabilities). If hate crimes are theorised as crimes of power and oppression, from superior to inferior groups, one would not expect cases of violence

and harassment perpetrated by minorities against fellow minorities. However, similar findings of aggressive retaliatory behaviour by participants with learning disabilities were reported by Sin et al. (2009a). They found that disabled people were often assumed to be perpetrators rather than victims, and consequently resulted in additional targeted violence, as in Zane's case. Christie's (1986) concept of the ideal victim is one who is blameless, weak and victimised in the course of conducting or engaging in a respectable action by someone who is unknown to them. In contrast, the two participants here were engaging in aggressive or retaliatory behaviour to others, calling into question the eligibility of their victim-status. These findings suggest two things. Firstly, that more research is needed into experiences of disabled people as perpetrators of hate crimes, and secondly, that greater exploration of attitudes and expectations of police officers is also warranted in this area.

Interview and focus group participants discussed perpetrator demographics. Perpetrator's age and gender do not appear to be a barrier to victimisation of disabled people. Perpetrators are described as young and old, male and female. Ciara, Grace, Gemma, Ruby and Amy all talk of groups of young men in particular being typical perpetrators, supporting findings by previous studies such as Chakraborti, Garland and Hardy (2014b), Roberts et al. (2013) and Iganski et al. (2011; and see Chapter 3 for further evidence). However, Martin talks of older, adult men targeting him, and both Daniel and Stuart describe both women and men as perpetrators (a finding supported by CPS reports that there is a high proportion of women offenders for disability hate crime; 2016). Interestingly, findings suggest that women are more likely to experience hate crime by young men, particularly in groups, while men are targeted by both older women and men. This contrasts with findings by Chakraborti, Garland and Hardy (2014a) who reported that male participants were more likely to experience crime involving a male offender, and female participants were more likely to involve a female offender. Further research is needed to explore this area related to disability hate crime in particular.

Lastly, one of the conflicts within the literature is whether perpetrators are 'individuals' or whether perpetrator 'communities' exist (for example, Sibbitt, 1997). This research demonstrates that victimisation appears to be conducted by all class of people, in all walks of life, and thus incorporates all communities, rather than a single 'perpetrator community' per se. Sibbitt's perpetrator communities were ones of low socio-economic status, limited housing and high unemployment. Previous evidence suggests strong links between disability hate crime and increased deprivation and poverty (e.g. Clayton, Donovan and Macdonald, 2016; Williams and

Tregidga, 2014; Sin et al., 2009a; Bowling, 1998) however findings here were insufficiently detailed to be able to contribute to the literature on the socio-economic background of perpetrators and as such further research is warranted to investigate this.

To conclude, the research findings support those of earlier studies; demonstrating multiple, repeated and recent experiences of violence, harassment and abuse (see also, Richardson et al., 2016; Williams and Tregidga, 2014; Chakraborti, Garland and Hardy, 2014a, 2014b; Scope, 2011; and others as discussed in Chapter 3). The research thus contributes to the growing body of evidence on experiences of disability hate crimes. It has identified some nuances between this study and former research and highlighted areas for future research, particularly with regards to gender relationships of perpetrator and participant, and the concerning lack of a 'safe space' for disabled people in their communities. It further identifies and demonstrates the co-morbidity of many forms of disability and impairment for disabled people that has been missing in earlier studies. As such, research that focus on only one form of disability may be ignoring the intersections and potential impact of other forms of impairment and conditions. Finally, this study has also identified how a large proportion of participants report withdrawal of support or assistance as a form of disability hate crime. Findings therefore contribute new knowledge to our understanding of the types of experiences of hate crimes.

This evidence presented here suggests that perpetrators were more likely to be strangers. What cannot be discounted, however, is that perhaps this specific group of participants were more likely to report abuse when it was experienced by strangers, rather than their family unit or friendship groups. This is a potential area for exploration in the future. In order to explore whether, as with other studies, these incidents were escalating in severity, and what impact these experiences had on victims, the research now turns to the interview data.

What happened: Experiences in depth

As demonstrated above, participants report experiencing a variety of forms of hate crime, violence and abuse. One of the aims of the research was to identify victims who had reported these experiences to the police and to explore what happened thereafter. This research was particularly concerned with the application of Section 146 in court as the rates of success for disability are much lower than for other strands. For that reason, the research focussed on identifying participants who had reported their experiences. Unfortunately, although nine of the 12 participants reported their experiences to the police, none of those reports resulted in charges or involved an offender going to court and the possible application of a Section 146 uplift. This was disappointing for the research but in itself is demonstrative of the paucity of Section 146 applications (for example, CJJI, 2013, 2015).

The remainder of this chapter considers the experiences of hate crime victimisation across a variety of forms of experiences of disability hate crimes. A case study approach has been applied to the findings to both exemplify victim experiences in context and reflect the intersectional elements within. The case studies below illustrate the diversity of abuse and violence that disabled people experience, as well as the impact this has had on them. The predominant findings surrounding experiences of disability hate crimes that emerged from the research include:

1. Verbal abuse, including threats and harassment, from a stranger
2. Verbal abuse, including threats and harassment, from a neighbour or known perpetrator
3. Physical assault
4. Sexual assault
5. Online abuse and violence

1. Verbal Abuse, Threats and Harassment: Strangers in safe spaces

As discussed above, the majority of perpetrators were described as strangers by survey participants in this study. This section considers perpetrators of interview and focus group participant hate crime experiences in more detail. Table 6.1 below outlines interview and focus group participants' experiences of *verbal abuse, threats and harassment* where they identified their perpetrators as strangers. It shows how participants reported abusive language and threatening behaviour in public, often in full view of passers-by or fellow customers or passengers. A number of participants describe this type of abuse as common place and as such

say they are unlikely to report every incident. In essence many participants experience repeat victimisation[55], although admit that they are not always reporting these incidents to the police. Findings here are similar to those reported by Manji (2017), whose respondents doubted the police's ability to respond and saw little point in contacting authorities as a result.

Table 6.1: Participant experiences of abuse, harassment and threatening behaviour by strangers

Verbal abuse, threats or harassment	Multiple perpetrators	Police involved?	Comments included 'benefits scrounger' or questioning benefits
Amy – abuse and spitting at PA in public	No	No	Not known
Amy – death threats in public	No	Yes – reported to police	Not known
Anne Marie – repeated verbal abuse in public	No	No	Not known
Ciara and Zane – people "taking the mickey"	Unknown	No	Not known
Daniel – verbal abuse on train	No	Yes	No
Grace – repeated verbal abuse in public	Yes	No	Yes
Grace – spat at in public, called scrounger, scum	Yes	Yes – reported to police	Yes
Gemma – questioned at disabled parking bay	No	No	Yes
Gemma – repeated verbal abuse in public	Yes	No	No
Hayley – repeated verbal abuse in public	No	No	Yes
Hayley – son challenged about benefits	No	No	Yes
Lee - Focus group 2: being asked for money and threatened	Yes – "lads in masks"	Not known	Not known
Martin – repeated 'snide' comments in public	Unknown	No	Not known
Martin – verbal abuse in public	No	Yes – police intervened	Not known (foreign language)
Martin – questioned in pub about disability	No	No	Yes
Ruby – verbal abuse at doctor's surgery and later at supermarket	Yes	Yes – reported to police	No
Stuart – verbal abuse at bus stop [blames himself "I probably provoked him"]	No	No	Yes

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[55] Repeat victimisation, according the College of Policing (CoP) guidance, occurs "where a victim of a reported hate crime was also the victim of another reported hate crime in the previous 12 months" (2014b, p.10).

Verbal abuse, threats or harassment	Multiple perpetrators	Police involved?	Comments included 'benefits scrounger' or questioning benefits
Stuart – verbal abuse in public place (steps)	No	No	No
Stuart – verbal abuse in disabled parking space [by other disabled person]	No	No	Yes
Stuart – comments by public sector employees	No	No	No
Stuart – repeated verbal abuse in public	No	No	No
Stuart – verbal abuse in public place and benefit fraud comments	No	No	Yes

A number of these incidents involved the use of derogatory language and verbal abuse related to incapacity or disability benefits. This was a particularly dominant theme from the research and as such is considered in greater detail in Chapter 7. An example of ongoing verbal abuse is included in Ruby's case study below, which demonstrates the impact of repeated incidents that occurred in a perceived 'safe space' and the disappointing and inappropriate response by police officers involved.

Ruby's Story

"the CPS wouldn't have touched it with a barge pole"

Ruby is a married woman in her late 30s, living in private rented accommodation above a shop in a small town in the north east of England. She has what she describes as 'mild' cerebral palsy, Asperger's Syndrome, Post Traumatic Stress Disorder (PTSD) and a brain tumour. Her husband, whom she talks about a lot, is her full time carer. She presents as highly intelligent and speaks rapidly and extensively about a series of abusive incidents with a group of young people in her area. She also reports abuse from local shop owners who refused to serve her because she was "one of those scroungers". There were numerous incidents recounted during her interview. The following is resonant of how disability-related abuse can occur in a perceived safe space.

Whilst waiting in her doctor's surgery with her husband, a woman sat nearby overhead Ruby's conversation and starting shouting abuse at Ruby. Ruby believes this person may have misheard her, or was particularly sensitive to her and her husband's discussion and she followed Ruby out of the surgery to continue her tirade:

> *"all of a sudden I've got this woman screaming at me so of course the PTSD triggered and I pretty much - I did not manage to not scream back, shall we say... erm she started accusing me of saying her baby was too loud which was rather strange as erm she hadn't actually had the baby with her... [continues] then she threatened to knock me over if she ever saw me out with my sticks - I was in my wheelchair at the time".*

Although the woman left, she returned some minutes later with her mother and the abuse continued. As suggested by her GP, Ruby reported it to the police. She describes her encounter as: "the policeman who came seemed *highly* uninterested in it because we didn't have a name... erm, he said it was an isolated incident – as they always do" and she was encouraged to forget about it as it was unlikely to happen again. The following day, while at the supermarket, Ruby and her husband unfortunately encountered the same perpetrator again:

> *"this girl and her sister were following us out to the car, hanging onto the car door, screaming abuse all the while... the detail was I'm gonna beat you up sort of thing - erm - and so we got er: I'm gonna get you arrested, I'm gonna get you arrested - so as soon as we got through the door we phoned the police".*

Thus, Ruby called the police twice about the same perpetrator within 24 hours, a clear case of repeat victimisation. This time a female officer responded and Ruby describes feeling "very, very lucky" that this officer was extremely sympathetic and "very understanding". However, Ruby recounts being "more or less told that having admitted to having memory problems the court would throw it out" and so "I was advised I was making a great big fuss about it and there wasn't a third incident". The responding officer made unsuccessful enquires as to the CCTV and that, in combination with her admitted memory problems, meant that the police did not pursue the case. Ruby was advised she could "push" for a case if the abuse continued, but was given the impression that "let's not press charges if we can help it".

In terms of police handling of her case, Ruby says she had great difficulty establishing what the police procedures should have been: "they don't want to tell you what their procedures are so that you feel safe knowing what will happen, what will be the next stage". This is something that she says she needs to know, because of her memory and anxiety problems. In addition, because of these memory problems she finds it difficult to recall conversations, and often records them in public settings so she can refresh her memory later. Unfortunately, the police did not allow her to record conversations with them and as a consequence, she is not entirely sure of the outcomes of this case. She believes that the officer discussed with her the possibility of recording the incident

as a disability hate crime, but is not aware if that was the case. Despite that, she says: "I felt, simply because I'd been listened to and very much empathised with by this particular police officer, I felt that as long as we had a statement now, we had somewhere to go if it happened a third time... that rocking the boat would probably be worse than [that] *for me* right then".

This case study demonstrates how individuals like Ruby can experience repeated threatening, frightening and abusive behaviour in public locations, which may impact on victims' confidence and ability to visit doctors' surgery and even local supermarkets in future. It incorporates Sobsey and Calder's (1999) multi-factored model, in the interaction between victim, perpetrator and the environment in which the event occurred. Although she reports some satisfaction with police handling, Ruby received a police response that did not take her additional needs and limitations, as a consequence of her disability, into account. This case evidences a lack of disability awareness or compensation from the police and an assumption that a memory impairment would make for a less reliable witness. Ruby does not mention any direct CPS involvement, saying that the police told her the CPS "wouldn't touch it", when the decision as to whether to prosecute or not should be taken by CPS and not police, according to the guidance.

2. Verbal Abuse, Threats and Harassment: Neighbourhood Battles

Many of the participants reported their neighbours as perpetrators of their victimisation. Table 6.2 below outlines the experiences reported by interview participants. These neighbour disputes include behaviours such as verbal abuse, harassment and even throwing objects, and are identifiable by a lengthy build up over a considerable period of time, which can take many years to resolve. They are often further complicated by confusion on the part of the victim as to whether they should be reporting their experiences directly to their housing officer (if in social housing) or the police. A number of focus group learning disability participants in particular described how they had moved accommodation as a result of the ongoing abuse in their local area, supporting previous findings outlined in Chapter 3 (e.g. Thiara and Hague, 2013; DRC, 2004; Berzins, Petch and Atkinson, 2003).

Table 6.2: Participant experiences of abuse, harassment and threatening behaviour by known perpetrators

Verbal abuse, threats or harassment	Multiple perpetrators?	Police involved?	Comments included 'benefits scrounger' or questioning benefits
Anne Marie - bullying at school – spat on bag / verbal abuse	Yes – fellow students	No	No
Anne Marie - bullied in work	No	No	No
Daniel – verbal abuse and threats by neighbours	Yes	No	No
Gemma – verbal abuse and assaults by local teenagers	Yes	Yes	Yes
Hayley – neighbour's daughter's verbal abuse	Not at the time of incident	Yes – reported to police	Yes
Ruby – refused service by local shop owners	Yes	No	Yes
Ruby – verbal abuse and harassment by local teenagers	Yes	Yes	No
Sarah – accused of being a scrounger by father	Yes	No	Yes
Sarah – verbal abuse by man she met on dating site	Yes	Yes – reported to police	Yes
Zane – verbal abuse and harassment by family member	Not known	Yes – Zane was arrested on one occasion	Not known

For those who do report their experiences, participants say police are reluctant to charge perpetrators, particularly when dealing with young people. They tend to describe the ongoing abuse and lack of response in terms of neighbour disputes or anti-social behaviour. For example, Ruby recounts years of verbal abuse by groups of local teenagers and how little was done by the police. One survey participant also reported two years of harassment and abuse by a neighbour which when reported was treated as anti-social behaviour.

Although this is a small study in terms of participant numbers, it is arguably representative of the experiences of disability hate crime victims generally, in terms of the ongoing harassment, abuse and intimidation that is reported by other research (e.g. Macdonald, Donovan and Clayton, 2017; Chakraborti, Garland and Hardy, 2014a, and see Chapter 8 on Police response). The following case study has been selected as illustrative of participants' experiences in the context of long-standing neighbourhood disputes, although in addition to verbal abuse and harassment it also includes an assault, demonstrating the escalation of much of hate crime violence:

Gemma's story

"sick and disabled people's human rights are being abused on a daily basis"

Gemma describes herself as 57, a single mum with a grown up son, a disability campaigner, a paranormal investigator, a photographer, gay and working class. She is also writing a book. She experienced a loss of sight following a hysterectomy and has a heart condition. She is in a relationship with someone with stage 4 cancer. She has a very deep voice, and smokes.

Despite living in her village in the north of England for 11 years, she is still treated as an "incomer". Gemma has had medical problems since 2004, and has fallen regularly; in the road, out of the bath, and like many other disabled people who were interviewed, had her home adjusted to suit her needs. Her heart condition means her muscle goes into spasm and cuts off blood and oxygen supply, leading to mini-strokes on a daily basis. She gets frustrated with the simplest of tasks at times, as they are now difficult.

She says she wants to talk because she wants to raise awareness about this issue, about how people's actions and words can be hurtful and disempowering for victims. Some perpetrators may think they are just having a laugh, but they need to be made aware of the emotional and mental damage their actions can do. Her interview involved repeated abuse and harassment from local youths.

She describes one of many regular encounters with the local youths as follows:

> *"I'm standing [on the doorstep] having a fag and then like there's the same bunch of kids, kept on harassing me, they'd throw snowballs in the winter at me windows, stones at me door, like great big stones like you know, they actually made a dent in me door so bad that the housing association had to change it... erm ... they'd jump on me flat roof ... yeah? [continues] they used the bin area at the back of my property to climb on top of my roof and like they'd ring the bell, you know, and constantly ringing the bell and banging the door and... stuff like that... and I had that for two years when I was first living in this flat. Two years."*

She continues:

> *"I still get problems... not with them banging on the door and stuff like that no more cos they have sort of backed off erm ... cos they realised it wasn't getting them the reaction that they wanted ... erm ... but you know, I still get called names".*

On another occasion Gemma was at her local shops, using her white cane when something was thrown at her by a group of 'random kids'. She didn't know what was thrown at her but describes it as "probably some sort of water bomb or something like that type of thing yeah? Because I mean they come from my blindside so I didn't see it coming, it smacked me in the face and knocked me glasses off".

As a result of what happened, she does not use her white cane provided by the Blind Association, putting her health at greater risk if she walks unaided when out. She refuses to go out in the dark, she has someone to shop for her and she is constantly aware of her surroundings.

Gemma repeatedly reported these experiences to her housing association and the police but got to the point where she says she "had lost the will to live as far as that was concerned". She describes how: "I hadn't been very well, I didn't need the hassle and I wasn't back then going to be a victim", demonstrating the impact on her health and emotional well-being. However, the police response was disappointing as they argued that the abuse would "sort itself out" and saw the problem as "self-regulating":

> *"I said it's not acceptable. I says, you know, they'll, they'll be banging the bloody door in and I really am not well, I said I can't be doing with any added stress from all this".*

Eventually, Gemma met her local police chief inspector at a meeting and she "nagged him". That encounter led to a visit from the local community police, an apology and their word that they would "keep an eye" on things. She felt that this was still not sufficient and then describes how she began "haranguing the housing and the police, I used to go to meetings every week". Eventually she says she got three CCTV cameras erected and things finally "quietened down" when they were installed. In total Gemma experienced nine years of abuse before she got the result she wanted.

Gemma says her local police had a cavalier attitude towards the young people, which fails to enforce the law and address the general unruly behaviour by a number of local families. This has not been helped by the closure of the local police station so that when someone does call the police it is a 34 mile round trip to get to and from her village, demonstrating the impact of broader policy cuts on local communities. Although she reports some improvement from her local police team, perhaps because she is regularly engaging with them and going to local meetings, she is still of the view that they need a "bloody shake up". She says: "I think it will get worse if something's not done", adding "you cannot keep on ignoring it and hoping it's gonna go away".

In Gemma's case, there were no charges brought against the young people who verbally abused and assaulted her. She now keeps logs and reports any minor problems at all times. Her case is one of repeated abuse and harassment, failure of police and council services to adequately respond, with a subsequent impact on her health and well-being. Her experiences have led her to restricting her lifestyle to avoid potential perpetrators. Hers is not a unique case and as such exemplifies the inadequate response by criminal justice agencies to repeated reports of incidents of disability hate crimes, particularly when it is presented or interpreted as anti-social behaviour (Macdonald et al., 2017). Earlier studies have shown how repeat victimisation can have long-lasting and devastating effects on victims (e.g. Mikton and Shakespeare, 2014; Pettitt et al., 2013; Sine et al., 2009a) and these findings provide additional weight to the literature in this area. This case study has many of the hallmarks of the Fiona Pilkington case, which is discussed later.

3. Physical Assaults: everyday occurrences

In addition to the numerous incidents of verbal abuse, harassment and threatening behaviour listed above, participants also reported physical assaults. These include a survey respondent describing having her "stick kicked out from under me", a learning disabled focus group participant being followed and "mugged", interviewee Daniel being attacked and "beaten up"; Gemma's assault above and an earlier one when she was younger; and Amy being physically attacked in public in her wheelchair.

What is concerning is the normalising response by many participants to these types of experiences. For example, Gemma states that at the time of her first assault it was "par for the course"; the survey respondent saying she is "used to" these experiences. A normalising response risks participants' treating these events as everyday occurrences and failing to report them to police. This finding provides some support for Hollomotz's (2013) continuum of disability, oppression and violence which advocates that disabled people experience a combination of processes of violence and oppression. She says the notion of a non-hierarchical continuum reflects both macro-level factors, in terms of structural inequality and exclusion, and micro-level ones, such as imbalanced relationships and restricted autonomy. All of these processes are harmful and reinforcing, from verbal assault through to physical violence. The following case study has been chosen to highlight the everyday experiences of disabled people.

Grace's story

"they assume because you're disabled that you're benefit claimants which means that it's your fault that the country is in the mess it's in"

Grace is a softly spoken woman in her late 50s who lives with her husband in a small seaside town in the south of England. She has an auto-immune disease that she describes as similar to rheumatoid arthritis but has had from birth, which led to the removal of both her hip joints and one of her elbows. Although she has only got use of one arm now she says: "the positive is there's less pain when you haven't got joints". Despite being able to walk when young, she is now dependent upon a wheelchair to get around. Her husband, who she met through a disability charity, has the same condition and they both work as volunteers with disabled people's organisations.

Grace recalls how she has not experienced "much" hate crime but did get the "mickey taken out of me" when she was able to walk but could not walk very well. She says that being in a wheelchair has reduced the amount of "jiving" she experiences and she feels more comfortable now. However, she wanted to share her story of an encounter in a shopping precinct with a group of young men. Grace was watching the ground to avoid bumps or holes that might unbalance her chair when a group of people came towards her. She wasn't looking at them specifically but estimated they were about 16-18 years old and the following happened:

> *"one of them said: 'there's another one' and then er as they got closer towards me er they all shouted 'scrounger, scum' and then as they went past one of them spat at me".*

Grace was alone and upset at the time but rang the police and reported the incident. They treated her report as a disability hate crime: "so I thought that was good, at least it would be recorded somewhere". She recalls how the police officer treated her well and took her case seriously, however, the case was unable to progress as they could not identify her perpetrators. The CCTV for the area was broken and another was too far away to be able to identify them.

As a result, the officer asked Grace if she could take a photo of her perpetrators if she saw them again; she laughs at this suggestion and adds: "I'm not sure if I'd identify them anyway because as I say I was looking at the ground and ... you know, a group of people are quite intimidating, aren't they? And males... so you know, I just kept my head down so I don't think I'd recognise them anyway".

The incident left Grace feeling upset, angry and belittled and although she has tried to "forget about it" she does not want to return to the same area and is now wary of groups of men. A challenge for her is that she does not have a clear idea of who they are and so is fearful of putting herself in further danger. She says it is "kind of... off-putting wherever I go".

