

**Defining disablist hate crime:
acts, mis/constructions, and the process of
othering**

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Valerie Houghton. Defining disablist hate crime: acts, (mis)constructions, and the process of othering.

Abstract

Disabled people are harassed, exploited, and assaulted, by strangers, neighbours, carers, family, and friends. These acts are disablist hate crimes, but few are recognised, reported, or prosecuted. Thus, we know little about their nature; nor how to best prevent, interrupt, or respond. This research aims to fill these knowledge gaps.

As so little is known, the research is inductive, using grounded theory methods to analyse almost a hundred cases of disablist hate crime from police reports, interviews with safeguarding practitioners, and published case investigations. From this rich analysis, anchored in the data, a new typology is developed of disablist hate crime with three major categories: i) intimidation, ii) exploitation, and iii) extensive control; and from this a new typology of perpetrators is posited.

Disablist hate crime is constructed as a dynamic process of othering in which perpetrators define disabled people as being different, as vulnerable, and as targets for brutalisation and exploitation. The context of this process is explored focusing on its interactional nature, and two perpetrator communities are identified: i) marginalised neighbourhoods, and ii) abusive care settings.

Finally, the construction of disablist hate crime by agents of social justice¹ is explored. The (mis)constructions of disablist hate crime as micro-aggressions, inside jobs, and of the less-than-ideal victim, are identified as operational and theoretical obstacles for disabled people in accessing justice.

These findings suggest both individual and structural disablism within institutions of social justice involved in the social construction of disablist hate crime. We are failing disabled people; failing to offer effective prevention, timely intervention, and access to

¹ The police, safeguarding practitioners, the Crown Prosecution Service, and Housing providers.

justice which disempowers, and retraumatises disabled people. I conclude my thesis by suggesting that reframing disablist hate crime offers a timely perspective on thinking about all forms of hate crime and hate crime law.

Table of Contents

Abstract	i
Table of Contents	iii
List of Tables	ix
List of Figures	ix
Acknowledgements	x
Author's declaration	x
 Chapter 1: Introduction	
1.1 Introduction	1
1.2 Origins and development of my research interest	2
1.3 Research Aims	3
1.3.1 Research Questions	4
1.4 Constructions of hate crime	4
1.4.1 Legal definitions of hate crime	5
1.4.2 The origins of racially and religiously motivated hate crime law	7
1.4.3 An anthropological overview of disability and disablist attitudes	10
1.5 The construction of disablist hate crime as a framework for countering disablism	18
1.5.1 Disablist hate crime: the need to adapt or adopt	19
1.6 The scale of the problem	22
1.6.1 The discourse of vulnerability in disablist hate crime	23
1.7 Structure of thesis and chapter overview	24

Chapter 2: Research methodology and research methods

2.1 Introduction	27
2.2 Researcher positionality and preparedness	27
2.3 Using grounded theory	31
2.4 Location of the study	34
2.5 Accessing data and ethical approval	36
2.6 Interviews with safeguarding practitioners	38
2.7 Points of departure within the analysis	40
2.8 Problems and solutions arising during the research	41
2.9 Reflections on the research	41
2.9.1 Limitations of the research	43

Chapter 3: Defining hate crime and disablist hate crime: scoping the academic

literature

3.1 Introduction	44
3.2 Defining hate crime	45
3.3 Theoretical explanations of hate crime	47
3.3.1 Considering situated action: context and the nature of everyday hate ..	48
3.4 Constructing hate crime: characteristics and typologies	50
3.4.1 Perpetrators and motivational impulses	51
3.5 Research focusing on disablist hate crime	55
3.5.1 Typologies of disablist hate crime	55
3.5.2 Mate crime: an unusual feature of disablist hate crime	58
3.6 Application to disablist hate crime	59

3.7 Conclusion: defining sensitising research concepts	61
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Chapter 4: Categorising disablist hate crime

4.1 Introduction	64
4.2 Towards a new typology of disablist hate crime	66
4.2.1 Intimidation	66
4.2.1.1 Discrete incidents of intimidation	70
4.2.1.2 Structural intimidation	73
4.2.2 Exploitation	80
4.2.2.1 Discrete incidents of exploitation	83
4.2.2.2 Discrete incidents of sexual exploitation	85
4.2.2.3 Structural exploitation	87
4.2.2.4 Structural sexual exploitation	89
4.2.3 Extensive control	91
4.2.3.1 Cuckooing: by a single person	93
4.2.3.2 Cuckooing by groups	96
4.2.3.3 Illegal restraint	97
4.3 Considering the findings in light of the existing literature	98
4.4 Conclusion to chapter	101

Chapter 5: The dynamic process of disablist hate crime: situated actions and interactions of perpetrators and targeted people

5.1 Introduction	102
5.2 Othering and doing difference	104
5.2.1 Defining as different	105
5.2.2 Defining as vulnerable prey	109
5.2.2.1 Layers of individual and structural vulnerability	111
5.2.3 Defining as a target for exploitation and brutalisation	115
5.3 Targeting	118
5.3.1 Direct subjugation	118
5.3.2 Manipulating relationships	121
5.3.3 Exploiting caring relationships	126
5.4 Targeted people reacting	129
5.4.1 Pushing back	130
5.4.2 Seeking help	132
5.4.3 Enduring	133
5.5 Perpetrator communities	135
5.5.1 Marginalised neighbourhoods	136
5.5.2 Abusive care settings	139
5.6 Conclusion to chapter	141

Chapter 6: The social construction of disablist hate crime

6.1 Introduction	144
6.2 Defining disablist hate crime (how it should go)	145

6.2.1 Step 1-Recognising disablist hate crime-gaining information and interpreting	150
6.2.1.1 Identifying disability and vulnerability	151
6.2.2 Step 2-Gathering information-getting to the bottom	154
6.2.2.1 Clear evidence of disablist abuse	155
6.2.3 Step 3-Following up	159
6.2.3.1 The ideal victim	161
6.2.4 Step 4- Final actions	163
6.2.4.1 The practice of (not) constructing disablist hate crime	163
6.3 Other interpretations than disablist hate crime	164
6.3.1 Not our job: defining as micro-aggressions of anti-social behaviour, neighbour disputes, and trouble with youths	165
6.3.2 The inside job: defining as abuse and domestic violence	171
6.3.3 The difficult targeted person: defining the (non) ideal victim	187
6.4 Conclusion to chapter	202

Chapter 7: Conclusion

Recapitulation of purpose and findings	206
Uniqueness of my research and the value of method	207
Relationship with previous research	207
Implications of findings and recommendations	210
Recommendations for further research	213
Final thoughts	214

Appendices

Appendix 1: completed social identity map.....	216
Appendix 2: Field notes and reflexive exert of memo from Greater Manchester Police data collection	218
Appendix 3: Diagrams used during analysis to show early category development	221
Appendix 4: Email invite for interview	224
Appendix 5: Participant information sheet	225
Appendix 6: Interview Schedule	228
Appendix 7: Consent form	232
 References	 233

List of tables

Table 1	A comparison of the typology of disablist hate crime incidents identified by Hoong Sin et al. (2009) and Equality and Human Rights Commission (2011)	55
Table 2	Type of perpetrators (gender and single/group) across categories of disablist hate crime: Intimidation	68
Table 3	Descriptive statistics for age of disablist hate crime perpetrators of intimidation	69
Table 4	Relationships between perpetrators and targeted people	70
Table 5	Type of perpetrators (gender and single/group) across categories of disablist hate crime: exploitation	81
Table 6	Descriptive statistics for age of disablist hate crime perpetrators: exploitation	81
Table 7	Relationships between perpetrators and targeted people	82
Table 8	Type of perpetrators (gender and single/group) across categories of disablist hate crime: extensive control	92
Table 9	Descriptive statistics for age of disablist hate crime perpetrators involved in extensive control	93
Table 10	Relationships between perpetrators and targeted people: extensive control	93

List of figures

Figure 1	Salford Rank and Change of Domain of Indices of Deprivation 2019	35
Figure 2	Othering: the dynamic process of disablist hate crime	104
Figure 3	Layers of vulnerability model in disablist hate crime	113

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Author's declaration

In submitting this PhD thesis, I confirm that it is my own work and does not contain any unacknowledged material from any source published or unpublished and has not been submitted in substantially the same form for the award of a higher degree elsewhere.

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Chapter 1: Introduction

1.1 Introduction

Life is not easy for disabled people. In addition to the daily challenges of living with an impairment², disabled children, young people, and adults, are more likely to be targets of harassment, abuse, and exploitation (Equality and Human Rights Commission, 2011; 2017), and be victims of crime (Equality and Human Rights Commission, 2011; Office for National Statistics, 2018; Chapman, 2020). The campaigning publication Disability Now published a dossier of fifty crimes of violence and abuse towards disabled people, the title of the report suggesting that perpetrators were literally 'Getting Away with Murder' (Quarmby et al., 2008). Some disabled people are targeted repeatedly, over many years, kept captive, tortured, and murdered (Quarmby, 2011). An inquiry into such disability related harassment found it was a common occurrence for disabled people, who consequently limit their activities, are less trusting of others, and avoid what they perceive to be risky situations (Hoong Sin et al., 2009; Equality and Human Rights Commission, 2011). Ten years on from this inquiry, little has changed, with a fifth of disabled people reporting being regularly subject to "hostile or threatening behaviour" (Chapman, 2020, p.12). Those that experience these incidents report that they "live in fear" (Mencap, 2000).

These incidents, where disabled people are targeted because of their disability, are disablist hate crimes. Put simply, hate crimes are those crimes which are motivated by prejudice or hostility towards someone because of a perceived, or actual, personal characteristic. Hate crime legislation offers legal protection and redress for victims targeted because of their race, religion, sexual orientation, disability, or transgender identity. These characteristics however are not afforded equal protections.

² the term impairments is a value free term referring to physical or learning disabilities, or mental health needs.

Initially hate crime focused on race and religiously motivated crimes, with other protected identities added later. Adding disability to the existing hate crime legislation in this way has proved problematic as it either had to 'adapt or adopt' to the existing hate crime framework (Mason-Bish (2012, p.15). Most disablist hate crimes do not get reported to the police (Equality and Human Rights Commission, 2011; Chapman, 2020; Law Commission, 2021). Victims do not always recognise these incidents as hate crimes (Chakraborti et al., 2014). When victims do report incidents, they are not dealt with appropriately by agents of social justice, often being seen through the lens of abuse and exploitation, rather than hostility and hate (Roulstone and Sadique, 2012). The limitations of the police and other agencies in their responses to cases of disablist hate crime have been highlighted in several serious case reviews and Independent Office for Police Conduct³ reports (Equality and Human Rights Commission, 2011; Flynn, 2012, Simick & Fernandez, 2014; Cheeseman, 2017). Indeed, in their investigation into the causes and motivations of hate crime, Walters et al. (2017) devote a separate section to disablist hate crime because so many research respondents raised it as an important issue. Their research suggest that much disablist hate crime is different to what are seen as 'typical' forms of hate crimes such as public order offences and assaults. Instead, almost forty per cent of disablist hate crimes are property and theft crimes, and sexual offences (2017, p.171). However, it should be noted that these statistics are based on the numbers of hate crimes taken to court, which seems problematic in itself.

1.2 Origins and development of my research interest

As a learning disability nurse, social work lecturer, and ex police officer, I had working knowledge of such incidents. Through my work experiences I have seen at first-hand how disabled people are targeted. I began my career working in large NHS institutions for autistic people, people with learning disabilities, physical disabilities, and mental health needs. There I witnessed staff working hard to improve the quality of life for the people living there. But I also witnessed staff using threatening words, and verbally and

³ Formerly the Independent Police Complaints Commission (IPCC)

physically abusing the people living there. One young woman with learning disabilities that I worked with was raped repeatedly by a senior male nurse. He targeted her for several years, almost always at night when fewer staff were around. The police investigation found samples of his sperm in the staff office where the woman had said the rapes happened.

These incidents do not only happen within institutions. During my work as a community learning disability nurse, I was aware of cases involving repeated sexual abuse within residential schools, and day services for people with learning disabilities. For my Masters in Research (Psychology) dissertation project, I interviewed people with learning disabilities about their experiences of being targeted. These were people who lived independently or with minimal support, all with horrific stories to tell. Stories of assault, abuse, and exploitation, by a range of people including friends, school mates, neighbours, local youths, and family members. One young couple with physical and learning disabilities told me of their experiences of being harassed by their neighbours who they felt were trying to make them move from the area. Another young autistic man told me how he was chased by a group of school children, tied to a lamppost, and set on fire. Yet another man with learning disabilities and mental health issues told me how he was repeatedly targeted by his older brother. The man lived alone with minimal support from services and had worked as a street sweeper for many years. His brother was a drug user, who had moved into his home, sold his possessions, and emptied his bank account.

This PhD study was inspired by these and other stories. I wanted to understand more about the experiences of such exploitation, hostility, and violence, which seemed to be the unfortunate reality for disabled people living in 21st Century England.

1.3 Research aims

My research aims to better understand disablist hate crime and how agents of social justice can best respond to it. The research will add to the growing body of evidence to inform this discussion. The overall aim of the research is to answer what Hall (2013, p.xiii) describes as the seven basic questions for criminologists: What is the problem?

How much is there? Who is involved or affected? Where, when, and why is it occurring? And following on from these, Hall's final question: 'How can we make it better?' which serves to focus attention on the reactions of the police, and other agents of social justice, to disablist hate crime.

1.31 Research questions

Specifically, the research aims to understand:

1. What types of acts constitute disablist hate crime?
2. What is the context of these crimes?
3. What is the nature of the relationships between disablist hate crime offenders and their victims?
4. What is the response of the agents of social justice involved in constructing incidents as disablist hate crime?

The remainder of this chapter considers how hate crime is constructed. I briefly discuss the historical development of hate crime legislation, before focusing specifically on the constructs of disability, and disablist hate crime. In reviewing the historical development of both the social construction of hate crime, and responses to it, we can better understand the current issues that are presenting.

1.4 Constructions of hate crime

Hate crime is not a new phenomenon (Hall, 2013, p.37): Perry and others argue convincingly that the oppression of those that are perceived as different is a long standing and universal problem (Wolfensberger, 1998; Perry, 2001, p.47; Quarmby, 2011; Barnes, 1991). However, the social construction of these incidents as hate crime is relatively recent. The term 'hate crime' is used as a catch all term which covers a myriad of constructs. In this chapter and chapter six, the focus is on the legal definitions of hate crime. In chapter three, the focus turns to academic explanations of hate crime. It should be noted that these accounts serve to give context to our understanding of disablist hate crime and its position within the wider field, rather than being extensive accounts of the hate crime field.

1.4.1 *Legal definitions of hate crime*

According to Hall (2013, p.19) the USA, and England and Wales⁴, are world leaders on hate crime: they were first to define hate crime and legislate against it. The focus here is on the development of the construction of hate crime and hate crime legislation within these countries. The term 'hate crime' is taken to mean both recordable offences (hate crimes) and non-crime hate incidents. Both are monitored in England and Wales by the police. Any *crime* can be prosecuted as a hate crime "if the offender has either:

- demonstrated hostility based on race, religion, disability, sexual orientation, or transgender identity

Or

- been motivated by hostility based on race, religion, disability, sexual orientation, or transgender identity" (Law Commission, 2021)

Whilst there are specific offences for racial and religiously motivated hate crimes, there are enhanced sentencing provisions for disablist hate crime, and hate crimes in which people are targeted because of their sexual orientation, or transgender status under the Sentencing Act 2020 (previously under the Criminal Justice Act 2003) (Law Commission, 2021).

Disablist hate crime is thus considered when a substantive offence can be proven to be motivated by hostility or prejudice towards a person because of their disability. The court may add a sentence uplift under the Sentencing Act 2020⁵ where the court considers:

⁴ Although many laws apply to the whole of the UK there are some differences, for example there is separate legal provision in Scotland under the Hate Crime and Public Order Act 2021. These will be highlighted throughout the thesis where they apply only to England and Wales

⁵ previous provision existed under S146 of the Criminal Justice Act, 2003

“a) 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 - a disability (or presumed disability) of the victim

or

b) the offence was motivated (wholly or partly) by hostility towards persons who have a disability or perceived disability. Where “disability” means any physical or mental impairment” (Law Commission, 2021)

This section of the new sentencing code (s.66, Part 4, chapter 3):

“applies where a court is considering the seriousness of an offence which is aggravated by hostility related to disability; ...the court must treat the hostility as an aggravating factor and must state in open court that the offence is so aggravated”. (Law Commission, 2021)

There is no universal recognition or definition of hate crime (Perry, 2001; Hall, 2013; Chakraborti, 2015). Hate crime construction is different in the USA, Canada, and the UK. These differences, according to the Law Commission reflect whether hate crime is constructed through the animus model or the discriminatory selection model (Law Commission, 2021, p.353). Lawrence identified the application of these different models of hate crime in the USA in 1994. The animus model (mostly used within UK law) suggests hate crimes are those crimes in which a perpetrator targets a victim because of hatred or hostility towards the group which share the person’s identity. Whereas the discriminatory model reflects a perpetrator choosing a victim based on their individual characteristics with no hostility towards the group in general, for example women being seen as an easy target (Lawrence, 2002, pp.29-30). This has meant that the term bias crime rather than hate crime predominates in the USA as they have adopted the discriminatory model of hate crime (Iganski, 2008, p.3; Law Commission, 2021). In England and Wales, the animus model and the term hate crime predominate (Law Commission, 2021, p.353). This can be seen in the operational guidance which suggests that to prosecute a hate crime, there must be evidence that the crime “was motivated,

wholly, or partially, by hostility, or the suspect demonstrated such hostility immediately before, during or after the crime was committed” (College of Policing, 2021).

Iganski points out that the term hate crime is “a slippery concept” perhaps because “the emotion of ‘hate’ often has little to do with the crime in question”. Instead, he suggests hate crime is usually defined by “terms such as ‘prejudice’, ‘bias’ difference’ and ‘hostility’” (Iganski, 2008, p.1). The term hostility is not specifically defined in hate crime law, other than that of “an ordinary dictionary definition...being unfriendly, adverse, or antagonistic...includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment, or dislike” (Law Commission, 2021). In addition to these legal and practical working definitions, there are also academic explanations of hate crime, which offer the chance to explore the meaning of hate crimes. These academic explanations will be discussed in chapter three, and throughout the thesis. Before this, it is useful to explore the origins and historical construction of hate crime and hate crime law.

1.4.2 The origins of racially and religiously motivated hate crime law

Iganski suggests hate crimes hurt more (2001, p.625) as they are message crimes, which impact not only upon the person targeted but also the wider community sharing their protected identity, other targeted communities, and wider societal norms and values. Initial constructions of hate crime built upon anti-discrimination legislation which initially offered protection for people against racial and religious discrimination (Hall, 2013). Early equality and anti-discrimination laws did not include disability as a protected characteristic, this was added much later as we shall see. In the USA, recognition of racist and religious discrimination and oppression can be seen as far back as the 1649 Act of Toleration. White Americans thought themselves superior to Black and other Americans. This perceived superiority was enforced through slavery (Van Woodward and McFeely, 2002, p.11) ensuring the subordination of Black people in the USA. The aftermath of the American Civil War period saw attempts at reform. The Civil Rights Act of 1868 had recognised African Americans as citizens. Slavery was abolished and civil rights were increased with several amendments to the Constitution between

1865 and 1870 (Hall, 2013, p.21), although white supremacist attitudes persisted, and Black Americans remained disenfranchised.

The Jim Crow laws enacted in the late 19th and early 20th centuries served to segregate Black and white Americans (Van Woodward and McFeely, 2002, p.7), and there was a resurgence of racially motivated violence in their aftermath (including the lynching of Black men) from the 1870s (Hall, 2013, p.30). Segregationist policies persisted in the USA, until a momentous court decision in May 1954 ruled that segregated education was detrimental to Black children as it perpetuated a feeling of inferiority. This decision was, according to Van Woodward and McFeely, “the most momentous and far reaching of the century in civil rights” (2002, p.147). Consequently, the Civil Rights Act 1964 effectively ended the Jim Crow laws and legislated against discrimination on the grounds of race, religion, national origin, and sex.

Hall (2013, p.23) suggests these demands for equality by oppressed groups in US society laid important foundations for current hate crime laws. Provision against discrimination was initially made through a developing series of legislation, in both the USA and the United Kingdom of Great Britain and Northern Ireland (UK), and worldwide, with the United Nations Universal Declaration of Human Rights of 1948. This was followed by provision against racially motivated discrimination in the 1960s, 1970s, and 1980s, with disability added much later in the Disability Discrimination Act 1995 and the Equality Act 2010 (Hall, 2013, p.35).

The term ‘hate crime’ was first used in the USA in the proposal for the Hate Crime Statistics Act, 1990 (Hall, 2013, p.25). This was to facilitate data collection for incidents motivated by prejudice, bias, and hostility towards people because of their race, religion, sexual orientation, and ethnicity. Data was collected through the Federal Bureau Investigation Uniform Crime Reporting System, although as we shall see this was not immediately successful. The introduction of the Hate Crimes Sentencing Enhancement Act 1994 enabled bias crimes to receive enhanced sentences, and crimes

motivated by bias towards women were added to the legislative provisions⁶. Other amendments were added in following years culminating in the Mathew Shepard and James Byrd Junior Hate Crime Prevention Act 2009 (Hall, 2013, p.27). This important piece of legislation, named after two hate crime murder victims, increased both the scope, and reach, of hate crime law in the USA. However, according to Hall, current hate crime provision in the USA remains fraught with problems because of its fluidity and state-wide variations (Hall, 2013, p.28).

In England and Wales, the picture is different. England and Wales do not have the same history of slavery, although the colonisation of large parts of the world by the so-called 'British Empire' did have an impact. According to Hall (2013, p.9) Britain is considered "a beacon for tolerance" mostly due to its long history of immigrants, although he cites several historical examples of racial intolerance, antisemitic attacks, and xenophobia (2013, pp.31-32). The initial development of hate crime laws in England and Wales followed a similar series of anti-discrimination legislation, and the Race Relations Acts of 1965 and 1976. There was not, and remains, no offence of 'hate crime' in the current legislation. Provision was first made under the Public Order Act 1986 for stirring up of hatred offences on the basis of race, religion, or sexual orientation, with the Crime and Disorder Act 1998 making provision for enhanced sentences where an offence was thought to aggravated by racist or religiously motivated hostility. This was a reaction to the increasing numbers of racially motivated attacks between 1940 and the late 1970s, a period of rising immigration into the UK of Black and Asian people, and the emerging far right (Hall, 2013, p.32).

The racially motivated murder of Stephen Lawrence by a group of white men in 1993 has been described by Hall (2013, p.4) as a watershed moment for hate crime. The subsequent Macpherson report (1999) into the handling of the case not only concluded that the investigation was deeply flawed, but the police force was also institutionally racist, which gave impetus to a series of further initiatives to tackle hate crimes. Powers

⁶ Under the Violence Against Women Act, part of the Violent Crime Control and Law Enforcement Act 1994 (Hall, 2013; 26)

were extended to include religiously motivated crimes with the Anti-terrorism, Crime and Security Act 2001. As with the USA, disability was a later addition to these legal provisions and protections.

We can see from this historical overview how activism led to the enactment of anti-discrimination legislation, on which hate crime legislation was built. Disability was not at this time a protected characteristic, in either the USA or the UK. To better understand why this may be, it is useful to consider how the social construct of disability has changed throughout history and the impact this has had on the lives of disabled people. This is best done by taking an anthropological approach (Stiker, 1999, p.366): moving beyond a purely historical account to one which acknowledges the temporal and cultural perspectives which were dominant at the time. Using such an anthropological approach helps to navigate the conceptual issue of disability being a social construct as suggested by Barnes (1991), and Goodley (2017, p.10).

1.4.3 An anthropological overview of the construction of disability and disablist attitudes

Disability is constructed differently by disabled people, academics, and those making policy and law. It is fluid and culturally located within the context of an individual's life (Goodley, 2017, pp.11-19). Metzler (2011, p.50) argues convincingly that both the construct of disability, and the term disabled, have existed since the sixteenth century, although not in the way we recognise them in the twenty-first century. The concept of disability in its current iteration, as an umbrella term, began only around the eighteenth century. Before this, we can see descriptions of disability, for example in Ancient Greek texts, but these are often references to specific types of physical and mental impairment (Penrose, 2015, p.500). Physical and mental impairment was interpreted in Ancient Greece through a lens of superstition and religion: as a message from the Gods, or as a warning or punishment for misdemeanours of the person, a relative, or another member of the community. In all cases, it was necessary to show the Gods that this message had been received and understood (Penrose, 2015, p.500). According to Stiker (1999, p.364), disability was conflated in many parts of the world with such meta-social positions (being otherworldly, messengers of the gods, or changelings). These conferred

social positions meant that disabled people were seen as different and faced discrimination as a result.

In the culture of Ancient Greece, the healthy body was valued. The impact of this was that if a child was not considered to be healthy, for example having impairments which were obvious at birth, its life was in danger. The Phratry, who were delineated tribal leaders based in Greek cities, decided whether the baby lived or died. The child may be thrown into the pit at Apothetae or taken into the wilderness and abandoned to the mercy of the Gods (Penrose, 2015, p.510; Quarmby, 2011; Jarrett, 2020). This was, according to Plutarch (cited in Penrose, 2015, p.510), deemed best for both the child and the city. In some cases, the child survived, and these children were seen as superior beings (Stiker, 1999, p.364). Along with the strong body, the ability to overcome difficulties was valued in Ancient Greek culture. Disabled soldiers were still expected to fight in whatever way they were able, either using horses to ride into battle (for the rich) or fighting on foot (if poor). Avoiding battle was generally seen as a sign of cowardice (Penrose, 2015, p.515). There was a mixture of community and religious charity for disabled and sick adults, alongside a form of social welfare. This offered state assistance to those who could not support themselves financially, that is, those who were both poor *and* disabled, a model adopted later in England as we shall see.

A similar picture emerges in England and Wales prior to the fifteenth century, of superstitious and religious explanations of disability, with similar outcomes for disabled children of being murdered at birth or in childhood. Disabled children were thought to be either the offspring of the devil, or evil non-human changelings left in place of the birth child (Barnes, 1991, p.12). Some disabled adults, especially women who were “infirm, the different, the older and those with multiple health conditions...the sexually voracious” were, according to Quarmby (2011, p.30), accused as witches. They were then often scapegoated for any illnesses, or unfortunate episodes, which happened to people in their local community. Those accused were put on public trial, tortured, and humiliated, before being put to death: actions fuelled by fear of the power they were thought to wield, and the belief that many had Satanic powers through making pacts with the devil (2011, p.29).

In the thirteenth century we can see the early categorisation of umbrella terms for disability, with a differentiation between people labelled idiots (with intellectual disabilities) and fools (mental health needs). These distinctions were made to establish land ownership. Fools were thought to be able to recover, thus their land may be returned to them at some future point. However, idiots were thought to be permanently incapacitated and lost all rights to their land (Jarrett, 2020, pp. 23-4). Metzler reminds us that such labels are culturally specific, and time bound and that the term 'idiot' was more likely at this point to refer not only to those people we would now describe as having learning disabilities, but also those who were unable to read and were thus considered uneducated *and* uncivilised (2018, p.59).

Metzler (2013) cautions against adopting a simplistic view of historical attitudes and treatment of disabled people which means that only with the advent of civilised society are disabled people treated with respect. Metzler focuses on areas of social life including law, work, charity, and ageing to explore the social and cultural history of physical disability in medieval times, arguing that the impact of living with an impairment in the Middle Ages depended on whether you lived in an urban or rural setting, and whether you were able to be considered useful in other ways, such as childbearing (Metzler, 2013, p.77). In the medieval era, poverty meant more than just lacking material wealth, it could also mean those without power, status, or freedom. Such people were considered "debiles" (2013, p.155). In response, the giving of alms was common, this was seen as a Christian duty, the duty of the rich, or a royal responsibility (2013, p.156), although increasingly alms were to be given only to the 'needy poor' (2013, p.157). According to Jarrett (2020, p.10), in his comprehensive history of people with learning disabilities, most disabled people that had survived beyond childhood lived within their local communities, were known by people in their towns and villages, considered part of their society, and provided for. However, some people with complex health needs, and those deemed to have contagious conditions, lived within the patchwork of hospitals and institutions provided mostly through religious organisations including monasteries and convents.

As poverty increased in England and Wales between the late fourteenth to early seventeenth centuries, there was less tolerance of those deemed not to be helping themselves (Metzler, 2013, p.162). Rising population numbers, and loss of local support through increased mobility, meant local resources were scarcer (2013, p.165). Many people resorted to begging for survival: not only those with physical or mental impairments, but other people without access to power and status, including those living on the margins of society: runaway domestic servants, unmarried mothers, travellers, and injured soldiers (Metzler, 2013, p.164). As the number resorting to begging rose, attitudes towards disabled people shifted (2013, p.168). Those people with physical disabilities, who were feeble, lame, or blind, along with widows and orphans, gradually came to be seen as the most deserving in terms of support (2013, p.187). Others were deemed workshy or lazy (2013, p.189). The philanthropic attitude of charitable support for disabled people continued to shift from the mid-fourteenth century following outbreaks of plague, further shortages of resources brought on by famine, and the aftermath of war (Metzler, 2011, p.52). This meant a raft of legislation which attempted to limit mobility to ensure the responsibility for the poor remained with local parishes and villages. The first Poor Law Act (the 1388 Statute of Cambridge) had offered some social welfare for those though unable to support themselves but placed the onus on this localised support to prevent “wandering” to other areas in search of labour (Barnes, 1991, p.14).

The Poor Law Amendment Act 1601 reflected the growing differentiation between those with poor mental health, those that were born disabled, and those that had become disabled through illnesses and accidents. This Act (of 1601) saw an attempt to reduce the reliance on state support, differentiating between those seen as deserving, or undeserving, of social support, cementing the distinction between those perceived as being able and willing to work and those that were could not or would not (Barnes, 1991, p.14). Increasingly those claiming support from the network of charitable institutions, and those receiving support for caring for a disabled person at home, began to be viewed with more suspicion.

As a result, the patchwork of institutions across England became less hospitable. The poor were housed in workhouses, harsh environments where families were separated, with little leisure time, and little food. Those deemed to be sick or with complex health needs were offered a more caring environment. Those with poor mental health were more likely to be incarcerated in these institutions but in separate areas (wards or wings), or placed in separate facilities, where they were ill-treated, although no more than those living outside institutions in their communities. The poor were forced to work and learn new skills, the sick were to be cured, and the newly disabled to be rehabilitated and encouraged to work (Barnes, 1991, pp. 16-17).

In the nineteenth century, methods of scientific measurement were being developed, including what was and was not considered 'normal', rapidly spreading to measures of intelligence and physical ability (Stiker, 1999, p.368). The late 1850s saw Darwin's theory of natural selection, bringing a new understanding of genetics. With this however emerged racist pseudo-scientific claims that people from different cultures in newly 'discovered' countries were considered animalistic and lower down the evolutionary scale. The Mental Deficiency Act in the early twentieth century, saw many disabled people being placed in institutions no longer merely for charity or support, but increasingly for the protection of society. However, concern remained that the genetic stock of nations was being weakened by the perceived alarming mass reproduction of people with socially undesirable traits which were thought to be hereditary: those with physical or mental impairments, and those deemed morally weak. Friedlander suggests the prevailing knowledge and theories of genetics and evolution, social Darwinism, and the conflation of criminality with the poor and non-white people, led to the Western world entering the twentieth century with a developing impetus to purify the genetic stock of countries. There was a drive to protect citizens from what he calls "outsiders" (Friedlander, 2001, p.145).

The result of this toxic combination between 1800-1945, meant there developed what has been termed the Eugenic Atlantic across the USA, the UK, and European countries (Mitchell and Snyder, 2003). We must shift our gaze briefly to Nazi Germany in World War Two (WWII), and the deliberate campaign of eugenicist social cleansing

(Friedlander, 2001, p.152). Germany was in the throes of economic depression after WW1. Friedlander (2001, p.146) describes the shift in the influence of the eugenics movements in Germany and other countries during WWII from “positive eugenics” to encourage desirable insiders to reproduce, to “negative eugenics” which meant essentially murdering those considered “subnormal, immoral, and criminal” who were seen as a burden to the state. In the main the campaign targeted people with different ethnic backgrounds or lifestyles such as “Gypsies”, and Jews, but in Germany this also applied to children born from liaisons between German women and black American soldiers and to others considered to be outsiders. A lesser-known campaign was that of Aktion T4, so called after the address in Berlin from which it was orchestrated, in which 300,000 disabled children and adults were murdered. According to Weikhart (2002, p.334), Darwin’s ideas of evolution seemed to revitalise the arguments from centuries previously that not all were born equal. These ideas became meshed with the notion of weakening the racial stock by protecting those individuals considered burdensome: who were weak, unproductive, had learning disabilities, physical disabilities, and mental health needs (2002, p.335). The publication in 1920 of the essay ‘Permitting the destruction of life unworthy of life’ by the German lawyer Karl Binding and the psychiatrist Alfred Hoche advocated for the “mercy death” of people deemed unworthy of life (Friedlander, 2001, p.147). This influential academic paper used the term “useless eaters” to illustrate how much the state could save by killing those deemed “unworthy”.

According to Friedlander (2001, p.151) Hitler waited for the outbreak of WWII to begin the mass killings of disabled people. The first disabled child murdered under the auspices of the Aktion T4 programme was given a lethal injection after his parents had asked for permission from the authorities permitting his death. Parents were encouraged to hand over care of their disabled child to the state, who were then placed in institutions and hospitals, before being systematically murdered. Initially the children were starved to death or given a lethal injection. Later they tested the techniques of mass extermination on the children, techniques used to exterminate thousands of Jews in the Holocaust. Aktion T4 was hidden behind “a complex series of front organisations” (Friedlander, 2001, p.152). Thousands of disabled children and adults were subjected to

horrific treatment. Disabled children and adults were experimented on, people were frozen, had limbs amputated, and suffered open wounds, so that treatments could be tested for induced frostbite (for soldiers in battle), for infections, and for hypothermia (Spitz, 2005, p.27). Twins were given different treatments to compare outcomes. Weikhart (2002, p.344). cautions against oversimplifying the link between social Darwinism and the murderous campaigns of the Nazis but argues that this devaluing of life was a major precursor to the success of this campaign, as it influenced and emphasised the devaluation of human life, and the complicity of doctors and nurses.

Attitudes also began to change towards some forms of disability in the UK in the aftermath of World War 1 (WWI). England was also in a period of economic depression with widespread poverty and rationing of food. Soldiers returned from combat with both physical and emotional wounds (Stiker, 1999, p.364). At this time advances in health care also saw more sick and disabled children and adults, including those with complex healthcare needs, living longer. Stiker suggests this meant a “new social deal”, with the state recognising the need to take some responsibility for the welfare of disabled people (1999, p.366). However, Jarrett (2020, p.281) suggests this was not the case for all disabled people. There was a focus on the care and rehabilitation of wounded soldiers, with existing institutions commandeered for the war heroes. This meant existing patients, those with mental health needs, complex health needs, and learning disabilities, being evacuated to separate wards or institutions, where they were neglected and mistreated. Food was scarce, the heating was turned down, staff were diverted to care for the war wounded, and consequently many disabled people were allowed to die.

In post WWII England, the socialist government promised to rebuild Britain, with the period between 1945-1951 heralding the development of the welfare state, and the creation of the National Health Service in 1948. The Beveridge report (1942) had identified: “the five giants on the road to reconstruction that needed to be slayed: want, disease, ignorance, squalor, and idleness” (Delamothe, 2008, p.1217). At this time, most disabled people lived either in the community or in institutional care. Over half of all NHS in-patient beds were occupied by people with learning disabilities or mental health

needs (Thane, 2009, p.8). These institutions were notoriously under-resourced, overcrowded, and isolated. Goffman (1961, pp.4-5) refers to these places as “total institutions”: where people were out of sight and out of mind, subject to institutional regimes, and dehumanising practices. They were places of neglect and abuse (Goffman, 1961, p.166; Sobsey, 1994, p.89).

Concerns about the harsh reality of the institutional living model were brought to wider public attention following a series of abuse scandals in the 1960s and 1970s, including Ely hospital in Cardiff, Normanstone in England, and Willowbrook children’s home in New York, USA. Disabled people campaigned for a different model, of inclusion and the right to live and be supported within the community. New models of living were introduced, based on the Scandinavian principles of Normalisation (Nirje, 1969; Wolfensberger, 1972), which eventually led to the paradigm shift in England and the USA towards the ordinary life model of care and support. It is worth noting here that this shift was hard won by disabled campaigners, and parents of children and adults with learning disabilities.

The Chronically Sick and Disabled Person’s Act of 1971, and the NHS and Community Care Act of 1990, meant that finally disabled people could be supported to live within society with rights to as ‘normal’ life as any other member of society. However, the institutions were slow to close, and disabled people remained segregated from many aspects of ordinary life. The Disability Discrimination Act of 1995 was welcomed by disability activists, bringing a new legal framework to counter discrimination in the UK. This was a battle hard fought, after thirteen earlier attempts to pass anti-discrimination laws which included disability (Barnes and Oliver, 1995, p.111). This was in the context of a new social model of disability being framed, following the pioneering work of Union of the Physically Impaired Against Segregation in rejecting the medical model. The social model was an attempt in the UK to move away from the dominance of the medical model which adopts a personal tragedy perspective situating disability within the person and is perhaps the default position for many people in our Western society, conditioned into thinking of disability in this way (Barnes, 1991). The social model of disability was developed by disabled people and academics and recognises a person is disabled not by

their (very real) impairment, but by the attitudes of people in society to that impairment, and the barriers they face as a result (Barnes, 1991; Oliver, 2013). Constructing disability in this way means responses which address these societal and attitudinal barriers (Barnes, 1991).

1.5 The construction of disablist hate crime as a framework for countering disablism

During the early 1990s it became clear that deinstitutionalisation did not mean an end to the abuse of disabled people. Many disabled children, young people, and adults that did live within their communities were subject to institutional discrimination and disablism, excluded from education, employment, housing, family life, healthcare, and support with daily living, and disabled people were increasingly targeted in their communities. To address this, policy needed to change.

Timing is everything in policy development (Taylor, 2018, p.61), and for change to happen, the issue had to first become “problematised”. Taylor suggests this was achieved through awareness raising by both campaigners and political champions. Mencap, a campaigning organisation primarily for people with learning disabilities, produced a research report ‘Living in Fear’ to highlight the impact these attacks were having on people’s lives (Mencap, 2000). They surveyed one thousand people with learning disabilities, finding that sixty-six per cent had been ‘bullied’ regularly in the past year. A few years later (in 2007) MIND, a campaigning organisation for people with mental health needs, carried out research into experiences of victimisation. They used postal questionnaires and focus groups with people with mental health needs, and surveyed support staff. They concluded that over seventy-one per cent had been victimised because of their mental health, mostly by people they did not know, with one fifth of people not feeling safe in their own homes (MIND, 2007, p.2). However, according to Taylor (2018, p.63), perhaps the most influential of these campaigns was that of Values into Action who published a series of research reports charting the difficulties in transitioning to the community for many people with learning disabilities. Through these reports (Values into action, 1999; 2001), they led the impetus for disablist incidents to be recognised as hate crimes.

In the USA, similar calls were being made for disability to be included in hate crime law led by academics notably Valerie Jenness, and Mark Sherry with his book published in 2010 titled “Does anyone really hate disabled people?”. Disablist hate crime was finally added to the hate crime provision in England and Wales as we have seen with the enhanced sentencing provision of the Criminal Justice Act 2003.

1.5.1 *Disablist hate crime: the need to adapt or adopt*

This unfortunately was not the panacea it was hoped it would be, and it soon became evident that including disablist hate crime within the hate crime canon was problematic. Many victims do not frame their harassment, assault, exploitation, and abuse, in the language of hate (Chakraborti et al., 2014). Few disablist hate crimes are reported to the police, even fewer are prosecuted. Shortly after the enactment of the Criminal Justice Act 2003, several brutal murders of disabled people caught the attention of the press. One of those was Steven Hoskin, who died in Cornwall in 2006, after being assaulted by a group of five people, that he thought were his friends. Steven was thirty-eight years old and had learning disabilities. In the months before his death Stephen was befriended by the group, who subjected him to degrading abuse and assaults. Two of the group moved into his home. On the night of his death, he was tortured for several hours. He was drugged, dragged by a dog’s lead, burned with cigarettes, forced to take a lethal overdose of paracetamol, then walked to a railway viaduct where he was made to climb over the fence. As he hung onto the ledge, a hundred feet above the railway line, his fingers were deliberately stamped on, and he fell to his death (Equality and Human Rights Commission, 2011, pp.39-41). Fiona Pilkington died a year later in 2007. Fiona and her two disabled children (Anthony and Francesca) were subject to ten years of taunting and abuse from local youths on the estate where they lived. Anthony had been forced at knifepoint into a garden shed where he was locked for four hours. Fiona tried numerous times over several years to stop this harassment, reporting incidents to the police and the local housing association. Eventually she could take it no longer, she drove out to a secluded spot with Francesca and set fire to her car, tragically killing both herself and her daughter (Giannasi, 2015, p.60).

Although neither of these cases were considered to be disablist hate crime at the time, there was widespread outrage at the police handling of Fiona's case and the missed opportunities to intervene and arrest named suspects (Giannasi, 2015, p.60). In the inquest which followed, more detail was revealed about the harassment Fiona and her family endured, and the lack of action from agents of social justice which eventually saw such tragic consequences. It was hoped this would be a "watershed moment" for disablist hate crime, a defining case, in the same way that the Stephen Lawrence murder was a catalyst for changing responses to racially motivated hate crimes (Hall, 2013, p.34; Giannasi, 2015, p.61).

Despite the new provision for sentence uplift for crimes motivated by disablist hostility under the Criminal Justice Act 2003, there seemed little impact on the lives of disabled people. Few cases of disablist hate crime were successfully prosecuted. A new campaign was needed. This awareness raising campaign was driven by several important actors including Katherine Quarmby, Baroness Campbell, and John Pring. Quarmby is a respected investigative journalist, and her powerful writing gave impetus to the campaign. She joined the magazine *Disability Now* in 2007, and one of her assignments was reporting on the case of Kevin Davies, who was locked in a shed by three people he thought were his friends, before being subjected to dehumanising acts, being tortured, and starved. One of the perpetrators, Amanda Baggus, kept a diary in which she recorded her feelings towards Kevin whom she called 'prick'. The three also recorded a 'hostage' video in which a gaunt Kevin speaks to the camera that he is being fed well (Carter, 2007). Quarmby was concerned that the three were charged with wrongful imprisonment and assault occasioning actual bodily harm rather than murder. The defence being that as Kevin had epilepsy, this could not be ruled out as a cause of death. The perpetrators received jail sentences: Amanda Baggus and David Lehane were sentenced to ten years in prison, and their lodger Scott Andrews to nine years. *Disability Now* published a dossier of fifty violent crimes against disabled people. The title of the report suggested that perpetrators were literally 'Getting Away with Murder' (Quarmby et al., 2008). Quarmby (2011) carried out further research into these cases for her

ground-breaking book *Scapegoat*, in which she described disablist hate crime as “an invisible crime”.

Following the consciousness raising efforts of Disability Now, Scope, Quarmby, and others, an inquiry into disablist violence and harassment was commissioned by the Equality and Human Rights Commission. Evidence for this inquiry was gathered from interviews with disabled people, carers, parents, and key stakeholders. The inquiry had a wide scope which included not only incidents perceived as disablist hate crime, but also targeted harassment and abuse. It included the analysis of data from the British Crime Survey between 2007-2010 of disabled people’s experiences of crime (Nocon et al., 2011). The inquiry highlighted ten deaths of disabled people, including those of Fiona Pilkington and her children, Kevin Davies, and Steven Hoskins. A key message from the report was that these tragic cases are not the only way disabled people are targeted. The report was emphatic in its message that disabled people are often subject to other forms of regular targeting: these may seem less serious but, because of their regularity, and sustained nature, they have a large impact upon the lives of disabled people (Equality and Human Rights Commission, 2011, p.73). Mike Smith (2015, p.39), chair of the Equality and Human Rights Commission committee, identified how difficult it was for disabled people reporting to the inquiry to differentiate between different types of abuse, crime, and discrimination. He suggests it is difficult for people to construct the incidents as separate events, because they are so persistent and common, and that they are rarely seen to be motivated by hatred. Smith felt that that a key feature of the inquiry was the widening of the criteria and definitions of included incidents, which enables a better understanding of the phenomenon: something which I take note of in my research.

The Equality and Human Rights Commission report concludes that these incidents of disablist hate crime are under-reported and under-recognised, with those cases which are prosecuted through the courts as hate crimes being “the tip of the iceberg” (2011, p.58). However, they suggest this goes beyond targeted people failing to recognise and report such incidents. The issue is one of social justice agents failing to recognise disablist hate crime and prosecute cases effectively. This was seen in the ten murders

described in the report, none of which were constructed as disablist hate crimes. Smith describes this as a “funnelling effect” (Smith, 2015, p.51), where the lack of awareness of police officers of disablist hate crime begins to impact on their ability to look for evidence for prosecution. In the absence of this interrogation and collection of evidence, there is little opportunity for crimes to be flagged as disablist hate crimes and be considered for the sentence uplift of section 146 of the Criminal Justice Act 2003 to be used.

1.6 The scale of the problem

Recent figures suggest there has been some improvement in reporting and prosecuting disablist hate crimes, with reported cases steadily rising from 1294 in 2009 (Home Office, 2012), to 9,208 in 2020/21 in England and Wales (Allen and Zayed, 2021, p.10). The initial rise, it is suggested, was due to initiatives to remove barriers to reporting such crimes including a campaign to raise awareness amongst disabled people, statutory and non-statutory agencies, families, advocates, and the police (Pring, 2015, p.358). However, it is suspected that these reported figures do not reflect the true scale of the problem and are still the tip of the iceberg (Pring, 2015, p.361; Chapman, 2020, p.17). It is estimated that less than half of all disablist hate crimes are reported to the police (forty-nine per cent of incidents), with only the most serious being brought to the attention of criminal justice agencies (Williams & Tredidga, 2014). Indeed, other forms of data collection, such as victim surveys, suggest the figures are closer to fifty-thousand disablist hate incidents a year (Allen and Zayed, 2021). It is also important to note that only six per cent⁷ of recorded disablist hate crimes are successfully prosecuted. However figures from care provider organisations Leonard Cheshire, and United Response, suggest the real figure is closer to one per cent (Allen & Zayed, 2021, p.36). Unfortunately, as can be seen from the title of the follow up report to “*Getting away with murder*” (Quarmby et al., 2008), perpetrators are “*Still Getting Away with Murder*” (Chapman, 2020).

⁷ Only half of all police forces returned figures for prosecution rates of Hate Crimes.

1.6.1 *The discourse of vulnerability in disablist hate crime*

The discourse of vulnerability is particularly pertinent to disablist hate crime (Roulstone et al., 2011; Chakraborti and Garland, 2012; Healy and Dray, 2022). Following their inquiry in 2011, the Equality and Human Rights Commission demanded a shift to a rights-based approach to justice and protection for disabled people from targeted violence (Mason-Bish, 2012, p.15). However, this is made more difficult by the unusual situation that disabled people face in England and Wales of safeguarding protections (Equality and Human Rights Commission, 2011; Mason-Bish, 2012). Historically, the abuse of disabled people has been considered a service issue rather than a criminal one and dealt with under adult safeguarding provisions with adult safeguarding prior to the Care Act 2014 (enacted in 2015) being referred to as the Protection of Vulnerable Adults. This was changed following the Care Act 2014, with the term ‘vulnerable adult’ no longer being used in adult health and social care, instead the term ‘adult at risk’ is used. This was an attempt to recognise the rights discourse, and importantly to shift the perception of the focus of responsibility for abuse from the adult at risk to the perpetrator(s) and take into account any environmental risk factors.

Under the protection of vulnerable adult system, the responsibility for safeguarding rested mostly within services. Writing in 2011, Roulstone et al. (p.362) argued that safeguarding protections (at the time under the protection of vulnerable adults) seemed to restrict disabled people’s access to justice, by adding a layer of protection which separated out disablist crimes and abuse. The Care Act 2014 stated that “safeguarding was everyone’s business”. This does not mean that local authorities *must* safeguard, but they are responsible for ensuring adults *are* safeguarded: a partnership approach between agents of social justice is required to safeguard adults at risk. This in essence aims to evoke more widespread responsibility for safeguarding adults, including that of housing, health and social care providers, and the police. The local authority however remains responsible for investigating safeguarding concerns under the Act.

In stark contrast to this, the perceived vulnerability of victims is fundamental to police work and in sentencing provision within the criminal justice system. Few disablist hate

crimes which are prosecuted achieve sentence uplifts, only eleven per cent in some areas compared to eighty per cent for hate crimes motivated by sexual orientation (Walters et al., 2017, p60). The perceived vulnerability of disabled victims is one of the main reasons for this argue Walters et al. (2017, pp.176-177), meaning hostility is less likely to be identified. This is further compounded by sentencing guidelines. The prosecution guidance suggests that if a disablist hate crime is not proven (meaning S.66 of the Sentencing Act 2020 cannot be applied), an enhanced sentence should still be given if the person was targeted because of their vulnerability due to disability (Crown Prosecution Service Guidance, 2021). This, suggest Walters et al. (2017, p.176), means that as many disabled people are seen as inherently vulnerable their access to justice under the sentencing guidance for disablist hate crime is limited. The police and criminal justice agents must distinguish between what they perceive to be crimes motivated by hatred and those motivated by the vulnerability of the victim (Roulstone and Sadiq, 2012, p.26). As we shall see in this thesis this is problematic. Disabled people are not perceived as being victims of hate crimes even though they may well have been targeted *because* they are disabled. This, argue Roulstone et al. (2011), is disingenuous. The portrayal of disabled people as vulnerable in disablist hate crime cases is one of a myriad of stereotypes applied to disabled people, and is evidence of prejudice (2011, p.357). Indeed, Chakraborti and Garland suggest hate crime scholars shift their thinking by putting vulnerability at the heart of hate crime victimisation. This would allow agents of social justice to consider the contextual vulnerability of hate crime victims which inevitably plays a part in perpetrators choice of victim (2012, p.510).

1.7 Structure of thesis and chapter overview

This thesis aims to add to the growing body of knowledge of disablist hate crime. By taking a novel approach using grounded theory methods, almost 100 cases are analysed. These are cases which go beyond those which meet the current legal definition of disablist hate crimes and incidents. In so doing, it aims to better capture the complex and dynamic nature of disablist hate crimes. The following chapters describe the research process and findings.

Chapter two discusses the research methodology, and the research methods which are used. This includes an explanation of my positionality as a novice researcher, and reflexive discussions of the strengths and limitations of the research project, including the impact of Covid-19.

Chapter three summarises the literature review, which is the starting point for the project. As the project uses grounded theory methods to understand disablist hate crime, this is a place from which to start the data collection and analysis, rather than a structured review of all the literature. The chapter includes the academic understanding of hate crime. It concludes with the sensitising concepts to be used to begin data collection and analysis.

Chapter four is the first chapter reporting on the findings of the research. It considers what types of acts are identified through the research and constructs a new typology of disablist hate crime which captures these acts. It is posited here that disablist hate crime consists of three categories: 1) intimidation, 2) exploitation, and 3) extensive control. Different types of perpetrators, such as strangers, neighbours, friends, family members, partners, and care staff, carry out different types of acts, and these are also discussed in this chapter.

Chapter five considers how these crimes develop, and how the nature of the relationship between perpetrator and targeted person also transforms. Campaigns of disablist hate crime are conceptualised as a dynamic *process*, whereby the perpetrator uses the relationship with the targeted person to intimidate, exploit, and control them. This process is one of power struggles, in which disabled people are othered. These stages will be explored in relation to the relevant literature.

Chapter six considers how agents of social justice construct these events in different ways which serve to dismiss, disregard, and diminish them. The police reaction will be examined, specifically how should the police construct cases of disablist hate crime, and how do they do this in practice? I will then explore how the police and agents of social justice construct targeted people as less than ideal victims; and incidents of disablist

hate crime as micro-aggressions, that is as neighbour disputes, trouble with youths, and anti-social behaviour; or as abuse.

The thesis concludes (chapter seven) with a proposal for a new definition of disablist hate crime to include the categories discussed through the earlier chapters. Key recommendations are made which include training for the agents of social justice to recognise the process of disablist hate crime. This includes recognising disability, grooming and gaslighting, signs of abuse, and confronting their own personal and institutional bias, including developing strategies to combat this. The discussion suggests that disablist hate crime should no longer adapt or adopt to the current hate crime model. Instead, it is time for the conversation to develop. Perhaps to one that asks, as with racist crimes, whether the crime reported could be motivated by a person's identity. Or one that considers a discriminatory model: could this crime be motivated by bias because of this person's disability? This involves changing not only policies and procedures but also hearts and minds.

Chapter 2: Research methodology and research methods

2.1 Introduction

The main aim of the research was to better understand the nature of disablist hate crime, and responses to it by agents of social justice. In this chapter I examine my positionality as a novice researcher, reflecting on my previous experiences and world view. I discuss the methodology used for the research and explain the methodological choices made within the project: of data collection, analysis, and thesis building. Finally, I offer some insights into the barriers faced within the project, the strengths and limitations of the research and its methodology, and the lessons I have learned which will be taken forward into my future research.

2.2 Researcher positionality and preparedness

Undertaking research on difficult topics is not without risk, to the research participants and to the researcher. This is particularly the case when the research involves qualitative research on sensitive topics (Fenge et al., 2019, p.1). Disablist hate crimes are stories of coercion, targeting, exploitation, rape, assault, and murder. As a researcher investigating such phenomenon it was important consider mitigating any possible harm to either the research participants, or myself as researcher. Fenge et al. (2019) conducted research with ten researchers involved in research with marginalised groups or which focused on sensitive topics of abuse, violence, and trauma. Their analysis suggested that the impact of such research on the researcher was influenced by the preparedness of the researcher, their positionality, their power and privilege, and their role as advocates or agents of change (2019, p. 3). As I consider myself not a person of power and privilege, nor as an advocate of change (hopefully this will change in the future with the publication of my research) I will focus here mainly on my positionality and preparedness.

As a novice researcher, I situate myself within an interpretive-constructivist approach and my research study reflects this position. An important part of the research process was to understand the fundamental question: why are we doing what we are doing in the way we are doing it? This means taking a reflexive stance throughout the research.

Reflexivity is described by England (1994, p. 82) as: “self-critical sympathetic introspection and the self-conscious analytical scrutiny of the self as researcher”, a daunting task for any novice researcher. However, it is imperative that researchers become aware of their world view and how this may impact on the methodological choices they make during their research (Moon and Blackman, 2014).

Reflecting on my position, I initially found Jacobson and Mustapha’s (2019) social identity map to be a useful tool (see appendix 1). This enabled me to understand my position on three levels. Firstly, by identifying my core identity as a working class, female, who is heterosexual, Cis⁸, white, and British. Secondly, reflecting on how this has shaped my interactions with the world and my research project, including my experiences working with people with learning disabilities in both hospital and community settings, as a police officer, and more recently teaching nurses and social workers. Finally, considering the emotional reactions to these layers of my identity as I have transitioned from being an experienced health and social care practitioner and manager in an urban socio-economically deprived area, to a rookie police constable in a rural area, to a nurse/social work lecturer and developing academic within a large post-industrial northern university.

It was important to continue to interrogate my epistemological position throughout the research process as “It is only through meaningful engagement with positionality throughout qualitative research that researchers can avoid static and hollow positionality statements” (Folkes, 2022, p. 14). This was achieved by reading and reflecting, and through discussion with my supervisors and other colleagues in my employing university and beyond. This “kitchen table” reflexivity (Kohl and McCutcheon, 2015) offered a safe space to explore my research journey, although this was a metaphorical kitchen table due to the Covid-19 pandemic and more usually an outside space, a coffee shop, or virtual space. I have become, through this reflexive process, more aware of my strong values base and commitment to social justice. I

⁸ Cis is a shortened version of the term cisgender and refers to a person “whose sense of personal identity and gender is the same as their birth sex” (Oxford Advanced Learner’s Dictionary, 2022)

believe, as I hope I will show in chapter three, and throughout this thesis, that the social world and our understanding of it is constructed through our actions and interactions within it. I consider myself to have empathy for those experiencing oppression and societal exclusion. I am thus engaging in qualitative research, being interested fundamentally in understanding phenomenon: in this research project, the phenomenon of disablist hate crime.

My research did not involve direct work with disablist hate crime victims; participants were instead safeguarding practitioners, and some police personnel. Participants told stories of disabled people being targeted by family, partners, friends, neighbours, and care professionals. The safeguarding practitioners were all registered social workers, a profession which places emphasis on reflection, and emotional labour. Indeed, before they came to the interview, I had asked them to think of safeguarding cases involving disabled people they had investigated. The research participants were experienced practitioners, an essential pre-requisite for the role of safeguarding practitioner. However, I was acutely aware of the potential harm to research participants. Harm may arise from participants reliving traumatic events for the purpose of the research.

Part of my current role is supporting student nurses and social workers in the field whilst on placement, and I facilitate regular online and in person debrief and support sessions. Informed consent was important, and practitioners were aware of the aims of the research and the possible topics for discussion. I asked participants to indicate whether they would prefer to be interviewed in their place of work or at the University. All interestingly chose to visit the university, which allowed me to prepare a quiet comfortable interview room where we would not be disturbed, and ensure there was a plentiful supply of water, tea/coffee, and small snacks. Before the interview I introduced myself and shared information about my role at the university and the research project I was undertaking. After the interviews many practitioners stayed for some time, talking more generally about their job and asking questions about the research. Some told me they felt the interviews had offered them a useful space to explore some of the cases. Practitioners had felt supported within their teams and had the opportunity to discuss the cases during the investigations, and in supervision with

their managers and teams. However, some did suggest having time to reflect was useful and had raised new insights for them into the frustration they sometimes felt with some of the actions of the police, other agencies and in some cases targeted people themselves.

Reflecting on the impact being involved with my research may have had on the participants, there are potential actions I could take to improve my research in future projects. Having time available after the interview to decompress was very useful. I was keen to make sure these discussions focused on next steps with my research but also aware they offered the practitioners a chance for reflection. I did find my supervision skills very useful in these circumstances, many were keen to be involved in further research and some discussed how they were keen to discuss with their teams and managers how they could perhaps effect change in their current practice with disabled people. Making time in my schedule to sit with participants if they wished was a useful strategy which I had been keen to use since my Masters in Research project. This had involved people talking about their own experiences and care was taken in these situations to make sure a staff member was available in the advocacy group, interviews were done in the morning to give time for reflection and support if needed, and two of the participants chose to be interviewed together offering mutual support during the interviews.

I did not interview police about such cases, and this may be a useful project to undertake moving forwards. The police that were involved with such incidents were very keen to participate and help me navigate the case files. When I fed my research back, I became aware of the value of the hate crime strategy group, as a place where stories could be shared, and my work was well received. The support strategies available to police officers are unclear, perhaps this could be explored with the hate crime strategy group as a way of developing practice.

Fenge et al (2019, p. 5) identified “researcher preparedness as a key factor for both early career researchers and experienced researchers”. I am probably better prepared than most because of my past and current work experiences as I regularly hear traumatic

stories from students of terror, torture, murder, and sexual assaults, they have experienced, as well as those they pass on through placement experiences, including supporting dying patients, and work in environments of injustice and devaluation. Both novice and experienced researchers may not always recognise the impact that hearing traumatic stories may have, and the ways this may affect them, not only through face-to-face interviews but less direct forms of engagement with research data including reading case studies and reports. Reading such material may impact on the researcher in a similar way to the feelings experienced by the participants (Alexander et al., 1989, p.58). Following Alexander et al. (1989, p.61) this was mitigated in this study in two ways, firstly, I was able to control how, when, and for how long I focused on them, making sure to take regular breaks, and doing most of my reading of such stories in the mornings. Secondly, I have my own support system developed through years of working in hospitals, and with people with learning disabilities, and have close family and friends as well as a super supportive work team. I was also offered support through the university supervisors who held my emotions and recognised when things got tough. For future it would be useful to develop a post-graduate researcher group for difficult topics perhaps.

2.3 Using grounded theory

I used grounded theory methods because of this position. Grounded theory is founded on the philosophical foundation of pragmatism and symbolic interactionism (Chamberlain-Salaun et al., 2013; Kenny and Fourie, 2015). My intention in using grounded theory methods was to identify patterns in the data which may be useful to not only describe, but perhaps begin to explain the actions and interactions of perpetrators, victims, and others involved in disablist hate crime. Grounded theory was developed by Glaser and Strauss as a reaction to the dominant positivist approach, of theory verification, and an attempt to shift this focus towards theory generation (Kenny and Fourie, 2014, p.1). The two academics however took different paths in terms of their strategies and methods, particularly in paradigms of analysis and the use of literature prior to data collection (Kenny and Fourie 2016, p.1272). Strauss worked increasingly with Juliet Corbin, whilst Glaser continued to work alone, writing public admonishments of Corbin's divergence from 'pure' grounded theory and founding his own publishing

house and journal which positioned his perspective as *classical* grounded theory (Kenny and Fourie, 2014, p.5).

Data is analysed in a grounded theory project using the constant comparative method, beginning as soon as data is collected and continuing throughout the project. Glaser's criticisms of Strauss direction focused on what he considered to be prescriptive techniques for coding, which may have resonated as later publications by Strauss and Corbin gave less and less prominence to the use of coding paradigms (Seidel and Urquhart, 2013, pp.241-242). Through the later work of Corbin (after Straus has passed) I found the work of Kathy Charmaz, who had been a student of both Glaser and Strauss. Charmaz grounded theory methods (2014) offer instruction in the *how* of grounded theory, which is less prescriptive than that of Corbin and Strauss, meaning "a more flexible, intuitive and open-ended methodology which dovetails with a constructivist paradigm" (Kenny and Fourie, 2015, p.1283). This was particularly useful for me as a novice researcher. In a recent article Corbin, (2016, p.52) suggests all forms of grounded theory share common features of "doing comparative analysis, asking questions of the data, theoretical sampling, and writing memos" emphasising that "concepts remain the foundation of the research, along with the development of concept in terms of their properties and dimensions". This project used grounded theory methods and in doing so I followed Glaser, (2012, p.36) by "aiming to look beyond (description) to conceptualising latent patterns as categories and their properties".

The use of literature is a point of divergence within the three forms of grounded theory. Glaser has argued the researcher should try not to engage with the literature before data collection to avoid imposing any preconceptions. However, Strauss and Corbin identify that some engagement with the literature in the field, before and during data collection and analysis, could be useful to focus data collection, identify gaps, and focus further sampling, but caution against a deep dive which may limit focus (Kenny and Fourie, 2015, p.1284-5). Some scoping of the literature was necessary for this project as the research project required ethical approval⁹. However, in keeping with the grounded

⁹ Discussed further in section 2.5: accessing data

theory method described by Strauss and Corbin, and Charmaz, this is a brief overview of the hate crime literature to develop the sensitising concepts to begin data collection and analysis. The literature review involved searching previous methodologies used within the generic hate crime field, and of studies into disablist hate crime. Sensitising concepts were developed to focus initial data collection and analysis: of the range of acts of disablist hate crime, the nature of the relationship between victim and perpetrator, situational factors, and finally how disablist hate crime is constructed in practice. However more focused engagement with the literature was avoided until later in the project. In doing so, Charmaz suggests the researcher aids rather than stifles the research (Kenny and Fourie, 2015, p.1285).

Glaser (2001, p.145), has emphasised that in grounded theory projects “all is data”. A key feature of the comparative analysis methodology is the open, then focused, coding cycles. This involves writing memos as the coding and data collection continues, on the codes being constructed from the data, and from the researcher’s field notes (Glaser & Strauss, 1973, p. 107). As I began to code, I followed Charmaz directional questions: “What is this data a study of? What does it suggest? From whose point of view? What theoretical category does this specific datum indicate?” (Charmaz, 2014, p.116). This means moving beyond description, recognising the action and processes within the data. These ideas were captured in memos which offer a useful way to step outside the data to develop theoretical explanations of phenomenon (Glaser, 1978). For example, early in the project, following the police data collection, I developed the concept of targeting disabled people. As already mentioned, using grounded theory meant the data was analysed immediately. This was particularly useful as logistically it was only possible to visit the police every few weeks. Having time for analysis between these appointments meant that follow up visits became more useful as more rich data was gathered on the action logs, the comments and negotiations made between officers and supervisors on how cases proceeded, and the language used to describe the reporting person and the perpetrators, how cases were prioritised, and how both disability and disablist hate crimes were constructed. These memos were then grouped (see appendix 2). From this early analysis, a new conceptual structure of disablist hate crime was developed. Initially this was based upon types of crimes but as the analysis and data

collection continued the constructions of intimidation, exploitation, and extensive control were developed, which better seemed to fit with the data.

Corbin (2016, p.302) emphasises the value of diagrams as feature of grounded theory methods, which I found very useful to formulate possible connections and processes and identify where the concepts and categories needed further development. As can be seen from Appendix 3, as the research progressed, I began to understand the actions of perpetrators in disablist hate crime incidents as a dynamic process of othering. I also considered the actions of the agents of social justice in their defining of acts as disablist hate crime, and how the context of such action manifests.

2.4 Location of the study

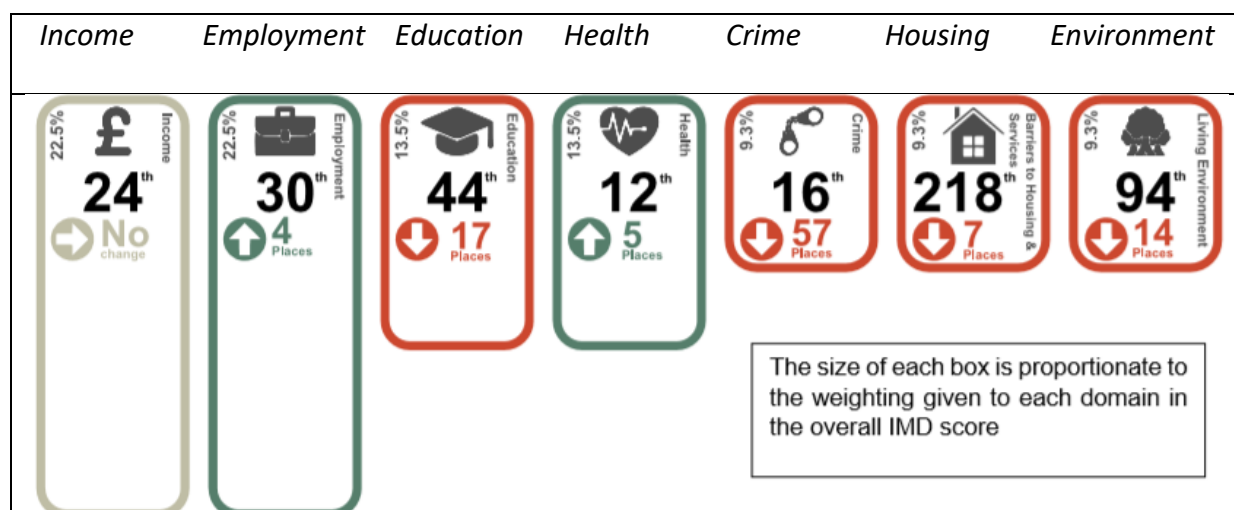
The data collection initially focused on case files from Salford division of Greater Manchester Police in North West England. Salford was chosen as the starting point for data collection, as it was important to choose an area where disablist hate crime was likely to be prevalent. Salford is an area of contrasts, many of its citizens live in social and economic deprivation, but there are also pockets of wealth and affluence. This relative inequality is associated with an increased risk of crime (Young, 2002; Grover, 2008; Newburn, 2016).

Salford has multiple layers of deprivation as can be seen from figure 1 below. In the 19th century Salford was described as the “classic slum” (Roberts, 1990). This was partly due to its rapid population growth and economic success in the early 19th century, followed by a long period of decline (Schmid, 2007). It remains an area of high social deprivation¹⁰ and is ranked 18th most deprived of 317 Local Authority areas in England using the

¹⁰ Social deprivation is measured in England using the Index of Deprivation (IoD2019). The IoD2019 consists of seven weighted indices (Income Deprivation (22.5%), Employment Deprivation (22.5%), Education, Skills and Training Deprivation (13.5%), Health Deprivation and Disability (13.5%), Crime (9.3%), Barriers to Housing and Services (9.3%), Living Environment Deprivation (9.3%) (Ministry of Housing, Communities & Local Government, 2019:23). These are combined to give an overall rank and score. The rank is considered to give the most accurate indication of deprivation within an area in comparison to other areas in England.

IoD2019 (Salford City Council, 2019, p. 3). Across these Indices of Deprivation domains (2019), Salford is ranked in the lowest 10per cent (decile) in England for measures of income, employment, health, and crime (see figure 1).

Figure 1: Salford Rank and Change of Domain of Indices of Deprivation 2019.



(Source: Salford City Council, 2019)

Salford has a population of 254,408 (Salford City Council, 2019). Of the people living in Salford, 30 per cent (76,400) live in a highly deprived area and 4 per cent (10,500) in extreme deprivation (Salford City Council, 2019). In addition, 21 per cent of people in Salford are disabled¹¹ compared with an average of 18 per cent in England (Salford City Council, 2019). The city has the second highest admission rate to funded local authority residential and/or nursing care in North-West England (Salford City Council, 2019). Alongside this large population of disabled people, a large proportion of the population are younger people (aged 0-39) compared to the national average. This increases the risk that people in Salford will be exposed to crime as in general, young men are the most likely perpetrators, particularly of anti-social behaviour and violent crime (Rutter, 2012). In Salford only 69 per cent of people of working age are in employment compared with 74 per cent for England overall (Salford City Council, 2019). Many of those that are

¹¹ Described as having a life limiting condition which affects daily living activities (Salford City Council, 2017a).

working are in lower paid, less secure, jobs. Salford also has the third highest number of young people not in employment or training in England (Jones et al., 2018), this provided a useful starting point for data collection.

The study was widened to England and Wales following these initial stages with further data collected from safeguarding practitioners and cases within the public domain as I will now discuss.

2.5 Accessing data and ethical approval

Ethical approval was gained for all stages of the research project from the University of Lancaster. Following an application made to Greater Manchester Police, with the endorsement of the Deputy Police and Crime Commissioner, confidential access was given to case records on police premises to extract relevant information for analysis. Gaining access to research sites was complicated and time consuming but it is important to protect the confidentiality of the people involved. Following enhanced Disclosure and Barring Service and background checks, a research contract was negotiated between Greater Manchester Police and myself under the guidance of my first supervisor Professor Paul Iganski. The data collection itself was focused on the sensitising concepts which were developed following the scoping literature review described in Chapter 3.

Police systems are difficult to navigate, and full access was not possible, so police officers were required to sit with me whilst I accessed case files. This was a laborious, time-consuming process, but the data gathered proved invaluable. I was helped enormously both by my background knowledge: of police systems and structures, and how to navigate case files; and by the police officers and civilian staff assigned to me who seemed genuinely interested and invested in my project. These staff had a fabulous can-do attitude to finding data.

The major hurdle once this foot in the door was gained was finding only three disablist hate crimes recorded. It was necessary to think on my feet and re-negotiate the parameters of the data set as the research progressed, allowing for two further sets of data of disablist hate incidents to be collected. This flexibility and responsiveness of data is a key feature of grounded theory but was problematic in real life in such a necessarily

bureaucratic organisation as the police. The sample was incrementally broadened to include other crimes, which involved further negotiation in meetings, ethical approval amendments, and written requests, but at this point I found it was easier to push on a part opened door. The data collection, once started, took several months because it was labour intensive, and the police staff had other tasks due to force priorities. In total twenty-four hate incidents were identified, most seemingly closed without investigation, or with limited investigation. The importance of this was not apparent at this early stage. These early conversations and planning meetings indicated operational issues with data collection which became useful as points of analysis. Field notes also contained reflections on the data, and the recorded actions and comments of the police officers contained within data. It was particularly useful to examine action logs as they gave insight into the decision-making process of police officers.

Further disablist hate incidents were added at the end of the data collection period. In total, three disablist hate crimes, twenty-four disablist hate incidents and seventeen 'other' crimes were reviewed. The data from police records were collected over eleven visits to Greater Manchester Police Headquarters between October 2016 and January 2017. The data consisted of witness statements, perpetrator interviews, victim statements, victim impact statements, Action Boards¹², and previous convictions of perpetrators.

It is important to note that the grounded theory method suggests an open approach to data, thus my focus was to collect data from those cases thought to involve targeting because of the persons disability. The initial scoping of the project aimed for fifty cases, but it became clear that other cases were needed to develop a range of acts and lines of enquiry. At this point theoretical sampling of other cases, and interviews with safeguarding practitioners began.

¹² An Action Board is a police record of events in chronological order and includes discussions between police officers, police supervisors, and the Crown Prosecution Service.

2.6 Interviews with safeguarding practitioners

As the refining of categories and the *process* of disablist hate crime continued, I saw that the police were missing incidents of disablist hate crimes. I wanted to get a different perspective by interviewing safeguarding practitioners, as they were important agents of social justice involved in the social construction of disablist hate crime. I was particularly interested in exploring situations where disabled people had been exploited, but which perhaps had not been reported to the police, and to include incidents where perpetrators deliberately targeted disabled people through a relationship, so called “mate crime” (Thomas, 2011, 2013). This is discussed in more detail in chapters three and five. Initially I intended to examine records held by the local authority including safeguarding referrals and investigations, in a similar way to the analysis of police records, as this had yielded useful data. However, this proved impossible following the introduction of the Data Protection Act 2018 with stricter guidelines on the use of information held by organisations. At this point, other decisions were made regarding the scope of the project. There was the opportunity to include hate crime cases motivated by racial or religious hatred as a comparison, to see if there were also intersectional motivations. I took the decision, after much discussion with my supervisor, to remain focused on disablist hate crimes. The value of the comparative approach which was not followed however is recognised and may be useful as a possible further research project.

Following a lengthy negotiation with the research manager of the local authority, an alternative method of gathering data was agreed. Permission was granted to approach health and social care staff responsible for carrying out safeguarding reviews and investigations, and a research agreement contract was agreed by myself and the research manager to ensure responsibilities were clearly outlined. These professionals were a useful addition to the project being well placed to offer insight into the context of such incidents, as they worked directly with frail older people, people with dementia, people with mental health issues and people with physical and learning disabilities. Thus had a breadth and depth of experience and knowledge of individuals, systems, and theory.

The research agreement involved limitations on access to potential interviewees, including the sending of emails to recruit participants. This was done by designated team managers. I was however invited to some local authority team meetings to pitch my research, which proved successful in recruitment. These meetings were followed up by email (see appendix 4). The email contained the participant information sheet (see appendix 5), and contact details. Further information was sent to those who expressed an initial interest in participating, including the interview schedule with the questions (see appendix 6).

The interviews were carried out at a time and location convenient for the professional and lasted between forty-five minutes and two hours. Written informed consent was gained at several points during this process: when the potential participant replied to the email invitation, at the start of the interview, and during the interview. The participant was able to withdraw their consent at any time and bring the interview to a close (see appendix 7). During the interviews, cases which involved exploitative and intimidating incidents experienced by disabled people were explored. I asked the practitioners to include incidents which involved acquaintances, family, friends, neighbours, and carers, and any perceived motivations which had been suggested by the victim, the perpetrator, or witnesses. This was for two reasons, firstly to gather information on the situational context identified following the scoping literature review (see chapter three), and secondly to further develop initial lines of enquiry from the Greater Manchester Police cases which seemed illuminating. I also sought the views of the professionals as to any particular risk factors which were present in these incidents, such as the location, relationship factors, trigger events, social circumstances, or other factors (see attached proposed interview schedule: Appendix 6). The interviews were recorded digitally, and the files immediately uploaded to the secure cloud storage at Lancaster University, then deleted from the recording device. The interviews were transcribed verbatim, maintaining a data collection and analysis research process in line with grounded theory methodology. During the process all identifying information about those involved in interviews and people discussed was removed to comply with the Data Protection Act 2018.

2.7 Points of departure within the analysis

During the analysis several points of departure were identified. These were notably cases of what I initially categorised as total control. These were cases of abuse in institutional settings, further cases of anti-social behaviour, and of murder. Further analysis, using memos, and returning to the data helped to develop the tentative category to its final iteration as extensive control. This returning to the data, and expansion of certain cases using theoretical sampling (Glaser, 1978) led me to consider the wider implications of situating disablist hate crime within the hate crime paradigm. How far could this process of disablist hate crime explain cases of abuse in institutions, how was it conceptualised by police officers?

Theoretical sampling was also used to explore in more depth the cases that *had* been constructed as disablist hate crimes. This was something which had been apparent early in the analysis, but which seemed to take on a new significance as the categories were constructed, and the interviews with the safeguarding practitioners progressed and were analysed. The writing of memos enabled me to return to these earlier concepts and further develop early categories of how disablist hate crime was constructed and the process which appeared to be involved. One notable point of departure was the case of Ricki Judkins (see Box 3 in chapter four). Initially this case was categorised as fleeting intimidation. However, this assault was sustained during which Rikki received fatal injuries. This could not be considered fleeting, and the category was further developed through considering this aspect to its final categorisation as incidental intimidation.

Both Glaser and Charmaz suggest testing theoretical concepts with the research participants. I presented my findings to the police safeguarding group, who offered useful insights into my findings and were excited to learn more. However, this was early in the research project, and the Covid-19 pandemic interrupted this process, shifting service focus to prioritising essential service delivery. I was unfortunately not able to present my findings to the safeguarding practitioners although I hope to present the final findings in the near future, along with some useful insights given into how much they enjoyed the interviews and possible practice implications of developing clinical supervision which many interviewees felt was lacking.

2.8 Problems and solutions arising during the research

My previous experiences as a learning disability nurse, a police officer, a social work and nursing lecturer, and a working class academic, helped me to understand the roles of the actors involved: the police and safeguarding practitioners, Housing Officers, and advocates. However, this previous experience made the research journey difficult initially. I struggled with trying not to limit my findings to a dominant theory in my teaching and practice of Social Role Valorisation (Wolfensberger, 1998), a theoretical perspective with which I was very familiar, and which had been fundamental to my early work with people with learning disabilities. Using grounded theory methods, of using memos and remaining grounded in the data, proved useful in combating this, particularly as I read Charmaz (2014) and her perspective on acknowledging previous experience. My supervisor retired and my new supervisor helped me to understand the richness of this experience, how this had helped in the research journey, and how applying some frames of reference from the theory of social role valorisation (Wolfensberger, 1998) and the process of societal devaluation, was valid.

The final pressure was that of trying to get access to data. As discussed earlier, the process was long and laborious, as was getting ethical approval. Some of the procedures involved seem to stifle creativity and reflexivity in the field. However, these minor irritations are a necessary part of the research process as they serve to protect participants and the public. This was addressed by discussion in supervision, by seeking advice from ethics panels, making minor alterations, meeting regularly with people in the field, and most importantly finding cheerleaders who were on same page and wanted research to happen.

2.9 Reflections on the research

Fundamentally this research taught me the value of being both flexible and tenacious. The Covid-19 pandemic was hard and brought with it unusual pressures. It meant a change of direction for the research plan, as I had originally intended to interview perpetrators. However, the need for flexibility is an inherent part of research, and this unusual challenge enabled me to use other sources of data. I turned to cases in the

public eye using serious case reviews, and Independent Office for Police Conduct reports (formerly the Independent Police Complaints Commission) of police investigations, for further analysis and testing of ideas.

Managing the pressures of the Covid-19 pandemic alongside full time work was difficult. The Covid-19 pandemic necessitated a complete rewrite and provision of the programme I teach, as nursing and social work placements were shut down. This, combined with the planned focus groups and interviews with students and young people (perpetrators of anti-social behaviour) at the youth service not going ahead, again due to covid, was difficult. It was crucial at this point to remember that the most important people were the people with learning disabilities at work and students, and the young perpetrators in the youth service. Their needs came first. I sought support from my supervisory team and the University gave researchers extra time for data collection which proved invaluable. It is hard to think when under such pressure and important to sometimes just keep going doing whatever you can do.

I moved to a new supervisory team late in the project. Initially I resisted as this meant more work when had almost finished. I now realise this has been a good thing. Some practical ideas really helped for example in the writing up and the use of PowerPoint, teaching my thesis to others, and engaging in conversations with others about my work, involving emotional work around engaging in scholarly debate. I have developed skills around reading, writing, taking feedback, reflecting, organising, thinking, approaching people, working in different fields, stepping outside my comfort zone, how to stay focused, how to do less difficult small tasks when feeling time pressured, and the benefits of using online writing rooms to 'shut up and write'.

Using the methods of grounded theory was the right choice for this piece of research. At first, I found it frustrating as there were no step-by-step instructions. But this meant I read more about grounded theory and better understood the perspectives of Glaser, and Strauss and Corbin. Whilst Strauss and Corbin tried to make the process more robust (in their eyes) and easier for novice researchers, by offering guidance and strategies, this moved it away from its original conception. Both Glaser (1978) and Charmaz (2014) focus on theory were useful for thinking about the process of disablist hate crime, as

were the methods Charmaz used, and the examples within her work of constructing categories. Throughout this process, and reading the published work of hate crime scholars, I became more confident in the use of theory. Having to critique theory was useful as it enabled me to review it from the perspective of how the person had arrived at their conclusions, the evidence base, the underpinning thinking behind it, and its application to the real world. I developed confidence in using such thinking tools for my research.

2.9.1 Limitations of the research

The main limitation perhaps to be levelled at my research is that I appear to be researching disabled people from the 'outside'. That I did not speak with disabled people. This was a purposeful act. There is excellent research available which has tried to understand the perspective of disabled people and capture their views (Equality and Human Rights Commission, 2011; Gravell, 2012; Beadle-Brown et al., 2014; Chakraborti et al., 2014). One of the problems with using these voices has also been articulated in the outcomes for much of this research, disabled victims of disablist hate crime do not always recognise their experiences within the hate crime discourse. The other criticism may be that I am not a disabled person. Still, I do have several disabilities, but these are not in the public arena. Part of my reflexive journey as a researcher has been this issue, the felt perceived need to 'out' my disabilities in order to gain academic credibility. This also included confronting both my own (internalised) ableism, and the repercussions this may have for me both personally and professionally. This remains a work in progress.

Chapter 3: Defining hate crime and disablist hate crime: scoping the academic literature

3.1 Introduction

The first chapter focused on the legal definition of hate crime, showing how hate crime law was built on the legacy of anti-discrimination legislation brought about by activism. Initially, hate crime legislation focused on those crimes motivated by racial and religious hatred, later expanding to include disability and other protected characteristics. As hate crime came to be recognised in a legal and practical sense, so too did the academic field of hate crime. This chapter focuses on this academic field, specifically on academic definitions of hate crime. This focus is important for two reasons. Firstly, to see if there are any insights which may be learned from the wider hate crime field with regards to disablist hate crime; and secondly, to develop a set of descriptive and analytical tools for the research. It is important to note that this is not an attempt to deliver a systematic review of the hate crime literature, but rather seek to explore some of the major themes in conceptualising, constructing, and theorising hate crime, specifically disablist hate crime. In line with the grounded theory method used in the research project, the literature is addressed only briefly here, but is returned to throughout the thesis, to explore how the new findings relate to the current knowledge and how they may develop existing ideas.

The chapter begins by exploring academic explanations of hate crime. Although hate crime is mostly recognised as bigotry (Levin and McDevitt, 1993; McDevitt et al., 2002, p.306; Iganski et al., 2005, p.42), several researchers have suggested other motivations may also be present, and these are discussed briefly within this review. The chapter then moves to consider the development of the dominant hate crime image as a discrete incident, between strangers, with no financial gain. This does not seem to fit with what is known about disablist hate crime, from details of cases which have been brought to public attention, or from the experiences related to me by disabled people, colleagues, and students. This may be because studies tend to have mostly focused on the analysis of a limited range of violent crimes which do not fully capture the range of experiences

of hate crime victims, especially those of disablist hate crime victims. The underlying perpetrator motivations for hate crimes are then reviewed, exploring the process of hate crime, in structural and operational terms, and unpicking this notion of stranger crimes. The chapter then moves to what we can learn from studies which do focus on disablist hate crime. Many disablist hate crimes seem to fall outside this dominant hate crime perspective, which means that not all disablist incidents are recognised as hate crimes. These studies move beyond the (possibly limited) current constructions of hate crime, to include the range of experiences of disabled people. These include financial exploitation, 'mate crime', and abuse. Finally, the chapter concludes with an explanation of the sensitising concepts developed from this review to be used for the data gathering and analysis of the research.

3.2 Defining hate crime

I have briefly identified the legal definitions of hate crime; the focus now moves to academic explanations to better understand what we mean by the term 'hate crime' (Hall, 2013, p. 4). These arguably would be expected to have utility in assisting law makers, police and other practitioners, and the public, including potential and actual victims experiencing and dealing with hate crime. As we begin to explore these academic definitions it becomes clear that this is not necessarily the case (Iganski, 2008; Hall, 2013; Chakraborti and Garland, 2012). Firstly, it is important to remember as we mentioned briefly in chapter one that there is no universal definition of 'hate crime' (Perry, 2001; Hall, 2013; Chakraborti, 2015): it is used as a catch all term which covers a myriad of constructs. In his book *Hate Crime*, Hall (2013) gives an excellent overview of these issues with academic definitions, which give the reader a "deeper understanding" of the phenomenon (2013, p.3). Indeed, there are difficulties with many aspects of both its construction and its scope as according to Hall (2013; 3), current academic definitions of hate crime are "far too broad and complex to be of much value in practical terms for criminal justice practitioners and legislators". Hall recalls a senior policy advisor to the British Government bemoaning this point: "even if you could lock academics in a room for six months with the task of producing a single definition of hate crime, they would most likely emerge with more definitions than they had when they went in...utterly

useless for those tasked with actually responding to hate crime in the real world” (2013, p.4).