This case highlights many participants belief that government policy changes have directly led to an increase in targeting of disabled people and a culture of blame (Garthwaite, 2015). Grace's story also emphasises the *unintentional* consequences of some disabilities; being in a wheelchair means being physically lower than other people around you and thus having less visibility. This sentiment is echoed by another interview participant, Martin, who is also a wheelchair user. He said: "I suppose being in a wheelchair you're at a different height so you're not walking into people and looking at them in the same size, you're sort of looking in their midriff sort of thing so you're not really seeing [them]".

In addition, the cases highlight how difficult it can be to get a conviction, particularly when police resort to asking victims to take photos of their perpetrators. A greater awareness of the limitations of certain disabilities is also needed, as well as the nuances specific to disability hate crime in particular, and an increase in diversity training is urgently required. Quality of police training and awareness is discussed further in Chapter 8.

4. Sexual Assault as a form of disability hate crime

Three interview participants reported experiencing sexual abuse and assaults, including rape. Anne Marie was assaulted at a bus stop by a stranger; Ruby was sexually assaulted at a party when she was a teenager; Sarah was sexually assaulted as a teenager and later raped and beaten in her home as an adult. Anne Marie's case is presented below as she reported the incident to the police.

Anne Marie's story

"I think it was because I was wobbly"

Anne Marie is 30 years of age, an attractive white woman with long blonde hair, and a big smile. She lives in a city in the west of England. She has CDG (congenital disorder of glycosylation; a group of genetic and metabolic disorders) which she describes as a genetic condition which she was born with, as was her sister. She wears bright clothes and multi-coloured glasses and works

for Mencap, although she also volunteers with a local disability company which runs, amongst other topics, theatre sessions on disability hate crime.

Anne Marie's condition means that she has some learning difficulties as well as physical disabilities. She can walk but is very unsteady on her feet; "wobbly" as she puts it. Her balance and speech are affected and her body movement is clumsy. Her wish, she says, is to "walk down the street the same as other people, not wobbly, just straight" because walking draws negative attention to her. She talks of how men often think she is drunk because of how she walks and say "stuff, horrible stuff". She recounts numerous occasions of bullying, abuse and harassment but her story below is one which stood out for her:

Anne Marie was waiting at a bus stop after an evening's theatre rehearsal when she was approached by a strange man, whom she did not know. He asked her if she wanted to come to a party, and to get in his car. She tried to get her phone out to call for help and she says: "He... emm... [voice drops] I think he touched my tits or something" and then she says he left. She recalls being scared and walking to another bus stop, before eventually getting on a bus. However, when her bus approached the next stop she recalls her fear of seeing the same perpetrator again but says "luckily" he didn't get on the same bus as her.

She phoned her mum and cried, and then they phoned the police. She went to the police station to report what happened and the police looked at CCTV images around the area. She says that a week or two later the police rang again and "they said sorry, cameras aren't inside the area where you got attacked... we don't know the person who did it. And left it at that."

Anne Marie felt the police were helpful because she found it frightening going into the station and "awkward" for her. She feels "sad" and "horrible" that her perpetrator could go on to do the same to other people and wishes there were more CCTV cameras available. In addition, Anne Marie blames *herself* for her victimisation. She says she was targeted "because I was vulnerable" and her perpetrator may have thought she was drunk. She has new strategies in place to reduce her risk of future victimisation, changing her route to avoid the location and now she does not go out in the dark unless she has someone with her. These protectionist responses are typical of many disabled people's reactions to their victimisation, but do nothing to address offender behaviour.

The stories by Anne Marie and the other participants support the literature regarding sexual assault as a method of disability hate crime against women (for example, Barclay and Mulligan,

2009; Coleman, Sykes and Walker, 2013; Sherry, 2013b; and see Chapter 3). It is disappointing but not surprising that only one of the participant's reports was taken seriously by police. Sarah's early experience of attempted rape and sexual violence was laughed at by police officers at the time when she reported it, and directly contributed to her decision not to report a very violent sexual assault to police at a later date. In addition, although Ruby was assaulted as a teenager, which she believed was as a consequence of her disability, she was also *threatened* with sexual assault as a method of harassment and abuse, with language indicative of gendered sexual violence. She describes how: "the kids threatened to rape and stab me" and their language included: "I'm gonna stick you with my great big 12 inch cock, I'm gonna <u>stab you</u> ..." and "I'm gonna stab you up the arse".

Research by Chakraborti, Garland and Hardy (2014a) reported that 22% of disabled respondents had experienced sexual violence, suggesting that sexual violence is a dominant method of disability hate crime and that there are intersections of gender and disability occurring (see also Balderston 2013a). Sherry (2013b) advocates for greater recognition of rape as a gendered hate crime, without which he argues disabled women may lack recognition or identification as hate crime victims. The evidence here provides support for this. None of the survey participants in this research selected "sexual assault" as an experience of hate crime, yet these three participants all completed the survey. They openly disclosed these experiences during the interview process, although at no time were they asked if they were sexually assaulted; their stories emerged through the narrative interview process itself. This also demonstrates how reliance on a survey method alone would have failed to capture these experiences, and the benefits of using a qualitative approach to research.

5. The fluidity of online abuse

The internet provides two forms of user activity with regards to hate crimes. Firstly, it enables users to actively engage and construct online communities and collective identities (Perry and Scrivens, 2016), allowing groups of like-minded people to come together and collaborate on shared prejudices. Secondly, it provides a platform for hate crime to occur, by targeting individuals or groups through some form of web-based hostility or activity. In the latter, individuals (or groups) express their hatred, prejudice and hostility through social media, fora and websites, often hiding behind oblique internet handles and avatars. The current Government have been clear that illegal offline activity is also illegal *online* in relation to hate crime and hate speech and that there should be no ambiguity in response, reflecting the increase in recent online

hate crime convictions, which are up from 142 in 2004 to 1,209 in 2014 (House of Commons, 2017).

Forms of cyber-harassment have provided offenders with anonymity, although internet hate crimes are gaining more recognition and reporting improvements have been made of late (Alhaboby et al., 2016). The internet however provides great opportunity for the creation of vulnerable situations. Stakeholder participants recognised the role of young people in particular with online 'bullying' and hate crimes. This is especially relevant within disability hate crime research as many disabled people rely on social media to a greater extent than non-disabled people, because of the nature of some impairments. Patrick (Police) highlights the challenges to pursuing online offenders, describing how "we really are running really really hard to try and catch up but we're not doing it very well at the moment, and, and, of course when you catch up technology's moved on again". Leah (Police) also recounts an online disability hate crime case where the perpetrator was eventually identified as living overseas, through a trace on their IP address. Unfortunately, in such cases, there is little the police can do apart from suspend the offending account and offer support and advice to the victim. There is also little to stop the perpetrator from establishing another similar account with the same intentions. Both officers also emphasise the disparity between social media companies, in that some either refuse to respond or are very slow to do so, whereas others are more willing to assist with police enquiries.

Digital technological advances have therefore provided a new and challenging environment for targeted of disabled people 'online' (Alhaboby et al., 2016). However, as I demonstrate in Sarah's case below, online hate crime is not always distinct from offline, and one can spill into the other.

Sarah's Story

"He made me feel like the government made me feel. Like my parents made me feel. That I shouldn't be here, that I'm a waste of space, that I'm a freak... monstrous"

Sarah is a 57-year old divorced mother of two who is unable to work because of a combination of disabilities and conditions. She has myalgic encephalomyelitis (ME), a prolonged history of mental health problems, and has suffered a number of serious injuries as well as having an abnormality of the spine. When we met she was dressed head to toe in black and lace, with thick black boots and tattoos on display on her bosom and wrists. She had a large ring on one hand which said 'Mistress' in italics – this is a nod to her dominant 'lifestyle'. She is friendly and assured, initially, but through the narrative interview process a picture emerges of a fragile woman, who has repeatedly been involved in the wrong relationships, leading to repeated abuse, hurt and risky

situations. Sarah presented as dominant, not just in terms of identifying as a Mistress, but also in her size, build, and how she dressed and spoke, but I wondered how much she was hiding behind this persona.

Sarah began a relationship with someone she met online through the lifestyle. Initially he was the perfect gentleman. She says he: "held open the doors, held open the seat, got me coffee" so she agreed to meet him again and they exchanged phone numbers. Shortly afterwards she recalls:

> *"out of the blue about half past nine he phoned up and this vitriol just came out of the phone – disgusting, disgusting – I'm a fake, I'm living off his taxes, not government taxes, his, I'm in a personal affront to society, I should be exterminated".*

Thereafter, she describes a barrage of texts from him, flipping between sexually explicit content and disgusting and offensive insults. Sarah decided to investigate this man on the websites she uses and discovered he was targeting and abusing a variety of women, repeatedly, both online and offline:

> *"I went on the threads, thread after thread after thread where he'd done this and not one person had been to the police. And at that point I phoned up my friend and I said will you come to the police station with me tomorrow, she went, why, I said I'm reporting him. That night I got another phone call! It was like he knew"*

As has also been reported by Awan and Zempi (2016), what Sarah describes is a "continuity" between virtual and physical worlds, with abuse and violence occurring both online and offline. The result is that boundaries can be blurred as to where these forms of hate crime occur, with implications on how criminal justice agencies can respond to them. Awan and Zempi reported the devastating impact of on- and offline hate crimes upon victims, with speech intending to intimidate and with women in particular more vulnerable to online hate. Their findings are also supported by other research showing women are particularly targeted for misogynistic harassment and abuse (*e.g.* Demos, 2016), suggesting that this victimisation decreases women's confidence and willingness to integrate in society, although this was not the case for Sarah. Notwithstanding encountering an officer who was clearly lacking in diversity awareness (he described her as a prostitute), her report was fully investigated and despite limited evidence, her perpetrator was given what she describes as a: "harassment one warning, if he came near me again or contacted me again then he would end up in court". The warning appeared to be sufficient to stop him from targeting her and Sarah grew in confidence as a result:

"whenever I find out he's been on [the website], whoever lets me know or I spot it myself, I've got a bit that I copy and paste, that is basically a two sentence summary of what happened to me, that the police took it seriously, that he's got a warning, you have to protect yourself and go to the police".

By receiving what she felt was sufficient response by the police, Sarah has turned her experiences around and is using them to warn other possible targets about her perpetrator's predatory behaviour, showing how a successful response can increase public (and individual) confidence. The findings support Bakalis (2016) who demonstrated how the distinction between public and private is not always clear-cut when dealing with internet-based crimes. What constitutes 'public' on the internet can be difficult to articulate and can lead to confusion as to appropriate responses for incidents such as Sarah's.

Signal Crime Case Study: Fiona Pilkington

The previous case studies have evidenced the experiences of research participants who have been victims of disability hate crime. Undoubtedly, this research is limited in that there were only 83 respondents to the survey, two focus groups and 27 interviews. It is therefore difficult to draw any generalisations about the findings herein, although they have highlighted patterns and trends and identified areas for further research. That said, both confirmability and generalisability can be explored by considering a high profile case, or signal crime. As discussed previously, the process of comparing and contrasting findings with other, established examples adds veracity as to whether a significant phenomenon is occurring, rather than isolated events (Hudson, 2000).

Signal crimes are extraordinary, highly visible crimes that "capture the mood of the times" (Innes, 2003, p.51) and tend to involve murders or missing persons cases. They are also referred to as 'figurehead' cases (Thorneycroft and Asquith, 2017). Examples include the deaths of Stephen Lawrence, Holly Wells and Jessica Chapman, James Bulger and Damilola Taylor. Mass media coverage of these events is particularly important as these crimes go beyond immediate concerns surrounding the individual case itself and often signal that something is wrong with society and/or the criminal justice process. They have the potential to shape and change existing policy and practice as a result of the media attention received and the response given to it. The case of Fiona Pilkington is arguably one such signal crime in that it was perceived as the first high profile disability hate crime case (Capewell, Ralph and Bonnett, 2015). Having experienced ongoing,

repeated abuse and harassment from neighbours because of her daughter's and son's disabilities, Fiona took both her own and her daughter's life in 2007.

Fiona was a 38-year-old divorced mother of two when she drove her car to a lay-by in Leicestershire and set fire to it, killing both herself and her daughter, Francecca Hardwick on 23 October 2007[56]. Francecca, or Frankie as she was known, was 18 years of age and had significant learning disabilities. At the time of their deaths in 2007 there was the merest of press attention but the subsequent Inquest in late 2009 attracted enormous media and policy interest. It emerged that in the ten years preceding her suicide and her daughter's homicide, Fiona had contacted the police at least 33 times to report anti-social behaviour directed at her and her family by a gang of local youths. She had complained to her council and her MP with little success. This "repeated and continuing abuse and torment" (IPCC, 2010: p23) included verbal, physical and chronic harassment and left the family distressed and fearful on many occasions. Extracts from an incident diary that Fiona kept were widely published across the media during the Inquest to demonstrate the extent of her fear and distress. Although the police and local council responded to some of the reported incidents, they treated them as 'low level' and described her as over-reacting. Incidents were dealt with in isolation, calls were not linked or prioritised and there was no recognition of the potential vulnerability of the family. No one recognised this abuse as disability hate crime. No one was charged with any offence in relation to the abuse.

The inquest jury found that police and council failure to respond to complaints of anti-social behaviour had impacted on Fiona's decision to take her and her daughter's lives. They found no evidence of any attempts to control the anti-social behaviour and said both organisations had failed to properly help the family.

Many of the elements of the "Pilkington Case" (as it became known) are replicated here in the case studies and interviews that comprise this research. Victims such as Ruby and Gemma talk of ongoing and repeated antisocial behaviour and harassment, which lead to great distress for them, and continuous contact with police, who are often found lacking in an appropriate response. Daniel has attempted to contact his council to get his neighbourhood dispute resolved, but to little avail to date. Gemma eventually persuaded the council to install CCTV cameras for her protection, but only after nearly nine years of reporting.

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[56] The dissertation for the MSc in Social Science Research Methods element of this PhD was a media study of the deaths of Fiona Pilkington and her daughter; 81 news articles from the Guardian and the Daily Mail were analysed and some discussion of those findings are included here.

Following the deaths of Fiona and Frankie, criminal justice agencies arguably recognised the serious impact this case had on public confidence in the police and made attempts to improve future handling of similar incidents (Giannasi, 2015b). The police declared that lessons had been learnt and established a process to identify repeat callers and prioritise them. However, the case studies here demonstrate how little has changed. For example, despite repeatedly contacting her local police to report the abuse she is receiving from local youths, Ruby feels she is encouraged *not* to proceed with charges. As Denzil (Council) concedes, seven years later, the council and police continue to fail to recognise cases of disability hate crime as: "anti-social behaviour is just a catch all phrase and we miss cases like the Pilkingtons".

Yet the impact on victims is severe. As Phoebe (Council) recounts in a client case of abuse towards a mother and daughter:

> *"her worst fear was, if this neighbour drive my mum that mad, that what happened to the Fiona Pilkington case, what if my mum does this to me, so the impact of that intimidation was so bad on this ehhm young lady that emmm [shocking], it was shocking".*

At the time, the Pilkington Case was described as a potential watershed moment in much the same way as Stephen Lawrence's murder was for race hate crime (Williams, 2009), however, that watershed was never realised. Thorneycroft and Asquith (2017) argue that the Pilkington case was unable to meet the various preconditions necessary for this level of status or 'figurehead' in that it lacked the family and community 'capital' needed to pursue a change in policy and process. In particular, they highlight the advocacy of *mothers* in campaigning for social justice. Consider the conflict therefore in the role of mother in the Pilkington Case, in that Fiona was both mother and murderer; this may have contributed to its failure to achieve watershed recognition. Without a spokesperson or 'mother figure' as a campaign figurehead, upon whom society could relate and emote to, there was limited interest in a sustained campaign. Subsequently, there has been limited social change and disabled people continue to be essentialised or ignored. Stakeholders tended not to agree with this argument. Freya (DPULO) believes that it was the distraction with antisocial behaviour that clouded the essentially disability hate abuse: "because it was so useless in the way it portrayed all the issues around it as you just said...actually...it's not...it *isn't* the case that's helpful".   Amy (activist) suggests that this case was far from unusual for disabled campaigners, and not a watershed moment because of the underlying stigma surrounding disability within society. She argues that each time a similar case makes the news headlines: "they all say well this will be the one that will be the - the Stephen Lawrence effect or whatever...and it

never happens...it never happens because of the *ingrained* prejudice in society towards disabled people". Freya (DPULO) agrees, maintaining that: "if you understood that the Pilkingtons they were just people that lived in a house the same as you and your family, you couldn't have thrown fireworks through their letterbox...there's a *basic* understanding missing". This evidence supports Perry's theory of doing difference, in that these participants contend that hate crimes are endemic and representative of structural and cultural patterns within which disabled people are marginalised and targeted for being different (2001).

Media coverage of the 'Pilkington Case' was also inherently flawed as a consequence of this structured marginalisation of disabled people. Whilst some in the media were sympathetic to those with disabilities, the family was presented within a passive, vulnerable victim narrative that was bent on highlighting anti-social behaviour rather than acknowledging underlying disability-related prejudice and hate crime. There were few attempts to consider the case in light of disability hate crime campaigns(Capewell, Ralph and Bonnett, 2015). MPs were quick to use the case to highlight their own law-and-order agendas and the Conservative Party was particularly keen to use it to demonstrate the failure of the then Labour Government to tackle crime and anti-social behaviour. Although the consequences of the lack of action by police and council authorities were extreme and go some way to explaining the national attention the case received (Piggott, 2011), media coverage at the time of the Pilkington Case was at least sympathetic towards those with disabilities. The media may have presented Fiona and Frankie as vulnerable and weak, but they in no way questioned their disabled status or mentioned their eligibility for benefits. In fact, there was little acknowledgement of Fiona's fears about the change in provision for her daughter when she turned 18 and moved from 'child' to 'adult' social care and how this, along with the 'hell' she was experiencing daily, impacted upon her decision to kill herself and her daughter. This image of disabled person as victim is in stark contrast to how participants feel about media coverage of disability in more recent times (Briant, Watson and Philo, 2013), and this element of the research findings will be addressed in the following chapter.

Layers of hate: intersectionality in action

As discussed in Chapter 4, Liasidou (2013) and Chakraborti and Garland (2012) advocate considering the multiple and shifting ways that different strands of hate intersect with each other, and with other sources of social disadvantage. Identities should not be regarded as fixed but should be understood in conjunction with the ways in which ethnicity, gender, socio-economic status and so on intersect with disability. In addition, by using an intersectional approach to

disability, there is a shift away from individual pathology towards a framework bent on tackling wider socially and culturally systemic regimes, which is sympathetic to the social model of disability.

Analysis of interview data identified two interwoven trends within an intersectional framework. The first is that of intersecting hate *strands*. Both victim-participants and stakeholders recognise that hate crimes can overlap different minority strands and that individual victims are often targeted for multiple reasons. Gemma for example recognises that she is targeted not just for being disabled but also for being gay. She recounts experiences of hate crime when she was younger where she was targeted for her sexual orientation. The type of language used more recently is also directed at both her disability and her sexuality: "I've been called a fucking faggot, fat queer, you know erm, I've been told, you know you should've all been drowned at birth". Rather than a compound effect of multiple layers of discrimination and violence, for Gemma the difference is practical. What distinguishes the homophobic targeting in her youth and the multiple-identity targeting of late is her physical ability to respond. She could defend herself then, but not now, she says. The nature of her disability and impairments means she cannot outrun her assailants and she is physically unable to fight back. Whilst no victim should be targeted in this way, for Gemma she is multiply-restricted because of her own health limitations. Thus, although she resists the victim-label, she has had to adapt her lifestyle as a consequence of her experiences as a disabled women, more so than when she was targeted for homophobic crimes.

Mason-Bish (2015) highlights the frustration that can be felt when a victim experiences more than one form of victimisation, in this way. She urges policy to "understand the fluidity of identity and the multiple ways in which prejudice and violence might be experienced" (p.25). Many stakeholders and victim-participants recognised this layering of multiple-identities. For example, Leah (Police) describes how some cases are "borderline race and homophobia", and acknowledges that a disability element contributes to a number of cases. Patrick (Police) also endorses the view that a number of incidents and crimes have multiple hate crime 'markers' and are recorded as such. He sees this as a positive element to recording hate crime as it acknowledges the multiple elements to any individual's identity. However, although he can record more than one strand of hate crime on the CMS system, in most cases there remains a 'hierarchy' of strands, with one perceived as more serious than the other(s) and thus a lack of recognition of the unique experiences of the victim as a result of their intersecting identities (Mason-Bish, 2015). Further evidence for this comes from Emily (Housing), who cites a number of cases of domestic

violence where disability was a contributing factor. Because of the constraints of their in-house recording system, cases must be logged within one primary classification. As such a number of these cases are logged as domestic violence rather than as disability-related. Emily emphasises that regardless of how it is logged, her priority is to address *all* contributing elements to her residents' victimisation and support will target multiple areas, according to need. However, although she concedes that disability is potentially involved in a number of cases, Emily does not appear to consider the increased risk that *disabled* women are placed at in terms of domestic and interpersonal violence.

Aligned with this is the complimentary intersection of gender with disability, which was a particularly strong theme within the research findings. This is not unexpected, given the argument that disabled women face double disadvantage through both gender and disability, making them particularly vulnerable to sexual violence and exploitation (e.g. Sherry, 2013b; Balderston, 2013a; Brownridge, 2006; Brown, 2004). The survey data suggested that more men than women were likely to experience disability hate crime, with 24 men (80% of all males who responded) and 38 women (73.1%) reported having experienced victimisation. This contrasts with many existing studies that show that disabled women are at greater risk of victimisation than disabled men (for example, McCarthy, 2017; Coleman, Sykes and Walker, 2013; Balderston, 2013a and see Chapter 3). However, female survey respondents reported two thirds of the *total* number of hate crimes experienced. Women respondents reported being threatened and bullied more than men, as well as reporting more name-calling, verbal abuse and physical assaults (see Figure 6.5). In comparison, male respondents reported experiencing slightly more cases of withdrawal of support than females, which again conflicts with findings reported by Thiara, Hague and Mullender (2011; although it is not clear what forms of support survey participants may have understood this to mean). Thus, women reported more types of violence and abuse than their male counterparts. This study does not claim that all women experience a greater variety of types of abuse than men, as men may be less likely to recognise or report certain types of abuse than women, but it does contribute to the literature around women's increased risk of victimisation.