Hall argues that the sheer range and breadth of academic definitions reflects the complexity of the concept (2013, p.3). Part of this complexity he argues is because of the concepts involved, as much of what we consider to be hate crime is not ‘hate’ at all but ‘prejudice’ (Hall, 2013, p.9). This, according to the Law Commission is reflective of whether the animus or discriminatory model of hate crime predominates, a fundamental issue in legislating for and prosecuting hate crime (Law Commission, 2021, p353). Hall raises interesting points in relation to the issue of the aggravating nature of prejudice as motivation (2013, p.13). Hate crime will only be hate crime, he suggests, when it is motivated primarily by prejudice towards the person *because of* their perceived identity. If this prejudice is merely displayed during commission of a crime, but is not the main motivating factor, then should we consider this to be a hate crime? Hall uses Jacobs and Potter’s model (1998) to consider both the strength of the prejudice, and its causal link, to categorise crimes. These different aspects of hate crimes Hall argues demonstrate the difficulties with the social construction of hate crime (2013, p.14), ultimately these are problems with what, how, and by whom, these decisions are made (Hall, 2013, p.11).

To address this issue, Chakraborti (2015) suggests using a wider conceptual definition of hate crime. In the Leicester Hate Crime project, hate crime was defined as: “acts of violence, hostility and intimidation directed towards people because of their identity or perceived ‘difference’” (Chakraborti et al., 2014, p.8). This wider definition recognises that there are targeted identities beyond those protected currently, for example including gypsy/Roma people, Goths, and homeless people. However, Hall cautions that using a more expansive definition might open the floodgates, with the unfortunate outcome that *everyone* could suggest they were being targeted for some part of their identity, effectively weakening both the status, and meaning of hate crime and hate crime protections (2013, p.11).

3.3 Theoretical explanations of hate crime

Barbara Perry (2003) suggested rather than take a myopic view of hate crimes it is best viewed through a structural lens. Perry situates her influential thesis for hate crime in a contextual argument, which emphasises these structural underpinnings of hate crime: structures that result in power differentials between hate crime perpetrators and their victims. For Perry, all identity is constructed, usually from a binary position. A person either is, or is not, (for example) male, white, Christian or any other aspect of their identity. Thus, any person not conforming to this constructed norm is perceived as *the other*. Perry suggests that the structural and institutional norms which are created by this binary positioning of identity, enables those conforming to these constructions to wield power over those classed as *other*, who are thus she claims, by definition, inferior (Perry, 2003, p.99). Hate crime then, suggests Perry, is one way of *doing difference*: it is how this structural identity is expressed, maintained, and reinforced (2003, p.105). To understand individual hate crimes, she suggests, we must explore these wider structural and cultural means by which people develop, and perform, their identity. Using Cornell and Hartmann's (1998) idea of *construction sites*, Perry argues that in these sites power and privilege are realised and reinforced (2003, p.100). They include work, power (in terms of deciding the terms of these structural differences), sexuality, and culture.

Perry and Scrivens (2017) note that this structural oppression is seen in the social exclusion faced by many disabled people (2017, p.8). Andrea Hollomotz also reflects on this within the discourse of threat (2012, p.61), and suggests that the legacy of oppression identified by Barnes (1991) remains the dominant reality of the lives of disabled people. When people step outside the boundaries of expected or constructed positions (dominant/inferior) there is a *threat* to the general order of things, that results in structural crisis. This crisis suggests Perry (2003, p.103), can be understood using Messerschmidt's notion of structured action whereby the actors involved in hate crimes are attempting to restore what they consider to be the natural order of things. In her book *Scapegoat* (2011) Quarmby suggested this is a common feature of disablist hate crime, where the disabled person becomes the target of the perpetrator's feelings of

anger, threat, or economic hardship. These feelings are directed towards the presumed cause of their misfortune, the disabled person.

3.3.1 Considering situated action: context and the nature of everyday hate

An important voice in early academic explanations of hate crime was that of Benjamin Bowling. His research into racist violence in east London (1998) involved analysis of a range of data sources, from which he identified the processes involved in a society underpinned by institutions which perpetuate the exclusion of minority populations. Bowling identified that the context of the incident seems relevant to our understanding of hate crimes, as with other forms of crime (1998, p.158).

Bowling constructed violent racism as a dynamic process, rather than a static event, one which involves several different actors (1998, p.172). This process is thus context dependent, with the time of the events and the space in which they occur being important, along with the roles of the actors involved: the community in which the crime is situated, the police and others responsible for reacting to the incident, and the media in their portrayal of the event(s) (1998, p.159). It is only within this context, argues Bowling, that the actions of individual perpetrators can then be considered. He identifies patterns of racial victimisation which may be useful to consider, including moral panic generated by the media, the geographical location of attacks, and the community in which they occur (1998, p.162). Bowling also highlights the frequency of much racist targeting, identifying that it is often so frequent that it becomes part of people's lives (1998, p.161). Bowling draws parallels with domestic violence, reflecting on Kelly's continuum of violence towards women, which offers useful insights into explaining and exploring violent racism (1998, p.160). Bowling suggests that this perspective enables us to account for repeated victimisation, which is often a feature of violent racism, and better capture the impact this has on the victim. It may also capture the nature of repeat victimisation which it has been suggested may be a feature of disablist hate crimes (Equality and Human Rights Commission, 2011). Macdonald et al. (2021, p.9) examined reported thirty-three cases of disablist hate incidents and crimes. They recognised that many of these cases involved repeated victimisation, often escalating over time, and

posited that within such cases, disablist hate could be conceptualised as a “long-term” relationship.

Bowling’s study seems both relevant and important, as it raises some important conceptual and methodological points for me to consider in my research project. Bowling suggests that to fully capture *the process* of hate crime (which may apply to disablist hate crime), it is important to account for the ‘geographical, social, historical, and political context’ (1998, p.166). Bowling does this by using multiple sources of data via the case study to capture what he describes as this dynamic hate crime process and the broader context of crimes and incidents (1998, p.167). Although he focuses on cases from police data, this is supplemented by twenty-three group interviews with a range of people across police, social services, education (also pupils at local schools), housing, and probation. He also used a victimisation survey, and two case studies which involved interviews with individuals who were victims of violent racism. In his conclusion however, Bowling suggests researchers should move from focusing on victims’ accounts (which he acknowledged are important) to focus instead upon perpetrators and their relationship with victims, to explore the *social milieux* of hate crimes, and the processes involved (1998, p.305). This has long been a clarion call for disablist hate crime scholars, who initially focused rightly on disabled people’s experiences but recently have recognised the need to widen this focus. One of the limitations of victim focused disablist hate crime research, it is suggested, is that few disabled people, carers, friends, and family recognise their experiences in the language of hate (Chakraborti et al., 2014). In her recent PhD research, Burch (2021, p. 88) worked in creative ways with disabled people to explore their experiences of disablist harassment and violence. Burch used creative methods including mood boards to better involve disabled people in her research. The participants most commonly referred to their experiences as “bullying” or “abuse” although Burch recognised these were actually “hateful” experiences of harassment, violence, and assault. Instead, victims feel they are targeted because they are “an easy target” (Hoong Sin et al., 2009, p.35), and seen as being more likely to be vulnerable to grooming and targeting by so called ‘friends’ (2009, p.36). Bowling uses the term violent racism to reflect this shift for racist hate crimes, the terms I use within

this thesis of disablist actions, and disablist hate crimes, follow Bowling in attempting to shift the focus away from victims to offenders, and their actions.

Following their research with antisemitic hate offenders, Iganski et al. (2005, p.49) concur that “antisemitic crimes... do not occur in a cultural vacuum”. However, they maintain that antisemitic incidents are rarely perpetrated by those with extremist views or organised groups, instead they suggest most people harbour feelings of prejudice towards some groups within society, and in some situations this prejudice is acted upon (Iganski et al., 2005, p.50). Thus, the perceived differentness, or perceived provocation, acts as a trigger for assaults whilst offering some offenders justification for their actions to themselves or others. Iganski (2008, p.36) describes this situated action of hate crime perpetrators as the “everyday nature” of hate crime. These approaches argue Gadd and Jefferson (2007, p.6) offer a more nuanced understanding than that of typologies (discussed in the following section), by including layers of “context and motive, structure and agency”. This recognises the complexity of such incidents (2007, p.6), and the value in a case study approach to exploring offenders’ motivations which may go beyond purely bias (2007, p.8).

3.4 Constructing hate crime: characteristics and typologies

We have seen how early constructions of hate crime emerged in the USA from analysis of hate crime statistics collected following the Hate Crime Statistics Act 1990 (Perry, 2001, p.4). The difficulties for the police in operationally recognising and prosecuting hate crimes quickly became apparent. The early work of Boston academics Levin and McDevitt (1993) aimed to address some of these difficulties and develop a better understanding of what hate crimes were, who committed them, and the modus operandi¹³ of perpetrators. Their research team analysed one hundred and sixty-nine Boston police crime files, and interviewed police officials, victims, and perpetrators. Levin and McDevitt developed thirteen hate crime indicators which included perpetrators being from different ethnic backgrounds to their victims, who are generally

¹³ a pattern, a way of committing crimes

the minority population of the area, crimes occurring in the same neighbourhood as previous hate crimes, crimes committed by perpetrators with a history of previous hate crime offences, and crimes which happen on dates which may be significant to the targeted population (2002, p.166). Following further analysis of the Boston Police case files, Levin and McDevitt suggested the *typical* bias crime is characterised by being excessively brutal (2002, p.17); perpetrated at random on total strangers (2002, p.19); with an inter-changeable victim (2002, p.20); and perpetrated by more than one offender (2002, p.22). This research is based on cases of bias towards people because of their race, religion, ethnicity, or sexual orientation, which were the protected characteristics at the time, thus does not include disablist hate crimes.

This research has had a real-world impact. The constructions of hate crime characteristics and offender motivations developed by Levin and McDevitt (1993, 2002) have enabled police officers and Federal Bureau of Investigation officers in the USA and further afield to better identify and prosecute hate crimes. However, the research had some limitations. Only those crimes which had no other obvious motive were analysed (McDevitt et al., 2002, p.304), and almost all the crimes they considered were those without any obvious provocation. Mason (2005, p.839) cautions against using such methodologies focused on constructed typologies as this may lead to a circular process of constructing and then reinforcing these typologies of typical hate crimes. Those that *are* constructed as hate crimes will be the ones which fit with these characteristics but not necessarily reflect the reality of victim's experiences. Thus, Mason suggests it is important to look beyond this narrow definition, remaining open to other possibilities, which may allow us to develop a more reliable construction of hate crimes and hate crime perpetrators.

3.4.1 Perpetrators and motivational impulses

Although bigotry is identified as the underlying and primary motivation for hate crimes. Mc Devitt et al., (2002, p.306), suggest that perpetrators are affected by internal and external factors which lead them to target individuals. One of McDevitt et al.'s most influential constructs is their ground-breaking typology of perpetrators in which they

suggested that different types of acts have different motivational impulses, either for thrills, in defence, as a mission, or in retaliation. They identified in their analysis that the majority (three quarters) of hate crimes were carried out by groups of young offenders, mostly teens and young adults looking for thrills. A quarter of hate crimes were categorised as defensive crimes, by groups of teens and young adults defending their turf. Almost a tenth were retaliatory crimes, by single teens and young adults in retaliation for crimes committed against people with a shared identity. Finally, a very small proportion (less than one per cent) were those on a mission, groups of young people aiming to rid the world of an entire category of people with a shared identity (McDevitt et al., 2002, pp.307-311).

In most of these cases (seventy-four per cent), there is no “victim-offender history” (McDevitt et al., 2002, p.311), leading us to conclude that the typical hate crime perpetrator is a stranger. However, this image of the stranger has been challenged. In Sibbitt’s (1997) analysis of racial and homophobic harassment she suggested that not all hate crime perpetrators fit the typical, young men or teenage stereotype. Sibbitt compared police records of violent racist attacks in two London Boroughs going beyond police case files and including sixty-four interviews with staff from housing, police, education, youth services, a group of local schoolchildren and three perpetrators. In her categorisation of violent racism, she identifies acts of intimidatory behaviour, contact assaults, and indirect assaults (Sibbitt, 1997, p.28). Whilst Sibbitt offers a nuanced and context dependent perspective on racist attacks, she acknowledges that her research focuses specifically upon violent racism in a small part of London. Sibbitt developed five main groups of perpetrators, responsible for different types of acts: the ‘people next door’, the ‘problem family’, young people aged fifteen to eighteen, older children aged eleven to fourteen years, and younger children aged four to ten. These perpetrators were involved in different types of acts: contact assaults are perpetrated mostly by youths in groups using weapons; indirect assaults are again mostly carried out in groups, sometimes premeditated but mostly as a form of a spontaneous activity; whereas intimidatory assaults and incidents are carried out by older perpetrators as well as youths, and in some cases involve whole families as perpetrators (1997, pp.29-34).

Sibbitt (1997) also recognised the importance of context to the construction of hate crime. For Sibbitt, this meant not only considering the police records but the perpetrators community and the situational factors of crimes, an important factor as we shall see.

The image of a stranger suggested by Levin and McDevitt (1993) was further challenged by Mason carrying out research into racist and homophobic hate crime perpetrators. Mason analyses flagged cases in the UK of both racist (20 cases) and homophobic (20 cases) harassment, all except one without any form of physical contact or injury (Mason, 2005, pp.844-8). Mason suggests both racist and homophobic harassment is perpetrated by young males, acting alone or with others, targeting an individual, close to the victim's home, who is 'known' to the victim: and the incidents are ongoing rather than isolated (2005, p.852). From this analysis Mason considers the location of incidents to be vitally important because it seems to have a direct impact on the way the relationship between perpetrator and victim is described (2005, pp.849). Mason suggests that allowing for these differences within analysis of hate crime will lead to a better understanding. More recently, Chakraborti et al. (2014) have indicated that there remain a large proportion of hate crime perpetrated by strangers. Their research suggests that almost half (forty-nine per cent) of hate crime victims did not know the perpetrator their most recent experience of hate crime: with 9 per cent describing them as acquaintances, 6 per cent as neighbours, 5 per cent as friends, 5 per cent work colleagues, 3 per cent family, and 1 per cent carers. However, in 26 per cent of cases, the victim either do not know (8 per cent), categorise the perpetrator as 'other' (8 per cent), or did not respond to that question (10 per cent). For victims of disablist hate crime, the pattern is similar, but more are known as neighbours (13 per cent); and work colleagues (9 per cent), and marginally more are known as acquaintances (8 per cent), friends (6 per cent), or family members (5 per cent).

Iganski et al. (2005) considered the usefulness of the perpetrator typology of Levin & McDevitt (2002) in their analysis of Metropolitan Police Records of hate crimes against Jews in London. Importantly, they suggest that it is not possible to identify the motivation of the perpetrator from the police records alone. Iganski et al. (2005)

developed Levin & McDevitt's (2002) category of mission crimes to include those acts where perpetrator and victim occupy the same space. In doing so, Iganski et al. (2005) suggest that more incidents (in their cases almost 40 per cent of incidents) were mission type crimes rather than the 1 per cent of mission hate crimes proposed by Levin & McDevitt (2002). Within this overall category they construct subcategories, the largest being indirect mission attacks (26.3 per cent): with other smaller sub-categories of direct attacks, indiscriminate attacks, and inadvertent attacks (Iganski et al., 2005, p.41). The remaining crimes were categorised in new constructions: opportunistic crimes where the perpetrator takes an opportunity which presents itself to racially abuse their victim (2005, p.44); aggravated incidents where antisemitism was not initially the driving force but emerges because of a conflict situation between perpetrator and victim; and interpersonal attacks where the perpetrator and victim know each other. These are described as the perpetrator using antisemitism to hit back at the victim for a perceived provocation. The final two categories described are interpreted incidents where there is no direct evidence of antisemitism, but the victim interprets the incident as such because of previous similar incidents against them. The remaining fifth of cases were unclear (Iganski et al., 2005, p.47).

Similarly, Phillips (2009, p.887) acknowledges the widespread use of the revised typology of McDevitt et al. (2002), but suggests it has clear limitations which require further empirical testing (Phillips, 2009, p.887). Phillips applied the typology to thirty cases which had been identified as bias crimes in New Jersey. These were bias crimes motivated by the victim's ethnicity, race, religion, or sexual orientation. Two researchers used the typology to categorise those cases which had been identified by the police to be prosecuted as bias crimes, as these cases he suggested would be the least ambiguous (2009, p.890). However even in this sample, the typology does not prove useful (Phillips, 2009, p.899). In thirty per cent of cases the typology proved difficult to apply, due to overlap between categories, or some which do not fit any category but where the motivational impulse seems to be primarily the reaction to some event, with bias being a secondary motivation (2009, p.899). Phillips concludes that the typology is most useful in identifying those serious crimes which are completely motivated by hate or bias. This

is perhaps further evidence of Mason's idea of the circularity of definition discussed earlier.

3.5 Research focusing on disablist hate crime

Although disablist hate crime seems to share some similarities with the hate crime characteristics identified by hate crime scholars, there are some important differences identified in the literature. The chapter will conclude by exploring some of the research findings which give insight into the nature of disablist hate crime, and its offenders, before identifying the sensitising concepts which have been developed from this brief scoping of the literature.

3.5.1 *Typologies of disablist hate crime*

The largest research study of disablist hate crime, the Equality and Human Rights Commission inquiry, analysed targeted violence and hostility and exploitative crimes against disabled people (Equality and Human Rights Commission, 2011, p.12). From this research, two different typologies of disablist hate crime emerged (see Table 1). The first followed the initial research by Hoong Sin et al. (2009), and the second the wider research project of the full inquiry (Equality and Human Rights Commission, 2011).

Table 1: A comparison of the typologies of acts of disablist hate crime incidents identified by Hoong Sin et al. (2009) and Equality and Human Rights Commission (2011).

Hoong Sin et al. (2009) 8-point typology	Equality and Human Rights Commission (2011) 9-point typology
1. Physical incidents and Domestic Violence	1. Physical violence
	2. Domestic Violence
2. Sexual Incidents	3. Sexual violence and harassment
3. Verbal Incidents	
4. Targeted Anti-Social Behaviour	4. Anti-social behaviour
5. Damage to property/theft	5. Damage to property
	6. Exploitation, theft and fraud
6. School bullying	7. Bullying
7. Cyber Bullying	8. Cyber bullying and harassment
8. Abuse by statutory agency staff	9. Institutional abuse

As can be seen from the table above, initially, Hoong Sin et al. (2009, p.22) developed a typology of eight types of incidents. Physical incidents were the most common form of experience reported, and these include one off attacks, sustained attacks, and domestic violence. Sexual incidents were mentioned by five interviewees and include four sexual assaults. Verbal incidents were reported by a third of interviewees, mostly by strangers in public areas, although some were ongoing incidents at school or in the victim's local neighbourhood. Two people reported being called a paedophile. The use of this term will be returned to throughout the thesis as a recurring perception of disabled people which is often used as a term of abuse. The category of targeted anti-social behaviour mostly consists of sub-criminal activities by neighbours. Damage to property and theft involved direct targeting of property and theft of items. School bullying was included as many of the adult respondents described these historical incidents. Victims described cyberbullying which happened mostly on social media sites. The final category of incidents reported was abuse by statutory agency staff which included the police and health/social care staff (Hoong Sin et al., 2009, pp.22-26). The authors asked about the location of incidents and identified "hotspots" where incidents are more likely to occur. These areas included locations near to a person's home, public transport, rented accommodation, social housing, supported housing, schools, colleges and workplaces, and institutional settings including day centres and residential care facilities (2009, p.27). The authors caution against extrapolating their findings to the wider disabled population due to the limitations of their sample size and their focus on people with learning disabilities and people with mental health needs. However, Wilkin (2022, p. 142-144) has recently added further evidence that disablist incidents are common occurrences on public transport, which he identifies as a hotspot for disablist abuse due to its enclosed nature and regularity of use by many disabled people.

The Equality and Human Rights Commission inquiry (2011) followed this initial research by widening the sample of people interviewed to include disabled people other than those with learning disabilities and mental health issues. Their revised typology includes different categories (as can be seen from table 1), including damage to property, exploitation, theft, and fraud (often in friendships), cuckooing, cyber-bullying and

harassment, sexual violence and harassment, bullying, anti-social behaviour, domestic violence, physical violence, and institutional abuse (by which they mean abuse in institutions) (Equality and Human Rights Commission, 2011, pp.66-76). However, the inquiry report does not include verbal incidents as a separate category, it separates out theft from damage to property, and amends the wording of some categories, namely (school) bullying, exploitation, theft, and fraud (which also include cuckooing), (targeted) anti-social behaviour, and institutional abuse (rather than statutory agency abuse).

More recently, as discussed earlier in this chapter and in chapter 1, the Leicester Hate Crime Project has developed our understanding of hate crime and disablist hate crime. This project aimed to capture experiences of hate, prejudice, and targeted hostility towards not only people from the five monitored strands: but those with different dress, appearance, and lifestyle; migrant populations; and homeless people. The researchers therefore went beyond the College of Policing (2012) definition of hate crime to include “acts of violence, hostility and intimidation directed towards people because of their identity or perceived difference” (Chakraborti et al., 2014, p.8). The sample size for the project was relatively large with over four thousand participants who had experienced hate crime, including two hundred and seventy-one disabled people (10 per cent). A mixed method approach was used including an online/hard copy survey (one hundred and thirty-four disabled respondents); semi-structured individual/group interviews (one hundred and thirty-seven disabled interviewees); and researcher field diaries (2014, p.14). Overall, the researchers found that victims mostly report experiencing verbal abuse, with slightly more disabled victims reporting this than other groups (90 per cent compared to 87 per cent). However disabled victims experience higher levels of some forms hate crimes particularly harassment (92 per cent compared to 70 per cent of non-disabled hate crime victims); violent crime (50 per cent of disabled victims compared to 32 per cent of other groups); and sexual violence (22 per cent compared to 10 per cent of all groups) (2014, pp.16-18). Other forms of targeting reported for all groups are property crime (33 per cent, with 11 per cent being repeatedly victimised); and

cyberbullying (27 per cent) (Chakraborti et al., 2014, p.16), however these figures are not broken down further for disabled victims.

In summary, the limited data available suggests disablist hate crime is different to other forms of hate crimes, in that disabled people may experience more sexual crime and acquisitional crimes than other hate crime victims. We can see that the type of data used will give different results in regard to acts of disablist hate crime experienced by victims. It seems important to include a wide scope of acts, not just those perceived as being motivated by hate or hostility but those which may be disablist hate crime although they have not been identified as such by professionals such as the police and safeguarding practitioners.

3.5.2 Mate crime: an unusual feature of disablist hate crime

We also know disabled people are exploited, in what some have termed 'mate crimes' (Thomas, 2011; 2013; Grundy, 2011; Landman, 2014; Equality and Human Rights Commission, 2011). The concept of mate crime developed as an attempt to highlight the unique nature of such crimes within the hate crime discourse (Landman, 2014, p.356). The concept origins are within the Safety Net Project, which aimed to capture more evidence about this type of exploitation (Grundy, 2011; p.167; Landman, 2014, p.357). The project was innovative in that it involved not only collecting data but involved action research in two pilot sites in Calderdale and North Devon. These sites developed the 'Friend or Fake' training package with partners including the police and local community leaders and groups. Victims of mate crime, Landman suggests, are seen by perpetrators as easy targets, highly visible, isolated, and in need of friendship, with few social skills, which makes them vulnerable to exploitation and abuse (2014, p.359). This is done through coercive control techniques of grooming and gaslighting. Grooming is generally used to refer to child sexual exploitation but can also apply to adults. For the purposes of disablist hate crime, the definition proposed by the Anne Craft Trust (2020) of grooming is useful: "a form of abuse that involves manipulating someone until they're isolated, dependent, and more vulnerable to exploitation". A further technique of coercion and manipulation seen in some forms of disablist hate crime is gaslighting (Gass

and Nicols, 1988, p.5). Gaslighting is used in controlling relationships by the perpetrator to undermine the victim, which enables them to dominate them more easily.

Mate crimes are conceptualised as crimes where friendships are cultivated with people with learning disabilities or mental health needs by 'fake friends' in order to exploit them (Landman, 2014). However, Thomas (2011, p.139) suggests mate crime is also perpetrated against disabled people by relatives, partners, and carers. The term mate crime has been adopted by disabled people, carers, and other professionals within the care sector, including safeguarding practitioners. However, it is not universally accepted, indeed guidance from the College of Policing (2012) suggested the term should not be used as it could cause confusion for police officers). This issue will be returned to later in the thesis.

In summary, the offenders of disablist hate crime do not seem to fall within the dominant hate crime model of offenders as strangers. The Equality and Human Rights Commission inquiry concluded that perpetrators of disablist hate crime may be strangers in some cases, but they are also friends, neighbours, partners, or family members (2011, p.58). Chapman (2020, p.59) suggests the key characteristics of disablist hate crime which mark it out as different to other forms of hate crime are that crimes may be committed by groups of people known to victims, and that they can therefore happen in private spaces including homes and care facilities. It is thus important to consider the 'situational factors¹⁴' of the event (Walters et al., 2016, p.21).

3.6 Application to disablist hate crime

How useful are these constructions for understanding the perpetrators of disablist hate crime and their motivational impulses? When Levin and McDevitt constructed their original typology, disability was not considered a protected characteristic within hate crime. In an acknowledgement of this, Levin (2013) used five well known cases of

¹⁴ According to Walters, Brown and Wiedlitzka (2016: 22) this means location and victim-perpetrator relationships

disablist crimes to show how the typology may apply to disablist hate crime. These cases range from abusive letter writing and harassment, and online hate, to physical assaults and burning someone alive (Levin, 2013, p.100). These insights are useful, we can see how perpetrators may have defensive, thrill seeking, or retaliatory motivations for disablist hate crime. Interestingly when Levin discusses the online hate, he refers to a forum facilitated by the white supremacist group Stormfront in which messages of hate are posted. This is rare evidence of a community of people expressing hatred towards disabled people. One of the categories described in Levin and McDevitt's typology is the offender being motivated by thrills/excitement, and the term "wilding" is used to describe "large groups of young people on the rampage" (Levin and McDevitt, 2002, p.71). Levin and McDevitt (2002) acknowledge that these groups of young people are also likely to be involved in less frenzied intimidation and harassment, and in several disablist hate crime cases we have seen groups of young people targeting disabled people seemingly for fun.

There is some support for McDevitt et al's (2002) typology within the Equality and Human Rights Commission inquiry. Hoong Sin et al (2009, p.31) interviewed disablist hate crime victims who suggested most perpetrators felt "fear and/or perception of threat" as they were perceived as being dangerous (2009, p.33). This was particularly the case for those interviewed with mental health problems, and black male interviewees, who felt the police held similar prejudices to perpetrators when responding to reported incidents (2009, p.35). They felt this was because of stereotypical beliefs about them such as being lesser people (2009, p.32) or in some cases being seen as a paedophile. This manifests as an "active dislike" by perpetrators towards them as an expression of their prejudice (2009, p.31). In trying to explain the rationale for the thrill-seeking behaviour described by Levin, Quarmby posits a hypothesis developed from her research work as a journalist and author of *Getting Away with Murder* (2008), that the level of violence used against victims, and the degrading torture they were subject to, is only possible because they are seen as less than human by their assailants (Quarmby, 2011). This dehumanising of people is seen in several cases

included within the Equality and Human Rights Commission inquiry. However, this behaviour is not always directly identified as disablist hate crime.

To conclude, the context of hate crimes seems important. These situational factors go beyond the immediate considerations of the location of events, and the details of the event itself, but include the relationship between the victim and perpetrator, the power dynamic which may exist in the context of the relationships, any potential history of interactions, and consideration of everyday trigger events which may precipitate the incident.

3.7 Conclusion to chapter: defining sensitising research concepts

This scoping of the literature raised some interesting lines of enquiry for my research, from which I identified sensitising concepts to focus both the data collection and analysis. As identified in chapter 2, these sensitising concepts are used in the initial data collection to direct the areas in which to look. The four concepts that guided my research are: 1) 'categorising disablist hate crime', 2) 'relations between perpetrators and victims', 3) 'the dynamic process of disablist hate crime' and 4) 'the social construction of hate crime'. I will explain each concept below.

My first sensitizing concept is 'categorising disablist hate crime', with which I question the definition and categorisation of hate crime and disablist hate crime within, and beyond, academia. As discussed in this chapter there are issues in defining hate crime and disablist hate crime. It seems important to look beyond those cases identified by the police as disablist hate crime, to avoid what Mason (2005) suggests is the circularity of definition. Within the cases which are identified, following Hall (2013), it is important to look at what exactly is happening: What types of acts constitute disablist hate crime? Reviewing only those recorded as hate crimes seems to be limited by a certain perspective and definition of (disablist) hate crime and will not give the full picture. Most incidents and crimes are not recognised by disabled people, or agents of social justice. We thus need to move beyond this perspective and definition to include as wide a range as possible of incidents motivated by prejudice and hostility towards disabled people. From the large-scale research conducted by the Equality and Human Rights Commission

(2011) and Chakraborti et al. (2014) on disablist hate crime, it is important to review not only violent crimes but those with evidence of exploitation, sexual assault, property crimes, and harassment. Thus, this research aims to understand what is happening to disabled people by looking beyond those very few crimes which are defined and recorded as hate crimes.

My second sensitizing concept is related to the previous one as it will focus on one aspect of the definition of (disablist) hate crime: 'relations between perpetrators and victims'. With this concept I will question the dominant conception of hate crime as taking place between strangers. Although hate crime is typically thought to be perpetrated by a stranger to the victim, increasingly evidence is suggesting the situation is more complex (Mason, 2005; Chakraborti et al., 2014). There are indicators that some forms of hate crime, including those motivated by sexual orientation, and disablist hate crime, are more likely to be carried out by people known to the targeted person. Exploring not only the type of relationship, but *how* the person is known may give useful insights. The relationship may affect the type of act and have some impact on the modus operandi of the perpetrators (McDevitt et al, 2002; Iganski et al., 2005). There are different types of hate crimes committed by different perpetrators, many of an everyday nature (Iganski et al., 2005) so gathering as much detail as possible about any triggers, repeat targeting, history of what may have happened before, witness accounts and victim accounts as well as perpetrators explanations is important. I will need to consider what is the nature of relationships between disablist hate crime offenders and victims? The first two concepts have guided me in writing chapter four.

My third sensitizing concept is the 'dynamic process of disablist hate crime' which is closely linked to the social context of this crime. The dominant definition of this crime sees it as a fast-developing act in public space. With my third sensitizing concept I will question this and open up this aspect of the dominant definition. According to Bowling (1993), Sibbitt (1997), Iganski et al. (2005), and Perry (2003), the context of these crimes seems influential. Disablist hate crime seems to occur in private and public arenas, and the research aims to find out more about how, where and when the incidents occur, and whether they are isolated or part of a series of events, the *process* rather than *event*

focus suggested by Bowling (1998). Chapter five will be shaped by the exploration of my data guided by my third sensitizing concept.

My fourth and final sensitizing concept is 'the social construction of hate crime'. Following Hall (2013), I am interested in how cases are constructed as disablist hate crime. Roulstone et al. (2013) suggest that the perceived vulnerability of disabled people means they are often diverted from criminal justice processes towards to safeguarding processes. Is it possible to see how decisions are made in the data about the case? How do cases of disablist hate crime compare to those defined as hate incidents (non-crime) or those which are not seen as disablist hate crime? My last data chapter (chapter six) is guided by my fourth sensitizing concept and focuses on how different actors, such as police officers and safeguarding practitioners, participate in the meaning making process in relation to disablist hate crime.

Chapter 4: Categorising disablist hate crime

4.1 Introduction

The previous chapter reviewed the academic hate crime literature to identify sensitising concepts to be used to focus the initial data collection and analysis. This chapter presents the first of three data analysis chapters, which focuses on a developing typology of disablist hate crime. The typology has three major categories: 1) intimidation, 2) exploitation, and 3) extensive control. Within this chapter I will also look at the relationship between the perpetrator and the victim and formulate a categorisation of disablist hate crime offenders which goes beyond the stranger narrative within the hate crime field. These typologies are developed through the analysis of almost a hundred cases of disablist hate crime. Importantly, not all these cases were conceptualised as disablist hate crime by the police or other actors but may better reflect the reality of the phenomenon as experienced by disabled people.

There is no consensus on either definition of hate crimes, or typologies of hate crime acts: this is particularly true for disablist hate crime. The dominant focus within the hate crime literature is that hate crime happens in public, it is usually a discrete incident, motivated by bigotry, and without financial gain to the offender. Hate crimes are brutal, and many involve excessive violence. Acts of disablist hate crime share some of these characteristics, but there are differences identified. Disablist hate crime is more likely to involve property crimes, and sexual violence, (Walters et al., 2016, p.9); and financial exploitation or theft (2016, p.47).

The typical hate crime perpetrator is conceptualised as a stranger to the victim, typically a young man, acting alone or in a group (McDevitt et al, 2002). Perpetrator typologies suggest that different perpetrators are involved in different types of hate crimes (Sibbit, 1997; Bowling, 1998; Iganski et al, 2005; Walters et al., (2016, p.8). Whilst hate crime is motivated by bigotry (McDevitt et al, 2002; Walters et al., 2016), the early research identified other secondary motivations of thrill, defence, retaliation, or mission (Levin and McDevitt, 1993; McDevitt et al., 2002). Later research suggests that perpetrators are reacting to some actual or perceived threat (Walters et al., 2016). Perry (2001)

argues that all hate crime is 'doing difference': the offender is usually a member of a dominant group, the targeted person in the minority, with less power and status. Walters et al., have identified that hate crime offenders are more likely to be involved in other types of crime and have a violent history (2016; 34).

Disablist hate crime perpetrators are typically thought to be similar to this profile but are more likely to be a single perpetrator than acting in a group (Walters et al., 2016, p.35), with some female perpetrators being involved. Disablist hate crime offenders are more likely to be known in some way to their victims (Equality and Human Rights Commission, 2011; Williams and Tredidga, 2014; Chakraborti et al., 2014). This disablist hate crime perpetrator profile however is based on limited available evidence focused on victim's accounts, which as we have seen can be problematic, and of those more serious disablist hate crime cases, incidents of murder and assault.

In this chapter, I endeavour to add to this limited knowledge base of disablist hate crime acts and perpetrators by presenting the qualitative analysis of almost 100 disablist hate crime cases. Many cases of disablist hate crime go unrecognised and unreported, and few are prosecuted as such. This project includes cases which are not identified as disablist hate crime by the police or other agents of social justice. These cases are identified by analysis of police records, interviews with safeguarding practitioners, and documentary analysis of other cases in the public realm, including serious case reviews and Independent Office for Police Conduct investigations (formerly IPCC) reports. It is important to have this broader perspective to give insight into disablist hate crime cases that go beyond those which fit with the current hate crime profile. By doing this I can show the wide variety of disablist hate crimes and its perpetrators which better reflect the reality of the lived experience of disabled people. I hope to show that the overview that I present here both contradicts, and refines, the current academic and professional description and analysis of disablist hate crime.

Firstly, in this chapter I define each category of disablist hate crime and explain its dimensions: the acts within each category, their duration (from fleeting to enduring), their form (from verbal/written abuse to physical or sexual assault), and their

brutality/severity (from written or verbal intimidation to long term exploitation, brutalisation and slavery). Secondly, I describe the perpetrators involved in these types of acts: reframing a nuanced disablist hate crime perpetrator profile of which type of offenders are more likely to perpetrate which types of crimes.

The reader should be warned that in this overview I will discuss many examples of the human lived experience of disablist hate crime. These inhumane and brutal crimes transform the day to day lives of targeted persons into a living hell. I hope that by highlighting this here that others, such as neighbours, professionals, family, and perpetrators, might become more aware of the daily terror that is experienced by targeted persons. I hope that this chapter will change the perception of those involved in disablist hate crime and that it will function as a wake-up call. A wake-up call which is needed to break societal apathy and indifference to act to fight disablist hate crime.

4.2 Towards a new typology of disablist hate crime

All the cases analysed in this study were conceptualised as disablist hate crime, which can be defined as: a disabled person being targeted because they were, or were perceived to be, disabled. The three subcategories of intimidation, exploitation, and extensive control will now be explored and explained using examples of ‘typical’ cases to illustrate their main properties and the patterns seen within them. The perpetrators of each category of act will also be explained. Although described separately, these categories are not mutually exclusive, as some cases reveal that all three types can be part of a single case. For example, extensive control tends to start with intimidation and exploitation; exploitation starts often with intimidation. Cases of intimidation, exploitation, and extensive control often involved different types of perpetrators who may be motivated by more than one impulse. These motivations are difficult to identify.

4.2.1 *Intimidation*

Intimidation is difficult to define, but the term intimidate derives from the Latin word “intimidat” which means “to make timid” (Lamontagne, 2010, p.58). It is defined here

as using verbal, psychological, or physical violence, to cause a targeted person to experience fear, harm, or distress.

Intimidation includes verbal/written abuse, threats of/actual physical personal violence, and criminal damage. The verbal abuse is face to face. Written abuse is posted on social media, as graffiti on walls, as written notes attached to doors or walls of property, or as letters written to the individual. Both consist of perpetrators insulting the disabled person's actual or perceived impairment, and/or making threats of violence or damage to property. Some of the abuse also includes insults about the individual's appearance, behaviour, or sexual orientation.

Within the law these acts could be conceptualised and categorised in several ways. Those considered to cause harassment, alarm, and distress, to the targeted person could be defined as anti-social behaviour¹⁵; harassment and stalking offences¹⁶; or as public order¹⁷ offences if they happen in public. Acts of damage to property could be categorised as criminal damage¹⁸ which commonly include smashing the windows of property or cars, slashing tyres, breaking garden plants or furniture, and damaging the walls of properties. Assaults in which the offender causes harm to the individual could be defined by referring to three types of offence-common assault¹⁹, actual bodily harm and wounding/grievous bodily harm²⁰.

There are fifty cases of intimidation within the data, which include acts defined by the police as disablist hate crimes and hate incidents. Rather than conceptualise the acts within current legal terms as crimes/incidents, two categories are constructed which are

¹⁵ Anti-social Behaviour, Crime and Policing Act 2014

¹⁶ Protection from Harassment Act 1997

¹⁷ Public Order Act 1986

¹⁸ Criminal damage Act 1971

¹⁹ Criminal Justice Act 1988

²⁰ Offences against the person act 1861

grounded in the data. I conceptualise these by focussing on the duration of the intimidation as: i) discrete incidents: incidental, generally isolated, cases (fifteen cases), and ii) structural intimidation: a series of repeated incidents (thirty-five cases). These categories will be explored in more detail later in this chapter using some of the findings from the cases analysed.

The descriptive statistics for the perpetrators of intimidation show some interesting patterns. Turning to table 2 (below) we can see the overall perpetrator types for the cases analysed²¹, in terms of gender, and whether they act alone or in groups.

Table 2: Type of perpetrators (gender and single/group) across categories of disablist hate crime: Intimidation

	Single male	Group male	Total male	Single female	Group female	Total female	Mixed group	total
Overall cases	47	8	55	26	4	30	14	99
Intimidation								
Discrete incidents	6	3	9	5	0	5	2	16
Structural intimidation	10	3	13	12	2	14	8	35
Total	16	6	22	17	2	19	8	49 ²²

Overall, there are twice as many male than female perpetrators. When we explore this data further, we see that different types of perpetrators are involved in different types of incidents. Importantly, perpetrators of discrete incidents of intimidation, which are those incidents which were most likely to be categorised as disablist hate crime, are

²¹ Most cases had an identified perpetrator, but not all perpetrator details were available to me for analysis. Those which had been prosecuted contained more information than those which were still under investigation, or which had been closed without resolution.

²² in one case of discrete intimidation the perpetrator was described as a 'neighbour' but gender not disclosed

perpetrated by the ‘typical’ hate crime offender described by hate crime scholars: that is single males acting alone or in groups (McDevitt et al, 2002; Walters et al., 2016). However, we can see from the table above that perpetrators of structural intimidation are more likely to be females acting alone, followed by male perpetrators, and mixed groups. In just two cases of structural intimidation the perpetrators were groups of females, these women were carers in care homes. Again, these do not fit the typical hate crime offender we see in the hate crime literature.

We can explore these descriptive statistics further by comparing the ages of the perpetrators²³ (see table 3). In those cases where the ages of perpetrators were known, there was an almost equal split with forty-seven per cent under twenty-five years, and fifty-three per cent over forty years of age. Younger perpetrators (under eighteen years) were more likely to be involved in discrete incidents of intimidation, including most of those recorded as (disablist) hate incidents.

Table 3: Descriptive statistics for age of disablist hate crime perpetrators of intimidation

Intimidation	Under 18	18-25	25-40	40+	Age known not known
Discrete incidents (15)	1 group 3 males	1 male	1 male 1 female	1 male in group HC	4 male 3 female
	1 group of 2 males: 16 years and 20 years				
Structural intimidation (35)	2 males (HCs)		1 male 2 female	5 male: 4 female	3 male 9 female
	5 group youths	1 couple female 1 mixed couple			1 large mixed group
Total	12	4	7	11	16
	1 mixed group				

The final characteristic analysed is the relationship between perpetrator and targeted person (see table 4 below). Overall, across all cases analysed, most perpetrators were

²³ It should be noted that in only 68% of cases were the ages of perpetrators available.

known to their victims. However, most cases of discrete incidents of intimidation were perpetrated by strangers (eight cases), or by neighbours/local youths (seven cases). None were perpetrated by someone known to the targeted person as a 'friend'.

Table 4: Relationships between perpetrators and targeted people

Intimidation	Stranger	Neighbour, local youths	'friend'	Family member	Partner	Carer	Total number of cases
Discrete incidents	8	7	0	0	0	0	15
Structural intimidation	0	13	5	1 (2 parents)	4	12	35
Total	8	20	5	1	4	12	50

Structural intimidation was however most likely to be carried out by someone known to the targeted person, being either a neighbour/local youths (thirteen cases), a carer (twelve cases), a 'friend' (five cases), or a partner (four cases). One case involved the parents of a child. In only eight of the fifty cases was the perpetrator a 'stranger' to the victim, which significantly contrasts with the dominant definition of hate crime.

I will now explore the acts of intimidation in more detail using examples from the cases analysed to explain the core features. The main cases discussed are highlighted in descriptive boxes which give a brief overview of the main features.

4.2.1.1 *Discrete incidents of intimidation*

A discrete incident is an isolated incident of disablist hate crime, involving either verbal abuse, written abuse, or mild threat. All these cases happen within a *public* arena, and as previously mentioned, most of these discrete incidents are recorded as hate incidents by the police or considered to be hate incidents by safeguarding practitioners.

Of the fifteen cases of discrete incidents of intimidation, eight were perpetrated by *strangers* to the targeted person, and seven by people *known* either as neighbours (six) or friends of school friends (one), none were by people in a relationship with the

targeted person. Almost all these incidents are in public spaces, on public transport, on social media platforms, in car parks, and on the local street close to the targeted person's home. Those incidents which are perpetrated by people known to the targeted person are mostly likely to happen close to, or at, the targeted person's home. One of these incidents was inside a care facility, still a somewhat public arena.

The incident described below (Box 1) is typical of this discrete incident of intimidation: a fleeting isolated event, involving verbal insults. A disabled autistic man with learning disabilities was targeted on the street close to his home by three youths on bikes thought to be aged thirteen years. The boys shouted abuse including the word *spacker*²⁴ at the man and he gave chase.

Although the incident happened close to the targeted person's home, the offenders were categorised as *unknown*, which meant little police involvement beyond recording the incident with negligible offender information available.

Box 1: case 4 (has been removed to preserve confidentiality)

Whether further investigation could have identified the young people as local to the area, and whether this incident is an isolated incident, or one experienced by the targeted person regularly, is unclear from the police report. In itself this seems to highlight the minimal attention that the police and other professionals give to these

²⁴ a term of abuse relating to cerebral palsy or physical and/or learning disabilities

cases, as I will describe in more detail in chapter six, where I explore the ways the police and other agencies of social justice construct and deal with such incidents.

In the case described below (Box 2) there is another discrete incident involving verbal insults towards a disabled man. In this case, the perpetrator was a neighbour, who insulted the disabled man as he walked through the smoking area of flats. This case is an isolated incident but has the potential to escalate and become a series of incidents if not dealt with quickly and efficiently.

Box 2: (has been removed to preserve confidentiality)

The victim was aware which flat the perpetrator lived in and reported this to the police. However, two similar looking women resided at this address, so the case was filed under the closing category 'no suspect identified and insufficient evidence to prosecute'. This way of dealing with incidents will be discussed in more depth in chapter six.

These examples all fit the early definition of hate crime identified by Levin and McDevitt (1993). It is an interaction between strangers in the public realm. The only difference is that hate crime in its early definition seems to have more brutal consequences. I do have one clear example that fits this early definition: the brutal assault and murder of Rikki Judkins. I will discuss this case below (see box 3), as it fits the early definition of hate crime: between strangers, in a public space, and involving extreme brutality. However, as far as my data goes, this type of hate crime is an outlier: extreme brutality does not seem to take place in public but more in private or semi-private places (see the following paragraphs). Another reason to discuss this case, is because it is a clear example of

(disablist) hate crime that was not defined as (disablist) hate crime by the public prosecutor.

Rikki lived in Coventry but had missed his bus home and was stranded late at night in Lancaster City Centre. Rikki was violently assaulted by two young men who he met in an underpass.

Box 3: (has been removed to preserve confidentiality)

The attack resulted in eighteen separate injuries, and Rikki was left for dead by the men. Rikki died in hospital from his injuries. Rikki's rucksack had been ransacked, and his mobile phone was missing, however the level of violence used was above that which would have been necessary to steal Rikki's money and belongings. The perpetrators boasted to friends about the killing but did not admit that they targeted Rikki because he was disabled, thus his murder was not prosecuted as disablist hate crime. This was common to many cases as will be seen in chapter six.

4.2.1.2 Structural intimidation

Most cases of intimidation (thirty-five cases) are more than an isolated incident. These cases are constructed as structural intimidation. These are incidents of verbal abuse, property damage, mild threats of physical violence, and harassment. Perpetrators were generally known to the targeted person, often as acquaintances, neighbours, or what

were termed 'local youths' (children of local neighbours or local young people known to the targeted person). These cases also happen in the public arena, usually close to, or at, the targeted person's home, or in their local neighbourhood.

There were four cases of written intimidation. Three of these were carried out on social media, a typical example is described in Box 4 below.

Box 4: (has been removed to preserve confidentiality)

The targeted person is a physically disabled man who uses a wheelchair. He was abused through social media posts, made by someone known who mocked the person and his disability, claiming he was a benefit cheat. This example highlights the impact of such campaigns on targeted people. This campaign had been going on for a matter of months, the targeted person stated he was upset by the posts, to the extent that he frequently felt suicidal.

The majority of structural intimidation was face to face (thirty-one cases). Thirteen cases were carried out in public spaces, some were short lived, some lasted for several months or years. Often these were initially recorded as individual event, which turned out over time to be part of a sequence of interaction, thus gaining a structural character. This process can be seen in the case described in Box 5 below. The initial crime report logs an isolated incident perpetrated against the property of a young disabled woman who had recently moved into the local neighbourhood. The perpetrators in this case were described as local youths. The initial report taken was of the damage to the letterbox, however further reports followed and when the incident was followed up by an investigating officer, it became clear that there had been other previous incidents.

These incidents included a large sofa being dumped in the garden, rubbish bins tipped over with rubbish strewn over the garden, writing on walls, garden ornaments smashed and stolen, human faeces and bleach bottles being left in the garden, the garden fence repeatedly kicked down, and most recently a rocket firework being set off in the garden.

Box 5: (has been removed to preserve confidentiality)

The victim felt deliberately targeted as all the neighbouring gardens remained untouched. The most recent incident, the rocket being set off, had caused the victim to become very scared. The fire brigade came to the house to offer safety support including sealing up the letter box in case further fireworks were used.

These incidents were often carried out by a group of young people, when the victim is in the house alone. Although these acts caused no permanent damage to the targeted person's property or permanent physical injury, they are stressful for the victim. At the time of data collection, this case was one which seemed to be developing into a sustained campaign. Unfortunately, there are many such examples in the data collected. Some of these campaigns are carried out by groups as in the case above, some by individual perpetrators as in the case described below (see Box 6).

The targeted person in the case described in box 6 has physical disabilities including a sustained cough. The perpetrator, a neighbour, lived in the flat above, and deliberately targeted the person by banging on walls, digging up his plants, staring through his flat

window, smearing rice pudding, yoghurt, and glue on his windows, and leaving bricks on window ledges. All these acts were interpreted by the targeted person as threats.

Box 6: (has been removed to preserve confidentiality)

The acts were sustained. When the targeted person started to cough, the neighbour switched on their vacuum cleaner and left it running for hours at a time. The targeting became a daily occurrence, for up to six hours at a time, over several months. The nature of this repeated and sustained targeting had a severe impact on the victim's mental and physical health. In his victim impact statement, he said:

I am at the end of my tether...have no quality of life...this was my last move...I will die here...worst decision I ever made, I feel persecuted...it's so distressing and upsetting, it is all too much... (case 31)

In the case above, the police took seriously the person's concerns and recognised the impact the targeting has had on his health and quality of life. The perpetrator was arrested, interviewed, and charged with harassment, although not disablist hate crime. The police perspective and categorisation of cases will be further explored in chapter six.

Not all campaigns of targeted intimidation are perpetrated by neighbours or acquaintances. Some perpetrators are in a more intimate relationship with the victim: as carers, partners, or family members. These campaigns happen in private domains, usually in the person's home or a care facility, which can be thought of as both a public and private space. Some of these cases involve neglect or dehumanising treatment, as in the case described below (Box 7).

Box 7: (has been removed to preserve confidentiality)

The disabled person needs full nursing care as he is physically unable to move, therefore needed regular position changes and pressure area care. He was doubly incontinent and needed help with feeding and drinking fluids. The paid carer targeted the disabled person by ignoring his obsessive compulsions around cleanliness. The perpetrator showed contempt for the victim by putting his clean sheets on the (unclean) floor and leaving food marks from dirty plates on bed sheets. The offender repeatedly misnamed the victim, which was interpreted by the victim as a deliberate attempt to antagonise him. The carer eventually argued with the targeted person, and he asked the carer to leave. However, the carer then did not return to provide further care for the full weekend. This case is highlighted here as the likely consequences for the victim of being left for seventy-two hours were severe hunger, dehydration, loss of skin integrity, and mental anguish.

In four of the intimidation cases analysed, the perpetrator and victim were partners, either married or cohabiting. In these cases, it seemed problematic for the couple to establish what was, and was not, acceptable behaviour within the relationship. In one of these cases described below (Box 8), the relationship pattern was one of coercive control. The husband has always been the dominant partner, who 'ruled the roost'. When his wife became more and more frail, this power imbalance became more obvious to outsiders, and his abuse more transparent.

Box 8: (has been removed to preserve confidentiality)

The husband assaulted his wife physically on several occasions, with the couple reporting to the local accident and emergency department, where staff raised safeguarding concerns. In this case, and others where the perpetrator was a carer, the police and safeguarding practitioners categorised them as the result of carer stress rather than disablist hate crime, assault, or domestic violence. These constructions are important for our understanding of disablist hate crime and will be returned to in chapter six.

To recap thus far, in this section I have explored those disablist hate crime cases of intimidation carried out by strangers, friends, neighbours, carers, and family members. This category includes all those cases which are constructed as either disablist hate incidents or crimes: fleeting examples of verbal abuse and mild threat or damage, occurring mostly in public spaces. These cases are those reported in the literature as

being most likely to be categorised as hate incidents and hate crimes (Phillips, 2009, p.892). Considering the typology of motivational impulses constructed by McDevitt et al., (2002), the cases analysed here seem to have elements of several of the suggested categories. Some are motivated by thrill, some involve groups of young people (men and women) who seem to repeatedly target disabled people for fun, some are retaliatory. There appears to be some sort of trigger event to some of the cases identified, such as being bumped into on the bus, or asking someone to move from a disabled parking space. In his PhD research, David Wilkin (2022, p. 144) identified public transport as a key space in which disablist hate incidents and crimes occurred. Wilkin conducted interviews and focus groups with fifty-six disabled people, all reporting being victims of active and passive disablist hate on public transport. The incidents were predominantly on buses (74 per cent) and trains (21 per cent), with 3 per cent occurring in taxis. Wilkins suggested that the enclosed spaces of buses and trains, lack of or few staff, and easy means of escape may make incidents more likely. Wilkins research participants thought most incidents were “unplanned and opportunistic” (2022, p. 143), but triggered by being asked to move from allocated disabled spaces. However, it is difficult to identify the motivational impulses of most offenders from the case histories explored for this thesis, as Iganski et al. (2005) indicate, this can only be inferred if the perpetrator states it explicitly.

I have identified cases where disabled people were targeted which are not constructed as disablist hate crime by the police. These cases are those of structural intimidation, which are sustained over a longer period than incidental intimidation. They are carried out by perpetrators known to the targeted person and are more likely to happen in private. These cases, it seems, do not fit the usual profile of hate crime offences, as discussed in the literature review (chapter three). In the following sections, I explore other cases of exploitation. None of these were defined by the police as hate crimes.

4.2.2 *Exploitation*

Exploitation is defined here as intimidation or manipulation of a disabled person for any form of gain: money, property, labour, or sex.

Just over a third of the cases analysed (thirty-eight) involved perpetrators exploiting disabled people. This exploitation was to gain access to the person's assets. Exploitation included offences recorded by the police of theft, deception, or burglary²⁵ (including distraction burglary); sexual assault²⁶; assault²⁷; and public order offences²⁸. Some of these cases were described by police and safeguarding practitioners as abuse rather than crimes: financial abuse, sexual abuse, and physical abuse.

As with intimidation cases, these cases are constructed here in categories which are grounded in the data analysis. Two sub-categories of exploitation are developed: i) discrete incidents of exploitation, and ii) structural exploitation involving repeated events, sometimes over months or years. Almost all these events were in private spaces rather than public areas.

If we turn to Table 5 (below) we can see the overall perpetrator types for the cases analysed²⁹, in terms of gender, and whether they act alone or in groups.

²⁵ Theft Act 1968

²⁶ Sexual Offences Act 2003

²⁷ Offences against the person act 1861

²⁸ Public Order Act 1986

²⁹ Most cases had an identified perpetrator, but not all perpetrator details were available to me for analysis. Those which had been prosecuted contained more information than those which were still under investigation, or which had been closed without resolution.

Table 5: Type of perpetrators (gender and single/group) across categories of disability hate crime: exploitation

	Single male	Group male	Total male	Single female	Group female	Total female	Mixed group	total
Overall cases	47	8	55	26	4	30	14	99
Exploitation	14	2	16	9	0	9	0	25
Sexual exploitation	11	1	12	0	0	0	0	12
Intimidation and exploitation	0	0	0	0	0	0	1	1
Total	25	3	28	9	0	10	2	38

In contrast to cases of intimidation, exploitation is predominantly perpetrated by males, however this is due largely to males being responsible for all the cases of sexual exploitation (twelve cases).

Table 6 (below) indicates the ages of perpetrators of exploitation. In all cases where the ages are known, the ages of perpetrators varied across age bands, with 40 per cent under twenty-five years, and 50 per cent over forty years of age.

Table 6: Descriptive statistics for age of disability hate crime perpetrators: exploitation

Exploitation	Under 18	18-25	25-40	40+	Age not known
Incidents (4)	0	0	1 male	1 male; 1 female	1
Campaigns (22)	1 group m/f	2 male; 1 gp male	1 female	2 male 3 female	12
Sexual exploitation (12)	0	1 male; 1 gp male	1 male	6 male	3
Total (38)	2 groups	4	3		16

However, most perpetrators of exploitation were adults over twenty-five years. In cases of sexual exploitation (where the age is known), perpetrators are mostly older men, three quarters are over forty years of age.

The final characteristic analysed is the relationship between perpetrator and targeted person (see table 7 below).

Only three cases of exploitation were discrete events carried out by strangers. The vast majority were carried out by perpetrators *known* in some capacity to the targeted person as ‘friends’, neighbours, family members, and carers.

Table 7: Relationships between perpetrators and targeted people

Exploitation	Stranger	Neighbour, local youths	‘friend’	Family member	Partner	Carer	Total number of cases
Discrete incidents	2	0	1	0	0	1	4
Structural exploitation	0	2	5	11	0	4	22
Sexual exploitation discrete incidents	0	0	7	0	0	4	11
Structural sexual exploitation	0	1	0	0	0	0	1
Total	2	2	11	11	0	13	38

None of the cases of exploitation were recorded as hate incidents by the police or considered to be hate incidents by safeguarding practitioners. Both sub-categories (discrete incidents and structured exploitation) will now be explored briefly with examples of typical cases to illustrate their properties and the patterns seen within them.

4.2.2.1 Discrete incidents of exploitation

There were fifteen discrete cases of exploitation, four of financial exploitation, and eleven of sexual exploitation. Two of the cases of financial exploitation were by strangers, one of these was at the targeted person's home, and one on the street outside sheltered accommodation where the victim(s) lived (see Box 9).

In this case, the perpetrator was a stranger, targeting disabled residents outside the housing scheme by waiting for them to leave the building before grabbing their handbags or purses. In some of the attacks, the perpetrator snatched their bags immediately; in others he engaged the victim briefly offering help before snatching their handbags or purses.

Box 9: case 50

Box 9: Case 50	Discrete incident of exploitation
Victim(s)	Multiple victims. Mostly female, older women, living in sheltered accommodation. Targeted outside extra care scheme accommodation, in wheelchair, on zimmer frame, older, frail
Offender	Male, known to police as prolific offender. History of armed robbery, prison record. In fifties. On methadone. stealing on daily basis, £40-50 a day from Tesco, Asda, local stores...saying they can afford it- companies like that
Relationship	Stranger
Duration	Fleeting
Location	On street outside sheltered accommodation
Acts	Theft, stealing handbags, money. Pretending to help

These were fleeting interactions, but some of the victims were pushed to the floor and sustained injuries. None of these targeted people were able to give chase or fight back, all seemed vulnerable to the perpetrator as they are frail, have physical disabilities and live-in sheltered accommodation. Although the police suspected they knew who the perpetrator was, they felt powerless to prevent these crimes and no action was taken. This seems highly questionable on the part of the police, and perhaps shows the low priority of this type of disablist hate crime.

Two of the other cases, one in which a stranger was involved, and a second one in which a 'friend' participated, were 'distraction' burglaries. The targeted person was asked to fetch something for the perpetrator who then stole money and property whilst the person was otherwise occupied. Both these incidents involved manipulation rather than force, although in both cases the targeted person felt compelled to act on the wishes of the perpetrator. In one of these cases, (see Box 10) the perpetrator targeted a frail elderly woman with breast cancer and memory loss. The perpetrator was caught and admitted on interview that she identified her potential victim earlier in the day when she had observed her collecting cash from the nearby Post Office.

Box 10: (has been removed to preserve confidentiality)

The perpetrator went on to say that she had lost money gambling in the city centre, so to replace this she deliberately went to the home of the potential victim with the intention of stealing her money. The perpetrator knocked on the woman's door, asking for change for a local shopkeeper. When the victim went to find change, the perpetrator entered the house uninvited. The victim returned and saw the perpetrator in the dining room looking through her handbag. She challenged the perpetrator who quickly left but the victim realised there was money missing from the handbag and went to ask for help in a local shop. The shop workers took the registration plate of the offender's car. The offender had previous convictions for burglary and theft from disabled or vulnerable victims. Following the perpetrator's arrest, her home was searched, and a large amount of cash found. This case is included in a police operation which was being co-ordinated

across Greater Manchester police divisions following a series of similar distraction burglaries of elderly and disabled victims.

The remaining incident was fraudulent claiming of money by a member of social care staff in social services offices. This is an example of care staff using their position of trust to gain them access to the victim's assets. The majority of such cases are however suspected of being not discrete incidents, but sustained campaigns involving structural exploitation.

4.2.2.2 Discrete incidents of sexual exploitation

The final category of acts of incidental exploitation is sexual exploitation. All these cases are considered to involve violence, either verbal coercion or physical force. Almost all cases of sexual exploitation were discrete cases (eleven of twelve) either because the perpetrator was interrupted, or the victim (or someone acting on their behalf) reported the assaults to police. All the sexual exploitation cases (discrete and structural) were by a perpetrator *known* to the targeted person. Of the eleven discrete cases, five were perpetrated by friends, two by people living in same care facility, and four by carers/nurses. One case of sexual assault happened outside on the street (near the persons home). The others occurred either in the targeted person's home, or a care facility. All the cases show either coercion or manipulation by the perpetrator. In the case described below (Box 11) the young female was raped in her own home by a school friend.

Box 11: (has been removed to preserve confidentiality)

The victim was groomed by the school friend and invited him into her home. They were drinking tea when the assault took place. After the assault, the perpetrator further manipulated the victim telling her he has a son and begging her not to report him as he would be sent to prison. The targeted person said she felt sorry for the perpetrator and because of this did not proceed with the police investigation.

Two discrete cases were of sexual assault in care facilities by other residents. These victims were elderly, frail, women sharing their living space with men, who had access to their private spaces, either their bedrooms or bathing/toilet areas. Although these are described as isolated cases it is not known whether they are in fact part of a sequence of repeated offences. In these cases, the victim and perpetrator remain living together leaving the victims vulnerable to further abuse.

In the case below (Box 12) a female resident is targeted by a male resident in the same care home. The male was found in the female's bedroom, having sexually assaulted her. When the case was referred to safeguarding, there is some discussion that this may be a case of consenting sexual intercourse between two adults.

The legal position would be that the female would be unable to consent to sexual intercourse, but this is a complex and difficult area to navigate. Consent is decision specific. Thus, whether the person was consenting would need to be determined for each incident.

Box 12: case 78

Box 12: Case 78	Discrete incident of sexual exploitation
Victim	Female elderly
Offender	Male resident elderly
Relationship	Both care home residents
Duration	Less than 60 minutes
Location	In care facility
Acts	Sexual assault

The case in Box 12 (above) was not taken to prosecution although the perpetrator had the blood of his victim on his hands. The police decided that because both the victim and the perpetrator have dementia, the case would be thought too difficult to prosecute

successfully by the Crown Prosecution Service, an approach which seems common in cases involving older people. Living in shared care seems to be a risk factor for disabled (female) adults. They are at risk both from other residents at the care facility and care staff. As previously identified, almost all cases of sexual assault are isolated cases, however there is the potential for these to become structural intimidation without intervention as we shall see later in this chapter.

A further case of discrete sexual exploitation will be analysed here. Although this is a discrete case, the perpetrator had multiple victims. In this case, the practitioner seemed to have legitimate power over his victims as a qualified professional (see Box 13).

Box 13: (has been removed to preserve confidentiality)

However, the perpetrator had falsified his qualifications to give him access to disabled victims. The nature of the work the perpetrator chose to do meant that his victims were unable to escape once the assaults began being mostly seated with their legs off the ground. This case described above was taken to prosecution when it was discovered that the same perpetrator had been accused of similar assaults on other victims. The victims were disabled women with already restricted mobility. The perpetrator here had access to the victims but there was some level of manipulation being used by the perpetrator in identifying who would be vulnerable. He was not a qualified practitioner.

4.2.2.3 Structural exploitation

The remaining twenty-three cases of exploitation are conceptualised as structural exploitation, campaigns taking place over a longer time, such as weeks, months, and

even years. The majority (twenty-two) are cases of financial exploitation, such as stealing a large part of the person's income during several months. One case refers to sexual exploitation. We will focus first on the financial exploitation cases. These were all perpetrated by an individual known to the targeted person and took place in a private space. The majority of these cases are perpetrated by family members (eleven), with five being perpetrated by carers. There are also four cases which both the police and safeguarding practitioners referred to as potential mate crimes. This conceptualisation is explored further in chapters five and six when the processes involved in disablist hate crime and its construction are examined.

Most structural exploitation happened in the targeted person's home or registered care facility. In the example in Box 14 below, the perpetrator posed as a friend. Initially she was an informal carer to the targeted person, an elderly woman with dementia living in a sheltered housing scheme.

Box 14: (has been removed to preserve confidentiality)

The perpetrator used coercive techniques of grooming several elderly people living in this scheme. This strategy was discussed in the earlier chapters and is explored further in chapter 5. In this case, the perpetrator offered to do the targeted person's shopping, running errands, and paying her bills at the bank. Gradually she gained the victim's trust before beginning to steal money, eventually having control of her bank cards and access to bank accounts.

As we shall see in chapter five, grooming is also evident in families, where a bond of trust may already be present. In many of these cases of exploitation, the family member uses either the threat of, or actual, physical violence to gain access to the victim's assets. In the case described below (Box 15) the perpetrator was the son of the targeted person, an older woman with physical disabilities who is much weaker than her son.

This case involved escalating violence over several years. Initially the mother helped her son with money and food, but his demands became more and more frequent. At the point this incident occurred, the mother was aware of the exploitation and tried to refuse her son's demands.

Box 15: (has been removed to preserve confidentiality)

In reaction to this, he entered the home without permission, and looked through cupboards for money. When he was unable to find any, in anger he punched his elderly mother in the face, knocking her to the floor, and left with her vacuum cleaner. This escalation of violence and control is a pattern seen in many cases as we shall see in chapter five on the dynamic process of disablist hate crime.

4.2.2.4 Structural sexual exploitation

I will now explore the single case within this category of the long-term sexual exploitation of an autistic young man. However, there are other cases of long-term sexual exploitation which will be discussed in the following pages as part of the extensive

control category. The structural sexual exploitation described here (Box 16) continued for several years. The perpetrator was a male in his late sixties who groomed a young man, the son of a neighbour. Although the targeted person tried to report the assaults, the perpetrator used coercive techniques of grooming and gaslighting to maintain access and control his victim without the need to resort to physical violence. He developed the persona of a friendly uncle and gained the trust of the family.

Box 16: (has been removed to preserve confidentiality)

The young man had learning disabilities and mental health issues, although it is unclear when these started, and they may possibly have resulted from the trauma of sexual assault. He was described as a loner, with few friends. The young man's family gave permission to the perpetrator to take him on trips to watch football. The perpetrator sexually assaulted the young man when they were alone in his car on these football trips. These assaults continued for over two years with the victim experiencing severe emotional distress. He used alcohol to deal with the trauma, and attempted suicide. This case is particularly distressing as the young man repeatedly tried to report the incidents, but he was not able to convince the police of his situation. This is discussed in more detail in chapter six.

In summary, half the disability hate crime cases analysed involved not only intimidation but exploitation. Most were cases of longer-term structural exploitation, rather than discrete incidents. However, cases of sexual assault were more likely to be discrete

incidents, perhaps reflecting that these are taken more seriously by the police. These types of incidents are not what would be considered a typical hate crime. They usually happen in private. The perpetrators are people known to the targeted person, many are people in positions of trust, or have manoeuvred into a fake friendship with the targeted person. This process is discussed in more depth in chapter five. In the final section of this chapter, I discuss those cases of targeted exploitation where the perpetrator has been groomed and gaslighted to such an extent that the perpetrator has taken extensive control over the targeted person, and their assets, to brutalise and exploit them.

4.2.3 Extensive control

The final category constructed from the data is extensive control. Some of these cases resulted in murder. I remind readers that these cases are real life cases and contain disturbing details of violence and control. I include some of these details here and in the following chapters, not to shock the reader but to highlight the level of coercion, violence, and assault perpetrated against disabled people.

Extensive control is defined here as: brutalising and exploiting the victim, subjugating by using dehumanising, threatening, and coercive techniques and/or using extreme violence.

In my data set there are eleven cases where the offender took extensive control of the victim. Extensive control includes offences of actual bodily harm, wounding/grievous bodily harm; rape and sexual assault³⁰, modern slavery³¹; coercive control³²; and false imprisonment³³. Five cases ended in murder. As with exploitation, many cases of extensive control were described as neglect, or emotional, sexual, financial, verbal, and physical abuse. There were also cases which both the police and safeguarding

³⁰ Sexual Offences Act 2003

³¹ Modern Slavery Act 2015

³² Serious Crime Act 2015

³³ Offences against the person Act 1861

practitioners called ‘mate crime’. None of these incidents and crimes were recognised by the police as hate crimes. In three cases, the perpetrator sexually assaulted and/or raped the victim. All the incidents mostly took place within the victim’s or perpetrator’s home, although some also spilled into public arenas including other people’s homes, social clubs, shopping centres, health centres, and hospitals. Two of the five murders took place in public.

In cases of extensive control, rarely considered within disablist hate crime statistics, a different picture of perpetrators emerged to that of intimidation and exploitation (see table 8), with perpetrators being either single males, all male groups, or mixed groups. There were no single females involved in these acts.

Table 8: Type of perpetrators (gender and single/group) across categories of disablist hate crime: extensive control

	Single male	Group male	Total male	Single female	Group female	Total female	Mixed group	Total
Overall cases	47	8	55	26	4	30	14	99
Extensive control	6	2	6	0	0	0	5	11

We can explore these descriptive statistics further by comparing the ages of the perpetrators³⁴ (see table 9)

Most cases of extensive control were perpetrated by people aged over eighteen. Just one case was by a group with an age range of thirty to sixty-five years (see Box 3, case 88- Child A), and one involved a younger group of perpetrators aged between eighteen-twenty-five years.

³⁴ It should be noted that in only 73% of cases were the ages of perpetrators available.

Table 9: Descriptive statistics for age of disablist hate crime perpetrators: extensive control

Extensive control	Under 18	18-25	25-40	40+
Single perpetrators	0	0	1 male	2 males
Groups	1 male group; 1 mixed group with one male aged 20	1 mixed group	1 male group	0
Total	2	3	1	2
	1 mixed age group 30-65			

Turning to Table 10 (below), we can see that all cases of extensive control were perpetrated by someone known to the targeted person, mostly 'friends', family members, or partners.

Table 10: Relationships between perpetrators and targeted people: extensive control

Extensive control	Stranger	Neighbour, local youths	'friend'	Family member	Partner	Carer	Total cases
	0	0	7	3	1	0	11

As before, the categories of crimes are shaped by the analysis of the data. The data shows that there are three categories of extensive control: i) cuckooing by a single person; ii) cuckooing by a group; and iii) illegal restraint. These categories reflect patterns of location, the relationship between perpetrators and the targeted person(s), and the form of the acts, including the levels of violence and coercion involved. Each of these categories will now be explored with examples of 'typical' cases to illustrate their main properties.

4.2.3.1 Cuckooing by a single person

In cases of cuckooing, the perpetrator moved into the persons home, taking over their spaces: bedroom, lounge, or all their home. The perpetrator, from this position, dictated where the victim slept, what they ate, where they could go, and whom they could see.

According to Spicer, Moyle, and Coomber (2019), the term cuckooing term is mostly used to refer to incidents involving moving drugs across “county lines”, but it has also been recognised in cases where perpetrators target victims with mental health and learning disabilities to get access to their money and property. There were nine cases of cuckooing analysed within the data, four were cuckooing by a single person, five were by groups and are discussed in the next section. The four cases discussed in this section had a single perpetrator: two were considered friends by the victim and two were family members. In one such case (Box 17) the disabled person was targeted by an acquaintance who took advantage of his kindness.

The perpetrator met the victim at a mutual friend’s house. At this initial meeting, the perpetrator was just out of prison. He began to groom the targeted person, telling him he has nowhere to go, that he was struggling to find a place to stay. The targeted person felt sorry for the perpetrator and even though they had just met, he offered the perpetrator a place to sleep for a few nights. The perpetrator moved into the targeted person’s flat the same night.

Cuckooing is the way the perpetrator takes over their life. In this case, the grooming process was short, but in many cases it is prolonged. This process is not simple, and in some cases the targeted person resists. Whilst this case is discussed further in chapter five, it is described briefly here to give an understanding of the category of cuckooing.

Box 17: (has been removed to preserve confidentiality)

After a few nights, the targeted person asked the perpetrator when he was leaving, to which the perpetrator replied: “what’s your fucking rush”. At this point the perpetrator was becoming more and more aggressive. The targeted person was both frightened and intimidated, having been told stories by the perpetrator of his exploits in prison, and the violent acts he had committed. The perpetrator had extensive control over the victim who told police he:

felt like a child being ordered about to make drinks and food at his demand...being told he was a piece of shit (case 87)

However, this often results, as in this case, in making the perpetrator angrier. In cases of cuckooing, the perpetrator takes over the life of the victim to the point that they are being ordered to act. When the targeted person repeatedly asked the perpetrator to leave, he was then forced to give up his bedroom, and sleep on the settee. The perpetrator made sure that when he left the flat overnight to see his girlfriend, that the victim could not escape, by locking the door from the outside. When the targeted person tried to stand up to the perpetrator, the perpetrator became increasingly angry, at one point he screamed he will “fucking kill him” because he hadn’t done something he was asked to do. The victim feared for his life.

The case was resolved by good police work, but this was by chance rather than design. The perpetrator was wanted on warrant for not meeting his bail conditions. In executing this warrant, the police chased him to the victim’s flat to arrest him. This would have been the end of the story but for a quick-thinking police officer, who noticed the unusual sleeping arrangements and took the disabled victim outside to question him, learning the full story. When rescued, the victim told the officer he felt:

very scared, that he had lost control of his life, and had been intimidated by the offender (case 87)

In this situation, the victim was rescued, but in other tragic cases, the victims have been less fortunate as we shall see in the next case described below (Box 18).

It is perhaps important here to highlight one of the issues around this type of extensive control. This is evidence of grooming and deliberate targeting of a person deemed

vulnerable. In many cases, as part of the grooming process, the victims are isolated from family, friends, and carers. This type of case is an extreme type of mate crime described earlier.

4.2.3.2 *Cuckooing by groups*

In the cuckooing cases described above there was a single perpetrator involved. In five cuckooing cases, a group of perpetrators targeted the disabled person. These happen over months or years, typically involved coercion, and physical assaults. Two of these cases analysed ended in murder. One such case is that of Joseph O’Hanlon described below (Box 18) who was murdered in Rochdale in 2016.

Joseph was an ex-charity worker who had physical disabilities and mental health issues. He became more ill and frailer and abused alcohol. Joseph was befriended by a group of people in Rochdale described as drug users, and alcoholics. They used Joseph’s flat to take drugs and drink alcohol. They stole his money, food, and property. They also took ‘loans’ from Joseph, some for over £100, using his bank card to withdraw cash. The cuckooing went on for several years, with the group using his key fob to come and go as they pleased. Joseph tried to remove these ‘friends’ from his property but seemed powerless to do so despite warnings and threatened eviction from his landlord.

Box 18: Joseph O’Hanlon (case 90)

Box 18: Case 90	Extensive control (cuckooing by group)
Victim	Joseph O’Hanlon aged 61 years. Alcoholic, frail, physically disabled, addicted to pain killers, had Korsakoff’s syndrome (alcohol related brain damage, similar presentation to Alzheimer’s), was prone to falls, had poor mobility, depression, and anxiety
Offender	Joseph was murdered by Anthony Bennett, aged 43, a violent man with a history of violent assaults on other vulnerable people. Joseph was targeted and exploited in the months before his death by a group of people described by police as drug users, alcoholics, and homeless people
Relationship	‘Friends’
Duration	Series of events over 3 years. Final incident sustained assault over 3 days
Location	Own home
Acts	Theft of money and property, taking over flat to take drugs. Assault and murder

The case tragically ended when Anthony Bennet met Joseph. Joseph was murdered sometime between the 26th and 28th April 2016 by Bennet, aged 42. Bennet was described as a violent man who had days earlier assaulted another disabled man. He used his fists, feet, a hammer, a mop and a block of wood to attack Joseph. The attacks happened over several days, and Joseph sustained ninety separate injuries. Joseph's body remained on the living room floor for four days while Bennet stayed in the flat, sleeping in Joseph's bed. When Bennett was arrested, he was wearing Joseph's clothes. The senior investigating officer in his statement to the press said:

"This was a senseless killing of a kind and generous vulnerable man. The injuries inflicted by Bennett were sadistic and unnecessary...Joseph was a good man, but people took advantage of him. Anthony Bennett was a violent individual and one of those people who took advantage of Joseph's good nature and ultimately killed him" (BBC, 2016).

Bennett was sentenced to life imprisonment.

4.2.3.3 *Illegal restraint*

The final category of extensive control is illegal restraint. This is achieved by the perpetrator taking control of the victim by coercing them into *their* space, so they are effectively imprisoned in the perpetrators home. Illegal restraint is also a long-term event, as can be seen in the case described below (Box 19) where the victim was first targeted as a young girl. Child A initially lived with her family in Pakistan, she was deaf and did not speak, she also did not understand English. When Child A was 10 years old, two of the perpetrators brought her to England. These perpetrators were an elderly male uncle, who was aged seventy-four at the time of first meeting, and his younger wife.

For over nine years Child A was forced to work packing for the family, who were trading mobile phones, satellite navigation systems, and t-shirts illegally from their home. She was made to cook, clean, and wash and valet family cars.

Box 19: Child A

Box 19 Case 95	Extensive control - illegal restraint
Victim	Child A. Aged approximately 10 years old when trafficked from Pakistan. No hearing or speech and did not understand English
Offender(s)	Family members- two generations-uncle, wife, and children and partners: Adult male A, 84: Adult female B, 68: Adult C, 46: Adult D, and Adult E
Relationship	Family members, uncle, aunt, cousins and their partner
Duration	Series of assaults over nine years
Location	Trafficked from Pakistan to home of family in UK
Acts	Trafficked in 2000 into England from Pakistan, at age ten, for domestic servitude and sexual exploitation. Rescued in 2009. Physically assaulted, sexually assaulted including rape, kept in cellar, forced to work for family, stole benefits

During this time, she was raped repeatedly by the oldest male (Adult A), beaten by the oldest female (Adult B), and physically assaulted by other family members. Several of these assaults involved the use of extreme violence. Adult A repeatedly raped Child A. Adult B hit child A with a rolling pin and a cooking pot, slapped her, scratched her, and stabbed her in the abdomen which caused severe blood loss, although medical help was not sought. Adult B sexually assaulted the victim on one occasion. She was kept hungry having to steal food from the meals she cooked. She was locked in the cellar of the family home with a camp bed and thin blanket, and a desk. Child A had to knock on the door to be let out to use the toilet, being thrown back downstairs by Adult B. The family signalled for her by switching the lights on and off in the cellar. Child A had no autonomy, no choices, no control in her life. She was rescued by trading standards officers calling to investigate the illegal trading from the family home and eventually told her story through sign language and interpreters. The perpetrators in this case were charged with several offences including rape, human trafficking for human exploitation, assault, and fraud and imprisoned.

4.3 Considering these findings in light of the existing literature

So far in this chapter, we have explored a new typology of disablist hate crime which focuses on three types of acts: intimidation, exploitation, and extensive control. The

typology developed through the Equality and Human Rights Commission (2011) inquiry into disablist harassment and violence had established a typology of eight acts. This emerging new typology is grounded in the data which includes other disablist acts. The subcategories capture the duration, form, and intensity of the acts analysed. The new typology identifies the majority of those cases identified as disablist hate crimes or incidents by agents of social justice were cases of intimidation and the implications of this are explored in chapter six. The typology identifies a new category, of extensive control, which captures those cases often involving extreme brutalisation and exploitation, where the perpetrators take over the lives of their victims.

Generally, the 'typical' hate crime perpetrator(s) are thought to be young single men, strangers to their victims, acting alone or in groups (Levin and McDevitt, 2002, pp.7-11). As can hopefully be seen from the tables presented in the early part of this chapter, and the detailed case studies, this is not the pattern seen within disablist hate crime for all cases.

The typical hate crime perpetrator is a stranger. As can be seen in Table 3 above, analysis of the cases for this thesis suggested this is not the case for disablist hate crimes. Whilst discrete incidents of intimidation are carried out by strangers or people in the local neighbourhood, almost all cases of structural intimidation, exploitation and extensive control are perpetrated by someone known in some way to the targeted person. These are friends, neighbours, carers, acquaintances, family members, officials, and housemates. The Equality and Human Rights Commission inquiry (2011) suggested that disablist hate crime perpetrators are different, they are less likely to be strangers, more likely to be friends, carers, family members, and partners. The patterns from analysis of the data for this thesis add to the research evidence by suggesting that the typical hate crime perpetrator profile applies to some, but not all, cases of disablist hate crime.

Alongside the construction of this typology, it was established that different perpetrators are responsible for different types of acts. Thus, an emerging perpetrator profile was developed which accounts for the different types of acts of disablist hate crime in terms of age, gender, acting alone or in groups, and whether they are 'known' to their victims. Levin and McDevitt's (1993, p.2002) seminal work with Boston police

reviewing hate crime cases resulted in the construction of a typology of perpetrator motivational impulses. Their expanded typology (McDevitt et al., 2002) suggests that hate crime perpetrators are driven by the motivating impulses of thrill; defence; retaliation; and mission. Further researchers analysing cases of racist harassment (Sibbitt, 1997), racist violence (Bowling, 1998), and antisemitic hate crimes (Iganski et al., 2005), have constructed typologies of incidents which suggest different types of perpetrators are responsible for different types of hate incidents. The findings from my analysis suggest this is also the case for disablist hate crime.

Considering the perpetrators within each category of the newly developing disablist hate crime typology offers a more nuanced profile of disablist hate crime perpetrators. Incidents of intimidation are more likely to follow the typical hate crime perpetrator profile of young men acting alone or in groups identified in earlier hate crime research. However, the cases analysed for this thesis suggest that whilst most perpetrators are males acting alone or in groups, there are females involved in the targeting, with a quarter of incidents perpetrated by lone females, and females are also involved as part of the groups targeting disabled people. The young male perpetrator is more likely to be responsible for those types of disablist hate crime categorised as intimidation, although female perpetrators are involved in sustained structural intimidation. In cases of exploitation, and extensive control, there are both female and male perpetrators, often acting in groups.

Arguably all the crimes and incidents in the cases analysed for my research study have some evidence of disablist attitudes towards the targeted person. Iganski et al., (2005) argue convincingly that it is difficult to discern the motivation of (antisemitic) hate crime offenders from police reports, because we learn little without the perpetrator's own admissions. Interpreting behaviour, and using interviews with safeguarding practitioners, as well as comments made within police logs, however, seem to suggest that the cases analysed are motivated by bigotry, the underlying motivation suggested by McDevitt et al., (2002). This is explored in more depth in chapter six. Some crimes did seem, as Phillips (2009) suggested, to fit into several, if not most, of the typology developed by McDevitt et al. (2002). Some broad categories of perpetrator communities

could be identified, of marginalised neighbourhoods, and abusive care settings. These are developed further in the following two chapters.

4.4 Conclusion to chapter.

In this chapter I establish a new typology of disablist hate crime. Three main categories of disablist hate crime are identified along with subcategories: i) intimidation: discrete incidents of intimidation and structural intimidation, ii) exploitation: discrete incidents of exploitation, structural exploitation, and sexual exploitation, and iii) extensive control: cuckooing by individuals, cuckooing by groups, and illegal restraint. These three main categories together describe all the acts seen in data from a range of sources: police records, safeguarding practitioners accounts, Serious Case Reviews, Independent Office for Police Conduct inquiries, and newspaper and media reports. Exploring such a range of data sources serves two purposes which have not been done before for disablist hate crime. Firstly, the analysis is grounded in the data enabling a comprehensive picture of the reality of disablist hate crime as experienced by disabled people. Secondly, the analysis includes acts from a range of sources to give a fuller picture of the phenomenon of disablist hate crime which goes further than those which focus specifically on either harassment, violence, exploitation, or abuse.

These acts go beyond those captured by the current disablist hate crime provision within the criminal justice system, and include physical, psychological, and emotional violence, and sexual assault. There are crimes of theft, assault, wounding, criminal damage, sexual assault, public order offences, domestic violence, coercive control, and harassment, murder, and safeguarding incidents of sexual, financial, physical, and verbal abuse. There is evidence that those acts which were identified by the police as disablist hate crimes and incidents are those in which verbal abuse referring directly to the disability of the victim is used. These acts tend to be isolated acts or those involving verbal abuse in a public arena. Thus, the more sustained, brutal, and severe acts are not identified or prosecuted as disablist hate crime.

The offenders involved in those cases categorised as disablist hate crime (cases 13, 18 and 19), as we shall see in chapter six, were prolific repeat generalist offenders, with a

long history of crimes and prosecutions starting from a young age (mid-late teens). What is particularly interesting is that all three had previous charges of hate crime brought against them. As we also shall see in chapter six, identifying the *process* of disablist hate crime is not straightforward, and perhaps the previous convictions of these men made it more likely that they would be prosecuted as hate crimes. These were not serious offences, but in all these cases the offenders used hate speech and disablist terms towards the victims. Whether this was a genuine hatred/hostility towards disabled people, or a more general prejudice which erupted in times of stress is unclear. All denied the hate element; however, they were prosecuted for hate crimes.

Most disablist hate crimes happen behind closed doors. These acts are mostly carried out within some form of relationship between perpetrator and targeted person, which raises questions for the hate crime field. What are the possible motivations for targeting disabled people? What are the conditions under which disablist hate crime is more likely to happen or seems to happen: the context of disablist hate crime? What are the experiences of the victims of these crimes: how do disabled people recognise, resist, or live with such targeting? How are these incidents recognised and dealt with by those professionals involved? How does disablist hate crime develop? It is to these questions we turn in the next two chapters.