Types of abuse by gender
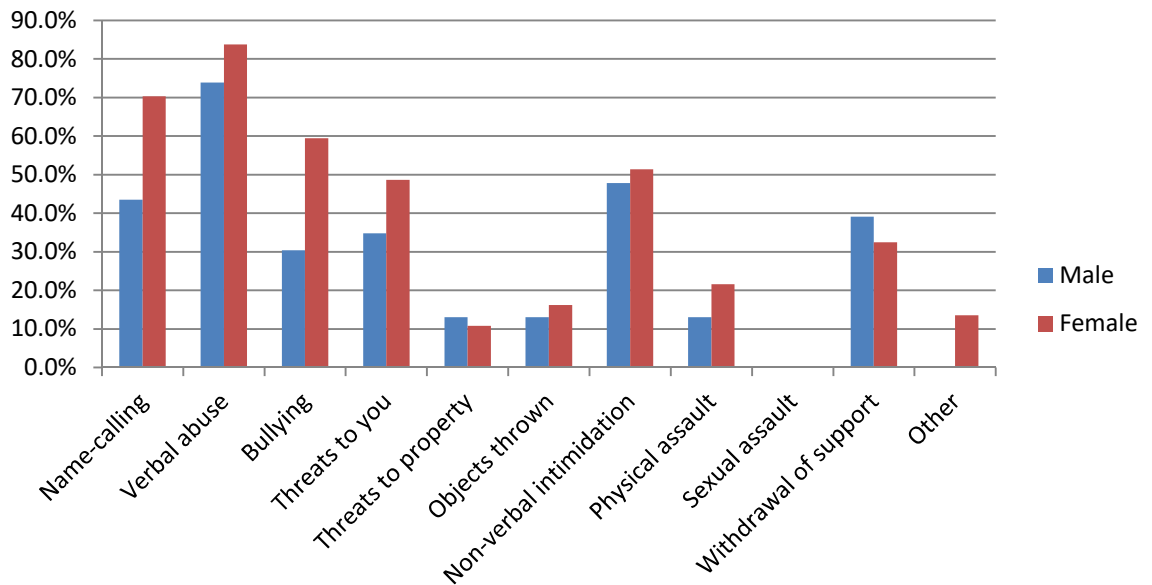
Figure 6.5: A comparison of types of abuse by gender [survey data]

Shakespeare (1996) suggests that gender identity and disabled identity interact in different ways for men and women; masculinity is bound to strength and a denial of weakness or frailty. It is noteworthy that, with the exception of Zane, the male interviewees had not reported their experiences to police, although all of the female interview participants had (n=8). This may be a coincidence in terms of the small numbers who agreed to take part in the study or indicative of the type of people who are willing to talk to researchers about their experiences. Alternatively, it raises concerns as to whether there are gender-specific factors involved in how men and women respond to their experiences or the types of experience they are confronted with, in addition to those identified above. Both Stuart and Martin say that did not see any point in reporting their encounters and Daniel's priority was reporting to his local council, before consulting the police. In addition, female participants who recognised their experiences as disability hate crime believed they were of such a serious nature that they warranted reporting, although consideration must be given to the types of experiences they chose not to report also.

Participant interviews allowed for further examination of these potential gender differences. For example, Stuart says he has never experienced physical assault but has experienced numerous incidents of verbal abuse, none of which he reported to police. He is a white male in his 50s with a prosthetic leg, who is married with two young children. He describes how he uses strategies to

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reduce tension and apologises when he is confronted. It may be that his compliant behaviour is reducing the likelihood of an incident *escalating* to physical abuse, or that he is simply fortunate that he has not been physically attacked. However, findings suggest that his gender, or perhaps masculinity, reduces his risk of physical violence. Being a less visibly disabled man also potentially reduces his risk of being a victim of physical violence, as previous studies have identified how the more visible an impairment, the greater likelihood of victimisation (e.g. Action for Blind People, 2008). Furthermore, the perpetrators that Stuart encounters tend to be older men and women, rather than groups of young men or adolescents.

Waxman (1991) described how disabled women were perceived as morally suspect and more dangerous than disabled men because disability is perceived as preventing women from embracing traditional female roles such as nurturing and sexual desirability. This may go some way to explaining why women reported more victimisation than men and three of the four male victims did not report their experiences of victimisation to police (as discussed above). In addition, sexual stereotypes of women exist around the assumed passivity of disabled people and of women generally; dependency, vulnerability and frailty are dominant and women are represented in negative and passive ways (e.g. Barclay and Mulligan, 2009; Murray and Powell, 2009; Hague et al., 2008). This is acknowledged by Amy (activist), who says that women in certain minority groups are "not getting the knowledge of how to report and what experiences are hate crime" because they are women. Ruby adds that there is pressure on disabled women to conform to what social services would expect of them. For example, she says there is pressure on disabled women to have abortions as "we are automatically expected to accept having social services over-viewing the bringing up [of] our children as an automatic thing".

Two male participants were on the wrong end of experiences with police officers. Zane described being arrested by police for challenging a relative about their behaviour towards his partner, and Martin described being threatened with arrest for reacting to the verbal abuse he received. As discussed previously, stereotypes around types of disabilities, such as learning difficulties, can lead to disabled people being perceived as perpetrator rather than victim (Sin, 2013). In contrast, Roulstone and Sadique (2013) suggest that police tend to align hate crimes with mental ill-health or learning disabilities, such that Martin, in a wheelchair, may not have been perceived to be a possible victim. Martin however interpreted this as a consequence of his disabled status: "I felt [the police] were accusing me rather than him cos I was an easier target". Perhaps by responding to and reacting against their abusers they failed to meet social expectations of disabled people as

vulnerable or weak (similar findings are reported by Balderston, 2013a). Their manifestation as less-than-ideal victims because they refuse to be vulnerable or blameless may have presented them as less deserving of victim status (Mason, 2014a; Brown, 2004).

To conclude, the findings demonstrate that a strand-based approach to hate crime disguises the variety of intersecting elements of identity that could *reduce* a victims' likelihood of reporting their experiences. Efforts must be made to engage with harder to reach groups and, if reported, to record these experiences adequately and accurately to reflect all of these elements. As Mason-Bish (2015) suggests, policy needs to adapt to be able to consider the risks involved in more complex identities, and be able to record data to take account of this.

Chapter Summary and Discussion

"All instances of hate violence... involve some form of violation. The immediate harm of hate violence fundamentally lies in this violation" (Iganski and Sweiry, 2016, p.105)

This chapter has presented the voices of a number of disabled people who have been victims of hate crimes. It reveals their versions of what has happened to them and why, considers the response from police and other agencies, and the perceived motivation of the perpetrators.

Participants in focus groups, interviews and survey report experiences of disability hate crimes and incidents in the form of verbal abuse, threats, intimidation, harassment, physical assaults, sexual assaults, online abuse, alleged fraud and withdrawal of services. These incidents occurred in many locations, both at home and in their communities, and often in perceived 'safe spaces'. Perpetrators were strangers, neighbours, local youths, co-workers, colleagues, fellow students, partners or dates, and family members.

The research was concerned with assessing not just the experiences of victims but also the situational and individual risk factors associated with their experiences. The survey data and case studies above demonstrate how less relevant many of these risk factors appear to be, as victims with a variety of impairments and identities report being targeted in all geographical locations, from all kinds of perpetrators. Disabled people appear to experience high levels of repeat victimisation, both in public and at home, often by those they know, but also by strangers. Women in this study report more frequent victimisation than men, but it is unknown whether this

is because men do not experience as much victimisation or do not recognise or report it as such. The impact of these hate crimes upon victims is discussed in the first part of the next chapter.

The 'type' of hate crime perpetrator appears to be everyman, and every woman. Perhaps society chooses to ignore what it most fears; that hate perpetrators are, as many academics suggest, actually people like us. When Chakraborti (2015) spoke of the ordinariness of hate crimes, one hopes he was not limiting himself to just those of a certain economic status and disadvantaged upbringing, as the findings here cross social and economic categories. However, as Perry (2003a) argues, systemic violence questions not only the victim's identity but also a national commitment to tolerance and inclusion. The persistence of disability hate crime in our society lays bare "the bigotry that is endemic" within each of us (p.21). The research supports the theory that hate crime is not simply a precursor to greater intergroup tension but an indicator of underlying social and cultural tensions, as the next chapter shall demonstrate.

Chapter 7: Impact and Context

Introduction

This chapter addresses the second research question, which was concerned with the impact hate crime victimisation has, including social, emotional, economic and practical effects. Findings here are drawn from the focus groups, survey participants, and interviews with 12 victim/survivors of hate crimes and 15 stakeholders. The chapter is divided into two parts: the first section considers the practical and emotional impact of disability hate crimes on victim participants, and the implications of these on both their social and economic engagement with society. The next part considers the impact and context of government policy changes and consequential media coverage on disability benefits.

Part 1: Impact of victimisation

How did the experience make you feel?

The focus groups and interview participants were asked "how did it make you feel" when they recounted stories of hate crime. The sections below discuss the effects of their hate crime victimisation on emotional, practical, physical and mental health levels. For many participants the impact is far greater because of the repeated and cumulative nature of experiences.

Emotional responses: fear and anger

In line with other studies, this research found that many disabled victims of hate crime report feeling fear and anger (e.g. Chakraborti, Garland and Hardy, 2014b; Sin et al., 2009a; Shapland and Hall, 2007; and see Chapter 3). A large number of participants reported feeling scared, threatened, intimidated frightened or isolated. For example, Zane talks repeatedly about how: "I feel like I've got nothing left... here. I feel like that..." Five more times he says "I've got nothing left here" because of the experiences he has had with a family member.

Other participants primarily report feeling anger at their perpetrators because they could not respond how they wanted to. Many are frustrated and share a sense of responsibility for what had happened, a theme reported by many victims of crime (van Dijk, 2009):

> "I felt angry... and ... upset and ... belittled, I'd say... " (Grace)

"it made me feel quite angry" (Gemma)

"I was fuming" (Martin)

"I went absolutely mental" (Sarah)

Feelings of anger arguably can help restore mental strength and self-esteem and deter potential perpetrators and as such, van Dijk suggests, the repression of such anger is counterproductive and potentially dangerous for modern society. Similar findings of frustration and anger have also been reported by studies such as Chakraborti, Garland and Hardy (2014a, 2014b) who identified vulnerability, anxiety, fear, anger and distrust of others as common responses (and see Chapter 3 also).

The repetitive, ongoing pattern that is common to disability hate crime is also reported by participants of this study (supporting similar findings by Sin et al., 2009a; Chakraborti and Garland, 2009; Vincent et al., 2009; see Chapter 2). Hayley describes the cumulative effect of disability hate crime as: "demoralising all the time... you're scared from week to week what's gonna happen next ... [continues] all I've got to look forward to is more hate and more rhetoric". In a similar vein, Stuart adds: "words like stumpy, peg-leg, hop-a-long, all the pirate jokes of course erm... the effect seemed to be quite cumulative". He says it is the personal nature of disability hate crime that means it has a greater impact, describing how a non-disability related argument has far less relevance than something that is targeted at him because of his disability:

"because it's exposing the area of vulnerability and weakness isn't it? And making it highly personal. They are targeting you as an individual for their, you know, vilification... you know it's not just a random strike out of the blue".

In this way, as discussed previously, hate crime is both personal *and* communal, as the targeting of a victim is dependent upon them being labelled with a particular group characteristic (Ahmed, 2001).

Failure on the part of the criminal justice system to successfully respond to these incidents adds greater distress to the victims. For example, when Amy talks about being threatened with murder by a stranger in public she says:

"I was impacted by the experience....and it was so distressing...and I just...assumed the police would...do the right thing because they knew me and...they would DO THE RIGHT

> *THING...I couldn't believe what actually didn't happen [continues] but I felt very very let*
> *down...by the...by them".*

This can be further compounded when other agencies are involved, such as housing or council. As Daniel explains: "I think dealing with hate crime itself is bad enough but then when you have other issues with the agencies I think that compounds it and that is AWFUL because then you're battling on different fronts". Similar findings were reported by Sin et al. (2009a) and highlighted by the CJJI (2013).

Not every participant is willing to accept the label of 'victim' however, as the following examples demonstrate:

> *"I thought I'm not gonna, I'm not gonna be bullied and you know <u>driven out of my home</u>*
> *by a bunch of kids yeah...[continues] I wasn't back then going to be a victim" (Gemma)*

> *"I don't class myself as a victim, although I was, I class myself as I was victimised" (Sarah)*

Gemma and Sarah's refusal to identify with being labelled a victim denotes how they have maintained control and power over their experiences. A self-perception as something other than "victim" denotes their resilience rather than vulnerabilities (Aldridge, 2014) and challenges the perceptions of others. This rejection of the victim-label may be associated with its alignment to elements of passivity and forgiveness, and participants may prefer to be "faithful to themselves" by resisting their assigned victim roles (van Dijk, 2009, pp.12). In addition, they are challenging the 'subordinate' or 'weak' role Christie (1986) associates with being an ideal victim and the recognition that not every person will perceive themselves as a victim in the first instance. However, as with the male victims discussed in the previous chapter, this rejection of the expected label of 'victim' or 'Other', whilst aligned to self-determination (Edwards, 2014), challenges perceptions of subordination and stereotypes of weak or inferior disabled people. However, it may lead to them being perceived as less deserving of their victim 'status' (Mason, 2014a; Balderston, 2013a; Brown, 2004). As Waxman (1991) states, when disabled people *step out of place*, they risk becoming targets for hate crimes.

Practical responses: avoidance and isolationist tactics

In addition to and as a consequence of these emotions and feelings, participants respond practically to their victimisation in similar ways to other studies. Many have moved home or considered moving as a result of their experiences (discussed below). Much of the existing literature has highlighted how victims of hate crime adapt or restructure their lives in order to reduce future risk (e.g. Richardson et al., 2016; Sin, 2016; Iganski and Lagou, 2014 and see Chapter 3). Participants in this study are also changing how they structure their lives and engage with their community as a consequence of being a victim of disability hate crime. Their experiences, alongside the protectionist response from related agencies and failure from within the criminal justice system, can lead to further isolation. These experiences have become everyday in nature for many and as a result they become guarded, fearful of meeting new people, and feel "at odds with society in general" (Daniel). Participants talk about being careful to avoid drawing attention to themselves, avoiding conflict and being conscious about who is around them (Daniel, Hayley, Ruby, Stuart). Not surprisingly, they report a lack of confidence as a result as they feel "demoralised" (Hayley). As with the earlier literature, participants of this research continue to withdraw from their community, socialising or simply being themselves. For example, similar findings were reported by Sin et al. (2009a) in their study with participants with learning disabilities and/or mental health issues (although this study includes other types of impairments). Participants also describe changing journeys to work, not going out to social events, and avoiding visual and other aids. Many avoid areas which they believe to be high risk, often changing routes or jobs as a result, and as one survey respondents says, they: "choose to stay in rather than face the abuse outside". For example, Grace is fearful of groups of men and Ruby describes preferring to be housebound to having to go outside. Anne Marie talks of how her mum helped her to identify safer places to travel to and from, to reduce her risk of further victimisation, a finding also reported by Manji (2017), but which can result in feelings of social isolation. When participants do go out, they feel inhibited by their prosthetics and aids as it can draw attention to them (Chakraborti, Garland and Hardy, 2014a; Action for Blind People, 2008). Similarly here, Stuart says he must "wear the leg" in order to reduce the attention he might attract when he is out and Gemma says she has to hide her "stick" as that too draws unwarranted abuse. This presumably makes life more challenging for Gemma as her cane is intended to assist and not using it can only further restrict her independence.

Stuart recounts how it is the cumulative effect of his experiences that has resulted in a change in his behaviour:

> *"when I first had the amputation I was completely relaxed about going out in public without the leg on. It didn't affect me in the slightest erm... you know, it was just something and nothing... erm but of course going out when it's obviously not there increased the number of comments, to the point where erm since moving to [place] 6 or 7 years ago I am _extremely_ reluctant to let anybody see me without the prosthesis, even the next door neighbours".*

In conclusion, the fear of potential future victimisation impacts on these participants and prohibits them from engaging with their community. Similar findings were also reported by Iganski and Sweiry (2016), Chakraborti, Garland and Hardy (2014a) and others (see Chapter 3). Consequently, these isolationist strategies contribute to the disengagement of disabled people within society and a steady withdrawal of disabled people from everyday life. Rather than addressing perpetrator behaviour, participants' ability to live independently and provide a valuable contribution to their community is being curtailed.

Physical and mental impact of Hate Crime victimisation

In addition to removing themselves from their community, retreating inside their homes, disguising their aids or impairments and being fearful of what they may encounter in everyday life, the research participants have also suffered physically and mentally from their experiences, supporting existing literature (e.g. Sin et al., 2009b; Shapland and Hall, 2007). Anne Marie, Ruby and Daniel talk of a worsening of their health conditions as a result of their experiences. An anonymous survey respondent and Sarah both also spoke of suicidal ideation as a result of their experiences:

> *"I self referred to a mental health... [continues] because I was getting to the point where I wanted to end it and I can't end it because of my kids" (Sarah)*

Literature by Chakraborti, Garland and Hardy (2014b) and Williams and Tregidga (2013) highlighted the effects of harassment, abuse and violence and the increase of depression and suicidal ideation amongst victims (and see also Chapter 3). The cumulative effect of this victimisation on disabled people has aggravated many participants' existing conditions and worsened their oftentimes poor general health. Findings here add weight to the existing literature and demonstrate the mental and physical impact of hate crime victimisation (see also Sin et al., 2009a; Williams and Tregidga, 2013; 2014).

Minimalising their experiences

As discussed previously, participants' resilience was significant in terms of dealing with their disabilities and impairments. In a similar vein, some participants also minimised the experiences that they had, neutralising the negative impact these experiences have had, similar to that reported by other research (Walklate, 2011). For example, Hayley, when recounting how she experienced verbal abuse and "hammering on the windows", says: "that's been it for us, we've been lucky that way". Her experience of ongoing abuse and harassment is unacceptable, yet because she has not experienced physical abuse or other attacks on their home, she feels fortunate. Ruby has a similar perspective when, recounting how she experiences a daily barrage of abuse and harassment, she says things could have been so much worse: "I think I've got off fairly lightly". Stuart makes similar comments. It may be that participant interpretations of what constitutes a hate crime contributed to this minimalisation, in that only those incidents involving violence are perceived to be serious. However, any downplaying of experience may reduce the likelihood of their reporting such experiences (Sin et al. reported similar findings, 2009a), in that participants who do not believe their victimisation to be serious are less likely to report those experiences. In juxtaposition, however, those same participants report how they are changing their behaviour to avoid such victimisation reoccurring. This would suggest little or limited response to any perpetrator behaviour and ongoing isolation of disabled people.

Letting others in

Victims of hate crime are not the only ones to suffer or be targeted as a result of these experiences. As with the findings reported by Charaborti, Garland and Hardy (2014a), many participants talk about the impact on their family members, or their attempts to shield them from their experiences. For the latter, Stuart said he did not discuss his experiences with his wife, but does share his experiences with fellow amputees. Ruby talks about the relief she felt that her husband had not heard the abusive language, including threats of rape, that she had received. Sarah spoke of how she could not report some of her experiences to police because she was concerned for the welfare of her son should her experiences be reported elsewhere. Additionally, some report victimisation by association; Amy recounts how her personal assistant was abused because she was out with Amy. Thus, there are ripples of hate crime effects emanating from disabled people out towards their support network, either by their victimisation by proxy or by withholding the impact of these experiences from loved ones. As such, evidence here supports the argument that hate crimes are 'message crimes' as they impact not simply on their victims but

also to their wider support network and family members, both directly and indirectly (Iganski and Sweiry, 2016; Chakraborti, 2016; Perry, 2001).

Moving home

A large number of participants in focus groups, the survey and interviews talked of having moved or wanting to be moved because of the abuse they had experienced, supporting previous research findings (e.g Thiara and Hague, 2013; DRC, 2004; Perry, 2004; see also Chapter 3). In addition, stakeholder participants recount requests to be moved as one of the main issues resulting from disability hate crimes. It is the norm that a *victim* of hate crime is offered a move rather than a perpetrator (e.g. Brown and Stein, 2000, cite 26 cases of clients being removed, compared to 11 cases of perpetrator being moved). Amy reports how it is easier and quicker to move the victim "because of their safety", although it is not always possible. Leah (Police) advocates for greater consideration for evicting the offenders instead:

> *"sometimes we take the easiest route, you know, as a multi-agency team? It's easier to move people who want to move – we wanna move because we can't bear to live opposite this name or, but why aren't we saying to the offenders, sling your hook, you're evicted, you know, we need to think about that and keep it in mind".*

Amy agrees but acknowledges the practical difficulties of this: "the perpetrator should be moved out but it takes over a year to evict someone". These perspectives assume that offenders are in a social housing environment and in a position to be moved. They do not consider those perpetrators (and victims) who may be resident in their own homes and what, if anything, can be done to help them. Further research is warranted in terms of experiences of those not in social housing.

Some participants have reported being happier after they have moved home, others are still waiting for a response to their request. Not all victims choose to accept a relocation, however, citing concerns about a potential loss of social network, moving to a smaller home or a less familiar area. For others, homes have been adapted for them and to move would mean an inability to function in a new home, at least in the short term. Hayley highlights this issue: "you can't just shift from one house and move into an adapted house, all that work's gotta be done

again". This distinct feature of disability hate crime has significant consequences for victims if they either chose not to move or cannot be moved because of a lack of accessible housing stock. In addition to which, some participants concede that recent government policy, such as the under-occupancy penalty (colloquially known as the 'bedroom tax') which reduces housing benefits if there are spare bedrooms in council housing, will result in disabled people having to be moved (Garthwaite, 2015). This is despite many utilising their 'spare' bedroom for storing the variety of disability aids and supplies that are necessary for many disabled people. For Hayley, she continues to pay the bedroom tax "cos we can't afford not to, we can't afford to land up homeless ..." but she concedes she will have to accept being moved eventually.

The issue of accessible, adapted housing is further complicated by a chronic lack of housing stock generally in the UK, which can lead to limited choice as to where to move to (Miller, Gillinson and Huber, 2006). The lack of choice in terms of housing location has been a factor, as heightened areas of risk are associated with levels of deprivation (Sin, 2016). As such, the role of poor housing and connections with socio-spatial and economics warrants further consideration. Emily works for a housing organisation as a Community Safety Officer. She states that "there's so much demand for housing now it is... it is only the most serious" who will be moved. However, she emphasises that a move is a priority if a client's safety is at risk, with residents ideally being rehoused near other family or work. However, as limited housing stock is available she says:

> "[We] ask residents to be as open minded as possible with the areas that they would be willing to move to, because it gives them a greater chance of a move erm...but we will obviously have that discussion with them about support networks and, and other things that are important to them....um and particularly if it relates to a key service or a key aspect of their wellbeing... we will try and fit in with any other criteria that they have or any other support they have but the risk [to their safety] is really what we're looking at."

Emily acknowledges that a multi-agency approach is needed in order to achieve this, with evidence being provided by a range of support services including social services, police and GP services. A request on medical grounds is one of the priority reasons for moving home, which George (Victim Support) describes as crucial: "the GP letter carries more weight than anything anybody else does". Although stakeholder-participants do warn that a move is not always the best solution in resolving a dispute, it appears that they will support those most at risk if that is their preferred option. Ultimately, however, demands for housing in large cities such as London can mean alternative accommodation is simply not available. As both George and Sally (Victim

Support) say, there is huge pressure on housing and thus supporting agencies must be careful not to encourage an expectation that cannot be met.

Problems arise when the police and other organisations are advocating for a move, and the individual resists it. For those who do wish to stay, for whatever reason, Emily (Housing) says they offer a number of security measures to try to help their tenants feel more secure, but these measures appear to be victim-focussed and protectionist in nature. And, despite her assurances that housing will try to move tenants to an area with some level of support in place, for many disabled people with limited support networks, their isolation may continue, increase or, as discussed above, they may be put in a position of greater risk of harm.

Although moving home appears to be the stock response to many victims of hate crime (Iganski and Sweiry, 2016), participants challenge whether anything would change if they did move. Their victimisation is so prosaic that they question the point of moving. As Ruby puts it:

> *"People often say to me: oh why don't you move, it sounds as if it's dreadful up there, and I think that's just because you're not listening to what other disabled people say in other counties".*

In addition to which, depending on the circumstances of their victimisation, there is also a question as to whether a move could contribute to social withdrawal. Losing their job because of moving home was an experience for participants in focus group 1. This loss of both livelihood and a strong element of their identity, as well as moving away from their support network or family, can contribute to disabled people's isolation. This is turn could result in a greater suspicion of others, and a corresponding cycle of lack of support and potential inability to find and maintain work.

Part 2: Victimisation in Context: "you're disabled, what do you expect?"

Situating Hate: Government rhetoric and media hyperbole

The majority of the interviews[57] and the survey were conducted during 2014, during a volatile period for many disabled people as they were reassessed for much of their disability benefits. This time period is crucial for contextualising the experiences of the participants. In 2010, the Government introduced a reassessment of all benefit claimants as part of a programme of austerity measures, created out of a commitment to reduce the overall national deficit following the country's recession. Between 2010 and 2013, 80% of the total existing Incapacity Benefit (IB) claimants, some 1.03 million people in the UK, had their eligibility reassessed using a controversial checklist called the Work Capability Assessment (WCA) (Barr et al., 2016). This section considers the impact and consequences of the introduction of those measures on disabled people, something that is unique to this research project.

Through the WCA claimants were either found fit for work and moved off disability benefits, or transferred to a new disability benefit scheme, known as the Employment Support Allowance (ESA). In addition, existing Disability Living Allowances were being replaced by Personal Independence Payments (PIP) in a bid to cut overall department spending by 20% and resulting in reductions to mobility allowances (Pring, 2016b). Concerns were raised about the negative effect of these reassessment processes on disabled people, as the assessment and appeals elements were both reported to be stressful on disabled people and, if found fit for work, resulted in financial cutbacks for many people who were already on a low income (Barr et al., 2016).

Worryingly, a number of independent reviews raised concerns about the WCA process, including 40 cases involving suicides (Pring, 2016a). The Government subsequently made changes to the WCA as a result of these. Concerns remain, however, about the mental health of many of those who have been through this process. Barr et al. (2016) found the reassessment process was associated with an additional 590 suicides, 279,000 additional cases of self-reported mental health problems and the prescription of 725,000 antidepressants across 149 local authorities in England. Using multivariate regression they discovered that those areas where there was a greater increase in the population undergoing reassessment had a greater increase in all three

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[57] With the exception of two key informant interviews, Freya and Phoebe, conducted prior to 2014

adverse mental health outcomes, with the largest increase in the most deprived local authority areas.

At the time of the research, assessments were conducted by Atos Healthcare on behalf of the Department for Work and Pensions (DWP). Although the economic downturn meant cuts across all Government departments, media rhetoric around this process appeared to suggest that significant numbers of disabled benefit claimants were fraudulent, despite the actual figure being less than 1% of total social security spending (Void, 2013; Quarmby, 2011; DWP, 2016a). Baumberg et al. (2012) reported how 47% of disabled people said attitudes towards them had worsened in the previous year and that benefit recipients were perceived as less deserving than twenty years previously. Garthwaite (2014) contends that this misrepresentation of disabled people manufactured "an entirely flawed impression of sick and disabled people receiving benefits" (p2).

Like Garthwaite's study, research participants are adamant that Government policy changes and the subsequent media hyperbole surrounding them contributed to a dramatic increase in hostility towards disabled people, and ultimately to an increase in disability hate crimes. This element attracted widespread and repeated comments as survey and interview participants remonstrate against government policy. Some examples are listed below:

> *"This government's policies and scrounger rhetoric is making our lives unbearable" (Female, 45-54, chronic, mental health, physical/mobility)*
>
> *"Politicians, public figures, government ministers, councillors must be made legally accountable for the hatred against the disabled that they actively encourage while in public office" (Male, 55-64, chronic)*
>
> *"This government hates disabled people" (Male, 45-54, physical/mobility, other [angina])*
>
> *"being disabled is hard, it changed my life, but people-the government make it impossible to cope" (Female, 35-44, chronic, learning, mental health, physical/mobility)*
>
> *"it's the effects that the media and the government have ... they've kind of blamed all the financial crisis on people claiming benefits... the media and the government are kind of making it like it's our fault" (Grace)*

"it's been fuelled by this government and by the media, without a shadow of a doubt..."
(Gemma)

"it's actual persecution I feel and victimisation of people it's like the BIGGEST HATE CRIME
I'VE EVER EXPERIENCED, an incitement to commit hate crime, the hostility that's been
engendered and the media perpetuates" (Amy)

Participants feel they are being scapegoated and blamed for the financial crisis. In addition to which, they argue that the non-disabled public are given tacit approval by the Government to challenge disabled people's disabilities and their benefit status amid a language of 'benefit scroungers' and 'scum', supporting similar findings reported by Manji (2017) and Garthwaite (2014). As has been presented in Chapter 6, many participants were on the receiving end of threats, harassment and abuse using this language. Stakeholders agree that then government policy was having a direct effect on increasing disability hate crimes and many proferred detailed examples about the impact on disabled victims.

The following case study demonstrates the stigmatising and scapegoating of disabled people.

Hayley's story

"all I've got to look forward to is more hate"

Hayley describes herself as a married woman, in her late 50s, with one disabled son for whom she is a full time carer. She comes across as a friendly, warm and happy individual, with a soft Scottish accent. She has rheumatoid arthritis, osteoarthritis, lupus and fibromyalgia. Her son has spina bifida, hydrocephalus and Arnold Chiari malformation and is a wheelchair user. Her husband has recently become disabled because of a spinal injury at work.

Hayley has been caring for her son all his life and is devoted to her family. She repeatedly talks of her concern for her son's welfare when she and her husband are no longer able to care for him. Her interview has a strong narrative of mother and carer throughout. She recalls how she believed she was giving something back to society by being a full time carer to her son but feels she is being judged badly for doing so. She is eloquent but adamant that the government is responsible for the position she and many other disabled people find themselves in: "everybody that I know [who] is disabled or sick now lives in fear and dread ... we never had that before, but it's constant fear and dread".

Hayley says she and her family experience regular verbal abuse and harassment because they are disabled: "it's almost an everyday occurrence where you can do or say whatever you like to disabled people now, that's what it feels like". Here she recounts how she received verbal abuse over a simple parking infringement involving a relative of her neighbour:

> *"I seen the woman get out the car and my husband had shouted to her you can't park there, because he knew the street was going to be blocked - and we didn't know if she heard us and just ignored us cos she moved out quite quick [continues] So we went across to the guy across the road and asked him if he could shift his car just so the traffic could get moving [continues] At which point the woman had heard me and she came down to corner and she was effing and c-ing and cursing and swearing and then she started 'people like YOU' and carried on from there and preceded to tell the whole street that she knew what we got on benefits".*

Hayley expressed embarrassment and shame at being 'outed' for being on benefits, something also reported by participants of Garthwaite's study (2014, 2015), which led to increased isolation and withdrawal from their communities. Hayley phoned the police. At first, she did not know who the woman was but it emerged that she was her next door neighbour's daughter. Because of this, Hayley decided she didn't want to press charges as "we don't need that kind of ... atmosphere". However, a few weeks later she discovered that the woman who had abused her worked for the Department of Work and Pensions and she says: "if I had known that at the time I would most certainly have pressed charges".

When she reported the incident to the police she declared that it was a disability hate crime. She felt that the police officer perceived it to be "a neighbourly dispute and a parking infringement whereas I seen it different". She said the officer was "very nice" but told her: "if you really want me to press charges I will", making her feel it was probably in her best interests not to. Although Hayley decided not to press charges she had asked the police officer to speak to her perpetrator, but she does not know whether they did. She said the officer had said she would return to take a report but never did.

Hayley interprets her experiences as a reflection of the negative attitudes by society and police in general: "the police aren't particularly interested either as far as I'm concerned [continues] ... it's just too much bother, they're just disabled people, what does it matter?" She was very disappointed that the police did not follow up with her and wonders "what's the point [of reporting] every time it happens". Yet again, the research demonstrates the lack of adequate

police response resulting in a reluctance to report future incidents. Hayley says that this abuse is an outcome of the government policies on benefit fraud, which have led to an environment that she describes as "like a small hell".

"Being disabled is not a lifestyle choice"

In addition to interview data, 13 survey participants also reported repeated incidents and comments related to their benefits entitlements or the use of terms such as scrounger or fraudster (and it is not known if this element of abuse also took place in an additional seven cases). Participants found themselves regularly challenged as to their disabled status. Their accusers assumed that they were on benefits and derogatory comments were commonplace. These findings demonstrate how this has manifested in an increase in abuse and a worsening of social attitudes towards disabled people, culminating in many being labelled as "benefit scroungers" (similar to findings reported by Garthwaite, 2014).

Examples include the following[58]:

"I'm used to people staring and they even come up to the car when we park to peer in the windscreen which I think is to do with my blue badge" (Female, 65-74, physical/mobility)

"people pry into my health conditions, often have to justify, explain why I can't do something. constantly treated with suspicion... even though my condition is very visible" (Female, 45-54, chronic, mental health, physical/mobility, other [genetic])

"my next door [neighbour] has told me to move out, that she does not want her taxes to help me (disabled and foreigner)" (Female, 35-44, chronic, specific LD, mental health, physical/mobility)

"people I meet have recently started questioning why I am not working. I gave up work sixteen years ago, after steadily reducing the hours I did over the years, and working now would be totally impossible. Yet now I feel I have to justify myself" (Female, 55-64, physical/mobility, restricted growth)

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[58] Two survey participants cited government treatment of disabled people as an experience of victimisation, others added comments in relation to this within the free text box.

Participants are therefore experiencing ongoing, repeated challenges to their disabled status and to their entitlements to benefits, and also reporting verbal abuse, harassment and threats as a direct result of the changes to benefit policy. As has been discussed previously, the media construction of 'fraudulent' disabled people enables members of society to justify the intrusion and challenging of perceived disabled or non-disabled people, akin to Manji's (2017) 'conditionality' or deservedness of benefit recipients. In a similar vein to Ahmed's (2001) constructions of 'bogus asylum seekers', by creating a narrative of 'fraudulent' benefit claimant, society can congratulate itself on the hospitality and generosity it offers to those perceived as being in most need, whilst constructing others as fraudulent or bogus. Furthermore, the very nature of creating the possibility of a fraudulent claimant enables elements within society to justify ongoing intrusion into the lives of others.

Participants believe that media-fed propaganda around fraudulent benefit claimants fed into a misconception that benefit claimants are financially better off than those working:

"it's the mentality, it's fed by people from the media that … erm … I mean, anyone would think that it's a luxury living on benefits … if you can get them, because I know because of my job and it is really difficult to keep them once you do get them, so all this propaganda that's put around that's saying you know you just fill in a form and that's it, you get the benefits and you're set for life, it's a luxury lifestyle … it's all a load of rubbish, complete rubbish" (Grace)

"that it's easy to get benefits like DLA which is simply not true, that you get parked on incapacity benefit and you're on it for life – that is not true, it was never true and now you go for assessments where they're saying you're fit to work when you're nothing but… [continues] I have to correct people by saying, oh do you get this fantastic lifestyle for a hundred and fifty pound a week? Ehh no, we don't [continues]…" (Hayley)

"I can tell you that people that try and get benefits, people with mental health problems, terrible, terrible problems and trying to get benefits, it's just awful … it's not this easy life that everyone thinks it is" (Gemma)

Participants expressed the views that not enough was being done by Government to clarify this. Similar findings are reported by Garthwaite (2014) whose participants emphasised how poverty and insecurity were common experiences which were "far from the cosy, comfortable lifestyle of benefit receipt we are so often portrayed by the government and the media" (p.16).

WCA assessments are not fit for purpose

As mentioned above, the WCA assessments resulted in many disabled people reportedly feeling suicidal and some taking their own lives as a result of their re-assessment (Pring, 2016a; Barr et al., 2016). Research participants report similar experiences. For example, Gemma reports that: "I know people who are having - and suffering - horrendously through it - ... and mental health patients in particular we're having a phenomenal amount of them, like so distressed, saying I'd rather top meself than go through that again, like you know, it's just horrendous, it's absolutely horrendous". Sarah says that her own mental health suffered: "with the PST and what's the government's doing, I self referred to a mental health... because I was getting to the point where I wanted to end it"

Many disabled people were assessed as ineligible for disability benefits, although 59% of those who appealed their initial assessment decision had this decision overturned (DWP, 2016b). Atos is accused of bullying, discrimination and incompetence by the research participants. Participants say they were treated poorly, their medical history was challenged and many appealed the outcome of their assessment and won. Those who did not have to go through re-assessment describe themselves as 'lucky' (Hayley). Gemma recalls how angry she was as she was "treated with contempt" although she was successful on appeal. Sarah reports how she is still going through the assessment process because "Atos so far don't know what they're doing with me" and has had a number of appointments re-scheduled or moved. Stuart recalls a lack of disability training by Atos staff. He says "the assessor, who was a registered nurse, kept referring to the prosthesis as a 'false leg' over and over and over... even after being corrected several times, to the point where I got acerbic and said 'it's not false, it's absolutely real, look, touch it'".

Martin, who has Multiple Sclerosis, recounts how Atos found him fit for work and told him that he would "get better" in 3-6 months. His appeal against their assessment was successful but not before he had spent many hours reviewing medical information, writing to doctors and specialists and requesting a 'proper' assessment, similar findings reported by other studies (Barr et al., 2016).

Allegations of fraud

Alleged benefit fraud is a recent and unique disability-specific method of abuse that is becoming more commonplace, according to participants. Amy (activist) explains it as:

> *"people falsely reporting us to the DWP for uh...benefits fraud because that's a way that they can make our life hell...with no comeback...they don't even record the name of the people who make these false reports, let alone get the police involved when it's malicious and repeatedly done".*

Ruby, in her voluntary work, recalls how: "one of the problems we get a *lot* of, talking to people in the disability groups, one of the ones we get is er people with MS, you know helping out somebody else by washing up a cup and saucer, then find themselves being reported to the DWP er for being fit to work". Indeed one survey respondent experienced such accusations: "I had all my finances taken away from me for 14 months in 2012 and had to go along to a huge tribunal which I won." Although the participant was successful in their claim, they had to cope with a loss of benefits for over a year. As Amy explains this is an immense burden for disabled people: "I could lose my car...whilst the investigation was ongoing - obviously I would appeal against it all and prove it was all wrong eventually but the impact of it is huge, and they can do it again and again and again and have no repercussions".

Although benefit fraud figures are less than 1% for DLA and Incapacity benefit (DWP, 2016a), participants felt this message was not reinforced by media or government as this consequently has led to an increase in accusations of fraud. For example:

> *"through their sources in the DWP they get misleading statistics of - they advertise apparent fraud cases and you know, they never put about all the thousands and millions of people who don't commit fraud and how the statistics are skewed and misleading, no it's awful it's really awful and people are losing their lives because of it"* (Amy, activist)

> *"it's doesn't matter how much you tell them that fraud is minor when you're on benefits, what's being said is not true, the disabled and the chronically sick are now being treated so badly, that I can't help but feel that their human rights have to be, getting infringed on... we feel everybody's pointing fingers at us all the time because they see you walking, you might not be walking very well but everybody thinks you're conning it, when you're not"* (Hayley)

"the media never does anything to correct it, you know when you see these figures about erm you know so many erm was it 800,000 people apparently shied off the incapacity benefit ... but the truth of it, even the, was it the Andrew Dunlop's organisation had to pull the government up over the figures and you never see any of the corrections printed!" (Stuart)

[the public]"actually believe they're being told the truth and when you even give them the evidence to show them that actually they were wrong, they're still in denial ... they point blank refuse it because it serves the purpose because they're in a better position right now" (Gemma)

The threat of being accused of benefit fraud weighs heavily upon disabled communities. The current system means that anyone can ring the fraud hotline and accuse a disabled person of fraud. An investigation could mean living allowances on hold but, according to Amy, as the DWP does not forward any malicious or false reports to the police nothing can be done to investigate perpetrators. Manji's (2017) participants also report an "ever present" threat of losing or being found ineligible for benefits, which impacted upon the way participants behaved (p.309). It further influenced their decision-making as to who was aware of their benefit status, amid fears that if they behaved "inappropriately" they may be reported to authorities. This area in particular warrants further study to explore how widespread this practice may be in terms of disability hate crime.

Deterioration in attitudes towards disabled people

Participants say that this rhetoric around disabled people and benefits has changed people's attitudes and set campaigns back, amid a growing stigma associated with benefit recipient status (Garthwaite, 2014, Baumberg et al., 2012). This has been additionally disheartening for those who are also activists and campaigners:

"Disabled people's lives have been put back decades because of this ... and if you're not disabled enough, if you're not chronically sick what does it matter? It's not me" (Hayley)

"and it breaks my heart, absolutely there sometimes when at the end of the day when I'm campaigning and I end up crying... because I want to save these people but I can't" (Gemma)

"that has been so disheartening… I've seen us go backward in the last three years because of the new government" (Amy)

These findings may be surprising to some, in light of the positive coverage of disabled people during the London 2012 Paralympics Games, however, Sin (2014) notes how the Games contributed to opposing perceptions of disabled people; those who are respected and admired, such as Paralympians, and those who are treated with disdain. Indeed, two research participants said that the success of the Games has contributed to their victimisation:

"but there has been that sort of worsening of the situation, post-Paralympics, because everybody thought we were wonderful and we were all as good as the blade runner and of course then immediately after the Paralympics the disabled were blamed for everything, you know, we caused the banking crash and we have to pay it back… because good hardworking folk are working hard while we're… we drag the country to its knees" (Gemma).

Amy (activist) suggests this pattern of Government policy and corresponding media coverage is a form of incitement to hate disabled people, supporting earlier findings by Garthwaite (2014). However, she is frustrated that for disabled people there is no legal provision for incitement to hatred, as there is with other hate crime strands: "the way…people are being encouraged to hate disabled people, and I see that as incitement, but we don't even have protection on the incitement law around disability". As discussed previously, although there is no current provision for incitement to hatred for disability cases there may actually be protection under the UN Convention on the Rights of Persons with Disabilities, which although not incorporated in domestic law, places an obligation on the state (in this case, the UK) to put legislation in place in order to protect the rights of disabled people. Dimopoulous (2015) suggests that para. 5 of article 16 obligates member states to enact effective legislation to ensure that violence and abuse against disabled people is identified, investigated and prosecuted. As such, it could be argued that incitement to hatred is prohibited under international law, despite it not currently existing under UK legislation.

Stigmatised and demonised victims

As demonstrated above, the combination of the DWP's reassessment process, negative media portrayal of disabled people on benefits and has led to worsening attitudes towards disabled people. Sarah recounts how she felt about the abuse she received from a recent partner: "But he made me feel like the government made me feel. Like my parents made me feel. That I shouldn't be here, that I'm a waste of space, that I'm a freak, that ... monstrous."

For some participants, this is demonstrative of the structural and cultural marginalisation and objectification of disabled people. As Amy (activist) explains, this demonisation of disabled people has always occurred, but it is on the rise in recent times:

> "the attitude the negative attitudes that we'd already been facing for a very long period of time in society, the very negative perceptions, stereotypes, stigma about disability...which is inherent in our society it's been there hundreds of years um, get worse, it's got worse because people now feel they have permission from the government to be nasty toward disabled people and treats us like we're the dregs of the earth".

She likens current treatment of disabled people to pre-Nazi Germany: "I know how it slowly built up, they were demonised by their government, they were seen as scroungers ...and they were...a life less valid was the term ... actually what we're experiencing is very similar to how it did start in Nazi Germany with the demonising of those perceived to be *different* and of less value to society". Two other participants held similar views:

> "government ministers talking about ... the skivers, the workers and skivers' erm and there is a direct comparison in the history books" (Stuart)

> "there's a comparison to Nazism and the similarities of the 1930s, it was targeted at specific groups and it spread and it is very subtle... just like it is now... it is being very, very subtle" (Gemma)

These findings replicate those reported by Manji (2017) in her qualitative study of disabled people in Scotland. Her participants report increasing stigmatisation through *both* disability status and benefit claiming. She argues that this has emerged through a system of welfare surveillance, as a

result of increasingly suspect attitudes towards disabled people and their entitlements to benefits. Similar evidence is also reported by Garthwaite (2014) and Baumberg et al. (2012) with feelings of stigma and shame being created by media and government representations of the welfare reform process. This stigma is driven by perceptions of undeservedness of benefit recipients and the creation of a dichotomous deserving/undeserving claimant (Garthwaite, 2015). As discussed previously, Sobsey (1994) demonstrated that abuse can be avoided by improving attitudes to disabled people. It appears from these participants that the opposite is occurring, as attitudes towards disabled people deteriorate, with consequential increases in abuse. Balderston's findings that welfare reform and the media rhetoric associated with it legitimised violence on a macro level supports this conclusion (2013a). As Hayley describes: "the care and compassion that used to be in this country has gone out the window. It's gone... There's all this rubbish coming out from the government, and we're paying the price, we're paying a *very* heavy price now". Indeed, official figures appear to support this view as reported disability hate crimes were up 44% between 2014/15 and 2015/16 (Corcoran and Smith, 2016, and see Chapter 3).