Chapter 5: The dynamic process of disablist hate crime: situated actions and interactions of perpetrators and targeted people

5.1 Introduction

This chapter considers the process of disablist hate crime, which has not yet been fully understood within the hate crime field. Both disablist hate crime publications; *Getting Away with Murder* (Quarmby et al., 2008), and *Still Getting Away with Murder* (Chapman, 2020), refer to the difficulties with the culture of the criminal justice system and the attitudes of the public to disablist hate crime. The kind of meaning we give to the social world we live in is crucial to this social construction approach. How we live in our social world depends on how we relate to it and how we behave within it. The meaning we give to disablist hate crime shapes our action. The following two chapters further explore the meaning making process of disablist hate crime. In this chapter I explore the context, that is social, cultural, geographical, and organisational influences, to explain the social phenomenon of disablist hate crime. In chapter six, I explore how disablist hate crime is responded to by agents of social justice.

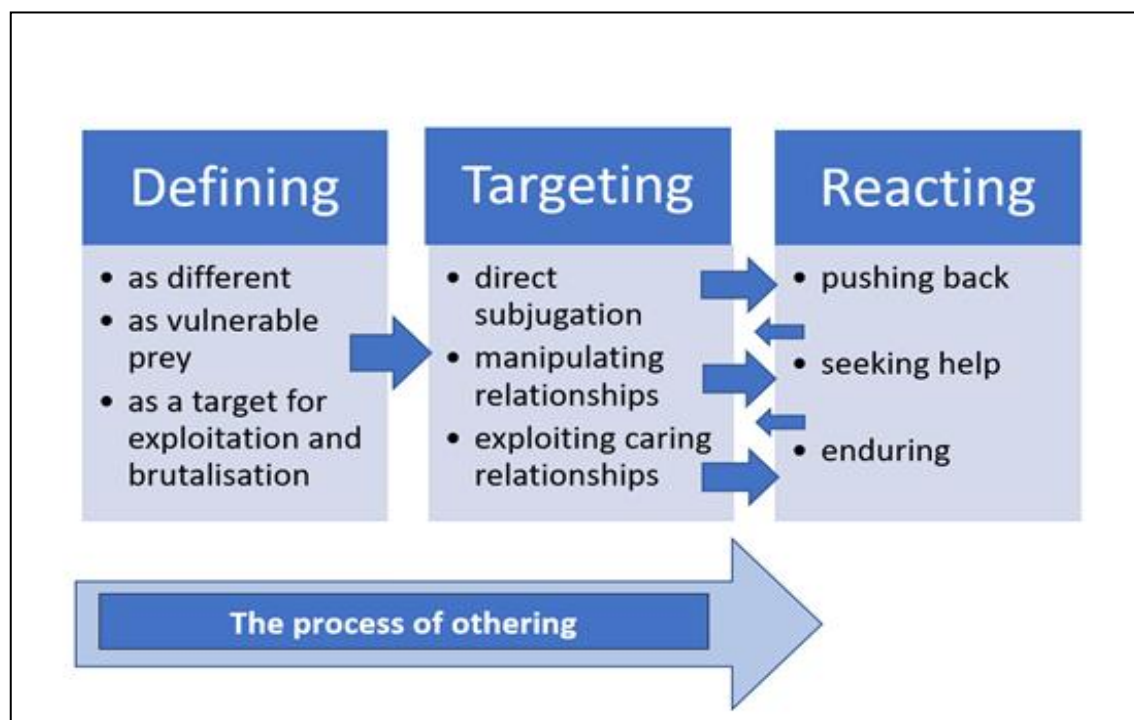
Bowling suggests that hate crime, as all crime, is best considered not as a single event but a snapshot of one part of a bigger process (Bowling, 1998, p.239). Thus, hate crimes are often a series of seemingly small instances which add up over time to more than the sum of their parts. Considering the situated context of such processes, he argues, would enable those involved to build up a better understanding and effect a better response (1998, p.245). This chapter attempts to do this by analysing the dynamic processes involved in disablist hate crime: the situated actions, and interactions, of disablist hate crime perpetrators and targeted persons. The cases analysed are not only police cases, but also those identified through interviews with safeguarding practitioners. Patterns are identified in these situated actions of othering: patterns of defining, targeting, and reacting. These processes are considered across different arenas and some broad categories of communities of perpetrators are identified: of estate culture, and abusive care facilities.

5.2 Othering and doing difference

Othering or doing difference are central concepts in the structural approach of Perry (2001, 2003). As her work is rather abstract and theoretical, they tend to fit all the cases I have collected but in a rather general non-discriminatory way. My goal here was by using grounded theory to anchor my concepts in the daily reality of disablist hate crime, moving away from the abstract towards the human lived experience. During the analysis of my data, I tried to create a more grounded conceptualisation of disablist hate crime that has an embodied and empirical quality.

The analysis for this thesis suggested that disablist hate crime is a dynamic process which is represented pictorially below (Figure 2). The core category within this process is othering. Othering begins with the perpetrator defining the disabled person as: 1) different, 2) vulnerable prey, and 3) a target for exploitation and brutalisation.

Figure 2: Othering: the dynamic process of disablist hate crime



The next step within othering is what I call targeting. In a fleeting moment this can be limited to direct subjugation, and in more enduring relations perpetrators manipulate

relationships, by grooming and gaslighting, which can end up in exploitation and brutalisation. The targeted person may recognise this intimidation and exploitation. In the final step, the targeted person may have to endure the abuse. Some try to resist or seek help from others, which often results in increasing levels of threat, coercion, or violence. Throughout this process of othering or doing difference, the perpetrator dehumanises the disabled person. When the person is totally dehumanised, the perpetrator has extensive control and in these cases the perpetrator brutalises the victim by imprisonment, rape, torture, assault, neglect, or (in some cases) murdering their disabled victim. We will now examine this dynamic process in more detail using examples from the cases analysed to illustrate some of these key dimensions.

5.2.1 *Defining as different*

The process of disablist hate crime began with the perpetrator othering the disabled person. The perpetrator constructs the disabled person as different to what they considered to be *normal*. This othering was seen in the cases analysed, both in the words used by perpetrators and their actions. Perpetrators used disablist terms which directly referred to the person's impairment such as: *cripple* (case 2) and *retard* (case 32). They also referred to the disabled person's physical appearance, equipment and aids, or their behaviour, their actions, and how they communicated.

In many cases this defining as different attained a specific geographical dimension, which I call *spatial banning*: the victim felt he or she was being forced to leave the area: (case 14, case 19, case 20, case 21, case 23, case 24, case 31). Perpetrators damaged the targeted person's property (case 19, case 20, case 23, case 24, case 25, case 31, case 86, case 90, case 93), left excrement on their property and dumped rubbish on their property (case 24).

In this process of constructing the targeted person as different, perpetrators attributed negative stereotypes to the disabled person. These included being dirty, smelly, lazy, fat, ridiculous, weak, deceitful, or dishonest. One paid carer abused the disabled person they were paid to support in this way, as discussed by a safeguarding practitioner:

...carer had been quite derogatory towards [Targeted person] calling him 'specky four eyes' and erm got quite upset about that. This carer was a domiciliary carer³⁵, was coming into the targeted person's home to provide care...yeah...yeah...so it would just be like 'oh you're specky, you're this, you're lazy'...insinuating this [person] could do more for himself] than what he could really erm 'you know I'm coming in doing this for you and I don't think I should be'... (case 28)

The perpetrator here referred both to the person's impairment with disablist terms and stereotyped them as lazy.

Another common stereotype directed at disabled people was that they were dirty. Disabled people reported being called "smelly dog" (case 3), "saying I was a piece of shit" (case 87, "look at the little shithouse" (case 13), "a disgusting woman...smelly, a waste of space" (case 32). These stereotypes were not only seen in comments made by strangers, but people known to victims. One son seemed to have this stereotype of his mother as dirty. The police report stated he:

takes (victim) into kitchen and throws water over her face and legs telling her that she needs to be cleansed (case 72)

The perpetrator uses the action of cleaning as a degrading intervention. It is an example of both doing difference and shaming the mother.

Another stereotype being directed towards disabled people was that they were dishonestly claiming benefits. One perpetrator when interviewed about threats he had made towards a disabled person, told police:

they are thieves, and (victim) is conning Motability in regards to her disability to obtain a car... they are lying and playing the disability card (case 32)

³⁵ Domiciliary carers go into the person's own home to offer care and support.

This type of targeting was evident in cases of disablist hate crime perpetrated through social media, which offered a platform for the perpetrator to air their views in public. In one case the targeted person described reading:

slanderous comments made...regarding him and his family and the fact he is on disability pension...constantly harassing and tormenting me, laughed at the fact I'm on disability pension, mocks and makes fun of my family for a long time (case 17)

It has been suggested that perpetrators use such stereotypes because they are jealous of what they see as the special treatment disabled people receive (Sykes, Groom and Desai, 2011, p.28). Two large scale hate crime projects suggest that this common stereotype of disabled people as benefit cheats is one of the main motivating impulses for disablist hate crime (Chakraborti et al., 2014, pp.29-30; Williams and Tredidga, 2014). This negative stereotype is also applied to homeless people (Chakraborti et al., 2014, p.29), and to transgender people (Williams and Tregidga, 2014). Similarly, in a recent study in England, victims of disablist hate crime suggest that offenders label disabled people as benefit cheats to legitimise violence towards them (Healy, 2020, p.16). Burch (2021, p. 69) uses Ahmed's (2014) notion of these stereotypes such as 'benefit cheat' as "sticky" labels, Burch follows Quarmby (2011) arguing that such stereotyping increases in times of economic scarcity, and thus suggests that stereotyping disabled people in this way must be considered through the "context of austerity".

Perry posits hate crime as identity work, where individuals use the stereotypical beliefs they have about the other, a binary difference of "not me", to strengthen their own sense of self (Perry, 2001, p.47). Perry uses Lorde's notion of the "mythical norm" with its associated ideas of residual power embedded within societal structures to explain how perpetrators may categorise those that are other, which marks them as being deficient by those doing the othering. There are several cases in my research where perpetrators used stereotypes in this way. One disablist hate crime victim describing a campaign of intimidation by his neighbour recalled:

she has told neighbours I am a paedophile; how do I convince someone I've never met that I am not? (case 31)

These claims were unjustified.

Quarmby (2011) suggested these stereotypical views of disabled people are used by perpetrators of disablist hate crime to rationalise their acts, a process she refers to as scapegoating. She posits that disabled people are scapegoated by perpetrators and blamed for a variety of misdemeanours or social ills to justify acts of disablist hate crime. Quarmby suggests the label paedophile is another way disabled people are scapegoated. The label paedophile was also identified as a common term of abuse towards disabled people in a study involving interviews with sixty-two disablist hate crime victims, several of whom claimed the term paedophile was used against them (Gravell, 2012). However, the researchers felt this was not because they were perceived as such but that they were targeted for being different and this term was “the insult of choice among the nation’s schoolchildren” (Gravell, 2012, p.19). Whilst the cases in my research suggest this may be one way that perpetrators rationalise their actions, it does not seem to be the main motivating factor. Rather these stereotypes offer evidence that perpetrators are expressing prejudice and othering of disabled people, the starting point of disablist hate crime.

There is evidence of the label of paedophile being attached in some high-profile disablist hate crime cases. In the tragic case of Bijan Ebrahimi which is explored further in chapter six (see Box 26: case 47), local youths had written the word paedophile on his property. Another disabled man David Askew (see Box 20, case 73) was taunted for being a paedophile, with one young person simulating sex with him after running into his house. Raymond Atherton (case 91) was accused of making sexual advances to the teenage sister of one of his murderers. Raymond was targeted for several years but his murder allegedly stemmed from the reactions of the perpetrators to this mistaken belief. These labels are mostly used towards disabled men. Only one case analysed involved insults of this type of sexual promiscuity or deviance towards a disabled woman, who was called a “fucking deaf slag” (case 19).

5.2.2 Defining as vulnerable prey

In the process of othering, perpetrators also define disabled people as being vulnerable. Some disabled people were perceived to be inherently vulnerable because they were disabled. Some were frail, physically small, and therefore perceived as 'easy targets'. This was the case for one perpetrator who regularly stole food, drink, money, and other items from his elderly mother. When she had no money to give him, he reacted violently. The mother told police:

I told him no money...stop going through my cupboards. He just flipped and punched me in the face, knocked me down onto chair, fell to floor...and left without saying a word (case 71)

In some cases, safeguarding practitioners explained how this perceived individual vulnerability may increase with age, illness, and frailty. One safeguarding practitioner explained how the perception of a person as vulnerable may change over time:

But it's when somebody becomes (pause) vulnerable and in need of care and support. That's when safeguarding kicks in...Has gone on for thirty years...I mean we have situations where it's openly acknowledged...and 'she gave as good as she got' so there's abuse on both sides. And what do we do? Do we intervene and split them up when they've obviously made a conscious decision earlier on in their lives that...it's really complicated...Yeah, they were, they weren't as vulnerable (Case 36)

In this case the abusive relationship was not seen as one necessitating intervention when the disabled person was younger and stronger, with more physical power. But with increasing frailty the imbalance of power became more apparent, and their individual vulnerability seemed to increase to the safeguarding practitioner.

In some disablist hate crime incidents, the perpetrator was aware of the vulnerability of the targeted person because they were a paid carer, thus had access to the victim, and

were aware of those people (friends, family members, other carers) acting as protective factors³⁶ keeping the person safe. As one safeguarding practitioner explained:

...anybody with a degree of confusion, somebody with no family involved, because if there's family going round...yeah, yeah, be a protective factor yeah, but it's somebody that hasn't got anybody (pause) even carers going in would help in that situation wouldn't they, you know, if you thought 'oh well what's going on' you know, anybody to raise that 'what's going on here' (safeguarding practitioner 4)

A lack of these protective factors would increase the person's vulnerability to being targeted. Perpetrators see this as an opportunity to exploit, rather than reacting to this perceived vulnerability with sympathy or feelings of empathy. They also have access to the person's assets through the nature of their relationship (case 65, case 66, case 67, case 68, case 69, and case 89). As one safeguarding practitioner discussed:

she targeted him basically. Erm, she was a previous carer...erm...which...is probably a trend to some extent, because obviously if you work for a care agency you get to know people, where they live, what their vulnerabilities are, what their keysafe numbers are, what their family makeups are, who's keeping an eye on them erm, and she was a previous carer... (case 69)

The carer returned regularly to a victim's home to take money and alcohol which she knew were available in the property. This was done outside the agreed working hours without the victim's knowledge and was only discovered when family became suspicious and installed security cameras.

The example described below (case 50) illustrates the complexity of recognising the influence of vulnerability within disablist hate crime. This case was described previously in chapter four (see Box 9), as an example of multiple attacks on disabled people living

³⁶ Protective factors are those circumstances which keep a person safe: networks of friends, staff, family

in sheltered accommodation³⁷, where the targeted people were relatively easy to dominate. In general, they were elderly, frail, and used wheelchairs, walking frames, or walking sticks. They were safe when inside their accommodation, but once they walked out onto the street, they became increasingly vulnerable to being targeted. The perpetrator waited outside the accommodation, and when they emerged, he pretended to offer assistance, or became violent, pushing the targeted person to the ground, and making off with their bags. One safeguarding practitioner explained how the perpetrator operated:

he's obviously quite clever enough to know 'that's an extra care scheme'...you know, 'vulnerable people live there, I'm going to hang about the area and see what I can do'...so there was a lady who was walking, just doing a little walk round the block, doesn't go far out into the community erm and he's done a runner with her bag (case 50)

This was a known offender who was described by police as 'prolific'. He had recently changed his modus operandi from targeting supermarkets to targeting this group of people. The police felt this was an easier way for the perpetrator to get money, without the need to sell on stolen goods. These crimes involve less risk of being caught for the perpetrator than stealing from supermarkets. There was no CCTV, no security guards, little chance of victims being able to stop or chase him. When he was successful in getting money, he returned to repeat his actions by targeting other people living there.

5.2.2.1 Layers of individual and structural vulnerability

It is important here to consider the notion of individual vulnerability. Doherty (2020) considers the perceived "individual vulnerability" of disabled people as a motivational impulse for exploitative crimes. He used the police files of sixty-two cases where there was evidence of both exploitation and prejudice, although it is important to note that not all these crimes were identified by the police as disablist hate crime (Doherty, 2020,

³⁷ sheltered accommodation consists usually of individual accommodation such as flats, with support provided by a (usually resident) caretaker

p.8). From these cases he suggested that offenders became aware of the “individual vulnerability” of the victim through local knowledge. Offenders either were aware of those known locally to be different and thus seen as easy targets or became aware of the vulnerability of the victims through contact with them. Doherty suggests that this “individual vulnerability” may be the victims’ physical weakness, care needs, lack of range of movement, or over-compliance (2020, pp.16-17).

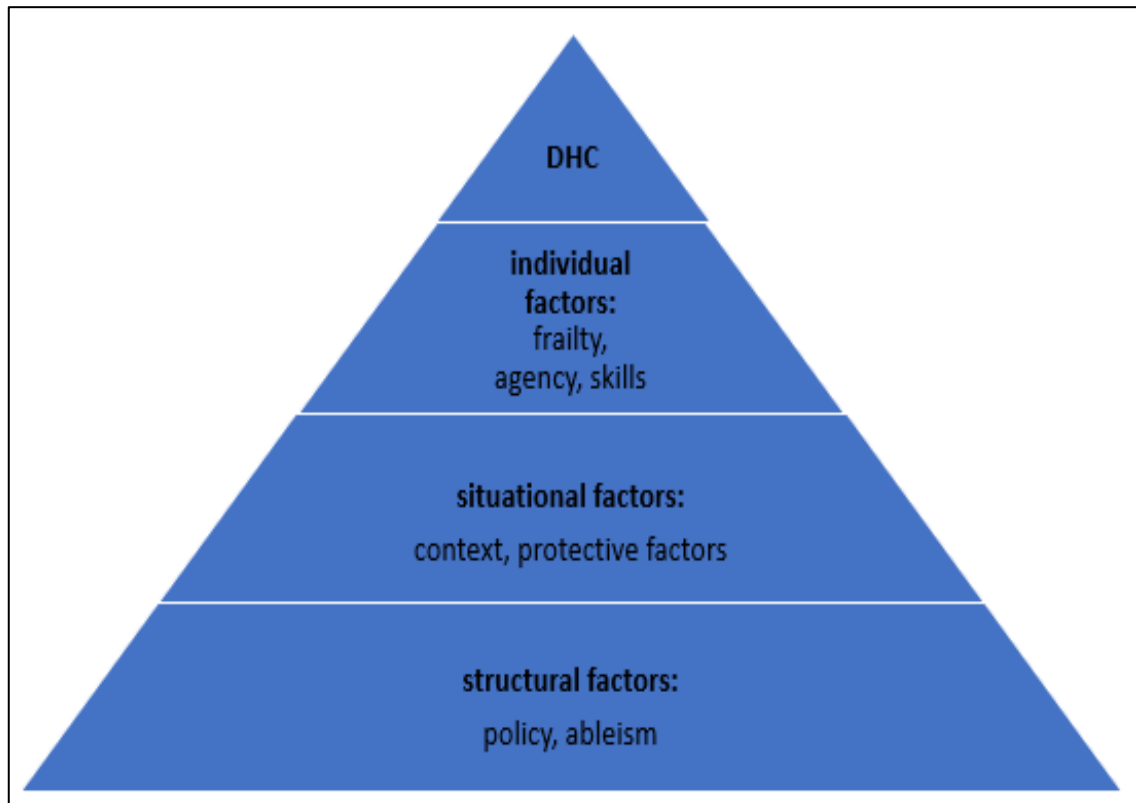
We can see in the cases described above how the police and safeguarding practitioners position the disabled people in some cases as being inherently vulnerable, and suggest the perpetrators targeted them because of this. Taylor (2018, p.213) suggests this focus on ‘individual vulnerability’ follows the medical/individual model approach to disability, which in itself is problematic. Indeed, it raises some concerns for me personally as I believe that disability is a positive identity and in so doing reject notions of vulnerability, passivity, tragedy, and pity. However, perhaps more importantly is the impact on disabled people themselves. Disabled participants in Burch’s PhD research (2021, p. 108-9) seemed to have internalised these messages suggesting they were targeted because of this inherent vulnerability. For Taylor (2018) however the issue is that by suggesting s/he is vulnerable, the problem is located *within* the person. He recognises that this response is endemic with the criminal justice system’s response to disablist hate crime, an issue returned to in chapter six of this thesis. Instead, Taylor advocates using the social model of disability as a lens through which to view disablist hate crime, and a social model response in which the wider societal factors are considered.

Perry (2001, p.52) also cautions against this individual approach to hate crime. Instead, she suggests we consider what Messerschmidt’s notion of “structured action”. This, Perry explains, provides us with a way of understanding how the interactions between actors are situated within the wider structures of society and culture. Using this structural approach, we could identify within this case *layers of vulnerability*. These potential layers of vulnerability are represented below in Figure 3.

Applying this layered model recognises the individual, situational, and structural aspects of vulnerability. Using this model, we can recognise that vulnerability is underpinned by structural ableism which impacts on the lives of disabled people, and it is this which

makes people vulnerable to disablist hate crime. When the disabled person is in a situation where they have few protective factors, such as being socially isolated, and without legitimate power, then their vulnerability increases. Individual factors may then compound these structural and situational layers and further increase their vulnerability to disablist hate crime.

Figure 3: Layers of vulnerability model in disablist hate crime



If we apply the model to case 50 described above, in which older, frail people were targeted outside their accommodation, we can understand the individuals are vulnerable because of structural layers of policy-driven care and service delivery, and the police and other agencies responses to disablist hate crime. In this case the victims were elderly, disabled people grouped together into sheltered accommodation, situated within an area of economic deprivation. The police failed to act to prioritise catching this man and end his campaign of disablist targeting. The police felt that catching this criminal in the act would be impossible, he would merely become aware of police presence and move on to another similar situation. The disabled people are situationally

vulnerable because they live with other disabled people in sheltered accommodation without protective factors of community support and friends. Finally, the factors influencing the individual vulnerability of the disabled people could be considered as their impairments, their frailty, their physical size, and mobility.

Reframing vulnerability in disablist hate crime using the layers of vulnerability model could address some of the criticisms of the current approach from disablist hate crime scholars. Chakraborti and Garland (2012, p.510) argue that this perceived vulnerability and difference of hate crime victims should be central to the hate crime discourse, a perspective we shall return to in chapters six and seven. However, the language of vulnerability within the disablist hate crime discourse, as we have seen in earlier chapters (chapters one and three), has been resisted. Roulstone et al. (2011) suggest it is unhelpful, even dangerous, as it fails to recognise structural disablism, blames the victim, and minimises the actions of the perpetrator in exploiting this perceived vulnerability for their own ends. The discourse of vulnerability within the hate crime field and the construction of disablist hate crime is hence problematic. Once vulnerability is identified, the crime is no longer conceptualised in the language of hate (Macdonald, 2013, p.358), rather it is assumed people are victimised because they are seen as an easy target. This is echoed in the literature reporting victims' voices (Hoong Sin et al., 2009; Landman, 2014). Shifting the focus in this way to the inherently vulnerable disabled person results in a *protection* rather than *rights/justice* response. This means for disabled people that actions will be focused on safeguarding responses rather than a criminal justice system response. As we shall see in the following chapter, this perspective does seem to underpin many of the police and safeguarding practitioners understanding of, and responses to, the cases of disablist hate crime analysed.

We have seen in this section how perpetrators define the disabled person as different, and as vulnerable. They demonstrate this othering by their disablist insults, and the stereotypical attitudes they display towards disabled people. In this process of othering, it is evident that perpetrators continue to dehumanise disabled people by targeting them for exploitation and brutalisation. It is to this process we now turn.

5.2.3 *Defining as a target for exploitation and brutalisation*

Othering is also seen in the dehumanising of targeted people, as a potential target for exploitation and brutalisation. This dehumanising was both the result of, and a precursor to, later stages in the process of disablist hate crime. It happens both in public on the streets, and in private in care homes and private homes. A report in the Manchester Evening News (Fitzgerald, 2016) documented a catalogue of disturbing and dehumanising incidents in a care facility. These included putting a person's dementia doll³⁸ in the washing machine and throwing small stones at another elderly frail person (case 27). The female staff perpetrators had posted images of their dehumanising behaviour on social media, where they could be heard openly mocking the disabled people in their distress. These types of incidents could be described as harmless, but in fact they are acts of social degradation and shaming.

In their typology of perpetrator motivations, Levin and McDevitt (1993, p.2002) suggest these types of attacks in other forms of hate crimes are most likely done for fun and amusement. This motivation can be seen in a recent case in Devon, where three care workers were on holiday with a man who was deaf, had epilepsy, anxiety, and learning disabilities. During the holiday the three staff carried out a campaign of harassment and humiliation, they stuck clothes pegs to his clothes and limpets to his back, scared him with sea creatures on the beach, put a bucket on his head, ridiculed him when he was incontinent, rearranged furniture and locked him in his room. They videoed these incidents. When interviewed by the police it was reported that the carers had stated:

they were only having a laugh...for a bit of fun (Wylie, 2022)

However, these dehumanising actions, which may start as seemingly innocuous events, can escalate quickly. In this escalation the disabled person is no longer seen as fully human, a person who deserves to be treated with respect. This dehumanising treatment

³⁸ Dementia dolls are used therapeutically in some dementia care facilities. The dolls are given to people with dementia who develop an attachment to the doll, caring for it as if it was a real baby.

of victims it is suggested is “more common in murders of disabled people than other murders” (Equality and Human Rights Commission, 2011, p.22).

We can explore two cases where this dehumanising behaviour is stark. Christine Lakinski, from Tyne and Wear (case 99) was seen as vulnerable, as fair game. She was small, with mild learning disabilities, a curved spine, and difficulties walking. Christine was taunted regularly and harassed by local young people and neighbours on the estate she lived. Christine told a friend she found this harassment difficult to cope with. On the day she died, Christine had bought some laminate flooring and was carrying it to her home. She collapsed on the pavement, banging her head on the floor. As she lay dying in the street she was surrounded by a group of men, some of whom were her neighbours. They socially degraded her, one of the men tipped cold water over her, covered her in shaving foam and urinated on her. The men then piled the laminate flooring on top of her and went out for the night. Christine died on the street.

Another tragic case is that of Brent Martin (case 98) who was murdered in Sunderland in 2007 by three men who had been exploiting him. Brent had mental health issues and learning disabilities and was just twenty-three years old. He was released from in-patient care shortly before his murder, with £3000 cash. He lived alone on a housing estate, and was targeted by several local youths, who took his money. When he died, Brent had only £5 left. He was murdered by three young men, aged twenty-two, sixteen, and seventeen years. Two were trained boxers. On the night of his murder, they challenged each other to see who could knock him out, the winner would get the remaining £5. Brent was subjected to a dehumanising, degrading, and sadistic attack. Brent was chased for a mile and a half around the estate, and was punched, kicked, head-butted, stamped on, and thrown against a car. He died from head injuries sustained during his ordeal. As he lay dying, his trousers were pulled down, and the trio posed for photographs. The dehumanising can be seen not only in the actions of the men but the way they referred to Brent. One of the men said at the murder trial that he was “not going down for a muppet”. Neither of these cases were seen as disablist hate crime.

The dangers of dehumanising behaviour were discussed briefly in chapter one, and are highlighted by Wolfensberger (1972, p.11). He suggested that groups of people are devalued in all societies. These groups, according to Wolfensberger, are people who did not conform to norms of attractiveness, good health, physical fitness, economic productivity and 'usefulness'. Wolfensberger recognised the dangers of this devaluation, that disabled and other types of devalued people experience in society. The consequences of this devaluation are a series of wounding experiences, including segregation from society, distancing, congregation, scapegoating, and the final step of othering, leading he suggests to devalued people being perceived as being "less than human", resulting in "brutalisation, killing thoughts and deathmaking" (Wolfensberger, 1972, p.11). We can consider disablist hate crime to be the extreme consequence of this process. When the perpetrator no longer sees the targeted person as human, they are more likely to use violence, often extreme and sustained violence.

These actions are seen in many cases of disablist hate crime where the dehumanised victims are targeted to be tortured, treated as a slave, and sexually assaulted (Equality and Human Rights Commission, 2011; Taylor, 2018; Doherty, 2020). The cases of extensive control analysed for this thesis involve such dehumanising treatment, and sustained brutality and violence towards disabled people. Dehumanising behaviour was evident where perpetrators denied access to basic human needs. In one case described by a safeguarding practitioner, the perpetrator had:

Openly admitted [victim] was living in one room...wasn't allowed to keep the fire on, the food was kept in the top cupboard...so [victim] couldn't access it... Oh they, they were, they were taking everything. Well they, they... they would be taken to get [victim's] money and then they would charge [victim] rent... it was [victim's] home, [victim] was the one on the tenancy... (case 88)

The perpetrator assumed control over what the victim ate, where they slept, whom they saw, how they spent their money, and when they could leave the house. In most of these cases the victim no longer had a bedroom in which to sleep. One victim stated:

I was asleep on the sofa as usual as he has taken the bedroom from me after a few weeks... (case 87)

The process of othering consists of different strategies. The first has a verbal character where the perpetrator defines the person as different by using disablist terms. In the second strategy, the perpetrator defines the disabled person as vulnerable prey, that they can exploit. The final strategy is one in which the perpetrator brutalises the targeted person, treating them with no human dignity. Without othering disablist hate crime will not take place, but the process of othering does not stop in the following stages of disablist hate crime, of structural intimidation, exploitation, and extensive control. Othering continues to play a crucial role in the further development of disablist hate crime, especially in the latter two categories, which I will discuss in the next paragraphs.

5.3 Targeting

The actions and interactions between perpetrator and targeted person are conceptualised as power struggles, which involve a form of social positioning. The perpetrator targets the disabled person to take control over them and their situation. The victim then may react to these attempts, and the process continues.

The perpetrator of disablist hate crime does not react to the disabled person with empathy, compassion, or solidarity. Rather the perpetrator seeks to intimidate, to exploit or to take extensive control, as I have discussed in chapter four. In the previous paragraphs I have shown that othering is the first step in disablist hate crime and can consist of (but also be restricted to) the use of disablist terms, defining the targeted person as vulnerable prey, and brutalisation. Here I will discuss another dimension of disablist hate crime, which I call targeting. During disablist hate crime, perpetrators position themselves in different ways depending on the situation and the perspective of the perpetrator. First, I will discuss examples of subjugating.

5.3.1 *Direct subjugation*

In some cases, perpetrators sought to dominate targeted people, specifically in conflict situations. I have found several examples of direct subjugation related to disputes

involving vehicles (particularly Motability³⁹ vehicles), and access to disabled parking. One disabled man was threatened when he asked the perpetrator to move from a disabled parking space at a supermarket. The police report states:

(victim) was driving his own car into the car park area of (supermarket) and wished to use the disabled car parking space which was blocked by the offending driver. (Victim) asked (perpetrator) to move to allow him access and the male became verbally abusive using the term 'fuck off' and 'go fuck yourself' and refused to move...making threats to damage his car (case 6)

This incident happened in public, and the offender was a known and dangerous criminal. As previously mentioned in chapter four, disabled people have suggested that being required to move from disabled spaces was a key trigger for disablist incidents on public transport (Wilkins, 2022, p. 144). We can interpret this event as the perpetrator intimidating the targeted person to socially control him and the situation.

Acts of subjugation are also seen in structural intimidation against disabled people. In one case a disabled woman had her car vandalised with disablist graffiti written on it. When the police tried to investigate, they recorded:

gone to speak to neighbours about it. When she went to one, the occupant started swearing and said he would "fucking twat her", he also said you should stop parking in front of our garage (case 20)

These incidents occur in public areas, on the street, or in the local neighbourhood. However, some extend into people's homes, which can be considered a private arena. Social housing units are often small, and people live near each other. In one such block of flats, a disabled man coughed loudly as part of his condition, and a direct result of the

³⁹ Motability is a car hire purchase scheme available to disabled people

impairment⁴⁰ he lived with. The perpetrator, his (presumed) neighbour, wrote a letter to the man stating he had:

two weeks to seek medical help....shut up your spastic noises (case 14)

The targeted person knew of no other reason he had been sent this letter other than the noise he made, as an attempt to silence him.

There are similar types of incidents described in the hate crime literature, where the conflict situation aggravates the perpetrator, and he/she uses hate crime to control the situation (Iganski et al., 2005; Philips, 2009). These are examples of “micro-aggressions”, which reflect the everyday nature of hate crime (Iganski, 2008, p.36). Iganski suggests that most people harbour prejudicial views about people of different racial, and religious, backgrounds. Hate crimes are those committed when offenders act on this latent prejudice, often when in a situation of challenge or conflict. They react by using hate filled discourse and behaviour. Iganski argues there is often a trigger event in which the latent prejudice is activated. However, the research for this thesis suggests that in disablist hate crimes, there is often a more targeted, than retaliatory, approach. This targeting is often within the context of a relationship between perpetrator and disabled person, which the perpetrator uses to intimidate and exploit as we shall see. Macdonald et al. (2021, p. 18) posited the concept of “hate relationships”. These, they suggest are different to mate crimes, in that relationships were not developed in order to exploit individuals but were the product of regular interaction between close proximity as neighbours, where the sole purpose was harassment. The cases analysed for this research suggest these relationships can be seen in some incidents, especially those categorised as intimidation.

⁴⁰ Use of the term impairment is purposeful, and the rationale discussed in more depth in chapters 1 and 3. it is used in this thesis as a value free term which denotes physical or other difficulties which the disabled person may experience., for example, excessive phlegm production, poor muscle tone, difficulty swallowing.

5.3.2 Manipulating relationships

In almost half the cases analysed, the perpetrator was in some form of relationship with the targeted person. This is an important feature of disablist hate crime which is different to other forms of hate crime. Perpetrators seek to control targeted people within these relationships using physical violence, and techniques of coercion and manipulation. Some relationships are created or developed by perpetrators exploiting a casual knowing. Where a relationship is superficial, the perpetrator takes deliberate action by grooming, gaslighting, and isolating the targeted person. By grooming the targeted person, the perpetrator thus positions him/herself to take control. The process of grooming may take days, weeks, months, or years. The grooming process is one of deception. To gain trust, the perpetrator may tell a story to the victim, of being vulnerable, and of needing help. In one such case the victim met the perpetrator at a friend's house and was groomed almost immediately. This case was discussed earlier in chapter four (see Box 17 above) but is expanded here to show how difficult recognising the processes of increasing manipulation can be for the targeted person. The targeted person only became aware of the level of grooming and gaslighting with hindsight. This process of realisation can be seen in the way the victim talks about the relationship during the police interview. Initially the victim described inviting the offender into his property:

Told me he had nowhere to live and was struggling to find places to stay after recently being released from prison. I told him he could stay with me for couple of nights (case 87)

However, as the interview progressed his perception of what happened changed, a realisation that can be observed in the police interview transcript where it seems the victim recognises that he has been manipulated:

... after a few weeks when he forced entry to my address (case 87)

His description of events changes following this realisation. The change of tone of language from “told him he could stay” (in the first quote) to “forced entry to my

address” (in the second) reflects how the targeted person made new sense of what had happened to him.

Another technique used by perpetrators was gaslighting. This became apparent in one case where the perpetrator described to the police his tenuous relationship with the disabled person. The police record notes the perpetrator had:

Admitted going to address, knows occupant, he had gone there to see if he had any weed, he was allowed in by (victim). Had a smoke and a drink of water before leaving. As he left formed intention to steal jacket hoping there was money or wallet in it. Stated he did this to feed his drug habit which he described as being bad. He stated he does know the male and has been in address around three times before, denies entering as a trespasser stating he was allowed in by victim (case 51)

The targeted person described the perpetrator as an acquaintance, someone he knew in a limited capacity. However, the perpetrator tried to exploit his casual knowing of the targeted person. He was keen to have the relationship acknowledged as such by the police as this would mean he would be guilty of the lesser charge of theft rather than burglary, but in so doing shows us this process of grooming and gaslighting. We can also see how the layers of vulnerability model described in chapter four could apply here. The perpetrator was aware through this relationship of the (structural) vulnerability of the victim living in social housing with minimal support from services: their (situational) vulnerability of having assets such as money to be easily taken; and the (individual) physical weakness and frailty of the individual.

Carers and family members also use their relationships to exploit disabled people. Safeguarding practitioners recognised that carers and family members had both access to a targeted person’s home, and knowledge of their vulnerability to being targeted. Where the perpetrator and targeted person were within the same family, the situation can be complex. Although there is an existing relationship, there is still evidence of grooming and gaslighting. In some of these cases, the perpetrator exploited a relative

with a frequent incremental pattern of abuse being evident. One safeguarding practitioner described such a case:

[perpetrator] had put a lot of pressure on [victim] to...lend [perpetrator] some money which [victim] had done as a one off...then a second time came and [perpetrator] said 'would you lend me an amount and I'll give it back', and [victim] said 'okay as long as you give it me back, I will agree to give you some money'...and after that it's just sort of escalated to the point where [perpetrator] is no longer asking [victim's] permission to borrow money, [perpetrator] had control of [victim's] bank card ... (case 60)

This could lead to a situation where the perpetrator stopped asking for things but started taking without 'permission'. In one case the victim had told a safeguarding practitioner how:

sometimes [perpetrator] would blatantly ask for money. Other times it would be... 'well I know for a fact I had fifty pound in my purse, and it's gone'... (case 64)

This perpetrator had also groomed her disabled sister (the targeted person) when she found out that she had previously been victimised by a carer. The sister (perpetrator) had been involved in the safeguarding investigation as a close relative, supposedly as a protective factor.

Perpetrators also seek to isolate disabled people. These are disabled people with networks of friends, close family ties, and regular carers around them. In these cases, the perpetrator worked to diminish these relationships. One case discussed by a safeguarding practitioner illustrated how a group of perpetrators manipulated the targeted person, persuading her to end those protective relationships:

She was engaged...and she's completely ended everything, and she's been with him for years...And they'd been engaged for a while. She was planning her wedding...it's just...I just don't know what happened... she's not got any commissioned services...because she did have...six hours of support a week...and somebody would come in and take her shopping... and she was supported to do

a bit of cleaning, and you know just little bits and bobs? And she just ended it, she terminated it all...(case 94)

The targeted person was isolated to the point that her only friends were the perpetrators who she felt kept her from loneliness. The perpetrators created a dependency which was not present before. This process took several years, and was seen in other cases of extensive control, including those of Joseph O'Hanlon (case 90) and Raymond Atherton (case 91) described earlier, and discussed again later in chapter six. The control exerted was difficult to identify and extended beyond the home. The safeguarding practitioner in this case tried to check out the exact nature of the relationship one evening at a social club:

so I just turned up, she was there, sat near the door...I tapped her on the shoulder and said 'can I have a quick chat with you?' Anyway I took her outside, just out of the room because it was loud, so she could hear me, and this lady followed me. And I thought 'Hmm...I says 'come on we'll go and sit in my car' I said, 'because this is private, and I don't want anyone to be listening to our conversation'...and this person then followed us outside. But when they noticed we'd got in the car, she walked back in...it's such a difficult situation...it was one of them you just can't do anything with...even though you want to... (case 94)

As discussed in chapter three, the use of relationships in disablist hate crime has been conceptualised as mate crime. The original working definition proposed by Landman, (2014, p.364) suggested that mate crime involves perpetrators making friends with a person with learning disabilities, then going on to exploit or abuse them. His definition specifically excludes perpetrators who are in other sorts of relationships with targeted people, family members, partners, or professionals (2014, p.364). However, many cases analysed in my research involved family members, carers, and partners, as perpetrators. Thomas (2011) posited a different definition of mate crime following analysis of evidence from the Disability Now hate crime dossier of fifty-three cases of disablist hate crime against both physically disabled people (thirty-one cases) and those with learning disabilities (fifteen cases), along with newspaper reports of hate crimes. From this research she suggests that these crimes are not only carried out by pretend friends, but

by family members and carers. Thomas suggests the term mate crime be used to differentiate between those acts of disablist hate crime which are perpetrated by *outsiders*- with no relationship with their victims; and those of *insiders* -with whom there is a relationship and often “shared domesticity” (2011, p.108). In this way, she suggests, mate crime shares features with domestic violence. Thomas identifies the use of control within these mate crimes; however, she also suggests the desire for friendship of victims is a key feature (2011, p.110). This was not evident in all the cases analysed for this thesis.

The term has proven to be a useful concept for many disabled people and those working with them, particularly those working with people with learning disabilities (Landman, 2014, p.356; ARC, 2013, pp.1-3), because it has enabled wider understanding. Burch (2021, p. 92) argues that the term is useful for disabled people to articulate “their experiences of manipulation”. However, the term has met with resistance from campaigners, and disablist hate crime scholars. Previously, Gianassi suggested that until disablist hate crime is embedded within the hate crime discourse, using another term such as ‘mate crime’ may be unhelpful (Gianassi, 2013, p.3; College of Policing, 2012). Giannasi suggests that rather than offer clarity it may inadvertently cloud the issue for criminal justice agencies. He states, “I am not convinced that introducing another nebulous, non-legal term is the answer, at least for law enforcement agencies” (Giannasi, 2013, p.3).

Whilst Thomas posits a more comprehensive construction of mate crime, it may indeed be that the term itself is problematic. It does little to highlight the actions of the perpetrators, the grooming process which was seen in many cases in my research, including grooming by family and carers. I suggest here that rather than continue with this concept (of mate crime) we shift to recognising how perpetrators *use* relationships with targeted people, whether that be as friends, acquaintances, family, or (as we shall see) carers. Within this process, the perpetrator constructs the disabled person to be vulnerable prey and then sets out to target them. Shifting our focus in this way illuminates the strategic actions of perpetrators to manipulate and coerce. Highlighting how perpetrators use grooming, gaslighting, and isolating techniques offers a potential

solution to concerns raised by Roulstone et al. (2011, p.361) of victim blaming and situating vulnerability within the disabled person, focusing instead on this active targeting process.

These grooming techniques highlight the use of power. We can see how perpetrators exploit existing relationships or develop new ones which enables them to manoeuvre into a position where they can intimidate and exploit the disabled person. However, there are some relationships which already exist between perpetrator and targeted person in which there is legitimate power by nature of the relationship, that can be used by the perpetrator.