Mason's (2014a) concept of compassion is borne out of an acceptance of a particular minority group as being undeserving targets of a problem, where those victims who are most likely to be protected are those who generate sympathy or compassion. These findings suggest disabled groups are marginalised in this way, and raise concerns that, if one of the purposes of hate crime law is to protect those most deserving, can justice be achieved when disabled people are situationally, culturally and structurally negatively portrayed? Disabled people are unlikely to achieve state protection if they are perceived to be unworthy and undeserving of moral protection.

Chapter Summary and Discussion: The language of hate

Language is 'entwined' with social power, in that it not only expresses power, but is potentially also involved in challenging power (Wodak and Meyer, 2009). Language, and the images it conveys, can be used to justify 'unjustifiable' stereotypes and prejudices (Walters and Hoyle, 2010, p.235). The language used to describe disabled people and what happens to them remains limited and stereotyped, despite an increasing interest in disability hate crimes (Quarmby, 2013). Harassment and assault are often referred to as 'bullying', torture as 'abuse', victims, as discussed previously, as 'vulnerable' and disabled people as 'fraudsters'. This reflects the power and control exerted over disabled people by social and cultural norms.

Participants' use of language emulates this in the experiences they have shared. As was presented above, participants speak of being vulnerable, being targeted and of the Government and media rhetoric around disability and benefits as a contributing factor to this. As a result, disability hate crime is slowly and surely on the rise. For Daniel it is "insipid in its ferocity"; for Gemma it "spreads like a very creeping disease". Gemma says the media's use of language isolates disabled people as somehow different; "vulnerable people, sick and disabled people, no they're PEOPLE... who happen to have impairments ... that's all".

The importance of language is also reflected in the experiences themselves, as many disabled people's experiences of victimisation involve the use of derogatory and abusive language, as well as being labelled as frauds or scroungers. Stuart says it is the cumulative effect of language that takes its toll on him. This is as a consequence of the socially accepted use of certain terms and phrases and, to his mind, to insult or highlight the disability of some people. However, both Gemma and Sarah talk about how they refused to be bullied or be defined as a 'victim' as they challenge the stereotypes and language that disabled people are less worthy or less human (Ralph et al., 2016).

The time period in which the data collection took place is significant to this study as, as discussed previously, government policy changes on disabled benefits and the subsequent media coverage of it led to an increase in negative coverage of disabled people. Similar to Garthwaite (2014, 2015), these findings demonstrate dominant narratives of media and government representations of those in receipt of welfare benefits as undeserving or fraudulent, creating fear, shame and stigma. Unlike Garthwaite, however, there was no indication from the participants of divisions amongst disabled participants themselves in relation to their entitlements. Her participants

identified other benefit recipients as 'scroungers' and 'fakes', contributing to the ongoing deserving versus undeserving discourse.

As Perry (2001) and others have suggested, the evidence demonstrates here that hate crimes are not just attacks on individuals but on the communities they represent. The participants in this study spoke clearly of their experiences as being part of a collective: the majority talk of 'we' and as such, present as part of a disability community. Yet many continue to consider themselves lucky in "only" experiencing what they have, despite their continued victimisation. Comments include: "I suppose I'm lucky that way" (Martin); "we've been lucky that way... that's been it" (Hayley); "compared to some people I think I've got off fairly lightly" (Ruby); "but mine don't compare to what some go through" (Sarah). Even Stuart refers to his experiences not always being "true hate", as if what has happened to him is somehow not deserving of the hate label. In this way, victims of hate crime downplay and neutralise the significance and impact of their experiences and thus are less likely to report them.

This chapter has demonstrated the impact of victimisation on the individual, including their feelings, their responses and their perceptions of risk. It presents both Government policy and media coverage as culpable in contributing to disability hate crime. These findings support Perry's (2001) structured action theory of doing difference (see Chapter 4) in that the state appears to be deeply implicated in this exclusionary language and practice. Political rhetoric inflames hatred and encourages a politics of difference. The next chapter reflects upon the role of the criminal justice system in responding to hate crime and considers potential aids and barriers that can be applied. It makes recommendations for improvements to criminal justice and social policies.

Chapter 8: Response: Enabling a Holistic Response

Introduction

The evidence presented in the previous chapters demonstrates the ongoing challenges to hate crime reporting, recording and response. The final research question relates to the issue of under-recording of disability hate crimes. The aim of this chapter is to consider what can be done to improve both the reporting and recording of disability hate crime.

Addressing hate crime has been a priority for successive governments with a variety of Codes of Practice, policies and guidance documents, and hate crime legislation focusing on prevention and improving reporting and operational responses (e.g. Home Office, 2016; HM Government, 2012; HM Government, 2009). In addition, the College of Policing has published a Hate Crime Strategy document and Operational Guidance (2014a, 2014b)[59] which outline a commitment by the police to prevent, respond to and reduce the under-reporting of hate crime. Further guidance and focus has been on disability hate crimes specifically, demonstrating how its policy agenda positioning has improved more recently (for example, HM Government, 2012; CPS, 2010b), as well as on safeguarding adults at risk (formerly vulnerable adults) in the field of social care, which is addressed below. Having analysed and interpreted the findings from this research, this chapter will recommend three strategic adjustments to hate crime policy and response, each of which will be addressed in turn:

1. Promoting greater inclusivity and awareness of hate crime within safeguarding adults boards and hubs, including emphasising the importance of police referrals as soon as risk is identified and implementing multi-agency protocols that enable a holistic, rights-based and victim-focussed response to hate crime;

2. Establishing dedicated hate crime units within every police force, as well as continuing and ongoing training of frontline police officers to recognise and 'flag' hate crimes;

3. Creating a national mechanism for monitoring and standardising third party reporting centres, and an immediate assessment of local and national third party reporting centres to determine their contribution to hate crime recording, reporting and support for victims.

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[59] Replacing the previous Association of Chief Police Officers' (ACPO) guidance (2005)

Part 1: Responding to disability hate crime: The role of Safeguarding

The various protocols and legislation listed above demonstrate the political and criminal justice priority given to hate crime. Ideally, these should compliment guidance that has also been issued by the social care and health arenas in relation to safeguarding disabled people. By combining the two spheres there is the potential for a holistic, and successful, multi-agency response to victims of hate crimes. However, time and again, the message getting through is that the social care professionals should protect the "vulnerable" and police do not need to get involved (Perry, 2004).

The Care Act (2014[60]) is the current policy framework for adult protection in England, although it replaced 'No Secrets' during the research process, coming into effect in early 2015 (likewise, the Social Services and Well-being (Wales) Act replaced 'In Safe Hands'; see footnote 59). As a consequence, interviewees make reference to both. Formerly, the guidance advocated for partnership working between social services and the police in addressing the experiences of 'vulnerable adults', however, the enactment of the new legislation has replaced the term 'vulnerable adult' with 'adult at risk', which has generally been perceived as a welcome shift in emphasis and responsibility. The term 'vulnerable adult' had been criticised in the past as having the potential to be a "self-fulfilling prophecy" (Stevens, 2016, pp.87) in that individuals may have become further disempowered by practitioners labelling and perceiving them as 'vulnerable'. The new language refers to adults who are experiencing, or are at risk of, abuse or neglect and, as a result of their own need for care and support, are unable to protect themselves. Furthermore, the new Acts have established a fundamental focus on a person-centred approach to safeguarding, with wellbeing as a central focus and a statutory requirement for 'MSP', or Making Safeguarding Personal programmes. Academics and practitioners have suggested these changes require a significant cultural and procedural change in protocol and process across social care agencies (Cooper and Bruin, 2017; Butler and Manthorpe, 2016). However, the guidance gives local councils, in collaboration with other agencies, the responsibility to investigate, prevent and respond to abuse (Montgomery et al., 2016). In addition, social workers and safeguarding teams

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[60] The Legislation across the four nations of the UK includes: The Care Act 2014 for England; the Social Services and Well-being (Wales) Act 2014; the Adult Support and Protection (Scotland) Act 2007 and the Adult Safeguarding: Prevention and Protection in Partnership (2015) national policy which applies in Northern Ireland. See Penhale et al., 2017, for a discussion of the distinctions between the disparate legislation.

continue to face ongoing challenges between the need to protect potential victims from abuse and at the same time support individual's rights to independence, choice and social inclusion (Fyson and Kitson, 2010).

Safeguarding adults: an alternative route to identifying hate crime victims

The potential role for safeguarding in recognising, reporting and addressing disability hate crime is underdeveloped at best (EHRC, 2011). Despite it being a process for protecting adults from abuse and neglect, local authorities have rarely considered disability hate crime to be within their remit until relatively recently (Shah, 2015). Interview participant Denzil (Council) recognised the potential for an accurate and suitable safeguarding response to raise the profile of disability hate crimes and increase reporting. Max (CPS) acknowledged the need for the CPS to engage with agencies such as safeguarding teams to raise the profile of disability hate crimes. Survey and interview participants in this study describe reporting their experiences to social and health services such as GPs, therapists, care workers, housing and social services staff, all of whom have the potential to raise those reports as a safeguarding issue. Thus, in theory, engaging safeguarding panels could contribute to identifying those crimes that are not reported to the police through conventional means. However, Balderston and Morgan (2009) found that safeguarding boards were inadvertently perpetuating unhelpful constructions of vulnerability in their work, possibly exacerbating notions that perceptions of vulnerability form the basis of much criminal behaviour against disabled people. The 2014 Care Acts provide an opportunity to develop a common framework to align hate crime with safeguarding, however, they vary in their definitions of 'harm' and the point at which local authorities will intervene (Montgomery et al., 2016) resulting in vagaries in their interpretation.

Although the need for multi-agency working is acknowledged, the implementation of such working has been challenging (Sin, 2016). Agencies do not necessarily recognise that they have a role to play in preventing or addressing hate crime and existing literature indicates a lack of effective multi-agency response or coordination in many cases (Sin, 2016; Richardson et al., 2016; Quarmby, 2011; Brown and Stein, 2000). Many professional partners in health and social care organisations, as well as housing and education, are slow to acknowledge their role, or to respond to it (Sin et al., 2009a). There are some signs of success, such as localised projects that have collaborated across agencies to raise awareness and implement support systems, such as the Jigsaw Project in Kent and Leicestershire Partnership NHS Trust (Sin, 2014). Although encouraging,

these examples underline the need for greater coordination and implementation of holistic interventions nationally. Accordingly, there have been calls for a national analysis of safeguarding processes to establish a more comprehensive understanding of protocols and processes (Doherty, 2015), although initial results from a review of post-Care Act safeguarding suggests there have been an increase in referrals since the Acts were implemented and potentially better outcomes for service users and social care staff as a result (Cooper and Bruin, 2017; Butler and Manthorpe, 2016). This may be as a consequence of the statutory nature of Safeguarding Adults Boards as a result of the Acts, which Cooper and Bruin (2017) suggest has increased expectations and encouraged greater accountability.

Interview stakeholders agreed that safeguarding policies must be followed when dealing with clients and complainants. Social service agencies have a duty to respond consistently and effectively to any circumstances or expressions of concern and that action must be taken if it is suggested that some form of 'abuse' has occurred, including emotional or psychological abuse or neglect (Rees and Manthorpe, 2010). Both George and Sally (Victim Support) outlined the training involved in recognising and reporting referrals for high-risk situations. However, its complexity can at times mean engaging safeguarding for both victim *and* perpetrator. As Leah (Police) points out, where: "you are dealing with a vulnerable person as the offender and a vulnerable person as the victim, there are safeguarding issues across the board". Thus, the role of adult safeguarding can be challenging in terms of meeting the needs of both victim and perpetrator.

Once a referral is received, however, safeguarding protocol often fails to prioritise police interventions, which may be a consequence of how the guidelines are interpreted. For example, as discussed above, 'No Secrets' was criticised for its 'problematic' definition of vulnerability, which would see any referral as a request for *services* rather than as a safeguarding matter per se (Penhale et al., 2017; Roulstone and Sadique, 2013; Sin et al., 2009a). Rather, the current Care Act is often interpreted by local authorities as one of a *duty* to investigate, with a general focus on the adult at risk over and above the perpetrator. However, responses continue in many cases to be protectionist at best. Riley (LD Coordinator) believes the local authority's cautionary response is inherent to the concept of safeguarding because "it's focussing on the victim which means that the perpetrator justice is gone". He suggests that as the various agencies come together:

> "they have no shared information system. You know, everybody knows something but we're still in the case where nobody's putting the bigger picture together and that's

probably the most critical element of all actually. It is that sort of police - stroke -
safeguarding interface...that's where the real action needs to be to happen".

For Riley, who has worked for over 30 years with learning disability services and has direct and regular engagement with safeguarding adults' teams, safeguarding services are not fit for purpose: "I think that safeguarding is useless... we did do some random sampling of... local authority safeguarding services across the country and what we found was, I think *less* than 5% of safeguarding *alerts* resulted in the intervention of criminal justice."   This may be a consequence of what Montgomery et al. (2017, pp.154) describe as the "minimalist or least interventionist approach" as discussed above. For example, Riley says that in cases where evidence is available, a typical safeguarding response is to remove the victim from further risk of harm, such as:

"we've got lots of examples where finally people have spoken up about hate crime for
example and say you know I was on the bus and this is what happened to me on the bus
and the response from the social care staff is, well use a different bus then."

As has been discussed previously, often care workers and family members minimise the effect of these experiences, possibly in an attempt to reduce the impact of it (Sin et al., 2009a and see Chapter 3). George (Victim Support) says: "very often they have to use an intermediate to report i.e. a carer and the carer's attitude is oh well, these things happen, you know, live with it, that sort of thing". This protectionism, however, is contributing to an overall dark figure of disabled hate crime and more targeting is needed of care and community support workers to recognise and *report* the signs of abuse. As Max (CPS) says, nothing can be done if a hate crime or incident is not recognised as such.

Aligned with this are ongoing challenges to effective information sharing across agencies (Stevens, 2016; Brown, 2004). Even when safeguarding enquiries are instigated, problems can arise with regards to who holds responsibility for dealing with reports, as Riley (LD coordinator) points out:

"we started picking up where [cases had] just been <u>completely missed</u> or <u>very poorly</u> dealt
with - an awful lot of buck passing going on...so you'd have things like, you know, the
police passing it to safeguarding, safeguarding passing it to social services, social services
passing it back to the police and so on and so forth and nobody actually <u>doing</u> anything".

Ruby's story supports this finding. She said there was no effort made between social services and police: "there does seem to be very little joined up even where there's *supposed to be* that... there was no linking with the vulnerable adults team".

These findings are supported by existing literature. Farquharson (2016) reviewed safeguarding referrals made by 152 local authorities in England and compared these with the referrals received by police, where they were tagged with a 'vulnerable adult' flag on the police computer system. She found that 87% of all referrals for alleged abuse did not establish that a crime had been committed (750 referrals) and only 1% resulted in court proceedings or a caution. Of the local authority referrals, 368 single agency referrals found no police involvement was required as a crime was not established, meaning that police *were never informed* of the potential for criminality. Farquharson found only four cases where a perpetrator was convicted. In a smaller scale study, Fyson and Kitson (2012) found 15 out of a potential 42 safeguarding referrals had resulted in a 'substantiated' outcome, whereby the investigation concluded abuse had occurred. The police were involved in only eight of those 42 cases and attended a safeguarding meeting in just three cases.

Riley's concerns are echoed by Susie (TPR) who has also worked with disabled individuals and organisations for many years. She describes a case where a learning disabled woman's support worker did not know *how* to raise a safeguarding alert. Despite evidence of disability hate crime, the "person on the triage team on the safeguarding team I spoke to could *not* understand how this was a crime". Like Riley, Susie says that when cases go straight to safeguarding they are not being identified as hate crimes, something she has raised "time and time again over the years". Both participants feel that this is a particular problem for learning disabled communities.

Where panels do respond, variations in safeguarding practice continue (Rees and Manthorpe, 2010), however, their involvement can provide speedy resolution in a high-risk situation. For example, Amy (activist) recounted a case where a hate crime victim was moved as a priority as a result of a safeguarding panel, demonstrating the benefits for the victim, despite a lack of police intervention. Successful safeguarding panels provide an opportunity for identifying, reporting and resolving disability hate crimes, however, Riley and Susie recognise intrinsic problems in its current guise. Riley emphasises the importance of encouraging social care staff "to act on their *suspicions* not their beliefs". They have the potential to identify and engage with high risk and possibly vulnerable victims who might not otherwise identify their experiences as hate crimes or who might not see the point of reporting incidents. This is a particularly attractive option for individuals with learning disabilities, such as people like Ciara and Zane in this study. As police officer Patrick suggests, safeguarding has an opportunity that might otherwise be missed "cos they're in and out of people's lives" and yet the evidence suggests this is not being realised.

Fundamentally, safeguarding protocols are not working in many areas and not being utilised in many others. For example, housing organisations need to be more proactive with the safeguarding process. They have at times failed to be embedded in partnership working and have been identified as 'weak' in their responsibilities to adult safeguarding (Cass 2015; Parry, 2013; Hunter et al., 2007). Parry (2013) suggests there is "widespread ignorance" about the role of housing in adult safeguarding and the extent of involvement varies by local authority (pp.16) although there is some evidence of referrals. Macdonald, Donovan and Clayton (2017), in a study that included 156 disability-related hate crimes and incidents, found that 26% of reported incidents went to housing services. Housing officer Emily recounts numerous cases where disabled victims are dealt with by her internal housing support team to resolve their complaints, but unless the police are directly involved, this information is not reported elsewhere. There is a potential for missed opportunities by housing associations, in dealing with disputes, to recognise and report safeguarding cases and thus create accurate and valuable links into police referrals. In an example of diagnostic overshadowing, Thiara and Hague (2013) found that safeguarding adults' policies regularly fail to identify abused or victimised disabled women. By focussing on meeting the needs of women's impairments, agencies failed to recognise signs of abuse and harm. Even when this was signposted for them, satisfactory responses were rarely reported.

Social care managers appear reticent to refer to police, often due to what they perceive as complex legislation (Farquharson, 2016). They also report frustration at the disruption caused by ongoing and lengthy police investigations (Fyson and Kitson, 2012; Rees and Manthorpe, 2010). These perceptions need to be addressed and resolved if police referrals are to become an integral part of safeguarding alerts, and recommendations for improved police response to hate crime reports are discussed further below. However, ultimately it appears from the evidence that the local authority's primary objective remains safeguarding the adult at risk, over and above dealing with potential perpetrators. Agency response should attempt to balance the need to protect people with empowering them to make their own choices and decisions (Stevens, 2013), but this does not appear to be the case. This is to some extent understandable given the risk-averse culture that now exists in many local authorities following high profile cases such as Fiona Pilkington and Winterbourne View, both of which demonstrated the impact of failing multi-agency systems. It remains to be seen whether the now statutory requirement of police as part of safeguarding adults boards (as a consequence of the new Acts) will result in increasing investigations over time. The research findings presented in Chapters 6 and 7 suggest that

perpetrators of hate crime may include those in positions of trust and as such this may further impact upon reporting.

This research acknowledges the complexities involved in multi-agency working. However, given the failures highlighted above, this research recommends additional targeted training to all agencies engaged in safeguarding to ensure that they recognise and are aware of how to report disability hate crimes, particularly for those dealing with individuals with learning disabilities. The nature of safeguarding adults policy focuses on the victim first and foremost and there needs to be a sea change in reacting to reports by disabled victims of hate crime, towards a criminal justice response where appropriate. Accurately and knowledgeably engaging within multi-agency safeguarding hubs and panels has the potential to increase disability hate crime awareness and reporting and prevent further victimisation occurring to others. Interventions, in response, must be adequate and swift, and must ensure assumptions are not being made about the 'vulnerability' of victims (Sin, 2016). Local authorities should promote increased awareness of hate crime policy across all safeguarding agencies and, when risks are identified, the response should not be restricted to protecting or removing the victim but also to immediate police referral. A holistic response thus means all agencies acknowledging responsibility, sharing information and collaborating to provide a unity of service to the victim. Part of that responsibility advocates for a more expeditious reply from police when reports are raised to them; this is addressed in the next section.

Part 2: Responding to Disability Hate Crime: Criminal Justice barriers and recommendations

The Police Response

The College of Policing's Operational Guidance sets out what response a victim of hate crime should expect from the police (replacing previous ACPO guidance). This includes: allaying the fears of the victim; developing a supportive, professional relationship with them to help build their confidence; informing the CPS of particular victim or witness needs; and, updating the victim on an ongoing basis, particularly about court dates and hearings (College of Policing, 2014b). The Home Office action plan (2016), whilst laudable for its focus on partnership working in communities and encouraging best practice, lacks clarification on how processes of reporting, recording and responding to hate crimes might be enabled, particularly with regards to funding. Despite acknowledging that victims' perceptions of the police can affect reporting levels,

fundamentally it fails to recognise the complexity of the nature of relationships between the two and the fear and concern many victims have around potential police prejudice or secondary victimisation (Wong and Christmann, 2017). Additionally, policy and response to hate crime varies by police force; some have dedicated hate crime units to strategically work on hate crime cases, whereas others advocate that any officer can respond to hate crime, often with the oversight of a hate crime 'champion' or hate crime coordination unit, if necessary (Home Office, 2016). This is discussed further below.

The Court Process

The CPS, in consultation with community organisations, has developed a number of policy initiatives addressing hate crime legislation, criminal offences and the roles of CPS and police in their response. Each one adopts a version of the Macpherson definition of racist incident, maintaining a victim-oriented approach. CPS hate crime policy recognises the significant negative impact of hate crime on disabled victims, on their sense of security and wellbeing, and on their ability to participate socially and economically in society. The emphasis is on the importance of securing the confidence of victims and witnesses of disability hate crime and those targeted because of perceived vulnerability (2007; undated). On an operational level, the CPS has established a hate crime co-ordinator for each of the 13 CPS areas and CPS Direct. In addition, the CPS established Hate Crime Scrutiny Panels across England and Wales, chaired by and made up of members of the local community, although they vary in terms of their focus.

The previous chapters have demonstrated how victims of hate crime are less likely to report their experiences to the police, thus failing to get to court in most cases. The CPS (2007) offer a variety of initiatives to support disabled victims and witnesses and encourage confidence, including the Code of Practice for Victims of Crime, Achieving Best Evidence guidance, the 'No Witness, No Justice' programme (which established dedicated witness care units in all 42 CPS areas to tailor support based on a needs assessment), special measures[61], reporting restrictions and the Witness

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[61] Special measures are a series of provisions that help vulnerable and intimidated witnesses give evidence in court and relieve some of the stress associated with giving evidence. They apply to both prosecution and defence witnesses but not to the defendant (EHRC, 2012). Special measures were introduced by the Youth Justice and Criminal Evidence Act 1999 and are available for those under 17 years, adults who may be considered vulnerable because of incapacity, such as a physical or mental disorder or learning disability and those who may be affected because they are intimidated. Measures include video evidence, use of screens, evidence by television link, clearing the public gallery, use of communication aids, evidence through an intermediary, and/or advocates/judges removing wigs and gowns. The CPS says they will "positively consider" special measures for cases involving disabled victims and witnesses.

Support Preparation and Profiling Initiative[62]. However, hate crime legislation and policy have limited practical utility if they are not enforced or adhered to (Woods, 2010). An application for Section 146 dictates that an offence should be treated 'more seriously' and the sentence enhanced to reflect this[63]. The CPS does not however specify any guidelines for this process, and it is down to the presiding judge or magistrate to make the sentencing decision as he/she sees fit and make a clear statement to this effect in court (CPS, undated). The Law Commission's report (2014) has urged for clearer guidance on this issue for any crime where hostility is established (including both enhanced sentences and aggravated offences), alongside severe criticism of CPS handling of disability hate crimes (CJJI, 2015, 2013). The 2013 CJJI report found that the judiciary were of the view that Section 146 should only be considered on an 'exceptional' basis, rather than being embedded in the sentencing process and urged clarity in this regard. They identified a failure by police to examine offenders' motivation, a failure to identify the disability hate crime element of a case to the CPS when getting charging advice and a lack of appropriate information being received by the police, from the CPS, in return.

Despite improvements by the CPS, Walters, Wietlitzka and Owusu-Bempah (2017) report continuing problems with prosecuting and sentencing disability hate crimes. They highlight, for example, inconsistency by judges when increasing sentencing; showing how some rely upon intuition and experience to determine sentencing, others uplift to the next possible sentencing range in the guidelines, and others still apparently rely upon subjectively defined percentage uplifts. They identified a "vast gap" in the way in which disability hate crimes are dealt with (p.172), as a result of different offending behaviour, different categories of offences, and different contexts in which these crimes occur compared to other strands of hate. Consequently, evidence is not gathered consistently and, despite positive reports of training initiatives, persistent confusion surrounds the application of hostility and vulnerability. Inevitably, subjective judgements as to what does and does not constitute hostility has also led to failures to achieve uplifts in sentencing where judges continue to demonstrate a lack of understanding as to the impact of labelling disabled people as 'vulnerable'.

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[62] Witness Support, Preparation and Profiling aims to promote equal access to justice for witnesses with learning disabilities and other vulnerable witnesses by providing in-depth support and preparation, including assessing the individual's 'potential' to be a credible and competent witness (CPS, 2007).

[63] As mentioned previously, the sentence can only be extended to the maximum for the original offence and cannot be over and above that threshold.

Criminal justice responses: the reality

Perception of the police was fundamental to many participants decision as to whether or not to report their experiences. Participants say that they are fearful as to how the police will respond to them, they fear arrest and some have experienced previous poor treatment by police officers. Others report being told by police that there was nothing that could be done for them, or that there was no point in reporting their experiences as prosecutions were unlikely (as evidenced in the previous chapters). Police officers gave the impression they were unsure as to how to deal with the reporting of a hate crime:

> *"and I think to be honest, the police just haven't got a clue, they don't know how to tackle it" (Gemma)*

> *"we were told there was nothing we could do, we were told there was nothing in the statute books against disability hate crime... that would stick" (Ruby)*

Participants also reported that when they did report, they received unsuitable, insufficient, inappropriate and inadequate responses by police, and argue that this is a form of secondary victimisation[64]. Participants in focus group 2 advocated that many judges and magistrates do not apply convictions that "fit the crime" and that in cases of insufficient evidence, police choose a different or reduced charge. Thus, any resulting conviction did not accurately represent their experiences. They blamed the police for charging decisions, rather than the CPS, whose decision it is to determine the charge and advise the police accordingly, demonstrating the negative representation of police and assumed police responsibility for prosecuting disability hate crimes. As with the Pilkington Case, the police are carrying the blame for something which may not be within their remit, however it must be acknowledged that they are responsible for gathering the evidence to make the charge in the first instance. Nevertheless, participants felt that "statistics" (by which they may mean hate crime conviction rates) take priority over the individual circumstances of a case. This in turn contributes to victim reports of feeling failed by "the system".

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[64] Secondary victimisation is when a victim of a crime experiences further harm as a result of police treatment, such as indifference or rejection, effectively victimising them again (College of Policing, 2014b). The guidance states that it is the responsibility of the police to manage the interaction with victims to ensure this does not occur.

Focus group participants were also clear that they wanted police to "make verbal abuse a crime", something that was repeatedly stated by members of both groups. This speaks to their frustration around repeated experiences of verbal abuse and is rightly a concern for them. However, as discussed earlier, Sections 4, 4a and 5 of the Public Order Act 1986 are regularly used by the CPS to charge hate crime offenders, often as alternative charges with aggravated hate offences[65]. The Protection from Harassment Act also provides protection from repeated conduct that causes alarm or distress. Thus, either there is lack of communication from the police to disabled communities that these offences are available to them, or disabled communities are not seeing these charges put into action. Focus group and interview participants advocate for improved handling of cases and victims, including greater support from the police and CPS, regular publication of successful cases and greater privacy to victims in court.

Extensive literature suggests that many victims of disability hate crime receive disappointing responses by police (Wong and Christmann, 2017; Brown et al., 2016; Chakraborti, Garland and Hardy, 2014b; Sin, 2015; Sin, 2013; Pettitt et al., 2013; Clement et al., 2011; ECDP, 2010; Sin et al., 2009b, and see Chapter 3). The majority of survey and interview respondents report similarly inadequate, offensive and inappropriate responses from the police. For example, a survey respondent says: "The worst hate crime I experienced was the police". Another adds: "Despite two years of reporting nothing done". Daniel, an interview participants describes the police as "very aggressive" when they interviewed him about a neighbour complaint. Sarah spoke of a mixed experience with officers also; the first officer she reported her experiences to inferred that she was a prostitute. Later, however, she reports how "brilliant" the police were in handling her case. And as Grace's case study showed previously, although pleased to be taken seriously by the police, she felt the officers' suggestion that she take a photograph of her perpetrators fundamentally lacked disability awareness.

Overall, these research findings suggest that cases were handled poorly by the police. Police failures in keeping victims updated was of particular concern, which they consider is representative of a lack of diversity awareness and general disregard for disabled people. Hayley reports how, at the time of her interview, she was still waiting for the police to return to tell her the outcome of their enquiries. She believes this is because the police think: "they're just disabled people, what does it matter?" Police diversity and disability awareness training appears to be

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[65] Section 4 covers threatening, abusive or insulting words or behaviour causing fear of violence; Section 4a covers threatening, abusive or insulting words or behaviour intended to cause harassment, alarm or distress; Section 5 covers threatening, abusive or insulting words or behaviour causing harassment, alarm or distress [amended by the Crime and Courts Act 2013 to remove 'insulting' for S5 only].

lacking; with victims reporting poor awareness of disability issues generally, and even an embarrassment around one victims' lifestyle choice. Ruby describes an incident where she called the police and: "I got somebody who said: will you stop wittering and calm down and tell me calmly - and I snapped, I said: this is the best I'm doing, this is the best I *can* do, I've got a brain injury, please try and bear your disability equality training in mind - and he actually started being polite". Findings here support existing literature and the Government's Action Plan which says hate crime victims continue to express lower levels of satisfaction with the police (2016). The plan also claims that forces have a better understanding of the impact hate crime has on communities, however, this is not reflected in this research project. As Wong and Christmann (2017) suggest, it is doubtful that police understanding of hate crimes are improving if there is no improvement in victim satisfaction.

An example of police inadequacy comes from the experiences of Amy, a disability activist and campaigner and wheelchair user, who has experienced numerous abusive and threatening encounters. On one of these occasions, Amy was threatened by a stranger at a local market. She describes how distressing the experience was but that she assumed the police would "do the right thing" and, initially, their response was positive. However, as the investigation progressed organisation and procedural errors emerged which meant that, despite identifying her perpetrator, a charge could not be brought. She describes how:

> "I was _failed_ in different ways..._eventually_ I did make a formal complaint and I got it all investigated and I got, I received a formal apology...and again I got New Scotland Yard team to deal with it...erm...the violent crime directorate, to address it...but I felt very very let down...by the...by them".

Amy suggests that the police do not recognise disability hate crime for what it is in most cases. She was let down by police failure to follow correct procedure in her case, but further disappointed and distressed by hearing her experience described as a public disorder offence:

> "I ca-can't even express how that felt to have such a huge _threat_ to my life, minimised to such a level that it was just public disorder...was horrendous [low voice]".

Her story highlights how the potential to get a conviction and, as a result, send a message to possible perpetrators was failed by a catalogue of police errors, underscoring the inconsistency and unfairness perceived by many disabled victims of hate crime, as compared to other strands (as discussed previously).

Although participants were also failing to report their victimisation because of individual factors, such as concerns about their own health, fear of reprisals, or relationships with perpetrators, their perceptions of the criminal justice system were the dominant barriers to reporting. This included being fearful of how the police might respond, previous poor treatment by the police, perceived reluctance of the police to recognise their experiences as hate crime and believing that there was nothing the police could do. Where cases were reported as being handled positively by police, they were unable to achieve a conviction in almost all of the cases. Many felt there was no point in reporting as it happens all the time, or nothing would change as a result:

> *"I didn't report it because at that point in time it was happening all the time... it was, if you like, sort of par for the course... (Gemma)*

These cases demonstrate the inconsistency in response by police and highlight weak and ineffective strategies in responding to disability hate crimes, supporting previous findings (Sin, 2016; Richardson et al., 2016; Sin, Sheikh and Khanna, 2012; Perry, 2004). One of the aims of this research was to explore the experiences of victims of hate crime by the criminal justice system. The system has almost unanimously let these victims down, some repeatedly. What these cases highlight is insensitivity to disability generally, and a lack of skill in dealing with disabled victims and witnesses. Cases were handled poorly in almost every incident. Information was not fed back to victims. They were not advised what would happen next or whether their perpetrator(s) had been spoken to. Professional relationships were not always established. Their reports were dismissed or played down. Even for those who were taken seriously by police, most failed to get a result. Some reports took years to get a satisfactory response, as in Gemma's case. Many victims felt they had to defend or explain their disabilities, such as Daniel. It is unacceptable that the plethora of advice, guidance and procedures that exist are not being followed and victims of hate crime are being let down repeatedly by the justice system. There is an urgent need to introduce change to how police recognise and respond to disability hate crimes and incidents.

Improving reporting and responding

A review of criminal justice agencies handling of disability hate crimes concluded that there was an immediate priority to increase reporting in that disability was the "hate crime that has been left behind" (CJJI, 2013, p.4). Many of the challenges listed above, and in the section in Chapter3, must be addressed in terms of more appropriate criminal justice training and communication. Of the 62 survey respondents who reported experiencing disability hate crime, 21 reported these experiences to the police. Although it is not known from the survey what the police response was, it is disappointing that only a third of victims of disability hate crime approached the police. This compares to Macdonald, Donovan and Clayton (2017) who found that 51% of disabled victims had reported to the police and to Roulstone, Thomas and Balderston (2011) who found only 11 out of 304 participants had reported their experiences. As such, reporting rates vary widely but it is generally accepted that official figures are significantly under-reported (Richardson et al., 2016; Sin, 2013; Sin, Sheikh and Khanna, 2012).

The research findings echo existing literature (e.g. Mason-Bish, 2013; CJJI, 2013 and see Chapter 3) in that research participants reported difficulties with police officers *identifying* or recognising disability hate crimes. Criminal justice services must ensure there is improved communication, provisions, access and special measures to support victims. Some measures have been established to provide easier means of reporting, such as smartphone 'apps' like Self Evident (Witness Confident, 2016) and Dorset Police's Hate Crime Reporting App (Dorset Police, 2014). Engaging with community organisations, promoting third party reporting mechanisms and using alternative means for resolution have also been suggested (EHRC, 2011; Vincent et al., 2009). However, other reasons for under-reporting have different implications for effective interventions, such as the relationship between the victim and perpetrator (Sin, 2013).

In order to increase reporting of hate crime, victims and witnesses need to be confident to report it and agencies need to be able to accurately record and respond to it (Wong and Christmann, 2017). The Home Office (2016) is conducting a pilot on proactive recording, where every crime against a disabled person is automatically considered to be a hate crime, unless demonstrated otherwise. At the time of interview, only Patrick discussed this policy and suggested that it may help in identifying more disability hate crimes, which he considers a 'challenge'. Alarmingly, he adds it may also assist those officers who continue to be confused as to how and when disability is recorded on CMS systems, suggesting that further training may be required in this area. A blanket approach to proactive recording however could lead to a decrease in officer awareness around

disability hate crime and disability diversity, as they would not need to consider whether incidents were hate-related or not. Unless some element of training and learning can be achieved from it, it is difficult to see the long-term value of this policy.

Distractions of Anti-Social Behaviour

As discussed in the previous chapters, hate crimes have long been mislabelled as anti-social behaviour (e.g. Macdonald, Donovan and Clayton, 2017; Chakraborti, Garland and Hardy, 2014a; Sin et al., 2009a). Police authorities have established protocols that include questions such as whether the victim thinks they have been targeted because of an element of their identity, such as race, religion or disability, in an attempt to identify potential hate crimes.

> *"there's probably more [hate crime] <u>reported</u> to us than we <u>record</u> because we probably record lots as anti-social behaviour" (Patrick, Police)*

> *"because a lot of the time, ASB hides hate crime" (Leah, Police)*

> *"I've had police officers say to me, well, hate crime and antisocial behaviour, it's all the same thing" (George, Victim Support)*

> *"the majority of ASB against disabled people is hate crime, and so I've been trying now to tackle that from that angle" (Amy, activist)*

Patrick and George both concede the two can be confused: incidents can be "a bit fuzzy sometimes" and "very often anti-social behaviour *ish*" (George, VS). These challenges are not helped by guidance and policy. As Teagan (Police) says: "the reality is police terminology, if you're not in the policing world, it's really difficult to understand. Because it's like every organisation, things are written in a certain way for the *practitioners*". However, Patrick (Police) counters this with the following:

> *"it's our fault, you know, hate incident, crime, enhancement - language confuses people. What I say to people ... is...just forget all that... if somebody has said something, done something, done some harm that you think is naughty, nasty, bad, not nice, erm you tell us about it...if during that telling us about it, you say it was because of my race or my whatever then, then then it's helpful to us, but don't, don't bother yourself of whether it's a crime, is it an incident, is it serious enough. If you think it was bad enough... you tell us and we hopefully are trained from the cradle to the grave, to pick that up" (Police).*

Unfortunately, victim-participants were not always persuaded to do so. Their reality differs from Patrick's ideals. As Gemma suggests, unless there is specific evidence: "police don't look at it like that" and a hate crime is treated as a "common disturbance". Ultimately, it can be individual officers' subjectivity that determines whether something is treated as a hate crime or incident. This is despite policy specifying that a victim or any other person determines whether an event is a hate crime or incident. Gemma adds that regardless of the official definition, police: "ignore the fact of the person's perception of this and its affect on the victim" (sic). Unfortunately, this is a consequence of attempts to balance a broad and inclusive policy definition of hate crime with the requirement for evidence of motivation or intent to gain a prosecution.

Many participants reported that there are not enough trained frontline officers to recognise disability hate crime, there are not enough local officers available to raise the profile of hate crime and encourage reporting, and there is a general reluctance of police to recognise it for what it is, who instead interpret it as anti-social behaviour. Overall, participants report a lack of trust at community level by police with disabled people, as evidenced by the following example:

> *"I very much doubt that I would report [again], because I wouldn't be able to cope with not knowing who I was going to get, whether I was going to get someone <u>sympathetic</u> or not" (Ruby)*

Where incidents involve neighbours or local residents and victims do not use hate-specific terms, untrained officers may also mistakenly interpret the event as anti-social behaviour. Officers may then label the incident as something other than a hate crime, as these examples demonstrate:

> *"but we or the housing association would call it yeah it's neighbour dispute, it's antisocial behaviour, so I'm sure we have more than we record but we just need to drag those out" (Patrick, Police)*

> *"[victim has] just called the police because this person's always harassing them... and it goes under anti-social behaviour for example, you know" (Sally, Victim Support)*

Police performance

Perception of the police was fundamental to many participants decision as to whether or not to report their experiences. Participants say that they were fearful as to how the police will respond to them, some feared arrest and some had experienced previous poor treatment by police officers, adding weight to the poor reporting experiences highlighted by previous studies (Macdonald, 2015; Balderston 2013; Roulstone, Thomas and Balderston, 2011; Sin et al., 2009a, 2009b). For example, Stuart says he was disinclined to report his experiences to police because he has been on the receiving end of similarly offensive comments from officers themselves: "your bog standard policeman is at the end of the day a bog standard human being though, aren't they?" They report being told by police that there was nothing that could be done for them, or that there was no point in reporting their experiences, demonstrating how their earlier experiences with the police can reduce their likelihood of future hate crime reporting.

Practitioners report that police and CPS do not always differentiate between hate crimes and other non-bias crimes, demonstrating how lack of awareness and subjective bias can impact on hate crime recording. George says: "there's been quite a lot of disability hate crimes that we've had sent to us…where the motivating factor is not disability.... But it's a judgement call and I think it's about making sure that erm…you know, we do have a *line*… but that line is… you know it needs to be debated sometimes" (Victim Support). As an alternative, Max (CPS) suggests individual investigators ask themselves: "but for the disability, would this have happened?" Max advocates that criminal justice workers should be looking at the circumstances rather than the targeted. Likewise, in recognising that victim-blaming can occur, Patrick adds: "it's actually the behaviour we target, not the *victim*... we've got to target the behaviour erm and the perception of behaviour, really key, really key".

Participants report problems in communicating directly with police, whose lack of understanding around disability generally only serves to compound this, deterring them from reporting again in the future. What is particularly concerning is the confusion around dealing with so-called 'mate crimes' (Landman, 2014, and chapter 3) and learning disabled people generally:

> *"the real difficulty with it is- is that it very often appears to be consensual... and it particularly appears to be consensual if you're a police officer with a very poor understanding of the mental capacity act... which is essentially is ALL police officers [laughs]... because they just don't get it, they do not get the fluid nature of capacity enshrined in the 2005 act" (Riley, LD coordinator)*

"Especially with people with learning disability, often what they say would probably not be taken seriously, is the thought I would see" (Phoebe, Council)

Leah recognises that it can be difficult to deal with people with learning disabilities and mental ill-health and cautions about how agencies come together to deal with such cases. She highlights how:

"the persons needs are so complex that they can become both the victim of hate and mate crime but are also seen as the perpetrators of ASB/ Crime in their community. If people have complicated mental health issues they can live life in a different way and attract attention, they also become easy targets... police have to recognise that it's not clear cut and be open to the possibility" (Leah, Police)

Other stakeholder-participants, such as Phoebe (Council), Patrick and Teagan (Police) also note a failure to adequately respond to disabled people, particularly those with learning difficulties: "because depending on the type of disability they have... it's intimidating talking to the police" (Teagan, Police). Bruder and Kroese (2005) suggest improvements can be made in reporting if there is a positive and trusting relationship built between staff and caregivers for learning disabled people. They emphasise a proactive stance is required by regularly asking disabled people if anything or anyone has upset them, fostering a culture of reporting. This can be enhanced further by regular engagement with community and frontline police officers and other notable stakeholders (discussed further below). As such, greater emphasis on community relations must be made with respect to learning disabled communities. However, there are difficulties herein, as many of the participants in this study were not part of a local network or user-led organisation. Police may be engaging with local community groups but they also need to find a way of getting their message across to those who are isolated. This is a challenge for strategists and dedicated hate crime officers.

Finally, as was discussed in Chapter 3, the use of Restorative Justice (RJ) is emerging as a potential intervention for hate crime offending, with many forces considering the utility of RJ in addition, rather than an alternative, to a chargeable offence. Police interviewees for this study highlighted the contribution of RJ and community mediation techniques alongside alternative dispersal options, as these examples show:

> *"we do use it post court conviction, we do use RJ to get some closure and some answers for victims and to try and make the light appear for perpetrators so we are looking to do it not just as an alternative option but as a – an 'as well as'" (Patrick, Police)*

> *"if it's what the victim wants it's the ideal resolution, so we do use community resolutions for a number of cases that the person doesn't want the other person arrested, they don't want to go to court, they just want the behaviour to stop" (Leah, Police)*

> *"the reality is even in an incident situation where it's not a crime, there are still things like restorative disposals you can do and we will do those, but again it comes down to what the victim wants" (Teagan, Police)*

Current literature suggests RJ methods are particularly useful for localised hate disputes where often offending is the result of an outburst of anger or frustration (Walters, Wietlitzka and Owusu-Bempah, 2017; Walters, 2016; Walters, 2015; Chakrobarti, Garland and Hardy, 2014a; Walters and Brown, 2016; CJJI, 2012). An advantage of RJ is that it can confront perpetrators with the impact of their action upon victims, and in particular can give victims a voice through which they can explain how they have been affected. As Walters (2015) concedes however it remains to be seen if it can have a positive outcome for offenders with deep-seated hate motivations and practitioners must be cautious of any potential negative impact upon victim participants. When done well, RJ offers a victim-led approach to criminal justice, as the stakeholder participants highlight.

Dedicated hate crime units

"I describe it as is shaking trees, and if you shake the tree hard enough, the bad person falls out onto the floor, and you get them" (Leah, Police)

The evidence presented within this thesis suggests that much more is needed to address failings of the criminal justice system in responding to disability hate crime reports. As mentioned previously, there is a disparity between forces in terms of whether they choose to have a dedicated hate crime investigation unit respond to hate crime reports or have all police officers available to respond to and process reported hate cases. As advocated by College of Policing guidance (2014b) this decision is at the discretion of individual forces although very few services have specialist officers or units in place (Taylor et al., 2012; Mencap and OPM, 2011). The Home

Office recommended a review of the location and number of specialist hate crime police officers across England and Wales to ensure that resources are being allocated judiciously (2016) so it is timely to consider this issue herein. Regardless of whether forces have a dedicated unit or not, all are required to have officers trained in hate crime. However, evidence suggests that training improvements are needed (Walters and Brown, 2016; Chakraborti, Garland and Hardy, 2014a; CJJI, 2015, 2013) and the National Policing Lead has been charged with reviewing training needs and improving upon the current training package.