5.3.3 Exploiting caring relationships

Caring relationships are one such type of relationship. In one case, a nurse was responsible for patients in recovery after an operation, temporarily made more vulnerable to targeting by the effects of analgesia. However, the perpetrator used his power in this role to test the situational vulnerability of several patients. The victim gave a witness statement to police in which she recalled:

...I remember him being quite chatty and asked 'if my dear husband will pick me up?'. When I told him I was a widow he immediately began talking to me however he had not done this before... (case 84)

The targeted person was a widow, an elderly disabled woman with existing mobility issues who was also temporarily unable to move due to the analgesia. Once the vulnerability and isolation of the targeted person was established, the perpetrator further exploited their power in the situation by creating further opportunities to sexually assault the individual. The victim went on to say:

During one of the conversations, he asked me if he could visit me at home to which I said 'yes'... I have then wrote my landline number on a paper napkin...and he put it in his pocket (case 84)

Although the perpetrator here has legitimate power, this was time limited. He can be seen here to be using grooming techniques to increase his reach and gain access to her

in her own home once she left his ward area. The victim felt betrayed by his actions when she was in a vulnerable state. She told police:

the incident was very disturbing to me. I am already a vulnerable adult and with attending hospital with an injury, this made me more vulnerable as I couldn't get away from the situation. I have to trust people who come to visit me and now I have lost that trust. This incident made me feel disgusting. It was unwanted contact and I felt that this man abused his position of trust (case 84)

In another case described by a safeguarding practitioner, the perpetrator was found to have fabricated their qualifications in order to gain access to disabled people before sexually assaulting them. The practitioner described the background of the perpetrator:

Well [perpetrator] wasn't qualified, it turns out...That was the other bit, wasn't a [profession]. [Perpetrator] did have (pause)... had some erm low level kind of access course...something...you know. I'm not sure what it was but [perpetrator] had something vaguely related to [profession], erm but [perpetrator] then started practising as a [professional], yeah (pause) (case 83)

What is evident in the cases analysed here is that carers and family members take control of disabled people using similar techniques of grooming and gaslighting and these are often not identified as such by external people, sometimes by the disabled person themselves. The context of the incidents here seems to play a large part in how they are interpreted. These cases are discussed by safeguarding practitioners and the police using the language of abuse and as a result they do not define it as disablist hate crime.

In some cases, care delivery was within a care facility rather than the person's own home. This could be a care home, assessment and treatment centre, hospital setting, or an in-patient unit. These many, and varied, types of care setting have some features in common. They are places where disabled people are congregated, and where they receive care. Some of these care facilities have developed a collective practice of dehumanisation, rather one of care and compassion. This collective practice seems to give carers the same *sense of entitlement* to the property and money owned by disabled

people as family members discussed earlier. In these care situations, stealing from residents seemed to have been normalised by staff. One practitioner tried to make sense of this:

I feel like this particular person just thought it was normal and it was acceptable er...within...within the services erm...she didn't...she didn't think twice about it at all. And there was questions, we had questions-was she in trouble? Was...did she have a problem with gambling? Did she have a problem with other things? But you...we don't know...you know we were just...second guessing things (pause) (case 68)

It is often difficult to break this culture. When this carer was caught stealing, additional safeguards were put in place. However, this did little to deter her. One safeguarding practitioner felt this was evidence of the cultural normalisation of such actions, as can be seen in this quote:

she denied it...I think perpetrator did deny it. Yeah....worked in the service where the previous worker had got away with it, and [perpetrator] noticed, [perpetrator] could tell how much this worker had got away with it, it was kind of cultural, it was accept...not acceptable because [perpetrator] knew it wasn't acceptable but [perpetrator] knew maybe how easy it was ... (case 68)

The safeguarding practitioner suggests that the carer knew it was wrong to steal but was also aware of how easy it could be, showing disregard for the consequences of being caught.

When the culture of power and control is well established, the staff can be seen to operate in a task centred way. The people living within such facilities seem to be a hindrance, an obstacle to the efficiency of the staff and their ability to get the job done and done quickly. One perpetrator working in a care home regularly locked an elderly woman in her room overnight. The woman had dementia and often wandered around. Locking her in her bedroom enabled the staff team to complete all the tasks, without interruption. The safeguarding practitioner recalled how the perpetrator responded when questioned:

Completely denied everything and turned it around again on the resident and said (sighs) she was being difficult, erm she was being very demanding, it wasn't me it was her... (case 29)

This perpetrator felt that her actions were justified by the behaviour of the targeted person, expecting this lack of compassion and task centred approach to be accepted by the safeguarding practitioner as reasonable in the circumstances, showing little insight into their behaviour. The culture was reinforced by carers trying to cover up their actions when challenged. However, this culture generally went beyond individuals. It was structural. One safeguarding practitioner explained:

yeah it had become a little bit of a cultural... thing within the home erm I wouldn't say lacksadaisical [sic], it was a bit more laziness I think, a bit more complacency. I don't think staff were as on the ball... Maybe not an intentional thing, I want to hurt these people or I want them to experience any type of abuse or neglect...but I'd be quite happy to cut a few corners in order to...make us look better (case 41)

The perpetrator in such a culture focuses on getting the job done. The carers operating within such a culture do not recognise those they care for as fully human. The consequences of such neglectful practices can be severe. In one such case, care home staff did not change the dressings on a patient's infected foot as required in his care plan. A suspicious podiatrist signed his bandages when dressing the man's wound, but when he checked the dressing days later, he found his signed dressing still in place. The safeguarding practitioner recalled:

It was recorded they need to change this dressing in two days and we will review in a week and come back. When podiatry have come back out and reviewed, the dressing that was on a week before was still on...It was infected and it had significantly deteriorated and this gentleman has contracted M.R.S.A. Within the wound documentation within the care home had been falsified to say that dressings had been changed but podiatry knew that it hadn't because the podiatrist had signed and dated the dressing (case 37)

It was too late for this man. This neglect proved fatal, he developed a severe infection and died as a result. When the case was investigated, the staff were found to have deliberately falsified documents and lied about their actions, covering up other neglectful and abusive practices. The culture of dehumanising actions and control resulted in staff getting the job done without compassionately reviewing their processes and acknowledging the effects these may have on their patients. We shall now explore some of the strategies targeted people use to resist perpetrators.

5.4 Targeted people reacting

Some perpetrators engaged in further power struggles with the targeted person to keep control over them or the social situation. These power struggles were evident in public and private settings. At any point in the process the disabled person may come to recognise their situation. This may be during or after the incidents are happening. Here I will discuss the following reactions of victims: 1) The victim may try to escape the situation by pushing back, 2) seek help by reporting their situation to the police, social services, or another professional or advocacy service, or 3) they may endure the abuse, either because they value the relationship or are coerced into believing they have little choice.

5.4.1 *Pushing back*

In the case described above, the person tried to push back against the behaviour of the staff member unsuccessfully. However, on rare occasions the targeted person pushed back successfully. One disabled woman was sexually assaulted on the street close to her home by an acquaintance. The person was able to regain power by resisting the attack. When she was interviewed by the police, she described how she did this:

(perpetrator) put his hands up (gestures to top of clothing) and I felt skin, I thought, then I said (perpetrator) can you get off me? Go away please, (perpetrator) did stop and walked away (case 74)

The perpetrator stopped his attack, he was reported to the police and arrested. More usually however resistance made things worse. Another female disabled woman was targeted by a friend in a care facility. Initially the perpetrator began showing the young

woman his penis and masturbating in front of her. She did not challenge him at this point but left the area. However, he escalated his behaviour, following her to her room, pushing her onto the bed and trying to kiss her. When she tried to resist, the perpetrator became violent. The victim told police:

I pushed (perpetrator) off me and ran downstairs. He followed me down...he was telling me not to say anything and when I said I needed to go he grabbed hold of me round the shoulders pulling me off the ground. He then shouted at me and I screamed for (staff) managed to open the door...(victim) was able to leave the room...started to damage the kitchen, was totally uncontrollable (case 80)

This is the more usual pattern when the targeted person tries to stop the assaults and regain some control: things get worse, with the perpetrator moving from verbal abuse to using violence or increasing the level of violence being used.

Some perpetrators use threats rather than actual violence to gain social control. In an incident between neighbours, there was an ongoing power struggle over where the perpetrator parked his car. His elderly disabled neighbour tried to protect his parking space by using cones, which the perpetrator knocked over. The police record stated:

ongoing issues over parking...fumes getting into open kitchen window of (victim)... (Housing Association) have put cones down to deal with this.... (perpetrator) left address to walk his dog, resulting in dogs lead knocking over one of cones... (case 22)

The targeted person then challenged the perpetrator at which point, according to the police files:

a verbal argument then ensued due to (victim) believing (perpetrator) had done this on purpose. During the argument (perpetrator) calls (victim) a psycho and told him to get his head sorted (case 22)

The situation quickly escalated, and the police were called. This rapid escalation was seen in several cases when the targeted person tried to stop the incidents. In one of the

three cases which was identified by the police as disablist hate crime⁴¹, a group of young local youths repeatedly targeted a disabled man in his home, damaging his property. During a chance meeting on the street, one of the perpetrators began taunting the man. The targeted person in this case was physically smaller than the perpetrator, older, and with physical and learning disabilities. He would be unable to exert physical control over the perpetrator. He tried to retaliate, telling police that:

I said 'leave me alone'...I turned around and said 'is that all you can do? Go round people's houses throwing things at people?... (case 18)

The situation quickly escalated. The victim recalled how the perpetrator turned on him, and began to threaten and then use increasing levels of violence:

he says he's going to kill me, cut my head off, I'm a knobhead, I wanna fight you, come on fight me, go in this garden...he was throwing everything, broke trees, branches, a branch hit me... (case 18)

Both men were alone, the power struggle playing out between them in public but without an audience to amuse. This case was one of the few to be prosecuted as disablist hate crime, mostly due to the disablist terms used by the perpetrator, a theme we will return to in chapter 6.

5.4.2 Seeking help

Targeted people try to stop incidents by reporting them to the police, or to social housing providers where many of the incidents take place. But this also seems to make little difference to their behaviour. In another of the cases identified as disablist hate crime by the police, a woman was targeted repeatedly by a group of young people led by one main protagonist (case 19, see below). When the targeted person reported the perpetrator to the police, he was given an anti-social behaviour order which excluded him from being within a certain distance of her property. This had little effect and only

⁴¹ case 18, see Box 22 in chapter 6

made things worse. He continued to harass the disabled woman from the distance set by the limits of the anti-social behaviour order. The police log noted the victim had said:

he threatened to smash a plank of wood across her head if she stepped off her property (case 19)

By doing this he maintained his control over the situation. The targeting continued. In many cases enlisting the help of the police serves only to increase the violence. This is particularly evident in those cases of extensive control, where trying to assert agency has little effect, even when the police are called. In one such case, the perpetrators reacted angrily when they found out the police had been called. The victim told police:

they were very aggressive and seemed pissed off...asking questions about what I told the police, what names I gave to the police...I did tell them I gave (two of perpetrators) names, they stood in front of me when asking questions, very aggressive...this was very intimidating and I was scared they was going to hurt me...every time I sat down they told me to stand up. This lasted for about an hour (case 86)

According to the victim statement this served only to inflame the situation:

they refused to leave and became aggressive towards (victim). It was like an explosive aggression because they had found out that the police had been round...started shouting at him saying 'this is what grasses get...all four jumped on him...punching him, kicking him, and throwing themselves at him with force...as they left the house one of them had the nerve to apologise to me for beating (victim) saying 'but that's what happens to a grass (case 86)

The perpetrators carried out a sustained attack, escalating their control from threats to actual violence. They verbally abused, humiliated, hit, and burned the targeted person to regain their power and control.

5.4.3 Enduring

Not all targeted people are able to challenge their situation. Some perpetrators use methods of coercion to keep control, one of these is the threat of removing the

relationship. For some disabled people this threat could influence their decision whether to seek help. One elderly woman was being exploited by her sister, who was taking money from her and using her bank account for purchases. Although she was aware that she was being exploited, the possibility she may lose her relationship with her sister was too great a risk to the victim and she was reluctant to address this with her sister. The safeguarding practitioner recalled:

So she found that quite difficult, it did go to the police, and the police were making enquiries...this lady found it far too distressing and was so worried about the relationship breaking down between her and her sister. She's always been her main support, and probably only support network, that she felt actually I no longer want to (case 64)

Several practitioners discussed cases such as the one described above where it seemed that victims were aware of thefts but accepted this as the price to be paid for keeping hold of the relationship with the perpetrator.

One safeguarding practitioner told of her initial misunderstanding about a case involving an elderly woman being targeted by her grandson. Initially the practitioner thought the victim was fearful of her grandson who told her he was being targeted by drug dealers, which persuaded her to give him money. But the safeguarding practitioner described how as time went on, she realised that the victim was more afraid of the potential change in the relationship with her grandson:

[victim] health was...was getting worse by this stage, and [victim]...she said 'you know ... I would rather have my [perpetrator] take all of my money every day than me not have [perpetrator's] visits' [victim] said. 'But I also keep feeling like I need to please you all and do the right thing...I think you all think I'm stupid, and I'm not'... Erm...but yeah...victim] was kind of accepting of it at that point (case 57)

The fear of this loss meant an acceptance of the terms of this relationship by her. She continued to give him money, and recognised this decision was not one the safeguarding practitioners wanted for her. Another safeguarding practitioner explained this in terms of the targeted person *allowing* themselves to be exploited:

yeah, might...be...or even more...kind of...you know you get people that go banging on the door every Tuesday when they get their benefit and then you get the people that would befriend so they need...you do come across this where they've been befriended but then they give them the money but they don't want to lose their friend?...so they're more or less paying for that friendship, and that's very sad...Yeah or losing...losing...company. Losing somebody that...goes to see them...I mean if people were less isolated, they'd be less vulnerable. Because they wouldn't need that...(P4)

There are several examples where frustration at this perceived behaviour is evident, where safeguarding practitioners perhaps failed to recognise the true nature of such abusive toxic relationships and the level of coercive behaviour including grooming and gaslighting they entailed. The interpretation of the safeguarding practitioners will be further explored in the following chapter.

Burch (2021, p143) identified several public spaces in which disabled people felt unsafe and at risk of targeted harassment including community hubs, public transport, and 'drinksapes' (p.153). However, the analysis of the process of these disablist hate crimes suggests that two arenas of disablist hate crime are particularly pertinent: those seen in marginalised neighbourhoods, and care facilities. I will discuss these in the next section on perpetrator communities.

5.5 Perpetrator communities

The final aspect of the process of disablist hate crime to be considered in this chapter is what Sibbit (1997) refers to as perpetrator communities. In her discussion following her research into perpetrators of racist violence and harassment, Sibbitt suggested that there are communities where the views of the perpetrator were widely held, which "with their own entrenched problems of socio-economic deprivation and crime appear to 'spawn' violent perpetrators". This is captured within this chapter as marginalised neighbourhoods. Sibbitt also identifies that such perpetrator communities may offer "a critical, mutually supportive relationship between the individual and the wider

community” (1997, p.101). In this sense the second category of perpetrator community is conceptualised as the culture of control within care facilities.

5.5.1. *Marginalised neighbourhoods*

Marginalised neighbourhoods are those areas of high social and economic deprivation, often consisting of social or rented housing. There were several of these marginalised neighbourhoods within Salford, in Greater Manchester, the initial focus area for the study. These neighbourhoods were the scene of several cases of disablist hate crime, where disabled people were intimidated, exploited and subject to extensive control. These marginalised communities are commonly places where disabled people live. In the following chapter we will learn more about the campaign of intimidation towards Bijan Ebrahimi, which will shed some light on how the culture within these communities exacerbates the lived experiences of disablist hate crime within them. Here I will describe as an example of the impact of such perpetrator communities, the tragic case of David Askew (see box 20 below). It is important to acknowledge the people and families that are subject to this targeting.

Box 20: David Askew

Box 20: Case 73	Structural exploitation
Victim	David Askew (aged 64 years), mother aged 88 years, brother aged 67 years. David and his brother had learning disabilities. David had speech problems, and underlying health conditions. He would bite his hand when he became frustrated
Offender	Local youths. 26 offenders, mostly male, one aged 5 years.
Relationship	Local youths, neighbours’ children
Duration	1971-March 2010
Location	On street outside own home, in local shopping centre
Acts	Series of incidents described as anti-social behaviour: youths congregated outside David’s house on low wall, threw tomatoes, eggs and stones at windows. Asked David and his mother for money and cigarettes. Assaulted David, simulated sex with David, followed to local shops

David was a disabled man living in Manchester. He and his brother and elderly, frail mother, were targeted for almost forty years. The incidents began when the family

moved into social housing in Hattersley, Manchester, in 1971, and continued until his death in March 2010. Over these years he was taunted, chased, punched, and made fun of by local youths. Although David may have described some of the perpetrators involved in his harassment as 'friends', they were a mostly a fluid group of local youths, neighbours' children, and their friends. As they grew up, younger youths took their places, some had parents who had taunted David when they were children. David was asked for cigarettes and money in exchange for his safety and peace from the targeting.

Between January 2007 and March 2010 over ninety incidents were recorded of burglary, harassment, and anti-social behaviour at David's home, and tormenting, theft, and assault when he was out in his local community. On the day David died, there were a series of incidents where the police are called. Whilst some of the incidents may seem minor, they lasted several hours and had taken place many times over the years. Later in the day, youths gathered at David's house, and scattered papers from his blue recycling bin onto the garden. David went outside to pick up the papers, and his brother found him a short while later lying on the grass with his hand to his chest. The coroner recorded a verdict of death by natural causes from a combination of a heart attack and a small cancerous tumour between his oesophagus and stomach. It is difficult to ignore the likely effect the daily targeting must have had upon his quality of life and untimely death.

Disabled people remain largely segregated from what we would think of as ordinary or mainstream society. As we saw in the introduction, disabled people have been seen through different times in history as different, dangerous, stereotypes of menace, object of pity, object of ridicule, deviant, and contagious (Jarrett, 2020; Wolfensberger, 1998). Although Wolfensberger was writing forty years ago, these roles were revisited in a case study analysis (Mathews, 2017, p.1352). Unfortunately, Mathews found they remain relevant in UK society. This process of distancing often starts with disabled children being sent to non-mainstream schools, and special educational colleges, often resulting in exclusion from valued work. Thus, few disabled people have access to what Wolfensberger (1998) termed "the good things in life". This segregation can result in the disabled person having few social and economic resources. As a result, disabled people

often live either on benefits or on low incomes. This means that many disabled people cannot afford to buy their own homes but instead live in social housing or rented accommodation usually restricted by housing benefit limits. This housing is usually in areas of high social and economic deprivation such as Salford. Almost a third (twenty-nine per cent) of people in Salford live in social housing (Salford City Council, 2019). Many of these will be disabled people who are less able to afford to buy their own homes and are more likely to be placed within local authority accommodation (Emerson and Hatton, 2016).

In short, as we have seen in chapter one, Salford is an area which scores highly on social and economic deprivation scales, with a history of loss of industrialisation, high unemployment, high crime rates, with many citizens living in rented or social housing (Office for National Statistics, 2021). Salford has a higher-than-average population of disabled people with twenty-one per cent of people in being disabled compared with an average of eighteen per cent in England (Salford City Council, 2017a, p.11). Importantly its citizens experience high levels of *relative inequality* both within Salford, within Greater Manchester, and beyond. Many of the cases analysed were situated within areas of similar high social and economic deprivation, such as area of Hattersley where David Askew lived. In this study, most of the disablist hate crime perpetrators are deemed to belong to the working class, with a small minority being middle class. However, as Zweig (2004) indicates “working class” is a nebulous term with the defining characteristic currently considered to be those with children eligible for free school meals. Indeed, many perpetrators were not in legal or regulated employment. In her research, Sibbitt (1997, p 101) suggested that within such a perpetrator community, in a similar area of deprivation, many offenders were “already heavily engaged in crime and/or violent behaviour and other anti-social behaviour”. This was certainly the case for the perpetrators of the three cases which were conceptualised as disablist hate crime by the police, for those involved in anti-social behaviour and intimidation, and for those responsible for many of the extensive control cases.

5.5.2. Abusive care settings

The second perpetrator community was found within some care facilities. Within such facilities there exists a culture of control with cruel and sadistic behaviour towards disabled people by staff. In the police case below (case 38) the carer displays their power by controlling the routine and pattern of the shift. The routine and pattern of the shift were important as those living in the facility were autistic, relying on routine to feel safe and secure. When the staff member changed this pattern and failed to follow the set routine, the person living in the home became upset. In her frustration, the young autistic disabled woman nipped the staff member, who then reacted violently. The victim reported to police in her statement:

She kicked me in my tummy to stop me getting her...same legs for all kicks...she kicked me in my stomach, she didn't say sorry... She kicked me 3 or 4 times very hard...she said 'you stupid cow, you shouldn't have nipped me' (case 38)

The manager of the facility had noticed the power which the perpetrator seemed to hold over the targeted person. In her statement she stated:

I have concerns she seems very controlling of (victim). You have to be firm with (victim) but (perpetrator) is sometimes a bit too firm. This was addressed in a team meeting... (case 38)

However, this was too little too late. This case also highlights how some targeted people try to resist disablist hate crime, in this case by hurting the staff member.

This is a long-standing problem as we saw in chapter one dating back to the eighteenth century (Sobsey, 1994, p.94). Despite the changing functions of such institutions, abusive practices persist. Such institutions have been described as “total institutions”, places in which people are separated from the outside world and share the same spaces to eat, sleep, and live (Goffman, 1961, p.17). Goffman carried out empirical work including ethnographic studies of institutions to draw his conclusions. He suggests there are five types of total institutions, three of which apply to the study of disablist hate crime: those which are primarily caring places for those deemed unable to live independently in their community who need to be in a place of safety; those who may

pose a threat to society which is not deliberate such as having an infectious disease; and those who are deemed dangerous⁴² (1961, p.16). Within total institutions Goffman argued, people experience a process of “mortification” where the individual loses their sense of self and become “the inmate” (1961, p.24). This is both a cause of, and a result of, degrading treatment, such as being ridiculed and humiliated. There is a separation within the institution between the inmate and staff, which involves separation of socialisation and power, and invisible boundaries between the two groups are enforced. These distinctions between staff and boundaries (suggested by Goffman), are sites where power struggles are enacted. Stereotypes of each different group (staff and inmate), suggests Goffman (1961), are explicitly believed, and reinforced within the institution because of its properties: the power imbalance, and the lack of scrutiny from the outside world.

Despite the move to community care described in chapter one, care continues to be delivered within institutions, and thus as this thesis unfortunately shows, the abuse within care facilities continues. The Panorama investigation into Winterbourne View⁴³ in 2011 resulted in several care staff being prosecuted. However, in recent years more have come to light. A series of incidents of abuse were revealed at Whorlton Hall in County Durham, and it was closed in 2020. One care agency in Kent had nine homes inspected in March 2021, six were found to be inadequate, the other three requiring improvement (Sommerlad, 2021). Whilst writing up this thesis a story broke in the Times newspaper of a young autistic man being held under Section three of the Mental Health Act (1983), in Cheadle Hospital in Cheshire (Collins, 2022). The man is kept in a locked apartment, he lives entirely alone, monitored by CCTV, fed by passing trays through a hatch. He has visits from family through a window, and has his phone, PlayStation, and DVDs for entertainment. He is on medication including Vitamin D due to the lack of sunlight he gets. His apartment is a converted file store in the basement of this private

⁴² the others being those where people retreat to in order to be isolated with a common purpose; and those where people are incarcerated as punishment.

⁴³ this case is discussed in more detail in chapter six (see Box 25)

hospital facility. His care costs almost £5000 per week. He is being totally dehumanised and institutionalised, both by the care system which led to his incarceration, and the treatment he receives in there. The culture of power and control generally extends to the staff working within these settings. Some comply, some try to raise the alarm, others seem ignorant to the situation, further evidence that the people living there are no longer human in their eyes.

Sobsey, writing in 1994, highlighted the dangers of the abuse of power by carers within institutions. He suggests four characteristics of what he termed institutional abuse⁴⁴; there is a power differential between staff and people using the service, they are group rather than individual incidents in that there is more than one perpetrator and more than one victim, there is usually some form of secrecy within the care facility, and that there are environmental factors which make the abuse likely with power residing with staff, restrictions on resources, and being separated from the outside world and its influence. These factors he suggested are patterns seen across all situations to a greater or lesser extent (1994, pp.90-93), there exists within them an “abusive subculture” (1994, p.107). We can see this type of setting as another of Sibbitt’s (1997) perpetrator communities, specific only to disablist hate crime. It is important to note that although there are problems in cases where there is a culture of power and control, these cases are not always within large scale total institutions. Sobsey (1994, p.90) suggested that smaller care settings could also be places of abuse, which was borne out in the research for this thesis, with some cases of disablist hate crime occurring in smaller care settings.

5.6 Conclusion to chapter

The perpetrators of disablist hate crime, as we saw in the previous chapter, are different for different types of acts. We have seen in this chapter how these perpetrators target disabled people and use relationships to intimidate, exploit, and take extensive control. This chapter has analysed the processes involved in disablist hate crime. These othering

⁴⁴ Sobsey (1994, p.90) defined Institutional Abuse as *neglectful, psychological, physical, or sexual abuse in the managed institutional care of human beings*. However, the term *institutional abuse* more recently has come to mean structural abuse within organisations such as institutional ableism or racism.

processes are dynamic rather than static, where perpetrators first define victims as different, vulnerable prey and a target for exploitation and brutalisation. Second, they target them in different ways: such as direct subjugation and manipulating relationships by grooming and gaslighting and isolating, and by exploiting caring relationships.

The perpetrator profile described in chapter four, suggested that different types of disablist hate crimes were carried out by different types of perpetrators. This chapter has discussed not only these different types of perpetrators, including those who are perceived as friends, carers, and family members, but the different social contexts of abuse. Perpetrators target disabled people using relationships, a feature not seen in most other forms of hate crime. The relationships are unequal, involving the abuse of power by perpetrators, some have legitimate power by nature of an existing relationship, others take power by creating and developing an abusive relationship. Perpetrators have been seen to use not only violence and threats but also coercive techniques including grooming, gaslighting, and isolating.

Theoretical explanations of power have been considered. This approach has been developed in a layers of vulnerability model which expands on Brofenbrenner's (1994) ecological model to illustrate how disablist hate crime can be explained in a way which acknowledges this influence. Using this layers of vulnerability model, we can interpret the situated context of disablist hate crime through the perpetrator's understanding of disabled people in our Westernised society as one in which they are devalued and cast into what Wolfersberger conceptualised as deviant roles. We can see how Iganski's (2008, p.23) notion of the everyday nature of hate crime has impetus and explanatory power. The arenas of disablist hate crime referred to in Sibbitt's (1997) research as perpetrator communities are conceptualised here as marginalised neighbourhoods and care facilities with a culture of control. In these arenas the perpetrator has the power to take control, to intimidate and exploit. It is evident that some disabled people try to use their limited agency to resist disablist hate crime, engaging in power struggles with perpetrators. It is also evident from this analysis that further exploration of the ways disabled people push back will be useful. One way is to seek help, this is usually from agents of social justice, including the police and safeguarding practitioners. The next

chapter considers how these agents of social justice construct disablist hate crime and respond to it. We will see that in many cases they will not define abusive and criminal acts in which disabled people are targeted as disablist hate crime.

Chapter 6: The social construction of disablist hate crime

6.1 Introduction

As we saw in chapters one and three, hate crime can be thought of as socially constructed. This chapter focuses on how this construction happens, the meaning making process of disablist hate crime. This process involves other actors beyond the perpetrators and targeted person. The police play a major role in the construction of disablist hate crime, and their perspective is therefore the focus of this chapter. However, there are other actors involved and their role will also be discussed. These include safeguarding practitioners, who are employed usually by the local authority or NHS Trusts, with responsibility for safeguarding adults (under the Care Act 2014) and for referring potential crimes to the police; providers of social housing who take responsibility for anti-social behaviour of their tenants within their rental properties; health and social care professionals, and advocates who may refer people to the police or local authority; family members; and ordinary members of the local community. This wider focus has not been done within disablist hate crime. I conclude the chapter by discussing which elements play a crucial role in the social construction of disablist hate crime by those not directly involved in the acts of hate crime, which leads to it being defined as such.

The data analysis suggested that constructing disablist hate crime is a difficult process, because there are different competing interpretations of events possible. To understand how disablist hate crime could be interpreted differently, we first revisit how disablist hate crime is defined. The chapter then moves on to discuss what the process of constructing disablist hate crime should be, to identify what *should* happen. The three cases from the police data which were constructed by the police as disablist hate crimes (cases 13, 18 and 19) are used to show how this was done in practice, and to try to understand what features of these crimes facilitated this construction. In all these cases, the targeted person was easily identifiable as being disabled. Christie's concept of the ideal victim is used to analyse other salient features of these cases. Christie's typology (1986) suggests the "ideal victim" is "physically smaller and weaker" than the perpetrator: they could be older people, children, women, or physically weaker males.

Secondly, the perpetrator is seen as being “big and bad” (Christie, 1986, p.18). Further criteria suggested by Christie (1986) is that the victim should be occupied in a worthwhile pursuit, that is be considered blameless, and not inviting the incident by provoking the perpetrator, and that the victim is not in a close relationship with the perpetrator fitting the dominant perspective within the hate crime field that hate crimes are often excessively violent, perpetrated by strangers, in an unprovoked attack. This perspective is further considered in this chapter in terms of its relevance to how disablist hate crime is identified and constructed in the field.

The discussion then moves to cases which were *not* identified as disablist hate crimes, but where alternative interpretations were made. The framework developed by Christie (1986) of the ideal victim is again used to explore this relevance. Whilst this framework was used by Mason-Bish (2018) to consider the usefulness of creating ideal victims in hate crime policy, it is used here to consider the meaning making process in practice. The central tenet of Christie’s typology was that the various actors may treat victims more favourably when they are considered an ideal victim. The data analysed here shows that aspects of Christie’s typology can be seen to apply to the decision-making process of the police and other actors in their alternative constructions of these incidents as other than disablist hate crime. Three further cases which were not constructed as disablist hate crime are explored in detail showing how criteria from Christie’s (1986) ideal victim may apply and to illustrate the different interpretations made by the police and other actors. These alternative interpretations I have categorised as follows: 1) not our job: neighbour disputes, anti-social behaviour, and trouble with youths; 2) inside jobs: domestic/familial abuse and domestic violence; and 3) the difficult targeted person: the less-than-ideal victim. The chapter shows that constructing disablist hate crime is a complex process subject to the individual differences in interpreting incidents and the meaning making process.

6.2 Defining disablist hate crime (how it should go)

Before considering the construction of disablist hate crime in practice, it is important to review what should happen, what are the different steps/actions in the meaning making process? We saw in chapter one that although the term hate crime is often used to

describe both hate incidents and hate crimes, there are legal differences between the two. Hate crimes are criminal offences where there is evidence that the crime:

was motivated, wholly, or partially, by hostility, or the suspect demonstrated such hostility immediately before, during or after the crime was committed (College of Policing, 2021).

In contrast, there is no requirement for an offence to be proven for it to be recorded as a hate incident. A hate incident is defined as:

any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate (College of Policing, 2021)

Police forces are required to monitor those crimes and incidents which are perceived to be hate motivated in five monitored strands⁴⁵. These monitored incidents are recorded on the police force communications and management systems. This data is evaluated by chief police officers to make sure their force response is effective against these events. When a crime or incident is flagged as a hate crime, a marker is put on the case which remains there regardless of whether the case is prosecuted. These five monitored strands are common to all police forces, but individual forces can choose to monitor other forms of hate crimes against other groups with targeted characteristics (Law Commission, 2021, p.231). For example, some police forces monitor hate crimes against people identifying as Goths following the hate motivated murder of Sophie Lancaster and assault of her boyfriend in Bacup, Lancashire. A new code of practice is expected from the Home Office in late 2022 following complaints regarding freedom of speech on social media and the recording of hate incidents.

As we have seen, there is currently disparity in the legislative power to prosecute offences for the five monitored strands, leading to a hierarchy of hate crime victims (Mason-Bish, 2012, p.19). For racially and religiously aggravated hate crimes there are

⁴⁵ Currently race, religion, sexual orientation, transgender identity, disability (Law Commission, 2021, p.231)

provisions in law under the Crime and Disorder Act⁴⁶ 1998 for the following acts: wounding/grievous bodily harm, actual bodily harm, common assault, damage, fear or provocation of violence, harassment and stalking, harassment and stalking involving fear of violence or serious alarm or distress. The amount that the sentence is increased depends on several factors including the intention of the perpetrator, whether the aggravation was incidental, and the impact upon the victim or others. To consider an incident as having high levels of aggravation, the incident would: have happened in the person's home, be repeated or prolonged victimisation of the victim, involve repeat actions by the perpetrator on different victims, or have impacted not only the victim but their wider community. We can see that many of the cases described in chapters four and five involved these different forms of high levels of aggravation.

There are also separate provisions under the Public Order Act 1986 for both incitement to racial or religious hatred, and under the Football Offences Act⁴⁷ 1991 for engaging in indecent/racist chanting at a football match. There are no substantive offences in English law for either disablist, homophobic, bi-phobic, or transphobic hate crime, however the separate offence of stirring up hatred on the grounds of sexual orientation was added to the revised Public Order Act 1986, (amended in 2010). We also saw that under current Law Commission (2021) recommendations aggravated offences should be extended to include all protected characteristics including disability (2021, p.539).

To recap, currently, if a substantive offence can be proven to be motivated by hostility or prejudice towards a person because of their disability then the court may add a sentence uplift under the Sentencing Act (2020)⁴⁸ where the court considers that an offence was aggravated by hostility towards a person related to their disability if:

⁴⁶ amended by the Anti-terrorism, Crime and Security Act 2001 and Part 11 of Schedule 9 Protection of Freedoms Act 2012

⁴⁷ amended by the Football (Offences and Disorder Act) 1999

⁴⁸ previous provision existed under S146 of the Criminal Justice Act, 2003

a) 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 - a disability (or presumed disability) of the victim

or

b) the offence was motivated (wholly or partly) by hostility towards persons who have a disability or perceived disability

Where “disability” means any physical or mental impairment (Gov.uk, 2021)

This section of the new sentencing code (s.66, Part 4, chapter 3):

applies where a court is considering the seriousness of an offence which is aggravated by hostility related to disability; ...the court must treat the hostility as an aggravating factor and must state in open court that the offence is so aggravated. (Gov.uk 2021)

Prosecuting disablist hate crime using this sentence uplift under its previous construction as s146 of Criminal Justice Act 1998, has not been without its difficulties. One is in the way the definitions used in the provisions are interpreted in practice. According to the College of Policing, the Crown Prosecution Service guidance for prosecutors acknowledges the lack of a legal definition of hostility and suggests:

the ordinary dictionary definitions, which include ill-will, ill-feeling, spite, contempt, prejudice, unfriendliness, antagonism, resentment, and dislike be considered... acknowledging that the term ‘hate’ implies a high degree of animosity (College of Policing, 2021)

The role of the police and their major responsibilities are positioned within the Statement of Common Purpose as:

The purpose of the police service is to uphold the law fairly and firmly; to prevent crime; to pursue and bring to justice those who break the law; to keep the Queen’s peace; to protect, help and reassure the community; and to be seen to do this with integrity, common sense, and sound judgement. (Police Federation and Policy Studies Institute, 1996: vii)

Thus, their priorities should be not only to uphold the law, but to be seen to do this, and to do it justly. How does this translate into operational practice? Primarily the police combine: 1) preventative work: beat work and patrols, community engagement, and education; 2) investigative work: ongoing cases requiring gathering witness statements, identifying suspects, collecting evidence, and compiling prosecution cases; and 3) reactive work: dealing with incoming calls, live events, and patrols monitoring public order.

For the police officer on the ground, there are several different demands on their time. They are allocated work by their shift manager, by call handlers/dispatchers, and by superior officers. This work can be affected by local priorities and initiatives, and emergency situations, for example, a large vehicle crash, terrorist threat or football match. The demand for police responses outweighs police resources. Thus, emergency responses are triaged to prioritise calls and most effectively allocate resources. In relation to these incidents disablist hate crime tends to have a low priority.

At each step of the process of police work, allocation of day-to-day shift work, or case investigation and processing; the police call handlers, police officers, supervising officers, and the Crown Prosecution Service, are interpreting the information they receive. To situate the events and make operational and prioritising decisions, these officers and staff must construct the incidents in a way that makes sense for them. Is this an emergency? Is there a threat to life? Do I need extra resources? Can this wait until tomorrow, or next week? This construction starts from the initial call or report and involves not only professionals responsible for identifying and dealing with disablist hate crime but also, as we shall see, the public, victims, their family and friends, the perpetrators, and the local community. The remainder of this chapter focuses on this meaning making process. In the next paragraph I describe how disablist hate crime should be constructed by the police. The remainder of the chapter will consider how this was done in the cases analysed. Only three constructed disablist hate crime cases were identified in the data collection (cases 13, 18, and 19) and these, along with the non-crime hate incidents, are discussed to identify which potential characteristics are useful in this construction.

6.2.1 Step 1. Recognising disablist hate crime: gaining information and making an interpretation

The initial stage in the process is the reporting of the incident. This is done either through the emergency 999 number, the non-emergency 101 number, reporting via the front desk of a police station, reporting to a third-party reporting centre⁴⁹, or by a third-party reporting system such as True Vision's website⁵⁰. Within most police forces, calls to 999 or 101 are taken by civilian staff. The initial call taker establishes whether the incident needs police, fire, ambulance, or coastguard (in coastal areas) response. The police call is then put through to the force communications department where the call takers assess the call based on national criteria to determine what level of priority, and thus urgency, the call warrants. Priority is established using the National Call Grading Process Map which has three grades of calls: grade 1 = immediate response (includes danger to life or violence, crime in progress; grade 2 = priority response in 1 hour (includes hate crime/extreme distress/ extremely vulnerable); grade 3= scheduled response. If there is an immediate threat to life, the incident is prioritised, and the call handler will instigate the Handling Threats to Life Policy with immediate referral to a senior officer (Detective Inspector).

Guidance does exist for police officers and call handlers if a hate crime is suspected. The National Hate Crime Strategy suggests that the crime be recorded on the *Guardian* system which triggers case supervision by a senior police officer, and a referral to Victim Support. If the disablist hate crime is reported through an on-line or third-party reporting centre, the incident is categorised as either a potential hate *crime* (necessitating a crime incident be opened and allocated to investigating officers), or a hate *incident* (non-crime where the incident is again allocated to an investigating officer). A hate incident can be reclassified as a hate crime if necessary if more

⁴⁹ third party reporting centres are non-police or local authority sites designated as alternative reporting centres for disablist hate crimes and incidents.

⁵⁰ True Vision is a police funded website where victims can report Hate Crimes without needing to visit a police station. For more information see: [Stop Homophobic, Transphobic, Racial, Religious & Disability Hate Crime - True Vision \(report-it.org.uk\)](https://report-it.org.uk)

information comes to light during the investigation. This was most likely after being reviewed by a senior officer or a member of the neighbourhood policing team⁵¹ as demonstrated in Crime 13 described in Box 23 below. These processes are the initial stages of the construction of disablist hate crime.

6.2.1.1 *Identifying disability and vulnerability*

Disablist hate crime as a social construct is defined by the actors involved. One of the fundamental steps in this construction of disablist hate crime is positioning the targeted person as *disabled*. When I approached Greater Manchester Police to collect data, I expected the force analyst to be able to isolate all cases involving disabled people. However, this was not possible. I found that recording whether a victim (or perpetrator) was disabled was not done as a matter of procedure. The most obvious way to establish whether a person is disabled is to ask the victim (or their representative/family member/carer) if they identify as a disabled person. This was not done in Greater Manchester Police at the time of data collection. What emerges is a picture of individual call handlers and police officers trying to make sense of the information they are given and record this on the system they have available. To do this they used *flags*. These are tags placed on the force information system which act as early warning markers for anyone involved in the case that there is previous intelligence related to either the victim, perpetrator, or location of incident. Whilst this was an early problem with access to useful data, it highlights a potential issue for the actors involved in constructing disablist hate crime: how do they do this without first knowing a targeted person is disabled?

As indicated in chapter two, it was necessary to have a series of meetings with one of the Greater Manchester Police force analysts to explore alternative ways of accessing useful cases to analyse within the databases. Whilst there was not a 'flag' for disability, there were two flags available to officers which may *indicate* a disability. The person

⁵¹ the Neighbourhood Policing Team typically includes an Inspector, Sergeant, Constable and several PCSOs with direct responsibility for a geographical location within the force

could be identified as being 'vulnerable'⁵² or as being 'intimidated'. When the vulnerable and/or intimidated flag was attached to the record, extra information was requested. Was the flag because the person either: "had a recognised disability; had mental health needs; was under 16; or had previous experiences of crime and violence" (such as being in a violent relationship).

When the case was tagged, a reason was requested. Some officers added comments to the log offering justification for adding a vulnerable or intimidated flag which gave some insight into the perceptions of the different call handlers, attending officers, or supervising officers of the victims. Some police officers seemed to equate disability with vulnerability, as can be seen in the following reasons given by police officers for adding the vulnerable flag to their records:

disabilities; due to aggrieved person's disability; due to aggrieved person suffering from learning difficulties; due to aggrieved person's disabilities; due to significant learning difficulties; due to suffering mental health problems and learning difficulties

In other cases, the officers gave detail of the person's specific medical condition, the equipment used by the person, or the person being in a care facility. Some of this type of reasoning for being identified as vulnerable included:

Depression; Mental; Asperger's; Autism; Attention Deficit Hyperactivity Disorder; Infirm; Mental Ward; Dementia; Alzheimer's; Blind; Deaf; wheelchair; amputee; Huntingdon's; Epilepsy; Bipolar; Cerebral Palsy; Schizophrenia; Phobia; Disease; disorder; states she has mental health; aggrieved person diagnosed with autism

However, a more nuanced approach was evident in a few cases where the officers had seemed to recognise the situational vulnerability of the individual because of their impairment and the impact it had on their life as in the following examples:

⁵² system markers for vulnerability include repeat victims and locations policy (2004) and the ASB Gold Strategy for vulnerability due to previous incidents or disability.

Aggrieved person suffers from various mental health problems and easily taken, confused and very poorly, due to being targeted and possibility of other offences, learning difficulties and lacks capacity. due to age, cannot read or write, feels being targeted and suffers with mental health

The second flag which could be useful when constructing disablist hate crime was whether the victim was intimidated. This gave officers the chance to identify repeat targeting which is a common feature of disablist targeting, and comments included:

Aggrieved person is a repeat victim, aggrieved person is victim of repeat crime

One comment attached indicated the possible power dynamic between victim and offender stating:

Aggrieved person is terrified of offender

When the victim was recognised as disabled and the vulnerable tag added, this changed how the incident was perceived, and dealt with. One incident shifted from being perceived as anti-social behaviour⁵³ to an incident requiring an immediate response. There was a different system for identifying whether an incident was a case of anti-social behaviour where the threat level was determined through a series of questions which aimed to establish vulnerability, one being whether the victim is disabled. This process seems more robust than that of constructing disablist hate crime and will be returned to later in this chapter.