Dedicated units, it is argued, are better equipped to respond to and investigate instances of hate crimes and will have established referral networks to support them in this work (Thorneycroft and Asquith, 2015). The police staff who were interviewed were asked about their views on this. Three of them advocated *against* a specialist division when dealing with hate crime, preferring instead an emphasis on training and diversity awareness across all staff. Not surprisingly, none of those three forces had dedicated units. Teagan, People, Confidence and Equality Officer, Force D, says this is because "there is a *risk* if you have a specialised team because then it's like oh no one else needs to worry about that, now I gave it to them. If you empower everybody to deal with these incidents you have wider organisational learning, you have a much more resilient and effective workforce".

Patrick, Hate Crime Sergeant within Neighbourhood Policing Branch, Force S, is the dedicated hate crime officer for his area which also does not have stand-alone investigative teams for hate crime. Whilst acknowledging the advantages a specialist can bring, he agrees with Teagan: "I think the disadvantage is if you *narrow* that field of expertise it reduces the level of expertise of everybody - and also I think it's a human nature thing...'oh I don't need to do as much cos we've got those experts, they will do all of that'". He adds that hate crime is "not *really* rocket science" because "if you strip away the hate, you've got a victim who's the victim of an assault erm and you know we know how to take statements, we know how to interview people, we know about press releases, CCTV, previous incidents and all that - the only bits for the hate are looking for the motivation and asking CPS for the enhanced sentence". His description suggests that a successful conviction should be straightforward, although victims of hate crime might disagree. In addition to his role, his district has a point of contact who reviews hate crime cases for their area. He believes any hate crime overseeing role should fall within neighbourhood policing because of the nature of hate crime: "I think all the challenges and all the work needs to be done in *neighbourhoods*...from neighbourhood officers".

Chief Inspector Tom, Hate Crime Lead, Force N, estimates that the hate crime element of his role takes up 5-10% of his time when it could "easily" be a full time post. All of his neighbourhood police officers are trained to deal with hate crimes with one senior officer responsible for overseeing all cases. Rather than a neighbourhood officer, however, he has a detective sergeant in post: "and the reason it's set up that way is one, from a detective overview, so somebody who has that investigative specialism, but also one individual so I've got consistency". Thus, although Patrick sees his neighbourhood experience as contributing to the hate crime oversight role, Tom prefers the skills that an investigative officer can offer instead.

In contrast, Detective Constable Leah is one of two hate crime officers within a dedicated Hate Crime Unit in Force A. She has a background in CID, the Trials Unit, Corporate Communications and is a former beat manager, all of which she says combine and contribute to her current role. Leah admits the reason for the Force change to a dedicated team was that they lacked a cohesive approach to hate crime: "it was investigated by whoever went to it, so response officers or the neighbourhood policing team, or the CID if it was serious". She concedes that there was a "really poor detection rate" as a result, but since the move to a dedicated unit she cites impressive rates of conviction, of 70% in the previous year. This compares to an approximate success rate for all crimes of 30%. Her small team investigate 60-70% of all reported hate crimes (across all strands) and oversee the investigation of the remaining ones. Her approach is "holistic" and utilises all time and resources available to her in order to deal with hate crime most appropriately for the victims. She calls it "*surrounding* the victim" with the ultimate focus on victim satisfaction. As well as improved detection rates, she also cites good community relations that have developed as a result of this dedicated team, brought about by getting to know the community as a result of repeat incidents occurring in certain areas. Aligned to this she is seeing increasing reporting as an outcome of the trust that has been established with her unit. Leah is passionate about detecting hate crime and provides training in diversity and awareness-raising both across the force and within the wider community.

Despite the advantages of having any officer respond to hate crime, and the three interviewee's convictions that any officer can do so *well*, the research has highlighted frequent poor responses by police to victims' reports of hate crime, supporting existing findings (e.g. Wong and Christmann, 2017; Brown et al., 2016; Chakraborti, Garland and Hardy, 2014b; Sin, 2015; Sin, 2013; Pettitt et al., 2013; Clement et al., 2011; ECDP, 2010; and see Chapter 10). A move away from specialist roles requires consistent and reliable practices for dealing with disabled victims of

crime (Richardson et al., 2016), which have not been evidenced in this research. In contrast, Leah's dedicated investigations unit shows how a victim-focussed, holistic approach from a small number of specialist officers can yield formidable results. However, in order to function effectively, dedicated units rely on every other officer recognising and referring hate crime cases to them.

Although Hall (2011) suggests that "operational common sense" (pp.80) is more influential than policy in determining police activity, Mason et al. (2015) acknowledge that successful hate crime policy also relies on the deployment of significant resources. Without additional resources being fuelled into this strategic area, awareness will remain low and stereotypes allowed to fester, as these examples demonstrate:

> "they're not putting disability hate crime liaison officers in place locally, which would really help..." (Amy, activist)

> "The impression that I get is that if they don't have an appointed person [to deal with hate crime] – and they haven't had for months – they can't be taking it that seriously" (Freya, DPULO)

> "I just don't think that colleagues <u>always</u>...give cognoscente and can recognise and can <u>take effect of the consequence</u> so we get 'he's only been punched' well yes he might only have been punched and he might not actually be <u>that</u> badly hurt but it's the <u>fact</u> that he then daren't go out because he's only been punched ... I think we've still got some work to do there" (Patrick, Police)

This research advocates for an assessment of hate crime practices within police forces in England and Wales, echoing previous findings of inconsistency in tackling hate crimes (Mencap and OPM, 2011[66]). This is in addition to the review of hate crime resources currently being undertaken by the National Policing Lead and should include cost-benefit evaluations of the Units, alongside other measures of success. Whilst acknowledging that each force has to adapt its services according to the needs of the community it serves, on the basis of this study, this research recommends a dedicated hate crime unit within all police forces. Units have the potential to undertake more investigations with specific expertise and enhance results and community

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[66] Mencap and OPM (2011) reviewed 14 forces across England and Wales and found little consistency in tackling hate crime.

relations (College of Policing, 2014b). However, rather than a Unit focussed solely within a police force, the research recommends a holistic, multi-agency approach to such a unit, including embedding the statutory links now required with adult safeguarding hubs (Cooper and Bruin, 2017), as discussed above, and alignment with third party reporting centres, to which this research now turns.

Part 3: Responding to Disability Hate Crime: The contribution of Third Party Reporting

"there's no guarantee about what sort of service you're gonna get" (George, Victim Support)

One of the recommendations from the Macpherson Inquiry was that a facility be provided for victims of hate crime to report their experiences through an alternative, third party agency, other than the police (1999). This led to the emergence of third party reporting services being proffered by agencies operating either locally or nationally, providing services within communities and/or online. The current Government's hate crime action plan (Home Office, 2016) explicitly endorses third party reporting, in terms of improved accessibility to the criminal justice system, offering a range of opportunities to report and a variety of reporting options for victims. It further proposes widening the scope of the availability of third party organisations, particularly for those minority groups who experience greater marginalisation. Interestingly, the plan sets out specific targets for disabled people's carers and family members, which seems to suggest that disabled people are either not capable of recognising and reporting hate crimes themselves or are not suitable targets for the promotional resources. In a pattern that has been demonstrated throughout this thesis, the underlying message of this is one of infantilising disabled people. The plan would do better to acknowledge the broad spectrum of forms of disability and that some, rather than all, disabled people require additional support through family and care worker networks.

The promotion and endorsement of third party reporting (TPR) corresponded however with a review of existing third party reporting schemes that found that many had failed to deliver any improvements in reporting and others were unable to deliver in the short-term, undermining their value and the confidence in them (College of Police, 2014b). Wong and Christmann (2017) contend that the orthodoxy of third party reporting centres has been "uncritically" endorsed by successive governments, despite a lack of supporting evidence, describing their use as "more like an act of faith" when tackling hate crime (p.17). Their concern is the unquestioning replication of

reporting centre formats, without consideration of the diversity of needs in any particular area. Despite these findings, guidance and policy continue to endorse third party reporting while hate crimes remain under-reported.

Commissioning of TPR services

Attempts to increase hate crime reporting need to be conscious and reflective of the challenges and diversity within each minority community. Aligned to this is the variety of ways in which TPR can be augmented and how local services are commissioned. Some local authorities configure all TPR services through one local agency, identified through a tendering process, whereas others prefer to engage a host of community-based, often voluntary, agencies that cater to a variety of hate crime strands, providing multiple locations for individuals to report. However, caution must be applied to single-tendered agencies that may have a more natural affiliation with some parts of the community than others. Many local authority-funded victim organisations, and third party reporting centres, started out initially to record and respond to race or ethnicity-based incidents. As they expanded over time to include other strands of hate, they have not always succeeded in engaging with other minority communities. Clayton, Donovan and Macdonald (2016) found that their third party reporting organisation had been increasingly engaged with supporting ethnic minority communities, as a consequence of its earlier manifestation. Similar findings were identified in the interview data for this research. Interview participant Susie works for a single TPR agency that provides reporting facilities for all forms of hate crimes. Susie recalls her own challenging experiences when trying to engage that agency with disability-specific issues. The organisation had a long history and reputation for campaigning and promoting on race and ethnicity equality grounds but has, she believes, failed to fully engage with other minority groups. She suggests this is a consequence of limited knowledge and expertise of other forms of hate crime, lack of awareness of potential service users to the broadening of the organisation's reach and users subsequently assuming that they were not welcome to report there (unless they were experiencing hate crimes on the basis of their race or ethnicity). Although the organisation's name was rebranded to a more generic 'hate crime' title, staff continued to introduce themselves through their former title, which made specific mention of 'race' crimes, and their literature continues to carry their former logo. Similar apprehensions were reported by Leah (Police), who operates in the same geographic area and was concerned that hate crime victims were not aware of the amalgamation and re-branding: "they may associate it with race crime only and not get the support they need". This finding reflects how important it is to promote hate crime services more broadly, to be *seen* to cater for the variety of experiences by different minority groups and that

the skills that local, user-led organisations can apply to one particular strand may not be transferable, necessary or appropriate in terms of response to other strands. Alongside all of this are issues of limited or reduced local authority funding contributing to a general lack of maturity in much of local voluntary and community sectors, and a consequential high turnover of staff (Wong and Christmann, 2017) that can impact upon how well this could be done.

The success of multiple sites of reporting is also contentious. Macdonald, Donovan and Clayton (2017) identified general concerns about the use of national reporting sites versus local reporting centres and a distinction between those in favour of a single reporting agency for all TPR and those that advocate for as many different available venues as possible to capture TPR information. Susie (TPR) says the use of multiple TPR sites does not work:

> *"it dilutes it... [continues] it just didn't really work, because people just didn't report them and didn't use them and you know, the conclusion I came to actually was it's hard enough getting the message out there and you've got to keep it really simple and just keep pushing".*

In contrast, Teagan, in Force D, says they use a variety of different agencies for TPR including a local disabled people's user-led organisation for disability hate crimes and a 'Hate Crime App' for mobile phone reporting. Rather than dilution, Teagan emphasises that a variety of sources are needed in order to get the "bigger picture". A potential problem with multiple reporting hubs however is that staff may not necessarily have the resources or the skills needed to promote or respond to it, according to Amy (activist). Indeed, as Amy, Denzil (Council) and George (Victim Support) argue, TPR services for disability hate crimes need skilled and trained volunteers and staff to take reports and respond to individual's distress, as well as accessible and suitable venues.

As discussed in Chapter 3, Vincent et al. (2009) proffer caution when dealing with multiple agencies. Conflict can arise with regards to which organisation or individual is responsible for dealing with an individual's report. Similar findings were identified in this research. Interview participant Daniel garnered support from his local TPR hate crime officer, after initially attempting to raise his complaint of harassment with his housing officer at the council. He recalls his disappointment in council staff who were lacking in knowledge about their own policies and their duties under the Equality Act. He has since engaged a solicitor although he has yet to report his experiences directly to the police. His story highlights the potential pitfalls of attempting to report experiences through a number of different channels, although fortunately in this case he did successfully utilise TPR support services.

In Area N, Tom (Police) was trialling a project with the goal of designing "more intelligent" reporting centres. He acknowledges that existing centres were not always suitable for disabled people. Despite the criticism of multiple sites above, Tom (Police) is working from a principle of making it as easy as possible for victims of crime to use TPR. Rather than having, as many other forces do, a free phone number 24 hours a day from an organisation such as Stop Hate, he hoped to establish community-based locations which people naturally engage with. He wants these centres to be staffed by those who are:

> "concerned, trained and in a position to support, signpost, advocate on behalf of those people, who represent those people. And will in <u>minimum</u> refer it to the police, in anonymous form" (emphasis in original).

His vision is that by making TPR services more available and more accessible he will "*deliver* that objective of increasing reporting" (his emphasis). This is echoed by Teagan (Police) and also Leah (Police) in Force A, who says that TPR is designed to ultimately "up your reporting, up your information, up your intelligence". Similar findings were reported by Macdonald, Donovan and Clayton (2017), showing how police participants were focussed on the contribution to intelligence-gathering that is made via TPR, as opposed to prioritising victim needs and support. Competing rationales as to the contribution of TPR may send mixed messages to victims as to the perceived seriousness of their experiences. For example, Amy (activist) reports how her local TPR centre collected details of 30 hate crimes which were reported to the police but none resulted in a conviction. To Amy this is sending a negative message to victims which may lead them to wonder what is the point of reporting. The police, however, may have perceived this to be valuable intelligence. That the value the police place on this information was not reported back to Amy, and the reporting victims, suggests a lack of communication between police and their communities.

Value for money

The cost of national TPR services is prohibitive for some. George (Victim Support) is less in favour of national websites and phone numbers as he feels people are less likely to report and "there's no guarantee about what sort of service you're gonna get". Tom (Police) explained how their use of a national phone-line for TPR had resulted in "less than 30 calls in the last six to eight months", which he estimates costs his force £600 per call because of their contract. As a consequence this service is not being renewed although they have continued to offer online reporting services via the national True Vision website, which is an ACPO resource. Although it relies on victims having

internet access he feels an online resource is a useful option of choice for victims, though he acknowledges that without an increase in reporting: "it's all been money for nothing". It remains to be seen if Tom achieves an increase in reporting with this method as Chakraborti, Garland and Hardy (2014a) found the take up of True Vision reporting was very low in their study. This may be as a consequence of the lack of engagement with TPR generally, to which this research now turns.

The extent of Disabled People's User-Led Organisations in TPR

Those who are engaged with local disabled people's organisations emphasise the important role DPULO's can provide for disabled people. DPULO's are perceived to be a potential hub for encouraging hate crime reporting and it has been suggested that police forces who do not engage with them would do well to consider such approaches (Mason-Bish, 2013; Brookes 2013; Balderston, 2013b). Contrastingly, however, findings here suggest they had limited or no utility to victims of hate crime, in line with more recent literature. Chakraborti, Garland and Hardy (2014b) found only 7% of respondents had reported to a disability organisation. Macdonald, Donovan and Clayton (2017), in a study that included 156 disability-related hate crimes and incidents, found that none had reported to a DPULO. This research also found evidence of considerably low take up of TPR services. Of the 62 survey respondents who had experienced hate crime in this study, only two had reported these experiences to third party agencies. A further six reported to their local DPULO who may or may not been a provider of TPR services and only two interview participants discussed reporting to a TPR service. This lack of awareness is exemplified by Hayley who said that she did not have a TPR centre in her area. This is not surprising for Freya (DPULO) who says "I wouldn't be able to tell you where there was a third party reporting site, and I know most of our members wouldn't be able to". Survey and interview participants instead were more likely to report to other social and health care services such as GPs, housing and social services staff.

In Area L, Amy (activist) established the "first ever third party reporting site for disability hate crime in the UK". Amy believes that services are run best by community-based organisations. She describes how "a lot of disabled and ill people would find it quite daunting to report hate crime" to police but not so daunting to ask a disability organisation to do it for them. Freya (DPULO) also believes disabled people's organisations have a role to play in TPR because of their "unique understanding" of disability. However, Susie is critical of organisations that specifically target certain disabled groups for increased reporting initiatives as this is contrary to the social model and "you can't single out a single impairment or a disability in my mind". Nevertheless, the

evidence suggests that many disabled people are unaware of TPR services, whether via their DPULO or not, and greater promotion of pan-disability hate crime reporting is needed.

Victim Support Services and TPR

Victim Support are an independent national charity that provide advice and support to victims of all forms of crime and have also provided third party recording figures to the police. The introduction of Police and Crime Commissioners (PCCs) has led to the commissioning of victim services being transferred to individual PCCs and not all PCCs have renewed contracts with Victim Support (Clayton, Donovan and Macdonald, 2016). Consequently, some have found their services have been reduced or removed whereas other Victim Support services are financially more buoyant and active in their communities. Chakraborti, Garland and Hardy (2014a) suggested that Victim Support and local council services had greater reporting outcomes than alternative TPR agencies. However, Victim Support was rarely mentioned by participants when asked about their support services, with the exception of Ruby who described them as "naff all use" and "vague and hopeless on disability crime", suggesting that perhaps services vary depending on location.

There were general concerns by stakeholders about the utility of TPR services. As Tom (Police) says, without fully understanding why people do not report hate crime "how can you possibly design a response to that?" He advocates for engaging with individual communities to identify what stops them reporting, and what would work. Tom also proposes greater encouragement from TPR staff to victims to report their experiences to police, reflecting that focus on intelligence-led policing. However, this emphasis may vary depending on which agency a victim approaches. Even TPR worker Phoebe (Council), whose main role is to record and respond to TPR services at her council, describes some incidents as "not even worth reporting to the police". A failure to recognise the contribution of reporting perceived minor incidents of hate crime is problematic in terms of identifying an accurate figure of hate crime experiences and avoiding escalation to further, more serious incidents and crimes.

Despite its cost and its critics, TPR in some format will remain. It provides an alternative means for reporting targeted violence and abuse to marginalised members and groups in society and, as mentioned earlier, is a recommendation of the Macpherson Inquiry and as such garners unequivocal government and policy backing. Although interpreted by police as intelligence-driven, it also provides a service for those victims who do not want to approach the police but still want someone to listen: "it's some kind of support that they feel that there's somebody out there who's listening to you" (Phoebe, Council). The bulk of evidence presented here however

questions the utility and value for money of TPR in its current, varied guises. Riley (LD coordinator) describes TPR services as a postcode lottery and "very patchy". There appears to be wide scale ignorance around third party reporting services and functions, not just from this research but literature presented above (e.g. Macdonald, Donovan and Clayton, 2017; Roulstone, Thomas and Balderston, 2011). Consequently, the promotion of TPR services varies by region and further research is needed as to the success of multiple-versus-single agency methods of reporting. If the former is found to be preferable in terms of increasing reports, this research would recommend engaging with other agencies not traditionally used to encourage TPR. For example, as mentioned above, housing officer Emily recounts numerous cases where disabled victims are dealt with by an internal housing support team to resolve their complaints, but were not reported to the police. Housing associations have the opportunity, in dealing with disputes, to recognise and report, either directly or through TPR, specific hate crime incidents (or through safeguarding boards, as discussed above). Additionally, research continues to be limited as to the *types* of experiences reported as third party and whether some are more likely to be reported than others; this too warrants further exploration.

To conclude, extensive evaluation of the success of TPRs is needed to identify if they are providing value for money, particularly in a time of austerity and shrinking budgets. This evaluation needs to include how services are tendered, the history of the tendering agency/ies, the social, cultural and economic demographics of the neighbourhood or region within which the services are to be provided, and the current trends and patterns of hate crime within that same area. Combining those factors should enable local authorities to identify a bespoke TPR service designed to best meet the needs of service users, victims and communities. However, without individual victims recognising their experiences as hate crimes, even the most intelligent of TPR systems will not produce an increase in reporting figures. As Riley (LD Coordinator) notes: "people *don't* see it themselves, it's up to the rest of us, and by the rest of us I mean the *whole* of society" to identify and report hate crimes.

Chapter Discussion

"everything is a jigsaw and unless you tell us, we won't know the full picture" (Leah, Police)

This chapter has presented three recommendations in order to increase reporting and recording of hate crimes and improve provision for victims of disability hate crime. Notably, these recommendations do not need to be specific to the strand of disability hate crime, although the reason for their inclusion is based on empirical experiences drawn from disabled participants. Although safeguarding adult boards are arguably more likely to engage with disability communities, than say, religious ones, they have the potential to raise the profile and thus enhance the service provision for all forms of hate crimes. Increasing recognition of hate crime in one arena may open up opportunities of recognising other forms of discrimination, targeting and abuse across the spectrum of communities that exist, particularly so when identity strands are recognised as multiple and intersectional. Consideration, however, must be given to how different communities are vulnerable to hate crime in different ways and for different reasons, leading to persistent challenges for local agencies in effectively designing services that meet the needs of the diversity of their community/ies (Wong and Christmann, 2017). For example, a TPR service that may work in one location may not necessarily function as well in others; suggesting a bespoke, nuanced, community-focussed approach is needed.

Chakraborti (2016) highlights the difference between what hate crime victims want and what policy makers think they want: "Good practice needs to be informed by good policy" and also by good scholarship (pp.582). This chapter (like those before it) has identified how what victims expect when they report a hate crime can differ to how police react to it. If the driver for TPR is intelligence-led policing, for example, then focus must not be lost on victim expectations, treatment and response as a consequence.

Community engagement is a priority for promoting and addressing hate crime (College of Policing, 2014b). Whilst acknowledging that there is "increasing complexity of both policing and the societies within which it takes place" (Cockroft, 2013, pp.79), approaches to disability hate crime clearly continue to face challenges in terms of awareness, inter-agency working, interpretations of vulnerability and failures to protect disabled victims (Mason-Bish, 2013; EHRC, 2012; Quarmby, 2011). Constructions of 'vulnerability' can mean that time and again safeguarding and adult protection measures take precedence over criminal justice ones, denying many disabled people the right to be taken seriously (Roulstone and Sadique, 2013). This research and analysis have shown how policy and legislative frameworks surrounding adults at risk and safeguarding are

failing to embed within a criminal justice framework, such that multi-agency working is *not* working across all agencies.

In other policy arenas, such as Violence Against Women and Girls, Sexual Assault Referral Centres (SARC) bring a bespoke service together for victims of sexual violence and assault. Evidence has shown how officers trained in sexual offences investigation techniques (SOIT) in combination with SARC services have produced increases in victim confidence, and improved reporting and attrition rates, supported by successful cost-benefit and service-user evaluations (Angiolini, 2015; Hohl and Stanko, 2015; van Staden and Lawrence, 2010; Lovett, Regan and Kelly, 2004). Furthermore, when SARC service users report being treated with care and respect, they report that negative outcomes, such as court acquittals, have a less devastating impact (*ibid.*). A holistic hate crime response can learn lessons from such successful specialisms, which highlight the positive impacts of successful multi-agency work (Robinson et al., 2008). Dedicated Hate Crime Units are the first step in moving hate crime response into a 21st century framework. Leah provides convincing evidence as to their success in hate crime convictions but a cost-benefit analysis is needed nationally in order to identify their absolute value and contribution to reducing hate crimes and improving community relations. Including hate crime as standard training and resource strategies within safeguarding hubs and panels is also a step in the right direction for awareness raising and increased reporting. Evaluating TPR services strategically, whilst at the same time reflecting the variety and eclecticism of modern communities, will add to this. Combined, this holistic approach to hate crime, founded upon evidence-based academic scholarship, has victim services at the heart of each element and the potential to inform policy and practice moving forward.

Chapter 9: Confronting disability hate crime

Introduction

This research set out specific questions at the outset. Its aims were to explore the experiences of victims of disability hate crime, what impact these experiences had and what should be done to improve reporting and recording figures. What it has discovered is that disabled people experience cumulative, repeated incidents of abuse, harassment, violence and targeted victimisation for no other reason than that they are disabled. These experiences leave them feeling isolated, marginalised, fearful, angry and, for some, suicidal. They establish avoidance, acceptance and protectionist strategies that result in their marginalisation and withdrawal from society. These findings build upon previous studies, enhancing the validity and significance of this research (Sin, 2016), and contribute to a growing evidence base on disability hate crimes.

The debates around the concept of vulnerability equating to disability have become much more informed during the period of this research; vulnerability was previously conceptualised as a characteristic inherent to all disabled people (Sin, 2016). That has since been challenged by authors such as Roulstone and Sadique (2013) and Mason-Bish (2013) with recent scholarship recognising the situational aspect of vulnerability, rather than the personal. Despite this, disability remains on the margins of victimology studies and much more research is needed (Roulstone and Mason-Bish, 2013). This concluding chapter summarises the key research findings, their contribution to theory and identifies areas for future exploration.

The reality of disability hate crime

Chapter 3 reviewed existing literature surrounding disability hate crime, charting the growth in research in this area and growing academic interest. Chapters 6 and 7 have demonstrated the extent to which disabled people believe their victimisation has increased in recent years. The application of the 'scrounger' label by the media and Government has given perpetrators a target for ill-informed attack; a minority who can be scapegoated and blamed for society's ills. Disabled people report how they are being challenged or questioned by members of the public as to their disabled 'status' and their benefit entitlements. The introduction of WCAs has directly contributed to an increase in victims' experiences of hate crimes and incidents, by presenting an image of

disabled people as fraudulent and a drain on resources, fuelled by a media campaign that has labelled them as benefit cheats and scroungers. As a result of this, Chapter 7 identifies how a unique form of disability hate crime has emerged, where perpetrators believe they are entitled to challenge disabled people as to their eligibility and identity.

The empirical findings in Chapter 6 demonstrate how, rather than experiencing the brutal assault and extraordinary levels of violence that previous research reports as a feature of hate crime (for example, Sherry 2013a), many participants instead describe a daily grind that is 'ordinary' disability hate crime; low level, ongoing harassment, abuse and victimisation whose impact builds over time. The sustained and repeated nature of such victimisation, combined with a lack of response by criminal justice agencies and a media image of the fraudulent or undeserving disabled person, as shown in Chapters 7 and 8, has significant psychological effects on victims.

Disabled people are at daily risk of these forms of targeted victimisation, both at home and in public places. From the victims' narratives evidenced in Chapter 6 emerge perpetrators who exist in all communities and across all social classes, including in positions of trust. Contrary to McDevitt, Levin and Bennett's (2002) typology, the majority of perpetrators were not 'thrill-seekers', although young, disaffected youths do make up a proportion of offenders. Many were strangers; others were friends or family members, colleagues or acquaintances, service providers or neighbours. This Chapter emphasised the need for further research on perpetrators and the complex relationship they may have with victims.

Participants were also frustrated by failures at every level of the criminal justice system to bring perpetrators to justice. The empirical analysis in Chapters 6 and 8 evidenced the secondary victimisation of participants by police officers who lack basic diversity awareness and knowledge about disability and impairments. There is a need to evaluate how all police forces are responding to disability hate crime and establish clearer protocols and policies that reflect an improved understanding of disability, embedded within the social model. Currently, there is little consensus across forces in their approach to hate crime investigations (Mencap and OPM, 2011). However, on the basis of the evidence in Chapter 8, dedicated hate crime units appear to have a more proactive, specialist and successful approach to disability hate crime.

Despite stakeholders and practitioners declaring that they are campaigning at every opportunity to raise awareness about hate crime and how to report it, they are often limiting themselves to specific disabled groups or communities, as evidenced in Chapter 8. They are neglecting those disabled people who are isolated or not part of a local support group; and those who are

restricted to their home environment because of their impairments. Campaigns need to make more use of social media in identifying and targeting those isolated individuals. In addition, campaign messages should not be restricted to one or two forms of impairment, both from the perspective of the social model of disability but also because many disabled people with less well known forms of impairment will assume they are not protected in the same manner. Fundamentally, campaigns and educational work must target all elements of the community and not restrict themselves to disabled people's organisations and groups. Without engaging the whole of the community, disabled victims will continue to be marginalised and seen as Other.

Unfortunately, hate crime depends on the identification of a victim as belonging to a 'different' group. Treating crime victims as members of a minority does little to "challenge the biases and stereotypes within which criminal justice officials often operate" (Piggott 2011, p.26). Victim-preservation and victim-blame are common themes throughout the research, as demonstrated in Chapters 6 and 7. Participants are encouraged to move home; or to avoid certain areas; or not to press charges, in order to reduce their likelihood of further incidents. This protectionist approach, however, contributes to these individuals' withdrawal from society and their further isolation. In addition, it reduces the responsibility of perpetrators and ignores the social and cultural environment within which hate crime blossoms. Perpetrators may come to perceive their actions to be tolerated or beyond reproach, given that their risk of prosecution appears so low. Diagnostic overshadowing in criminal justice responses has resulted in disability hate crime offenders being less likely to be prosecuted and victims more likely to be treated as vulnerable or at risk, leading to inadequate and at times inappropriate responses.

Theorising disability hate crime

"overt abuse of people with disabilities is closely linked to the actions and attitudes that characterize society's overall response to abuse" (Sobsey, 1994, p.142)

Chapter 4 identified how traditional concepts of hate crime have focussed on the socio-economic disadvantage of perpetrators and a perceived threat from subordinate groups, who may be likely to challenge or threaten the existing social or political order. Walter's (2011) interpretation of strain theory can explain some of the findings herein, in that a minority group is scapegoated and blamed, however, the underlying domination and subordination of disabled people goes further than that, as perpetrators appear to cross social and economic boundaries. Disability hate crime theory must also consider the cultural and historical context of disability, including its systematic

marginalisation, discrimination and differentiation, as evidenced in Chapter 1. Any theory of disability hate crime must therefore include more than the *current* cultural, social and political environment that underlies hate crimes and include the historical conceptualisation of disability and impairment.

Chapter 2 considered two emerging concepts in the development of a theory of hate crime offending. Academics like Perry contended that hate crimes are ultimately about power and subordination of one group over the Other, with social attitudes and environments sustaining the structures that reproduce violence (Sin, 2014). In contrast, others have advocated for the 'ordinariness' of hate crimes and dismissed somewhat any underlying power dynamics, which they argue are not always in play (Chakraborti, 2015; Gadd, 2009; Iganski, 2008b; McGhee 2007; Mason 2005a, 2005b). This is an important distinction that influenced the interpretation of the empirical findings. The experiences of victims of disability hate crimes in this research support the theory that hate crime is a social practice "embedded in broader patterns of oppression which systematically restrict the capacities and autonomy of its victims" (Perry, 2003a, p.17), as evidenced in Chapter 7. Perry's suggestion that hate crime is socially situated is supported by participants' stories of increased incidents and victimisation as a result of negative social and historical representation of disabled people. As discussed, there is a hegemonic utility in blaming a minority group for society's failing, which promotes and maintains the status quo and the positioning of disabled people on the margins of society. By creating a scapegoat and an Other in disabled people, society is reflecting underlying social prejudice and portraying a *social unease* around disability and impairment. However, hate crime offenders are also 'everyone' and as such much of disability hate crime is 'ordinary', despite its often devastating and destructive consequences. In Chapters 6 and 7 participants report being targeted by strangers in the course of their daily lives; encounters that become hate-fuelled when individuals cross each other in some way. Disability hate crime is thus both structural *and* individual, existing at both macro and micro levels of society and thus theory must encapsulate both elements. A society which allows such levels of hate crimes against disabled people must accept the contribution made by everyone to their isolation, derogation and victimisation. It must recognise the suppressed bigotry within each member, if it is to challenge and change it. To address society's *uncomfortableness* about disability, all members must reflect upon their own disabling attitudes and behaviours, whether aversive or explicit. Hate crime victimisation against disabled people thus speaks to the heart of a civil and civilised society.

Fundamentally, the research findings in Chapter 6 raise concerns about the supposed role victims of hate crimes play in contributing to their victimisation, drawing attention away from broader social and cultural factors. An inherently victim-centred approach to hate crime, as a consequence of how hate crime is defined by individual identity strands, contributes to a preoccupation, from both academics and policymakers, with victim eligibility. Discussion in Chapter 2 about the suitability or otherwise of alternative or deserving strands of hate crimes only further contributes to this mindset, particularly within a social constructionist framework such as this. A protectionist response to disabled victims of hate crimes is likewise engaged with securing the safety of the victim rather than prosecuting the offender. In addition, literature's distraction with discussing and debating the perceived vulnerability of disabled people (e.g. Roulstone and Sadique, 2013; Mason-Bish, 2013; Roulstone, Thomas and Balderston, 2011; Macdonald, 2008) further draws attention away from perpetrator responsibility. Indeed, it can be argued that this research is guilty of contributing to a victim-focussed rhetoric as the research aim was to engage with *victims* of hate crimes. However, the process of listening to victims identified and reinforced the importance of focussing on the offender moving forwards. As Bowling (1998) suggests, attention must be redirected from characteristics of victims to that of offenders. Consequently, the research advocates for a change in perspective when addressing disability hate crime through re-framing it in terms of the relationship between offender and victim, within the wider social, cultural and historical context.

A suggested method for reframing disability hate crime is to consider the 'culpability' of those involved. By applying a 'culpability concept' framework to incidents of disability hate crime, the process through which the contribution of perpetrator and society-at-large are involved within such incidents or crimes is acknowledged. Notwithstanding the opportunistic element to some experiences of disability hate crime, this research suggests the relationship between victim, offender and environment is paramount, supporting Sobsey and Calder's (1999) model of abuse. Applying a 'culpability' conceptualisation to an experience of hate crime enables policy makers and criminal justice personnel to identify the additional elements of any possible victim-offender relationship and the environment within reports of 'disability hate crime'. It allows respondents to reject the *image* presented of the victim-group, in this case disabled (vulnerable) people, and instead focus on the relationship between victim and perpetrator within the *wider social, historical and economic context* of the incident or crime. Young's square of crime (1987) advocated that in order to control crime, intervention must occur at both the level of the criminal act and through formal and informal elements of social control. In a similar vein, this

conceptualisation proposes that elements of social and economic context, as well as any relationship between victim and offender, must be considered in any further debate around disability hate crimes. As such, it is challenging the protectionist responses that are so prevalent in cases of disability hate crimes by encouraging respondents to apply the criteria: who is culpable?[67]

As discussed in Chapter 4, identity is shaped "relationally" (Perry, 2001, p.55), where both perpetrator and victim engage in a process of constructing their identities. Applying a 'culpability concept' to any interpretation of disability hate crime thus builds upon both Perry's and Sobsey and Calder's (1999) theories, incorporating characteristics of victims, offenders, and their interaction with their environment. Theoretical frameworks could therefore account for the role of hate crime in co-constructing the relative identities and subject positions of both the victim and offender, individually and collectively. A conceptualisation of 'culpability' is proposed in an attempt to rebalance the language of hate crime in favour of greater recognition of the perpetrator and on the relationship, if any, involved. The discussions on vulnerability and situational context above justify its relevance and applicability to the hate debates. Rather than ascribing vulnerability as a consequence of membership of a particular group, vulnerability or disadvantage is structurally determined by the *relationship* the victim and perpetrator have to each other (Stanko, 2001). Without increased focus on offenders, victims of hate crime will continue to downplay their experiences, consider themselves 'lucky' to only experience what they have and ultimately accept their daily experiences of victimisation, harassment and abuse as a consequence of being disabled, as evidenced in Chapter 6. Perpetrators, likewise, will continue to engage in forms of violence and abuse in the knowledge that they are unlikely to be arrested, charged or successfully prosecuted as such.

Academia in the past has tended to focus on whether or not to include additional hate crime strands and which ones these should be. By doing so, it risks focussing too much attention on the worthiness and eligibility of the victim and loses sight of the offender. As suggested in Chapter 2 too much attention to date has fixated on the worthiness and eligibility of the victim based on

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[67] In an interview with Robert Maltby, Sophie Lancaster's boyfriend who survived the attack in 2007 which led to Sophie's death, Robert states how focus on their appearance felt like a form of victim-blaming (Usborne, 2017). Rather that define their attack as a hate crime he says: "Why can't we ask what it is about them that made them want to murder someone? Not what it is about someone that made them be murdered" (pp.11). It is this rejection of victim-blame that is essential to the reconceptualisation of disability hate crimes by questioning 'culpability'

individual characteristics, and the decision-making of the perpetrator has often been neglected. Applying a culpability conceptualisation to experiences offers an alternative approach that re-conceptualises hate crime within a framework of perpetrator responsibility and motivation. By focussing on perpetrators, there is less demand for an approved list of qualified victims and, rather than a silo approach, any cases involving perceived or motivated hostility could be considered. This is likely to include much of what we now consider established hate crime strands but would not preclude other elements of identity, and would allow for intersectional effects. It further enables the image of disabled person as vulnerable or easy target to be challenged and dismissed. Thus, a culpability concept provides an opportunity to consider broader structural and cultural factors involved in hate crime victimisation, as evidenced in Chapter 8, as well as relational ones, as presented in Chapter 6. Further evaluation of this concept is the next step towards a new and inclusive theory of hate crime.

What next for disability hate crime research?

This research contributes to an expanding body of work that is distributed across disciplines, encompassing social care, adult protection, disability studies, geography, criminology, law, and hate crime literature. Findings support qualitative studies such as those by Manji (2017), Richardson et al. (2016), Garthwaite (2014, 2015) and Sin et al. (2009a, b) that demonstrate the impact of abuse, stigma and hate experienced by disabled people in contemporary society. They also complement and contextualise larger scale studies such as Corcoran and Smith (2016), Clayton, Donovan and Macdonald (2016), Williams and Tregigda (2014), Chakraborti, Garland and Hardy (2014a), in presenting a nuanced, lived experience of victims of hate crimes.

The research is unique in that it considered a broad spectrum of disability and impairment and as such Chapter 6 identified and presented experiences at the intersections of forms of impairment, demonstrating how those with a number of impairments and conditions appear to be at increased risk of victimisation, particularly when mental ill-health was included. Chapter 6 also highlighted how a strand-based approach to hate crime risks disguising a variety of intersecting elements of identity that could also reduce a victims' likelihood of reporting their experiences. It advocates for further research into the socio-economic background of both victims and perpetrators to complement this.

The utility of an intersectionality approach to analysis identified the significance of gender and disability. Empirical findings in Chapter 6 suggest that disabled women were more likely to be victimised by male perpetrators, particularly groups of young male perpetrators. Male victims reported being targeted by both male and female perpetrators, emphasising the need for future research on types of perpetrator associated with particular victim characteristics. This difference in perpetrator type also suggests a difference in likelihood of reporting and as such more nuanced research into this element of disability hate crime is warranted.

Chapter 6 also acknowledged the lack of safe space for disabled people, both as a result of increasing targeting of disabled people in public spaces but also by identifying the fluidity between online and offline hate crimes. However, it established the important role of resilience for disabled people, in particular the positive impact for those victims who achieved what they perceive to be a successful outcome. Unfortunately, Chapter 8 emphasised how much more needs to be done to address current failings in recognising and responding to disability hate crime by the current criminal justice system.

The research was also unique with regards to the timeframe in which it took place. Chapter 7 demonstrated the increasing marginalisation and victimisation of disabled people as a consequence of government policy changes to benefits. This has resulted in new methods of targeting disabled people through accusations of fraudulent benefit claiming and withdrawal of support. As a consequence, the findings have shown that hate crime is not simply a criminal justice issue but requires commitment across a variety of social and criminal justice areas. Yet local authority funding is contracting and tough decisions have to be made in terms of where limited resources are spent. The irony of this is that where funding cuts have increased deprivation and poverty in many parts of the UK, the evidence suggests that those very same areas are linked to increased risk of victimisation, and yet remain places where many disabled people are homed as a consequence of limited housing stock, placing them at potentially greater risk (e.g. Clayton, Donovan and Macdonald, 2016).

This research advocates for a number of improvements to responding to disability hate crimes. There are a variety of existing suggested response mechanisms to improve hate crime reporting, such as community awareness campaigns (Chakraborti, Garland and Hardy, 2014a), challenging and removing structural inequalities (Hollomotz, 2013) and reform of hate crime legislation (Walters, Wiedlitzka and Owusu-Bempah, 2017). Others suggest a combination of the above such that responses need to be holistic and include third party reporting improvements, education and

training and specialist police units (Thorneycroft and Asquith, 2015). This research has suggested three strategies that are needed, including greater inclusivity and awareness of safeguarding boards and multi-agency collaborations, improvements to third party reporting centres as well as a national mechanism for monitoring their success, and dedicated hate crime units within every police force. Chapter 8 proposes a holistic approach within a successfully functioning multi-agency framework and highlights the success of this in other areas.

Efforts to address hate crime fall into two categories: those of prevention and response. Preventative work is arguably going to be more successful in reducing offending, whether that be by educative efforts with potential perpetrators or rehabilitation programmes aimed at reducing re-offending for those with actual convictions (Iganski and Sweiry, 2016). As discussed in Chapter 3, there have been movements towards restorative justice as a potential method for reducing re-offending and improving victim satisfaction (for further details see Walters, 2016; Walters and Brown, 2016; Walters and Hoyle, 2012; Gavrielides, 2012) but further research is needed to explore its applicability to disability hate crime in particular. Regardless of form, criminal justice, social care agencies and third party organisations all have a role to play in delivering victim satisfaction via a combination of education and community engagement, and ultimately challenging the cultural and social conditions in which hate crimes are allowed to flourish.

Fundamentally, because of the inclusive definition of hate crime, criminal justice agencies may continue to face disappointment and frustration in the communities in which they exist. A common understanding is essential for building trust with regards to hate crime (Mason et al., 2015) however the onus is also on the criminal justice system to identify and collect evidence to support victims' or community members' perceptions of hate crimes. Although the use of hate incident is available as an alternative label for authorities, it does not necessarily improve relationships between communities and police. Such relationships are crucial to effectively translating hate crime policy into practice. Furthermore, criminal justice responses must be seen to be demonstrating both the ability and desire to respond appropriately to reported hate crimes in order to build trust from the communities in which they serve (Hall, 2011). In return, as trust increases, so too should confidence in police response. Thus, it is argued that a strong message needs to be conveyed to disabled communities that police have the ability and desire to respond to reported hate crimes. As Chapters 6 and 8 evidence, disabled people express disappointment and disinterest in reporting hate crimes, which many say will not be recognised or treated as such. In some cases this is due in part to the over-inclusive definition of hate crime. As discussed, this

creates unrealistic expectation which can result in frustration and disillusionment from communities who perceive the police to be lacking in interest or ability to respond (Mason, McCulloch and Maher, 2015). Not only can this reinforce unrealistic expectations, it can further undermine the efficacy of hate crime policing strategy.

The research process identified a social and cultural subordination of disabled people. In return, disabled people's responses are of acceptance and resignation. They experience forms of discrimination and differentiation that are endemic to being disabled. At the outset, one of the aims of this research was to take a pan-impairment approach to disability, in line with a social model framework. The expression 'nothing about us without us' is meant to represent the unity, solidarity and user-led involvement in research into disability and impairment. The empirical findings in Chapter 6 have challenged this perspective in that a hierarchy appears to exist within disabled communities, one which is recognised by disabled participants themselves. In addition, difficulties emerged in identifying, communicating and interpreting the experiences of participants with learning difficulties and disabilities. This element of the research was more complex and less comparable to other types of impairments, and showcased how challenging research with learning disabled groups can be. Future research would benefit from considering the challenges discussed in this regard in Chapters 5 and 6.

Change, as Liasidou (2013) suggests, is futile without challenging the structures of inequality, in combination with the ideological foundations on which they are supported and sustained. Cockroft (2013) suggests that structures of inequality are becoming further embedded, leading to fragmented and unstable communities. Policing those communities has been challenged by the emergence of identity politics and an association with individual rather than structural factors. Aligned to this are elements of stigma and conditionality (Manji, 2017) associated with deserved and undeserving disabled people, which detract attention from the broader structural inequalities within which disabled communities exist. There is much work to be done to confront and dismantle disability hate crimes.

Conclusion

This research offers a strong methodological approach which aimed to locate the lived experiences of disabled people within social, cultural, historical and structural barriers and challenges to disabled people. The empirical findings presented in Chapters 6, 7 and 8 are therefore important and relevant to evidenced-based policy and academic development. As

Garthwaite (2014) espouses, how representations by government are created, interpreted and redistributed through the media, and how these then merge with public opinion, highlight the importance of language and policy towards disabled people. The challenge for academics is to continue to produce evidence-based research such as this which locates and exposes the experiences of disabled people in context. The challenge for government is to acknowledge these marginalised voices of disabled people within policy frameworks and to provide them with an opportunity to be heard and influence change.

This research makes clear and evidenced-based recommendations to address such challenges. Government and policy need to engage across criminal justice and social care arenas to enable safeguarding boards to confidently and appropriately identify and respond to suspected disability hate crimes. A review of third party reporting systems must be enacted in order to identify good practice, value for money and areas for improvement and promotion. Dedicated hate crime units are required in all police forces, containing appropriate expertise and experience to ensure that community relations are improved upon rather than fractured further. Applying a culpability concept within each of these areas enables key workers, informants and officers to re-conceptualise disability hate crime within a framework of perpetrator responsibility and motivation. A unique outcome of this victim-informed research is that it offers academia, policy and practice the opportunity to reframe and re-examine disability hate crime from an alternative perspective; away from vulnerability and protectionism, this research challenges practitioners to confront disability hate crime perpetrators and the environment in which they thrive.