The (ongoing) presence of perpetrators, was another factor which seemed to increase the likelihood of the victim getting a timely response from the police as in the following example:

please regrade as offenders may still be in area-allocate patrol as no longer suitable for delay-vulnerable person added (case 24)

⁵³ although there is an anti-social behaviour response protocol these types of incident seemed to be lower in the police priority-this will be discussed later in this chapter in more detail.

It is important to note here that this analysis is on data from Greater Manchester Police. It is also worth noting here that since the period of this initial data collection, Greater Manchester Police have introduced the Hate Crime Policy and Procedure (2017), which states:

whenever dealing with a disabled victim of crime, you must ask yourself: would this have happened to the victim if they were not disabled? Why is this not a disability hate crime?

Whilst this attempts to shift the focus of constructing disablist hate crime and bring it to the forefront of the police officer's mind, this still requires the police officer to establish that the person is disabled, as this is a crucial step in constructing an event as disablist hate crime.

6.2.2 Step 2. Gathering information

When the incident was created, and a crime log opened, an officer was assigned. Whether the incidents required an immediate response with an officer dispatched to the scene, or it was a less urgent incident in which the case was allocated for review, the officer should: investigate the report, identify whether a crime had been committed, gather evidence from witnesses, CCTV, online platforms, and the victim, and identify and interview the perpetrator (if one was identified).

One of the main processes observed in the data was how police officers interpreted the information they had been given, and how they then investigated the incident to get to the bottom of what was happening. As discussed earlier in this chapter, there is a distinction made between disablist hate crime (where a recordable crime had occurred) and a disablist hate incident (where a non-crime incident was identified) for recording and operational purposes by the police. During my data collection period there were almost seven times as many disablist incidents as crimes recorded, although as we shall see later in this chapter, this did not necessarily reflect the true nature of what happened, some indeed may have been crimes rather than incidents.

This was not only an issue within Greater Manchester Police. The latest figures for police recorded disablist hate crime offences suggest inconsistencies across police forces. The

highest figures were recorded for West Yorkshire (937), and Greater Manchester (735), with lowest figures being Durham (55), Lincolnshire (61), and Bedfordshire (63) (gov.uk, 2022). However, these figures must be treated with caution as the population covered by police forces varies across the country. Figures have increased year on year since recording began but it is likely that this does not mean an increase in actual disablist hate crimes, rather that more are being reported to the police and perhaps a shift in the role of the police in the social construction of hate crime. The police may have been paying more attention to indicators of disablist hate crime and thus have been more able to 'see' and define hate crime in some forces.

Whilst all disablist incidents must be reported as hate crimes, only those which were defined as *crimes* by the police needed to be fully investigated and have the potential to have a sentence uplift. It is not difficult to see that an overstretched police officer may see some advantage in assigning a potential disablist hate crime as a hate incident without compelling reasons for identifying it as a hate crime. Therefore, defining hate crime as an incident could present a strategy to deal with unmanageable workload situations. This is an example of a crime being 'cuffed' and will be discussed later in this chapter.

There were only three incidents in the initial primary data analysed which were in fact constructed as disablist hate crimes, cases 13, 18 and 19. These three cases shared some features which may have made this more likely: each had clear evidence of disablist abuse; and each incident was easily perceived as a recordable crime with (an ideal) victim and perpetrator. These aspects of the three disablist hate crime cases will now be discussed in more detail.

6.2.2.1 *Clear evidence of disablist abuse*

Firstly, in all the three cases constructed as disablist hate crime, the perpetrators used terms of abuse towards the targeted person which related directly to the person's disability including: *wanker, mong, (crime 18); you fucking cripple (crime 13); deaf bitch, fucking deaf slag (crime 19)*.

This was evidence for the police that the perpetrator was motivated by hostility towards the victim because of their disability. It is important to note however that the mere presence of disablist insults did not on their own guarantee that the incident would be constructed as disablist hate crime. These insults needed to be alongside a recordable crime.

All the three cases constructed as disablist hate crime involved a recordable criminal offence⁵⁴. Importantly in these cases, there was also both an identifiable perpetrator attached to the crime, and evidence available to build a case for the prosecution: either witness statements, or offenders' statements. For example, in Case 19 described in Box 21 below.

Box 21: (has been removed to preserve confidentiality)

The crime log (for case 19) records not only the disablist abuse but also that there was a substantive offence (public order) as the victim points out that the disablist insult caused alarm and distress⁵⁵.

⁵⁴ although as can be seen in case 18 described previously, this was also open to interpretation-being reclassified from threats to damage to public order

⁵⁵ this could be considered a public order offence causing Harassment, Alarm and Distress

The police log recorded:

Defendant shouted called her a fucking grass, a slag, a deaf bitch, threatened to put her windows through and stated if she came out he would smack a plank of wood over her head....threatened her called her a 'grass' and 'slag' threats to 'smash a plank a wood across her head if she stepped off her property...I am going to smash your back windows in you fucking deaf slag' which caused her to fear alarm and distress. AP wears hearing aid, calls her deaf to get reaction (case 19)

So, we have a crime, a female disabled victim, and a known perpetrator, who although only 13 years old was well known to the police. He had a criminal history which included public order offences, assaults, damage to property and vehicles, robbery, and burglary. He was subject at the time of the offence to a youth referral order, intensive supervision, and surveillance order, and a three month curfew between 7pm-7am. This crime was one of a series of repeated targeting, with five incidents of anti-social behaviour reported in the last year, by the same perpetrator and his friends.

The other two cases were not initially constructed as disablist hate crimes but redefined as such later. The case described in Box 22 below gives us some insight into how the police seem to make decisions about what is, and is not, constructed as disablist hate crimes. There were two separate incidents recorded (see Box 22), although later in the investigation it became apparent that the victim had been repeatedly targeted and there had been many other incidents. This repeat victimisation was a common feature of many cases analysed and will be returned to later in this chapter.

On this occasion, the victim had been targeted the night before and this had been reported to the police via 999. The initial incident had been dealt with by dispatching police officers, and police community support officers, to the scene.

Box 22: (has been removed to preserve confidentiality)

The log recorded this incident as ‘youths throwing stones’, i.e., not a recordable offence, with the outcome being “neighbourhood officers spoken to offenders”. They reported that the offenders “ran off”, thus there also apparently was no identifiable perpetrator. This enables police officers to ‘cuff’ the incident, to file it without full investigation. Cuffing is police parlance for not giving an incident your full attention, redefining as a lesser incident, or failing to investigate it properly to avoid completing paperwork. The incident which was constructed as disablist hate crime was the second incident to be reported, although there had been a series of incidents over several months. Although

both incidents were carried out by the same perpetrators, this one was constructed as disablist hate crime.

This may have been because when the victim reported the second incident to the police he stated that he felt threats were made to him “because of his disability”. The targeted person is defining the act as disablist hate crime. The log reflects this assertion by the victim:

victim stated he was ‘Calling me names-you’re a mong, a wanker, a scruff, a tramp’...and that the offender laughs in his face. Offender replies ‘you’ll be calling an ambulance in a minute’ which the aggrieved person took to be referring to his disability (case 18)

The incident now clearly had an identified disablist motivation, and a known perpetrator with a history of previous offences including public order offences, assault, damage, exposure, and domestic violence against family members. The police record notes that his previous victims tend to be those that could be considered “vulnerable people”: those of different ethnic background, religious beliefs, sexuality, gender, or age (elderly victims). The police record stated: “has used racial and homophobic slurs including nigga; paki; ladyboy”. Thus, in the minds of the police perhaps he is already constructed as a hate crime offender.

Importantly in this case, the victim was able to persuade the police that this was a recordable crime. This, according to Christie (1986, p,19) requires a victim to “be powerful enough to make your case known and successfully claim the status of an ideal victim”. That is the ability to persuade (in this case the police) that he was deserving of better treatment. Thus, it was then redefined and constructed as disablist hate crime. This will be discussed further later in this chapter in relation to Bijan Ebrahimi, who was not able to convince the police he was the victim of disablist hate crime, with tragic consequences.

6.2.3 Step 3. Following up

The next stage is following up initial reports and further investigations, completing the case file, referring to other agencies for safeguarding (including victim support) and

importantly following up these referrals to make sure they happened and were dealt with. When an incident was identified as a disablist hate crime a series of further steps would be initiated, there should be supervision from an Inspector, the case should be referred to specialist officers, and the victim should be automatically referred to Victim Support.

The third case constructed as disablist hate crime is described below in Box 23: case 13. We can see in this case how excellent police work helped to identify the offender.

Box 23: (has been removed to preserve confidentiality)

This, combined with the positive outcome of a secondary process of review, led to this case being constructed as disablist hate crime. The perpetrator was drinking with

neighbours outside their flat. When the victim had walked past, the perpetrator began taunting the victim, asking for money, threatening him, and using disablist abuse including addressing the victim with “hey you fucking cripple”. As the victim turned around to walk back home, he again was subject to abuse, this time with the perpetrator shaking the fence and offering to kill anyone on the estate. The victim was frightened and reported the incident to the police. This crime was initially logged when the call was taken as ‘threats to commit damage’.

When further details emerged of this incident, a police patrol officer recalled that he had seen a known perpetrator in the area earlier whilst he was out on patrol. This known person matched the description given by the targeted person, and he was apprehended by other officers. He was taken into the police station for interview and identified by the targeted person in an identity parade. The perpetrator also had a history of other crimes spanning eight years including public order, harassment, rape, damage, disorder, and assault, and had served custodial sentences. He also had previous charges of racially motivated and disability motivated incidents.

The case was reviewed by the area neighbourhood policing team. Following this review, the incident was redefined as a Public Order offence, the disablist motivation was recognised, and the case was escalated to an Inspector. It was redefined at this point as disablist hate crime as we can see from the police log:

Reviewed by (area) neighbourhood team, identified hate element asked inspector to view, reclassified as public order [from threats to commit criminal damage] with hate aspect as ‘victim vulnerable due to disability’ (case 13)

There are aspects of these three cases which make them more likely to be taken seriously and investigated thoroughly. In these cases, there are some features relating to Christie’s ideal victim, which we can explore to show how they may have had some influence on these cases being constructed as disablist hate crime.

6.2.3.1 The ideal victim

As we saw at the beginning of this chapter, Christie’s (1986) typology of the ideal victim could be usefully applied here in determining why these three cases were constructed

as disablist hate crimes. Christie suggested offenders should be stronger than their victims “big and bad” (1986, p.17), blameless, and strangers to their victims. It is useful here to consider these factors in the three cases which were categorised as disablist hate crimes in the initial Greater Manchester Police data collection.

The oldest offender, aged 42, (described in Box 23, case 13 above) had over eight years of previous serious offences including assault, rape, theft of Motor Vehicle, driving off after Road Traffic Accident, burglary, and racially/religiously motivated public order offences. He was seen outside a neighbour’s house drinking alcohol by a passing local beat officer prior to the incident. The police officer made sense of the crime report, and although the victim was not aware who the perpetrator was, this police officer was able to help identify him through what can only be described as good police work. Importantly there was evidence to support Christie’s typology in this case as the perpetrator was a violent man with a history of choosing physically weaker victims including women and disabled people: there was a clear distinction between the vulnerable party as the ideal victim and the perpetrator.

The other two disablist hate crime offenders were young males aged 13 and 14 years, so perhaps not necessarily Christie’s “big bad perpetrator” physically but again they were dangerous offenders with a history of violence, including other forms of hate crimes, so perhaps metaphorically if not physically. Offender 1 (case 18): had a history of homophobic, racially and religiously aggravated, racially motivated, domestic violence, and threatening behaviour including use of weapons. Offender 2 (case 19): had a history of damage, public order, racially related public order, assault, damage dwelling, damage, burglary, personal robbery, threats, Sec. 39 assault, and Section 4a public order. What may also be of interest here is that all these offenders had already been prosecuted as hate crime offenders, they had that label attached to them.

Finally, as discussed above, Christie described an ideal victim as one with the power to make themselves heard. This is seen in the three constructed disablist hate crime cases, where the victims (or their carers) were articulate, able to identify that the crime was disablist, able to give evidence, and to press for police action.

6.2.4 Step 4. Final actions

The final stage involved tying up the case, submitting the file for prosecution, liaising with the Crown Prosecution Service, and charging the perpetrator with any identified crimes, requesting a sentence uplift if disablist hate crime. This stage also involved making sure the victim was supported during any potential court case and after within their community. This stage may involve interagency working.

6.2.4.1 *The practice of (not) constructing disablist hate crime*

In only three cases was disablist hate crime constructed. Most cases show that defining disablist hate crime was not a straightforward linear process for the police, and not all the four stages described above were fully worked through. Many hate incidents went straight from initial report to filing with limited investigation or being “cuffed”, but there was also some to-ing and fro-ing between steps. This seemed to happen mostly at the initial stage of reporting, and again at the follow up stage when the police officer seemed to run up against several roadblocks to progressing the case. These issues will be discussed in more detail later in this chapter, but it is useful to note how what could be constructed as a disablist hate crime can instead be either cuffed or re-imagined as a hate incident and referred to other agencies as a result.

Unfortunately, in most cases which happened on social media, the prevailing actions from police personnel seemed to move quickly from receiving the report to the final actions stage without fully investigating the crime but not defining an incident as a crime. In one case, the perpetrator posted a photograph of the disabled victim alongside a photograph of a chicken with the caption “#salforddeformed” on a social media platform. When this was reported at the front desk of a police station by the victim’s sister, the case log describes the victim being told to contact the platform and report it to them. The police log noted that the victim was:

*just reporting for matter to be logged...does not want to take the matter further
(case 9)*

This victim did not have the power to persuade the police to investigate the incident. According to the log the young man in question was not pressing for action, he merely

wanted the targeting to stop. The police were able to persuade him that no further action was required, and the case was neatly filed as a hate incident.

In one of the three cases described in the next section but highlighted briefly here (see Box 24: case 30), there were three separate incidents reported to the police of targeted abuse including derogatory disablist targeted graffiti, verbal abuse, and physical assault. The log was opened with the call taker recording:

AP who is registered disabled and confined to wheelchair was outside her home address when approached by group of youths known locally who commenced verbally abusing her calling her a cunt and bitch and made efforts to pull on her wheelchair causing her to feel harassed alarmed and distressed by their verbal abuse and actions (case 30)

Despite clear evidence of a crime and a perpetrator, the case was closed as a hate incident with the following comment:

At this stage I don't believe there are any further enquiries-please consider for filing. Evaluation complete (date)-No further investigation required(case 30)

This was a common closing remark to an incident which perhaps could have been categorised as disablist hate crime but was not interpreted as such. The police used alternative constructions for many of these cases: not our job, inside jobs, and the difficult person. It is to these alternative constructions used by the police that we now turn.

6.3 Other interpretations than disablist hate crime

The remainder of this chapter will use examples from the data to explore the majority of cases analysed, which were not constructed as disablist hate crimes, to explore alternative constructions used by agents of social justice. There were twenty-two hate incidents, and seventy-three other crimes analysed. In these cases, disabled people were targeted, but the actors involved did not interpret this targeting as disablist hate crime. In these cases, the construction of disablist hate crime goes wrong, and alternative constructions were seen. In the main there were three categories of

alternative constructions. I will explore these categories by focusing on three cases relevant to these categories: 1) not our job: case 30; 2) inside jobs: Winterbourne View; and 3) the difficult targeted person: Bijan Ebrahimi.

6.3.1 Not our job: defining as micro-aggressions of anti-social behaviour, neighbour disputes, and trouble with youths

Throughout the data collection and analysis there were cases which were constructed as minor cases of aggression by the police. This construction was a prominent feature of a case discussed later in this chapter, that of Bijan Ebrahimi (Box 26: case 47), which illustrates the danger of failing to identify the hate element or deal effectively with these cases early on, as these are cases which may run for years. Case 30 (Box 24) is described in detail to discuss the roles the various actors in the social construction of these types of incidents. This case was mentioned briefly in the previous section but is used here to highlight the different ways that police officers define and redefine the disabled victim and disablist hate crime.

The young victim was a wheelchair user with cerebral palsy who had recently moved to the area. She was targeted by young people in her neighbourhood, whom she knew by sight from school. There were two targeting incidents of disablist insults written on a nearby wall and verbal abuse both directly relating to her disability. When the young woman was targeted a third time, her father decided that the incident needed reporting to the police. He was concerned about the physical assault, the escalating nature of the incidents, and that they were disablist in nature.

The police initial log reflects both the feelings of the father and the construction by the police of the young person as a disabled victim:

Father reports she is wheelchair bound due to disability and feels she is being targeted by local youths who have verbally abused her. Crime recorded for sec. 4a Public Order Assault with hate element attached (case 30)

Box 24: (has been removed to preserve confidentiality)

Promisingly, the initial record states that there was a hate element to the abuse, this could have been the first stage of constructing this as disablist hate crime. There was a recordable crime, and potentially identifiable perpetrators. Although the young woman did not know all the young people's names, she was sure she would recognise them as they went to her school. What happened then seemed to be a series of redefining actions. The officer records in the log:

she stated that the graffiti that was about her was on a fence on the walkway with a load of other graffiti about other school kids. She also stated that no-one has tried to throw her out of her wheelchair, only that one person has said they

will and touched the back of the wheelchair and messed about with the control panel (case 30)

In this log the officer seems to minimise the offence, by suggesting that the graffiti was not targeted specifically at her as there was lots of other graffiti directed towards other children. However, as the targeting refers to the young woman's disability, it is a disablist hate incident, thus by definition it is worse as it targets her identity.

From the sentence "no-one has tried to throw her out of her wheelchair, only that one person has said they will" we can see the officer suggests there was perhaps no recordable offence as the assault was in fact merely "messaging about" with the control panel. This is despite clear guidance from the Crown Prosecution Service (2021) that interfering with a person's mobility aid should be considered as a potential disablist hate crime. This incident must have been terrifying for the young woman. The officer here seems to be making an alternative construction, redefining the incident from an assault or public order offence (harassment, alarm, and distress) with hate element to a non-crime, of trouble with youths.

This can be seen from the police log entry a week later, which was prompted by a call from the girl's father requesting a progress update. The police officer first justified the lack of action in the log. He offered an excuse as to why he had not dealt with this case sooner:

Telephoned –originally planned to do visit today but had to do overspill so am unable (case 30)

However, the next entry is telling. Here the officer clearly shows his reconstruction of the event, in his mind the case has been redefined to one of bullying:

The matter has been ongoing for some time and is more a case of bullying by local youths that the aggrieved person has been playing with (case 30)

Also note the use of the word "playing" in the above quote. This perhaps is evidence that the police officer is minimising this behaviour, suggesting the events were child's

play, without malice. In the next part of this log entry the police officer suggests that this construction has been mooted to the girl's father who appears to agree:

the aggrieved person is of the opinion that he just wants them to be spoken to and make them aware of their actions to hopefully put a stop to it rather than being arrested etc. I am aware that this is really our job however the aggrieved person is worried that if he speaks to the parents, it may involve him getting into trouble as he doesn't believe that they will be reasonable (case 30)

However, the police officer at this point seems to be in some internal conflict. Whilst constructing this as a minor incident he admitted he was aware that "this is really our job". The log indicates some of the thought process behind how decisions are made and what factors may influence how disability hate crime is, or is not, constructed. The officer suggested he was putting the aggrieved person first. In this case this should be the child, but the officer uses this term aggrieved person to refer to the child's father, indicating where his focus is. He appeared to be weighing up the potential consequences of his actions, and that the father wanted the matter being brought to an end without perhaps alienating new neighbours or local families. The officer also seemed aware of the potential for the incident to escalate and highlighted other options he has in this case:

I think it is also important that we sort the matter out before it gets more serious. I intend to sit down and speak to the aggrieved person on Friday [date] at 8am and try to establish as many names and details of people involved and will deal with them accordingly (case 30)

The officer appears to have decided to take action on this occasion. At this point the case was escalated to the Child Protection Investigation Unit ⁵⁶who commented that any safeguarding concerns could be raised with them. Here the log suggests that the officer seemed to return to his original conception of the incident. He reassured them there

⁵⁶ The Child Protection Investigation Unit is part of the force Police Public Protection Unit with responsibility for investigating cases involving harm to children

were no safeguarding concerns, but emphasised how he was redefining the case as trouble with youths and therefore non-criminal:

Noted, I have spoken to the aggrieved person and her father, and they are of the opinion they don't require additional support at this time thanks. I have spoken to the victim and her father. On this occasion she has been playing outside with some children when she was approached by another group of older kids who have started shouting abuse, they have proceeded to mess about with the controls of her wheelchair-they have not tried to pull her out as the modus operandi states (case 30)

The next comment in the log again seems telling. There are two points to note here. Firstly, there was recognition that these incidents were hate motivated and that they were repeated victimisation. However, importantly, it seemed that the police officer and the father colluded to deny this reality for the victim. The police log notes:

This is an ongoing issue and aggrieved person, and her father believes she is being targeted by the youths because she is in a wheelchair, and it is hate motivated. In the last year AP has only just started going outside on her own and has never had much contact with children her own age so by her father's admission she struggles to interact with children of her own age so he believes that due to her abrupt manner she may have upset the youths which has led to them targeting her...The victim's father does not want any action taken against the youths but does want them all spoken to and to try to avoid any further bullying towards his daughter (case 30)

The officer here seems to have concluded that the incident was caused by the young girl and her 'abrupt manner'. The young girl had some features of the ideal victim in Christie's (1986) typology. She was vulnerable and female, and clearly disabled. Yet she also had reduced power in this situation. The person who could press for charges, the girl's father, along with the police officer, appear to have constructed this series of incidents as 'bullying', partly caused by the young girl. In this case, the outcome appears to be 'having words' with the youth in question.

At this point the incident was due to be closed but a supervising officer did not seem to concur with this *redefining*. There is some tension evident in the log, and the power play between the officer on the ground and the officer supervising the case can be seen in the next few entries. The Sergeant comments:

can you speak to the one offender we have and ascertain if possible from him the identity of the others present? (case 30)

The police officer shuts down this line of enquiry and restates his opinion, that there is little point pursuing the case. He suggests that the alleged offender denied responsibility for the offence and claimed he did not know the others involved, he also seems to ignore the victim's ability to identify the perpetrator(s):

Offender has been spoken to and couldn't give details of anyone else involved-victim has confirmed that he wasn't the person that pulled on the wheelchair-there were a number of youths present and she was unable to say who shouted what-there is no chance of identifying the offenders at present (case 30)

The assigned police officer and the victim's father seem to be the main actors involved at this point. The police officer again reiterates his conclusion reached with the father that the matter is now closed:

I have spoken to offender and parents and advised him about his behaviour which is what the victim's father wanted. The Police Community Support Officers⁵⁷ are aware and will continue reassurance-I have informed the victim and father regarding this and he is happy. At this stage I don't believe there are any further enquiries-please consider for filing (case 30)

Though other police officers, the child protection unit and supervising sergeant tried to maintain the criminal element of the case, pressing further for the officer to identify the offender, the final construction was decided by the attending officer. According to his account, there is no evidence of any crime, there are no identified perpetrators, and the

⁵⁷ Police Community Support Officer-a voluntary officer with some restricted police powers

incidents are thus redefined from disablist hate crime to ‘bullying’ and ‘trouble with youths’. This redefined construction, means an end to this case, as there is no further action needed. At this point, the supervising officer seemed to accept this and commented in the police log:

Evaluation complete [date]-No further investigation required (case 30)

The closing log code was that this was a section 4 public order crime, but the ‘suspect was not identified as the victim refused to give details’. This was not accurate. These closing codes are clumsy and a blunt instrument, giving little insight as to what had happened during the investigation.

This power to divert from agreed guidance, from the pressure of scrutiny by external monitoring agencies, and by internal supervising officers, was also seen in the case of Bijan Ebrahimi which is discussed at the end of this chapter. The opportunity to intervene in this young person’s life was not taken, the incident was not constructed as disablist hate crime, it was not investigated, and the perpetrators and victim receive the message that the police do not consider this to be within their realm of responsibility.

6.3.2. The inside job: defining as abuse and domestic violence

The next case I will discuss is that of Winterbourne View (see Box 25). Winterbourne View was a 24 bedded in-patient facility in South Gloucestershire, which was exposed in a BBC Panorama investigative documentary in 2011. Many of the young people admitted to Winterbourne View were autistic young adults with learning disabilities, with behaviour described as ‘challenging’⁵⁸. They had been referred to Winterbourne View and treated as in-patients for assessment and treatment either informally, or under the provisions of the Mental Health Act 1983. This case is not an isolated incident, it is used as being representative of such cases, to illustrate the disablist hate crime which occurs in such places. This case is analysed here to show the difficulties in constructing disablist

⁵⁸ the term challenging recognises that people are not in themselves challenging, but their behaviour may present a challenge to services (Mansell, 1993). All behaviour which challenges services and service providers is generally seen to be a way of communicating distress.

hate crime when incidents are *inside*, that is not in public. In this case the incidents happened within an assessment, treatment, and rehabilitation unit, but these may also occur in smaller facilities and people's homes. The discussion will show how this inside/private view impacts on how incidents are constructed: how other actors can influence the way the police perceive incidents. When the perpetrators are known to the targeted person, the ideal victim/perpetrator binary does not coincide with social reality, thus defines the idea of social construction of these categories.

Box 25: Winterbourne View

Incident	Structural intimidation: Winterbourne View (case 97)
Victim(s):	19 people with learning disabilities/autistic people.
Offenders:	Eleven people: eight men aged between 25 and 58 and three women aged 21-24
Duration:	Over several years. Serious case review focused on January 2008-May 2011
Location:	Winterbourne View, South Gloucestershire. 24 bedded home for adults with learning disabilities and autism with behaviour that challenges services
Acts:	Systematic mistreatment of patients by staff including verbal and physical assault, and neglect.
Reactions of police:	Sexual assault-No formal police investigation due to mental capacity issues (PPU investigation) Allegations made again investigated by PPU investigator 11 people (2 nurses 9 care staff) charged with 38 incidents following BBC expose. Six received jail sentences, 5 suspended sentences
Reactions of professionals:	Ignored repeated care failings and allegations of assault and abuse
Interventions:	Not prosecuted/sentence uplift as disablist hate crime despite Crown Prosecution Service advising to do so Majority charged with ill treatment, and abuse under the Mental Capacity Act and wilful neglect. Received prison sentences of between 6 months and 2 years, some suspended, and community work 40-year-old man arrested for common assault released without charge
Context:	Panorama documentary, filmed over 5 weeks by undercover reporter

The horrific abuse at Winterbourne View came to light in a BBC documentary aired in May 2011. The documentary shows the cruel treatment of the disabled in-patients. This included a catalogue of incidents which had been happening for several years. The BBC

had been approached by a whistle blower⁵⁹, Terry Bryans, who had concerns about the care and treatment of the in-patients at Winterbourne View. Terry had tried to raise his concerns with his employers Castlebeck, and the Care Quality Commission (who are responsible for monitoring the quality of such care facilities and nursing homes). When no action was taken by either agency, (although the management at Castlebeck had escalated his concerns to Bristol Social Services Safeguarding Team) he approached the BBC who carried out undercover filming.

The subsequent serious case review (Flynn, 2012) focused only on disclosed events which had happened over the last three years prior to the secret filming. This amounted to twenty-seven pages of incidents and reports to Castlebeck managers, South Gloucester Safeguarding Adults Board, and the Care Quality Commission. These documented seventy-eight attendances⁶⁰ at the local accident and emergency department, and visits by the GP; and of complaints made by outside agency staff, relatives, targeted person's, other staff, and other professionals. The incidents were of violent acts by the perpetrators: of punching, kicking, headbutting, verbally abusing and ridiculing, sexually assaulting, and verbally and physically assaulting during personal care. Over the three years these assaults led to a distressing catalogue of reported injuries including a broken wrist, bruising, dislocated knee, black eye, and extended restraint (four and a half hours). One targeted person attempted suicide.

There was no attempt during the police investigations into these reported incidents to construct them as disablist hate crimes. Following the airing of the Panorama documentary, and the public outcry which followed, eleven staff were suspended from Winterbourne View. The units were closed shortly afterwards with all in-patients being relocated to other units or residential homes. The eleven staff were arrested and charged, six received jail sentences and five received suspended sentences and community service. The Crown Prosecution Service recommended that the crimes were

⁵⁹ A whistle blower is a member of staff who reports poor practice and/or abuse

⁶⁰ these attendances were not all reported as suspicious at the time and included injuries, accidents, self-harm lacerations/treatment, and epileptic seizure injuries.

treated as disablist hate crimes and a sentence uplift be applied, insisting the offences were based on “ignorance, prejudice and hate” (Pring, 2012). However, the Disability News Service obtained the judges remarks to clear up confusion as to whether the sentence uplift was applied. Although these remarks stated there was “a culture of ill treatment...degrading, cruel and inhuman conduct”, according to Pring (2012) they “make it clear that the judge did not treat the abusive regime as disability hate crime”.

What happened at Winterbourne View? Why were these assaults not dealt with as disablist hate crimes? How were they dealt with at the time? During the three years before the Panorama investigation, several incidents were referred to the police and the Public Protection Unit⁶¹. However, they were not taken further as the victims were considered poor witnesses, not believed, or the assaults were not thought to be criminal in nature. The serious case review noted that the Public Protection Unit had commented:

patient accused of making false allegations (Flynn, 2012, p.32)

These referrals show a pattern of constructing the incidents as accidents or abuse. The serious case review noted that the decision-making process for the police, of deciding whether a criminal act had taken place:

was not consistently clear...the rationale for the decision is not always apparent
(Flynn, 2012, p.114)

These incidents happened inside a hospital environment, and it seems were constructed differently because of this. To understand how the incidents were investigated, the police incident reports were made available to the serious case review. One report from October 2009, detailed an incident in which a patient had sustained injuries after biting a staff member. The injuries followed an assault by the staff member and required emergency dental work.

⁶¹ The Public Protection Unit in Gloucestershire was created in 2009 as a multi-agency bureau with Hate Crime being one of its areas of responsibility.

The police report noted:

the allegation was that the carer punched the service user to the face having been bitten. It was decided by the investigator...that the carer had acted in self-defence and no formal action was to be taken (Flynn, 2012, p.36)

A second incident occurred where another service user was assaulted when they allegedly touched the breast of a female staff member. The police log in this case described what happened next:

he then became aggressive and suffered a broken tooth which came out onto the floor...the assault against [the patient] was described as self-defence (Flynn, 2012, p.38)

This police log does not appear to apportion blame to the perpetrator, instead using the passive phrase 'suffered a broken tooth' which almost sounds as if the victim's tooth fell out of its own accord.

We cannot or should not lay this responsibility entirely with the police. One reason the police did not construct these incidents as disablist hate crime or prosecute the perpetrators for assault, may have been because they were initially swayed by the opinions of the staff who they allowed to take the lead in constructing these incidents as a necessary part of the care and management of the inpatients.

There does appear to have been some frustration from the Public Protection Unit at this situation. Following these two incidents, in which it appeared patients had been punched in the face, the Public Protection Unit sent a letter to the management of Castlebeck outlining their concerns about the staff construction of these incidents as self-defence and their inability to challenge this.

The letter shows that the police were aware of the disability of the victims. Rather than this leading them to consider a disablist motivation, they instead suggested the targeted people would not be reliable witnesses. The solution for the Public Protection Unit seemed to be to install CCTV. This would offer objective evidence to enable the police to deal with incidents, and perhaps they felt it may deter the perpetrators.

The letter requested:

the managers invest in a CCTV system in view of the 2 separate incidents at Winterbourne View in which 2 service users had their teeth knocked out by carers during a restraint situation. Both patients appear to have been punched in the face. Given that any restraint is usually carried out by 2 or more people so that any allegation of improper or criminal conduct is countered by two people's word against the victim-the victim unlikely to make a good witness in a criminal prosecution (given your clients' vulnerabilities) (Flynn, 2012, p.38)

However, the letter goes on to suggest that the police were frustrated with the repeated incidents at this assessment and treatment unit. It goes on to make not only a suggestion but also a veiled threat:

...vulnerabilities), no doubt something your staff are aware of...if CCTV is not implemented, I will seriously have to reconsider our approach to investigating incidents at Winterbourne View (Flynn, 2012, p.38)

Over two years later, things had not improved, although the modus operandi of the perpetrators seemed to have changed. The police were called on 11th December 2010, following a complaint of an alleged assault made by relatives of a patient. The assault took place in the back of Castlebeck patient van. The nursing notes state that relatives alleged that:

their relative had been assaulted-hit around the face-even though no physical injury was noted (Flynn, 2012, p.56)

The police log report seemed to dismiss the allegation and follow this line of reasoning from the nurses by noting:

the attending officer assessed that no crime had been committed and that the patient had been restrained lawfully (Flynn, 2012, p.56)

Another report on 30th December 2010 records another incident where a staff member assaulted a patient. The nursing notes construct this incident as self-defence:

a staff member used a head butt to release himself from hold of a patient... against a wall... staff member suspended... investigation completed... staff member handed in notice during disciplinary procedures. Police concluded self-defence/during an incident on the floor, patient attempted to lash out and grabbed staff members arms pushing him against the wall. Staff member responded by headbutting the patient... (Flynn, 2012, p.56)

The actions of the staff are not what would be expected within such a facility. Care staff receive training on de-escalation and breakaway techniques to minimise risk of injury and maintain in-patients' dignity. However, the police log seemed to view the staff actions as reasonable and noted:

It was established that the patient had grabbed the staff member first around the wrists and the staff member was left with no other option to escape from the grip other than to headbutt the service user...the patient sustained a broken nose...no criminal offence had occurred... (Flynn, 2012, p.57)

Terry Bryan had submitted his complaint to the Care Quality Commission on 6th December 2010. On 31st December, the day after the above incident, he rang the Care Quality Commission's National Customer Care centre to check his complaint had been received.

In the serious case review, in the section named "The Main Points", the review describes the actions of the BBC reporter filming the abuse:

An undercover reporter secured employment as a support worker at Winterbourne View Hospital. During his five weeks as a Castlebeck Ltd employee he filmed colleagues tormenting, bullying and assaulting patients (Flynn, 2012, p.ii)

This terminology does not reflect the disablist nature of the events that unfolded in the documentary. This was hard evidence of verbal and physical assault and degrading treatment. In the film there is a revealing scene in which four staff were on duty, including a qualified charge nurse leading the shift. Simone, an inpatient, was shown being restrained on her back on the floor of her bedroom, being forced to swallow

tablets. The staff tipped water over her from a vase, and one male staff hit her with his protective gloves shouting: “Nein, nein, nein” (Flynn, 2012, p.13) echoing the Nazi soldiers torture of disabled people in World War II discussed in chapter one. Later that day the investigative reporter Joseph Casey described the incident in a piece to camera where he stated the staff poured a bottle of mouthwash over Simone’s head, stinging her eyes. He said:

She was devastated. She was in tears. I was the only person who wasn’t doing anything. She kept looking at me and everyone else was just attacking her...
(Flynn, 2012, p.13)

This was a woman being assaulted by a group of tormentors. Many of these incidents happened in full view of other in-patients and staff.

Whilst the Winterbourne View case is disturbing, it unfortunately is not an isolated case. It highlights an area of difficulty for both the police and other actors when constructing disablist hate crime in care facilities: that of the *public* and *private* distinction. The unclear blurring of public and private boundaries has implications for the types of crimes which could be constructed, as well as the powers the police have. This blurring of boundaries is seen in the language used when constructing these incidents, the language of abuse: financial abuse, verbal abuse, physical abuse, sexual abuse. As discussed in previous chapters, these incidents happen in private not public areas. These incidents happen not only large assessment and treatment centres and hospitals like Winterbourne View, but in people’s own homes, smaller care homes, and family homes. In these types of cases, the offenders are carers, friends, family members, and partners.

This causes conflict for all the actors involved in constructing disablist hate crime. One possible reason for this may be that it is in direct conflict with the notion suggested by Christie (1986) that for a victim to be considered ideal, the perpetrator should be an unknown stranger. This notion is used by Christie in two different ways. Firstly, he suggests there should be no relationship between victim and perpetrator, and secondly that the police could dehumanise the perpetrator as the other. As can be seen from the Winterbourne View case, the police, and other actors involved in perceiving incidents

and constructing disablist hate crime seemed to struggle with constructing the offender as other, as I will explain later.

For now, I will focus on other problematic cases of inside jobs from the interviews with safeguarding practitioners. These cases seem to become problematic to define as disablist hate crimes when the perpetrator was known to the victim or was in a relationship with the victim. In one case of theft described by a safeguarding practitioner, there was the suggestion that because the perpetrator was female, polite, seemingly caring, there was some sort of internal struggle for the practitioner in separating out a 'good' carer from a 'bad' offender. She explained that the carer was:

*good with the gents, well on the surface, no reports of anything but good care
(Safeguarding practitioner 5)*

This was particularly evident in cases of so-called mate crime described in earlier chapters. These were rarely constructed as disablist hate crime due to these blurred boundaries. These cases seem to make it difficult for the actors to make a clear distinction between the victim as good/ideal, and offender as bad/other. When the victim is perceived as contributing in some way, for example by their actions, they are perceived to have, to some extent, brought this on themselves. The victim is perceived to be antagonising the perpetrator or making decisions which seem to increase their vulnerability. This can be seen in the comments of one safeguarding practitioner describing how the victim, a man with profound disabilities, was targeted by several perpetrators who stole his money and possessions. The safeguarding practitioner notes:

he was very vulnerable, he was a very poorly person, and erm, made decisions that made it quite difficult to keep him safe sometimes. He would have people in his home that...as a... social worker sometimes I'd prefer that he didn't have them in his home... for his own protection or some of the decisions he was making so he would have people using illicit drugs... (case 56: Safeguarding practitioner 2)

His social worker felt that this case was a safeguarding issue to be managed through risk assessment rather than construct it as disablist hate crime. This is indicative of the

perspective of the role of the safeguarding practitioners as one of ultimately trying to protect individuals and prevent incidents.

When the relationship is a family one the boundaries seem to be blurred for safeguarding practitioners. Disablist hate crime is seemingly difficult to construct in family relationships, with the prevailing narrative being that of a dysfunctional, rather than dangerous, family dynamic. Almost all the safeguarding practitioners discussed the difficulty they had in these types of cases, in deciding when the line had been crossed into violence or that what was happening should be dealt with as a crime:

We never wanted to push the issue, we thought she would just disengage with us. She clearly had a relationship with the grandson, which we had to recognise and respect really. Erm, so it was quite frustrating because we could never, when we were working with her about putting...she...she...she would admit that money had gone or that he'd taken money and he hadn't repaid her money but then she didn't want anything doing about it, erm she did have the capacity to make the decision about finances but it was clear that she was still at risk (case 64: Safeguarding practitioner 3)

In this case we can see that the targeted person did not seem to consider that she was the victim of disablist hate crime. There were similar issues with cases of domestic violence and again the actors involved seem reluctant to construct these types of incidents as disablist hate crime. Instead, they make excuses for the actions of the perpetrator.

This is evident in another tragic case, that of an elderly disabled woman 'Mary' (see Box 26 below). Mary was found by paramedics stuck to her leather settee, soaked in urine with infected pressure sores and gangrene. She was taken to hospital but died later that day.

Box 26: Mary

Case 93	Extensive control: cuckooing
Victims	Mary, aged 85 disabled, mobility issues, needed walking stick.
Duration	Over several years
Location	In own home
Offenders	Son or nephew unclear, aged 59 years
Acts	Mostly for use of house, food, money, sustained and increasing levels of financial and physical abuse and neglect. Verbal abuse, threats of and actual violence, being hit, fell downstairs, bruising and broken bones. Found by paramedics stuck to settee by skin of legs, pressure sores, and gangrene. Died shortly afterwards in hospital

The perpetrator (there was some confusion in the subsequent police reports and serious case review as to whether this was her son or nephew) had allegedly sold his own house and moved in with his mother when she became frail. Mary fell downstairs and then moved into lounge, where she slept on the settee, washed, dressed, and ate her meals. Her son said she used a bucket in the lounge as a toilet, although when found by paramedics she was soaked in urine and stuck to the settee by the skin of her legs.

The motivation for this may have been to gain control of Mary's assets. This was made possible because of her frailty and her disability. She had been slowly isolated from family and friends. Mary needed support with her mobility and would have been unable to resist any form of physical assault. There was evidence that the perpetrator was both violent towards her and showed contempt for her. There was a record of physical abuse by the son, and Mary had telephoned rang services stating that she was frightened of him, and that he hit her. Mary was found when she telephoned a friend asking for help.

This case was analysed from different perspectives, of the police, of safeguarding practitioners, and of the subsequent learning report carried out by the local authority. Initially this case was constructed by the police as a crime of 'causing the death of a vulnerable person'. The son was questioned by the police who were investigating his neglect, and whether there may have been a financial motivation. Mary had made a codicil to her will in 2012 preventing her son from selling her property without her

consent. The son's account was that his mother was a difficult woman, who was nobody's fool, and that he had supported her, having her best interests at heart. This account was accepted by the police and the Crown Prosecution Service, and we can see how the police officer was swayed by the solicitor's argument on the legalities of his action. The police officer noted on the log:

Mum signed house over to him three or four years ago because she was getting old...explained it was a perfectly legal tax avoidance scheme... moved in as no point paying out for another. Sold house as didn't like kids hanging around... (case 93)

What happened in this case was that the police officer could understand the perspective of the perpetrator. This perspective may also have been influenced by other actors, as there was input from both the medical team and coroner who could not establish that her death was caused by the son's actions and inactions in seeking medical help. This violent and abusive case was finally defined as 'death by natural causes'.

In many cases such as this, the rights of the carer seem to be more important than those of the disabled person. Their explanations are accepted as justifying neglect or abuse. Carer stress seemed to all safeguarding practitioners to be an acceptable explanation for violence towards a partner or family member. One safeguarding practitioner noted:

...and you know that caring...the demand, and the strain it puts on relationships is, is massive. Erm, and especially if someone has got say dementia, and they're not quite understanding everything, I have been aware of situations where the [partner] has lost their temper, and lashed out physically at [their partner], but then been absolutely mortified that [perpetrator] has done it...erm...and it's a response I guess isn't it? To a stressful...situation I think sometimes...they don't always mean to do it, and they feel they've not got any control over it... (Safeguarding practitioner 1)

For safeguarding practitioners, it seemed particularly difficult to apportion blame when perpetrators were carers. One safeguarding practitioner described the enormous

pressure experienced by one partner taking on this caring role and what they perceived as the resulting *carer stress*:

I think carer stress is a massive, massive issue...and personally there's not enough resources and support out there for carers, especially who are providing that level of care because they might be working their own job still full time...they've got children to look after, and then they're trying to care for...a vulnerable adult erm as well who's got you know, whatever needs... the carer was just absolutely run down... yeah living with their relative, providing personal care, medication, providing all the meals, and that, feeding somebody, taking them...toileting, you know and has just...'enough is enough' and has broke down and said 'I can't do this anymore' (Safeguarding practitioner 1)

Another safeguarding practitioner explained how the relationship dynamic was changed when one partner becomes carer to the other:

there's a multitude of reasons...when people have got to the end of their tether you know, they feel the burden too much or the person may be very demanding on them, or erm...you know carers is a very, very, complex area. And you may be caring for somebody you don't particularly love or like who, when they had more power gave you an abusive time, you know, and what happens when that power turns? And sometimes it can end up in abusive safeguarding relationship. Erm, we always think of carers with that kind of warm glow (laughs) but in fact it's a very, very, complicated area (Safeguarding practitioner 4)

Interestingly the safeguarding practitioner seemed to consider the situation problematic only when the victim needed care and support under the Care Act 2014. The practitioner said:

when it's... somebody becomes vulnerable, and in need of care and support, that's when safeguarding kicks in...has gone on for thirty years.... openly acknowledged...it's really complicated...they weren't as vulnerable... (Safeguarding practitioner 4)

Another safeguarding practitioner described a case where the carer had lost control because of what she described as the enormous stress they were under. The practitioner recalled how a seemingly small event could precipitate violence:

that tips them over the edge...you're trying to be strong for so long, and you are doing everything, you are a hundred miles an hour every day, and it's task after task after task, and then all of a sudden, one little thing...and everything just...breaks down (Safeguarding practitioner 1)

There was a sense that violence could be explained in some situations by the trigger event which tipped the person over the edge. Trigger events were common, but could cause different reactions, and did not need to be a major event. In this case, it seemed to be the straw that broke the camel's back. The safeguarding practitioners were able to justify the abuse by blaming the stress of being a carer. It was felt by safeguarding practitioners to be a normal reaction to stress rather than an expression of anger or hatred towards the victim.

As one safeguarding practitioner noted:

Yeah. I've had, people have been quite honest about it, who have just broke down in tears...and gone 'I can't believe I've actually done that to [victim], you know we've had this brilliant relationship for you know seventy years...and I, I feel like I've ruined it because of this situation and, you know, I think they're very difficult, and that's when you don't want to...sort of put a label on it, to say you've neglected, or you've abused your husband or your wife because actually, you know, it's non-intentional... you know, it is a response to the situation that you're in and maybe if you were getting a bit more support...that might not have happened... (Safeguarding practitioner 1)

Another safeguarding practitioner suggested that physical violence and verbal abuse were the result of the perpetrator's reaction to their changing role from partner to carer and interpreting this as a challenge to their competence. The perpetrator was frustrated at their inability to cope. The safeguarding practitioner recalled:

Yeah, I think [perpetrator] had always been quite...dominant...In the relationship...it was their relationship. [perpetrator] ruled the roost, [victim] could sometimes give as good...as [victim] could get, but the more ill [victim] got...the more apparent it become that this...domination was now...tipping into a...into a very risky situation...basically, when things happened...[perpetrator] would slap [victim]...Out of frustration, to do something erm...but again, when you...when you looked at it when you worked with [perpetrator]... wasn't somebody who was just doing this because [perpetrator] wanted to hurt [victim] because...was just angry...the...the seed was...the frustration from [perpetrator] caring role and the fact that ...was struggling to accept that [perpetrator] couldn't care...for [victim] on ...own. And ...didn't want to accept any...was very defensive, so it was really, really, hard to get [perpetrator] to...accept...I mean we'd offered...carers support but it was... didn't need it in [perpetrator's] eyes, and ...could manage and in the end we did have to have a very frank conversation with [perpetrator] to say 'look, we are looking at this under safeguarding, you may not be, this may be the way you are but we perceive this as... physical assault'. And he would deny that...but [perpetrator] never turned round and said 'do you know you are right, I just can't cope, and I just don't want to accept care...' was very...very...proud [person] (Safeguarding practitioner 3)

None of the safeguarding practitioners explained the incidents as domestic abuse where one partner causes deliberate harm to another. They were empathetic towards the perpetrator offering explanations for the behaviour of the perpetrators and suggested their behaviour was a reaction to the stress of caring. There were some cases where the safeguarding practitioner explained assault and neglect in care homes through this same lens.

As we have seen in earlier chapters, the perceived vulnerability of the victim can confuse matters for agents of social justice. This was not the case where the carer was not a relative, partner or friend, however. In these cases, the carer was expected to have a higher level of understanding and tolerance.

This can be seen in the description of one safeguarding practitioner:

[perpetrator] said that [person] was struggling to manage [victim], manage [victim's] needs and everything. [victim] did have some behavioural...difficulties associated with...dementia...I think there was an element of [perpetrator] finding it difficult, there was an element of [perpetrator] not understanding erm (pause) [victim's] vulnerabilities and sometimes how we might erm be able to reassure people and talk round people... (Safeguarding practitioner 2)

In this case, the safeguarding practitioner expected the carer to be able to react differently to the behaviour of the person, in this case behaviours associated with dementia. They considered the competing demands placed upon carers the reason for abuse as they tried to make sense of the situation:

Maybe not an intentional thing, I want to hurt these people, or I want them to experience any type of abuse or neglect...but I'd be quite happy to cut a few corners in order to... make us look better (case 37: Safeguarding practitioner 1)

The emphasis for some care workers seemed to be to be seen to do a good job, of being efficient, but the person at the centre of the care was possibly being dehumanised in this. The consequence of this type of neglect was fatal in the case described above (case 37). As we saw in chapter 5, this man died from an infected wound. The nurses and care staff then deliberately falsified documents, lied about what they had done, and covered up neglectful and abusive practices.

It was difficult for safeguarding practitioners to make sense of a situation in which person was doing care work without feeling empathy for those they were caring for or supporting. One practitioner described the culture of the care facility and its impact on staff behaviour. She stated:

yeah it had become a little bit of a cultural... thing within the home erm I wouldn't say lacksadaisical, (sic) it was a bit more laziness I think, a bit more complacency. I don't think staff were as on the ball (Safeguarding practitioner 3)

Where in this section the focus was on normalising the behaviour of the perpetrator, I focus in the next section on the third way that police and other agents of social justice fail to construct crimes as disablist hate crimes, in cases involving victims who are not in line with Christie's (1986) ideal victim.

6.3.3. *The difficult targeted person: defining the (non) ideal victim*

The third case we will focus on is the distressing story of Bijan Ebrahimi (see box 26). Bijan was a disabled man who was murdered by a neighbour following years of targeting by neighbours and local youths.

Box 27: Bijan Ebrahimi

Incident: case 27	Structural intimidation. Murder
Victim:	Bijan Ebrahimi, aged 44. Had a mild learning disability, with slurred speech, and back problems which led to pain and reduced mobility. Bijan also had depressive episodes.
Offenders:	Lee James (24) charged with murder; and Stephen Norley charged with assisting an offender.
Duration:	Over several years
Location:	Centred on home address Bristol, 1) August 2007: The Whartons 2) September 2007: Emergency accommodation for own safety 3) Late September 2007-July 2013: 88 Capgrave Crescent and in neighbourhood
Acts:	1) Threats to kill, arson of flat and car, throwing stones, assaults, verbal abuse, damage to property, graffiti daubed on door, 2) assaulted with a car, bitten by neighbour's dog, false allegations of being a paedophile and sexual assault on female, harassment from neighbours, plants destroyed, verbal abuse and physical assault.
Reactions:	Bijan made 85 reports to the police of alleged incidents.
Reactions of police:	Initially reports investigated, police sympathetic. Later police were dismissive, saw Bijan as the perpetrator, claimed he lied and made false allegations, arrested him.
Reactions of professionals:	Bijan was seen as a problem tenant by local housing officials.
Interventions:	When his flat was set alight, he was moved twice for his own protection. Referred to MAPPA (Multi Agency Public Protection Arrangements) December 2007. He was subject to a Housing Injunction which was later rescinded. Bijan was arrested two days before his murder but released without charge.

Before we focus on the role of the police, I will describe the case in detail after which I will use the Independent Police Complaints Commission⁶² investigation and the Bristol County Council learning enquiry to discuss the roles of the various actors in the social construction of this specific example of disablist hate crime.

Bijan was a 44-year-old man, born and raised in Iran, who nursed his elderly parents until their deaths in 2007. When they died, Bijan moved to the UK to be near his older sisters who had settled in Bristol. Bijan had a mild learning disability, with slurred speech, and back problems which led to pain and reduced mobility. He also had depressive episodes. Bijan initially moved into rented social housing in a complex of flats known as The Whartons⁶³. Whilst there Bijan experienced targeted harassment from his neighbours and local youths, including throwing stones against his windows, throwing hot water over him, twice setting fire to his flat, and his car, and threatening to kill him (Simick, 2015a, pp.12-15). Bijan was also accused (falsely) of sexually assaulting a female, and the word “pervert” was daubed on his door (2015a, p.24). Bijan told the police there was “a campaign of hate against him” (Simick, 2015a, p. 18).

Following the second arson attack Bijan was moved initially to temporary accommodation, then to 88 Capgrave Crescent⁶⁴. He faced further incidents of repeated targeting by neighbours including racist abuse, damage to his plants, threats to him and his cat, and making false allegations about Bijan to the police including one of sexual predation⁶⁵. There was also a threat to kill over a parking dispute. Bijan had a panic button installed in his property. Bijan reported a car being driven at him on the pavement; being bitten by neighbours’ dog; harassed by a female who banged on his

⁶² now replaced by the Independent Office for Police Conduct

⁶³ The Whartons is a complex of flats, in the Brislington area of Bristol. Some of the flats are privately owned, with the remainder owned by Bristol City Council, and let to tenants (B: 11)

⁶⁴ Capgrave Crescent consists of maisonettes, some of which are privately owned, whilst others are owned by Bristol City Council and let to tenants. The properties are situated around a central grassed area, to which residents have communal access. (B: 26)

⁶⁵ These allegations were unfounded, in fact there was evidence that the allegations were fabricated but this was not taken into account.

door when drunk and alleged he had stolen items from her; being harassed and goaded on the street by group of local youths, one reportedly shouting “you’re weird,” who were reported by a neighbour to be banging on his windows and door. These should have been indicators to the police of racist and/or disablist hate crimes.

Here we can see how Bijan’s case highlights the role of another actor, or set of actors: the wider community, that labels him as deviant and outsider. At this point Bijan’s case could have been constructed as disablist or racist hate crime. One police officer recognised this potential disablist hate crime element and tried to help Bijan sending an email to the Crime Reduction (Bristol) Team, on 10th October 2007 which said:

Please can arrangements be made for a Bobby Van visit to Bijan Ebrahimi at 88 Capgrave Crescent, Broomhill Road, Bristol. He has recently been moved from 3 Whartons, Callington Road after arson attacks and racial issues. The council moved him to 88 Capgrave Crescent, Broomhill, Bristol. Mr Ebrahimi was recently assaulted by a resident from Whartons, Callington in the Broomhill area. It is suggested that Bijan may be getting targeted once more. (Simick, 2015a, p.142)

The same PC also referred the incidents involving Bijan to the Multi Agency Public Protection Arrangements board in December 2007. Bijan was considered at this point (the board was held in February 2008) to be a victim of crime (Simick, 2015a, p.30). However, a major switch in proceedings came about in this meeting as it seems that rather than being seen as the repeated victim of hate crime, Bijan was seen as the perpetrator.

As with the cases described in the previous examples, these incidents were not constructed as disablist hate crime, but instead mis-constructed as neighbour disputes, as anti-social behaviour, trouble with youths, and in some cases as ‘non-incidents’. The police construction of neighbourhood disputes can be seen in several reports over the years that Bijan was targeted. On 18 August 2007, a call from Bijan was annotated by the call taker adding a ‘*Misuse of 999 tag*’ to the log (Simick, 2015a, p.14). Rather than interpret the call as a frightened disabled man, the implication is that of someone

abusing the emergency system. When Bijan rang again two days later, again in the early hours, despite the log showing that four cars were set alight, the officer attending added:

...there is no known offender, informant does not get on with most of his neighbours and was making accusations against all of them, none with any sub[stance]... (Simick, 2015a, p.16)

This was the beginning of labelling Bijan as a pest. Although at this point it appears that the police were somewhat sympathetic and following the two arson attacks liaised with other agencies including housing to move him into temporary then more permanent alternative accommodation. Indeed, on 21st August 2007 at 5.28am a police call-taker annotated the log:

Mr Ebrahimi was worried and 'think we should attend ASAP as there appears to be a hate campaign against informant'... (Simick, 2015a, p.137)

There was at this point evidence from others that Bijan was telling the truth. On 29th August 2007, a neighbour called the police reporting her son's claims that several young people were planning to kill Bijan. Although the police attended immediately, the log shows they had decided 'there appears to be no substance to this'. The police did not speak with Bijan, the log was annotated at 9.33pm, the decision the claim was unfounded took less than twenty-five minutes from taking the call to attend and investigate.

These attitudes perhaps were influenced primarily by one police officer PC Duffy who regularly posted updates to logs recording complaints from Bijan. PC Duffy was one of the main witnesses in the anti-social behaviour injunction along with several neighbours (Simick, 2015a, p.112). On 1st July 2011, when Bijan reported criminal damage, PC Duffy noted:

The informant at 88 Capgrave Crescent is Bijan Ebrahimi. He is well known to Neighbourhood Police Team and to council antisocial behaviour team. He has a history of making spurious complaints against his neighbours.... the

Neighbourhood Policing Team will speak to Mr Ebrahimi and neighbours to establish if substantive crime’. (Simick, 2015a, p.117)

And again, on the 9th of July, PC Duffy commented on a further incident log:

This male is well known he has previously had conditions not to harass his neighbours which has recently run out. He makes false allegations against his neighbours when in fact he is actually the offende’... there are no offences and suspect highly this is a false claim. Log to be closed’. (Simick, 2015a, p.119)

When Bijan called the police in September 2011 reporting a hate crime the log was updated thirteen minutes later with a comment from PC Duffy discrediting his account:

Informant has a history of making false accusations against his neighbours. Happy for this to be (referred to senior duty officer) for his attention... (Simick, 2015a, p.119)

PC Duffy then sent an email to his Inspector adding ‘Ebrahimi’ as the subject:

Sir, sorry this is rushed, He’s been making complaints against neighbours again. I’m just off the phone with BE. If there’s any scope for false reports, I’ll get the evidence. He signed the email ‘Kevin’. (Simick, 2015a, p.119)

This suggests PC Duffy was actively trying to discredit Bijan’s account, rather than constructing these events as a campaign of disablist hate crime. In November 2011, following another incident report, again PC Duffy added his perception to the police log:

The informant is Bijan Ebrahimi. (Date of birth). Iranian. He has made numerous complaints of racial or neighbour problems. All neighbours report that Mr Ebrahimi fabricates incidents. I will be on rest days until 5/12/11. If officers attend and get details of incident and all witness for Guardian⁶⁶ I will be happy to deal on my return’... (Simick, 2015a, p.121)

⁶⁶ Guardian is the police hate crime reporting system

However according to the Independent Police Complaints Commission report, PC Duffy did not do as he suggested but:

failed to investigate the matter, or to deal with it on his return to work (Simick, 2015a, p.121)

In the above logs, several references were made to problems with neighbours or neighbourhood issues. This alternative perception of the disablist hate crime that Bijan was being subjected was beginning to take hold. This definition of him seemed to spread to other officers. In June 2012, Bijan reported being threatened by two people who also damaged his flowers. The police attending noted dismissively:

no offences this was an argument over plants. Neighbourhood Policing Team to be advised they are aware of ongoing issues (Simick, 2015a, p.126)

Some officers also constructed some incidents when Bijan was targeted as ‘trouble with youths’. By now they were positioning Bijan as a thorn in the side of the local beat office. One report recorded Bijan was having “just a general moan about the local youths” (Simick, 2015a, p.43).

This attitude towards Bijan meant he had developed a negative reputation within the Division. In 2012, again Bijan telephoned police to report an incident with one of his neighbours and at this point a police sergeant noted:

I would suggest, on the balance of probabilities the reporting person isn’t actually a victim and has made the allegations against his neighbour spuriously... (Simick, 2015a, p. 130)

This comment appeared to have resulted from a conversation the sergeant had with PC Duffy (Simick, 2015a, p.130). During her interview following Bijan’s death, another police officer, PC Winter, said:

PC XXXXX⁶⁷ told her that Mr Ebrahimi had caused problems with many of his neighbours. He said that the Council was involved and that, in the past, Mr Ebrahimi had received an antisocial behaviour order, which had now expired. PC XXXXX also said that Mr Ebrahimi was known for lying, making things up and using the race card (Simick and Fernandez, 2014, p.33)

Interestingly, neither were these incidents constructed as racist hate crimes. Despite evidence to the contrary, she chose not to believe Bijan:

PC Winter said that she also saw footage of the man entering Mr Ebrahimi's kitchen and shouting at him about taking photographs of him. Having viewed the footage, she believed that Mr Ebrahimi was lying about being assaulted, as he had no visible injuries, and she could not see any assault on the footage. PC Harris described how she also viewed the footage and, although Mr James was aggressive, she could not see any assault. She did see Mr James step away from Mr Ebrahimi and heard a woman's voice telling Mr James to 'come away'. (Simick and Fernandez, 2014, p.31)

The Independent Police Complaints Commission report suggested that this way of defining cases had spread to the whole department and rather than anyone challenge this view the Neighbourhood policing team⁶⁸ of which PC Duffy was part was:

a reservoir of negative attitudes towards Mr. Ebrahimi passing them on to others who came into contact with him...may 'have contributed directly to his murder' (Simick and Fernandez, 2014, p.145)

On the night of his death, although there was a 'treat as urgent marker' placed on the log, Bijan was again seemingly held to blame with the log annotated:

⁶⁷ the name of the police officers and some other witnesses are redacted in the report and replaced with a series of XXX to denote different people

12/07/2013 13:07:55 88 Capgrave Crescent. Informant is occupant Bijan Ebrahimi takes pictures of the street from his home address, which is provoking the local residents into thinking his actions are sinister. Tension in the street is high and police fear he will be targeted by residents (Simick, 2015b, p.18)

The call handlers recorded Bijan's distress on the log:

At 6.54pm; He says he's too afraid to open his windows.

At 7.31pm: He is concerned for his safety.

At 7.39pm: He's very frightened.

At 8.21pm: saying he does not feel safe... (Simick, 2015b, p.16)

However, when eventually the police were dispatched, the police log again reflects the perception that they think Bijan is provoking the incidents:

the situation needed calming down 'cause of the way he's antagonising people (Simick, 2015b, p.16)

The call was determined as urgent, however the attitudes of the police appeared to mean they saw Bijan as a pest rather than someone in need of help.

The construction of the incidents had gone beyond that of neighbourhood dispute, but this was a rapidly evolving scenario. When PCSO XXXX was interviewed following Bijan's murder however, he argued that he had initially agreed that the incidents were neighbourhood issues. However, when he had put this to Lee James, Bijan's murderer, the answer was that he felt it was more than this:

PCSO XXXXX described asking Mr James if he thought that the matter was an ongoing neighbourhood dispute and Mr James told him that it was not. PCSO XXXXX continued in his statement to say that Mr James told him that he had spoken to Mr Ebrahimi, whom he believed had taken a photograph of him from his kitchen window. He, Mr James, had gone into Mr Ebrahimi's flat to tell him not to take pictures of him and to stop looking at his children....if the police did not deal with the situation, he would sort it out himself and PCSO XXXXX feared

that Mr James may resort to violence. Mr James went on to tell him that he was not scared of being arrested or of going to prison and would do anything to protect his kids. (Simick and Fernandez, 2014, p.32)

Here Mr. James is showing the depth of feeling he had towards Bijan. He emphasised that this was not in line with the proposed police construction as neighbour dispute, but it was much more sinister, and dangerous.

Bijan had limited power in this situation. He was in fear of his life, and asking for help, but was at the whim of the call handlers who seemed to take their lead from the police officers and blame him. A more sinister perception from the local community that Bijan was both a rapist and a paedophile seemed to also be influencing not only the local community but also the attitude of the police towards Bijan. These are labels commonly attributed without cause to disabled people (Equality and Human Rights Commission, 2011; Quarmby, 2011). The Independent Police Complaints Commission report concluded:

There is evidence that the false information that Mr Ebrahimi was a paedophile persisted, and followed Mr Ebrahimi over a period of 7 years, eventually being used by Lee James as the justification for his murder (Simick, 2015a, p.156)

However, the report also claimed that:

no attempt appears to have been made to correct the false allegations that he was a paedophile in the manner that PC XXXX had done. The dangers to persons labelled paedophile are well recognised. In the case of convicted paedophiles, risk assessments are carried out, not just in relation to the threat they pose to others, but because of the risks to them, should their offending become known about. It would be ironic if those falsely labelled paedophiles were less well protected. There is no evidence that the additional risks to Mr Ebrahimi arising from this false rumour were identified and acted upon. (Simick, 2015a, p.143)

One Inspector interviewed about the events of the night Bijan was arrested recalled the actions of the arresting officer when Bijan was arrested:

She outlined the circumstances of Mr Ebrahimi's arrest to him and expressed her concern about the community tension because neighbours thought that Mr Ebrahimi was a paedophile. PC XXXXXXXXXXXXX explained that she had spoken to XX XXXXXX, who was adamant about this. (Simick and Fernandez, 2014, p.53)

Here the inspector does not merely report the reason for arrest but seemed to suggest that a fellow PC was reporting the strength of conviction of those believing this about Bijan. This is echoed in the statement from another police officer present who stated:

XX XXXXXX would not listen, so she stopped talking to her. She completed enquiries at XX Capgrave Crescent; the man ...stormed off, saying that Mr Ebrahimi was a paedophile and a rapist and the police would, as usual 'white wash it' ...PC XXXXXXXXXXXXX recalled then speaking to the man's mother, XXXXX XXXXX and also to XXX XXXXX, from number XX. The women appeared to be aware of the rumours circulating around about Mr Ebrahimi. (Simick and Fernandez, 2014, p.52)

These allegations were dealt with by a light touch, the PC claimed she:

...gave the women advice about how dangerous gossip could be and left Capgrave Crescent shortly afterwards. (Simick and Fernandez, 2014, p.52)

At this point, when attending incidents regarding Bijan the police's view of him as a pest was being passed to all officers. PC Winter and PC Harris claimed they were told Bijan was a troublemaker who lied and made false allegations. Lee James alleged that one of these attending officers told him:

off the record I would have done the same thing (Simick, 2015a, pp.144-5)

The police officers dealing with Bijan appeared to hold him in contempt. Although the Bristol County Council learning report concluded that there was evidence of racism, there is also evidence of institutional and individual disablism. This is particularly striking in the way Bijan was dealt with in the hours and days leading up to his murder. CCTV footage obtained from the custody suite where Bijan was held when he was arrested shows Bijan's frustration at being arrested despite in his eyes being the victim, after

being assaulted by James. The CCTV footage shows Bijan is repeatedly treated contemptuously and dismissively by PC Harris. She interrupts Bijan saying:

I'm totally bored of it now. Totally bored of it...Stop talking to me, I do not want to talk to you, you've managed to upset everybody in that block of flats [putting her hand up to emphasise that]... I can't even be bothered to waste my energy on you...just smoke and stay quiet (Simick and Fernandez, 2014, p.40)

Bijan can be seen trying to engage PC Harris, whom he saw as a friend, to which she replied:

you're a pain in the ass. Don't speak to me...Just be quiet for now. Just be quiet. What part of be quiet do you not understand? (Simick and Fernandez 2014, p.40)

When Bijan again protests his innocence, PC Harris replies:

I'm not talking to you anymore; I'm fed up talking to you. You're boring me... Don't lie, I'm not talking to you (Simick and Fernandez, 2014, p.40)

PC Harris then can be seen waving a folded piece of paper saying:

I am not talking I've had enough, completely had enough (Simick and Fernandez, 2014, p.43)

When Bijan again protests the account being given, holding out his left hand, PC Harris hits Bijan on the hand with the paper shouting:

Get off! ... Don't keep pointing at me, how rude (Simick and Fernandez, 20134, p.44)

Following his release, Bijan was scared for his life, he tried to speak with the officers he thought may help him, however PC Duffy responded to the call taker:

Er...no, you could inform Mr Ebrahimi I've, I've an appointment just now, I'm not gonna be speaking with him now – I have heard from Mr Ebrahimi... (Inaudible)...through my colleague that I gave him a certain amount of advice that he was quite incorrect on, I will be visiting him later on this evening...and will be making a point of that (Simick and Fernandez, 2014, p.58)

Later, following another call, PC Duffy seemed to be becoming angry and responded:

I'm not talking to that man tonight I'm involved with log XXX. I'm sorry I'm gonna go off on one in a second because I've had repeat calls from this man, I'd like everything logged he has said because unless he is actually reporting something, if he is we can get a nominal response unit and deal with it. PCSO 9410 has gone out and patrolled the area tonight. The gentleman's been arrested and basically, I am considering doing this Mr Ebrahimi for harassment if he keeps calling and want to speak with me because I made it perfectly clear I had no intention of speaking with him tonight. (Simick and Fernandez, 2014, p.90)

The Independent Police Complaints Commission report suggested this was “an action which can only be described as indicative of contempt” (Simick and Fernandez, 2014, p.106). Minutes before his murder, when Bijan again pleaded for help, PC Winter's responded:

I'm absolutely not interested in speaking to him ever (laughs) thanks...I don't think anybody is to be honest he's a pest and um, we don't know why he's ringing up, he got nicked the other night and I think he's got a problem with it and he just keeps ringing up different officers to find out why, he's an absolute idiot...He just needs some sort of warning I think to stop ringing up (Simick and Fernandez, 2014, p.98)

The next call received by the police concerning Bijan was from a member of the public reporting his murder.

Bijan was not seen as a victim of disablist hate crime but as a difficult man, a nuisance, who brought a lot of his troubles on himself. In the main he was not believed and seen as a pest. Bijan was not the only victim to be seen in this way by the police. It is not my intention here to portray the police in a negative way, but to shine a light on factors which makes the construction of disablist hate crime so problematic and why this may be. One of the main issues for Bijan was that he did not elicit sympathy from the police, rather he was treated with disdain. This attitude can be seen in other cases, where the

police seemed reluctant to construct disablist hate crime, instead using other explanations for what may be happening.

A similar process was seen in the case of Joseph O'Hanlon described earlier (see chapter four, Box 18, case 90). This was an example of extensive control. Joseph was murdered by Anthony Bennet, a violent offender. However, whilst he was alive, Joseph was not considered a victim, nor was this case at any point (including after his murder) constructed as disablist hate crime. Joseph was, as was Bijan, subject to anti-social behaviour orders because of the behaviour of his friends and was in the process of being evicted from his social housing when he was murdered. Joseph did not elicit sympathy from any of the actors involved in his case, instead Joseph and his 'friends' were defined as troublesome. Police visited Joseph at home on the night of his murder. At this point Bennett, who would later murder Joseph, had moved into Joseph's flat and taken total control of his life. Joseph was small, weak, ill, and disabled, an ideal victim according to Christie's (1986) typology. However, Joseph was considered a difficult person, because he hung around with drug addicts, homeless people, and sex workers. It is through this lens that Joseph's behaviour was interpreted that night. The serious case review into Joseph's death noted:

Police visited Joseph several times, the last along with a housing official on the evening of 28th April. Bennet was present in Joseph's flat, Joseph described him as 'an old friend and welcome'. Although he had not been seen previously associating with Joseph, he told the visitors that he would make sure Joseph was safe. However, the PCSO described Joseph as emotional, watery eyes, slightly rambling, this he attributed to intoxication (Cheeseman, 2017, pp.40-41)

Rather than see Joseph's behaviour as indicating abuse or trauma, Joseph was thought to be drunk or high on drugs.

A similar approach can be seen to another case we first discussed in chapter four (Box 16, case 85). The perpetrator sexually assaulted his young autistic victim for several years. Again, the victim in this case did not seem to elicit sympathy, and the case was

not constructed as disablist hate crime by the police but as repeated abuse of the 999 emergency call system:

have spoken to neighbourhood officer...aware of the complaints by (victim) and his problematic behaviour...repeated abuse of 999 system...I spoke with him in front of his mother and insisted that this position is untenable and must be resolved... problem is that (victim) always makes the complaint...as a result of his drunken and/or non-medicated state...has never been prepared to substantiate ...the allegations when he is sober, calm, compliant and medicated...never done a video interview, nothing more than ever shouting about it when unfit... (case 85)

Again, the behaviour of the victim was constructed as problematic. There does not seem to be an attempt to get to the bottom of what is going on, but to draw a line under the incident and stop him from reporting further incidents to the police.

Bijan Ebrahimi was similarly portrayed by several police and housing officers as a difficult man, who told lies. The role of the Housing Officers is different to that of police and safeguarding practitioners. Their main concern is to protect those living within their housing and allocate resources fairly. To be a good tenant you must look after your property, pay rent on time, and obey the rules of tenancy. Trying to switch properties was difficult. Getting to the front of the queue was made easier by certain issues-being targeted by neighbours being one. There was a sense of distrust from some Housing Officers to the validity of some of the claims made by disabled people about their experiences. This was common to several cases where victims of disablist hate crime were thought to be lying to manipulate professionals particularly those involved in the social housing system. The construction of disablist hate crime seemed less likely when the police felt they were being used to advance the housing list. There was good practice seen in liaising with other professionals. However, the police seemed to be persuaded by another professional rather than the victim, as they noted in one police case file:

The housing believe aggrieved person wants to move and suspect he is causing many of the issues in the flats. PC emailed Housing officer asking for call back.

After speaking to Housing Officer, incident may not have happened or at least not in way relayed to me. Housing Officer to review CCTV and contact me if anything of note (case 6)

In another case, the victim reported numerous instances where they were targeted by neighbours, but rather than define these cases as disablist hate crime, they were deemed to be a way for the victim to get a house move to a different area. The officer dismisses the case at this point, by noting it is 'negative lines' on the police log:

Aggrieved person has had numerous dealings with PC re ongoing problems with neighbours and trying to obtain a move. This is a negative lines file aggrieved person is aware. (case 7)

The phrase 'negative lines' means in police parlance that there is little or no evidence to build a case, either the victim is unreliable, the offender is unknown, or the Crown Prosecution Service would be reluctant to prosecute. By using this phrase, he lets any other actors who may wish to comment (such as supervising officers and the Police Public Protection Unit) know that he has already made his decision and the victim has been informed. The case is closed.

The same construction of the victim as untrustworthy was seen in a case of alleged gang rape of a young man. He was positioned not as a victim of disablist hate crime, but as unreliable. There are other actors involved in this case who share this perception, and the log shows that together they interpret his mental health issues as evidence of this untrustworthiness:

Male, aged 19 years. Mental health issues, suicidal tendencies. 'Bit of a fantasist'.... 'inconsistent story unsupported by CCTV and other accounts, possibly for move from housing'. Witness not supported throughout...'paranoia...bit of a fantasist' (case 45)

The police seem to show little empathy or understanding of the person's mental health issues. Another case highlights how the mental health issues of the targeted person seem to take forefront in the construction of disablist hate crime, instead of adding weight to the reasons why the incident should be constructed as disablist hate crime,

they are used to position the victim as difficult and in need of mental health support rather than police action. In the following case, the victim was sent a letter referring directly to his disability and threatening that he would be reported by the police. This was disablist hate crime. The log recognised the victim was vulnerable because of their disability, and that there was a known offender identified as likely to be their next-door neighbour. However, the log seemed to offer an alternative construction:

Requested police-woman due to feeling more at ease as was raped when he was a child. The aggrieved person stated he does not want police to go to his address to discuss concerns, wants community psychiatric nurse to attend meeting. Appointment to be made to fully discuss safeguarding issues and to progress this report. Feels vulnerable due to MN (mental health), NAD, (unclear-possibly name and address), health issues (case 11)

The log suggests that not only does the targeted person now not want police action, but that rather than being a police matter, the right professional to intervene would be his community psychiatric nurse. The police officer underlines his construction by adding notes to the effect that there is no evidence available, the letter has been destroyed (perhaps doubting the existence of a letter at all) and there is no way to corroborate his story:

Letter has been destroyed by AP and there is no CCTV. (case 11)

At this point the incident was closed:

spoken to victim by telephone on number of occasions, crime recorded as hate incident and filed (case 11)

The crime was recorded as a hate incident. This tied up any loose ends. There was no further need to investigate. The case could be closed.

6.4 Conclusion to chapter

This chapter has explored the meaning making process of the agents of social justice in defining disablist hate crime. This is a far from straightforward meaning-making process. It is affected by the actor's own prejudices; the context and systems in which they operate; and local and national organisational policy, procedures, and guidance.

Ideally, disablist hate crime should be constructed following a process with four steps. Firstly, disablist hate crime is identified through gaining information and interpreting this information. This step involves recognising a disabled person as a potential disablist hate crime victim. One of the possible issues here is that to do this a person must first be recognised as disabled, which itself seems problematic for the police. At the time of data collection this was not recorded as a matter of course, but flags were available for vulnerability and intimidation which were used to identify disabled crime victims. It is important to remember here that equating vulnerability with disability is rejected by many disabled people and disability scholars (see chapters one, three, and five). But the mechanism for flagging in the police system means this is difficult to avoid. Step two is where more information is gathered and interpreted. This step is important and there were examples of good practice during this stage where police officers focused on the job at hand and took the complaint seriously. This is also the stage where many mistakes are made. This has been reported by disabled people as one of the main barriers to reporting disablist hate crime, that they do not feel they are taken seriously or treated as any other crime victim would (Equality and Human Rights Commission, 2011). Step three is getting to the bottom of the incident, finding out if the incident is part of repeated victimisation, what exactly was happening, who was involved, and building a case for prosecution. The final step, step four, is the construction of the incident as disablist hate crime, and a case being sent to prosecution. Many potential disablist hate crime cases are 'cuffed' at this point, being filed as either 'suspect not identified', as non-crime, or as a hate incident. Recent interim guidance published by the College of Policing (2021) recommends that records should not be automatically created if an incident is reported, and the name of the offender may not necessarily be recorded. This

may cause further concern to the process of identifying and recording disablist hate crimes.

In practice, the analysis suggests that the police, instead of constructing incidents as disablist hate crime, may (mis) construct what happened in different ways. Firstly, as not being seen as the police's job, instead they are seen as micro-aggressions and defined as anti-social behaviour, neighbour conflict, or trouble with youths. These cases were generally public events, but the police do not construct them as priority crimes to be dealt with. These cases are then passed on to other agencies such as those responsible for housing or safeguarding.

Secondly, when disablist hate crime happens in a private arena, it is generally constructed as an inside job, and discussed in the language of abuse. For both safeguarding practitioners and the police, these cases are rarely constructed as disablist hate crimes. Christie's (1986) framework of the ideal victim was used to indicate that the lack of a clear demarcation in ordinary hate crimes, and specifically cases of potential disablist hate crime, between the perpetrator (who may be a carer or an ordinary member of the public if they are a family member) and the victim (the disabled person), seems to make this construction more difficult. Rarely are cases of familial or carer assaults dealt with as disablist hate crime. When disablist hate crime occurs the disabled victim often has little power and is not afforded the same service as other valued members of society. The case of Winterbourne View was discussed to explore the difficulties with recognising what were described by the Crown Prosecution Service as disablist hate crimes in this crime-abuse dichotomy.

Finally, Christie's (1986) framework was again used to analyse the case of Bijan Ebrahimi. This tragic case of a man experiencing both racist and disablist abuse highlights how the police constructed Bijan as anything but the Ideal Victim as constructed by Christie (1986). This has been identified in the literature as one of the potential problems for disablist hate crime within the hate crime discourse. Mason-Bish (2018, p.44) has suggested that hate crime victims, by the nature of the crime, should be the perfect ideal victim. Mason-Bish (2018, p.48) used the case of Bijan Ebrahimi amongst others to highlight the "complex picture" painted within hate crime policy which does not always

serve disabled victims well. She highlights some of the vagueness of Christie's typology which means much is open to interpretation, however within this research the typology has perhaps been useful in giving an insight into how the police may view victims of hate crimes, and disablist hate crimes in particular. Recent research by Tyson (2022) suggests that when dealing with people with learning disabilities who are victims of disablist hate crime, police struggle to prioritise under an enormous workload pressure. She suggests they may feel nervous, particularly when approaching individuals who may have with what they see as odd behaviours, although this is influenced by whether they have previous similar experience (2022, pp.500-501).

Mason-Bish (2018) suggests that the way disablist hate crime has been developed and constructed has perhaps had a negative impact both on whether disablist hate crime victims are seen as ideal, and on how disablist hate crime is being constructed as hate crime. She posits that structural factors related to policy are preventing disablist hate crime from being addressed as other forms of hate crime. This chapter adds to this debate by suggesting that the way police officers in particular, but also safeguarding practitioners, the Crown Prosecution Service, and other actors such as Housing Officers, define disablist hate crime would benefit from a rethink. Mason-Bish (2012, p.15) suggests the issue is that as disablist hate crime was "late to the hate crime party", it is at the bottom of the hierarchy of hate crime. In this case it has had to "adapt or adopt". Neither of these strategies seem to be working, perhaps it is time for a new way of tackling disablist hate crime? This is the subject of the final chapter.

Chapter 7: Conclusion

7.1 Recapitulation of purpose and findings

This thesis is motivated by a desire to develop the evidence base and current understanding of disablist hate crime. Using grounded theory methods enabled an analysis grounded in the data, in real life cases of intimidation, exploitation, and extensive control. A picture emerges of disablist hate crime as a dynamic process in which perpetrators engage in power struggles with disabled people. Perpetrators define the disabled person as different, as vulnerable prey, and as a target for exploitation and brutalisation. The perpetrators target disabled people by direct subjugation, manipulating relationships, and exploiting existing caring relationships. Disabled people react by pushing back, seeking help, or by enduring. This is seen across a range of public and private settings, on the street, near to and inside people's homes, and in care settings.

The construction of disablist hate crime has been analysed, how it ideally should go, and how it more usually did go. There are a few examples of good police work, or situations where safeguarding practitioners manage to remove disabled people from dangerous situations. But more usually cases of disablist hate crime are not constructed as such. Disablist hate crime is not seen as a priority for police on the ground. Cases of disablist hate crime are instead constructed as not being their job and defined as micro-aggressions (anti-social behaviour, neighbour disputes, trouble with youths); as being inside jobs and outside the scope of real police work (abuse or domestic violence); or the victim is constructed as being less than ideal (as non-vulnerable or as partly to blame). Such cases are then not investigated fully by the police, victims are not heard, and many cases are filed as 'negative lines of enquiry'. Safeguarding practitioners are somewhat siloed, working in their own social and professional arenas, which may have conflicting priorities with those of other agents of social justice. The targeted disabled person often then has little recourse to justice, and the disablist hate crime continues, reinforced by both individual and institutional ableism of agents of social justice.

7.2 Uniqueness of my research and the value of method

There is limited research on disablist hate crime, although there have been useful additions recently particularly in online disablist hate (Perry, 2017; Burch, 2021). It appears that disablist hate crime is, and remains, under-reported and under prosecuted (Quarmby, 2008; Equality and Human Rights Commission, 2011; Chapman, 2020) which means that disabled victims are not receiving justice, and victim support; and the perpetrators are free to continue targeting disabled people. It also means there is limited data available to research and help to formulate an effective response. There are several reasons for this. Disabled people are less likely to frame their experiences as hate crimes, but in the language of abuse (Equality and Human Rights Commission, 2011; Chakraborti et al., 2014). Not all types of targeting are considered as disablist hate crime. Abuse and safeguarding cases are mostly ignored within hate crime research which focuses on acts by strangers, which occur in public, and particularly those which are recorded as crimes.

Using grounded theory methods, I sought to address these gaps, by exploring the nature of disablist hate crime using a wider perspective. The analysis included crimes and incidents which were not recorded as disablist hate crime, those described by safeguarding practitioners, and those available in the public domain. A possible criticism of this approach, which hopefully has been dealt with as the thesis unfolded, is that of whether the cases analysed did, in fact, constitute disablist hate crime. My perspective is that they do, and they should. Which hopefully goes some way to addressing the argument made by Mason (2005) of the problems with the circularity of definition. If we only consider those cases which fit current typologies, how will we see the real picture or challenge our current ideas? As Hall (2013) has argued so eloquently, hate crime is a social construct, one which must be reconfigured with increasing knowledge. This exploration has hopefully helped in a small way to do that.

7.2 Relationship with previous research

The categorisation of disablist hate crime developed builds on previous typologies of hate crimes (Sibbitt, 1997; Bowling, 1998; and Iganski et al., 2005). The typology of

disablist hate crimes constructed by Hoong Sin et al. (2009), and the revised Equality and Human Rights Commission (2011) typology (which included exploitation), are based on specific acts and crimes, but include categories of bullying and abuse. Both research teams included data from a range of perspectives but focused on the voices of victims of being targeted and their carers. This was important in order to understand the impact of their experiences; however, this may not capture the full range of disablist hate crimes as we have seen. Victims of disablist hate crime do not always recognise their experiences in the language of hate, nor see the targeting as being motivated by hostility. Additionally, many perpetrators may be carers, friends, partners, or family members. The new developing typology discussed in this thesis aims to address both these issues, by using analysis from a range of cases to develop broader categories of acts. This new categorisation could prove important for disablist hate crime as it captures those acts which are exploitative as well as those happening inside private and care homes. It also offers a framework for understanding the range of actions of perpetrators including coercive control, manipulation, and dehumanising behaviours, involved in disablist hate crime especially in those acts of extensive control.

The perpetrator typology builds on the work of others involved in hate crime research (Levin and McDevitt, 1993; 2002; Iganski et al., 2005; Sibbit, 1997), in suggesting that different types of disablist hate crime perpetrators carry out different hate crime acts. The perpetrator typology confirms earlier findings (Quarmby, 2008; Equality and Human Rights Commission, 2011; Chakraborti et al., 2014) that disablist hate crime perpetrators are often known in some way to the people they target. They are rarely strangers, although these acts (by strangers) are more often categorised as disablist hate crime. Instead, they are targeted by local youths, family, carers, friends, partners, and neighbours.

The added dimension of the dynamic process of disablist hate crime moves the analysis still further. This contextual analysis builds on work of others (Sibbit, 1997; Bowling, 1998; Perry, 2003; and Iganski et al., 2005), to show how the process of disablist hate crime manifests. There is some evidence within the research that the major typology of offender motivations suggested by McDevitt et al. (2002) has some application to

disablist hate crime and is used in different types of constructions by the police as micro aggressions, thrills, and in retaliatory crimes. However, the analysis suggests that the perpetrators are, as in Perry's thesis of identity work, misusing power within the structured action of hate crime. The process of disablist hate crime includes some dimension of identity formation in terms of separating of self from other, by distancing and intimidation, to gain social power. This is explained by Perry (2003) as 'doing difference'. My work adds an extra dimension by grounding her concepts in my gathered data which consists of the embodied and human lived experience of disablist hate crime.

There seem to be social arenas where disablist hate crime is more likely to occur. Using Sibbit's (1997) idea of perpetrator communities we can take a novel approach to thinking of disablist hate crime. Disabled people are frequently socially excluded, and economically poor. They are more likely to live in either social housing in areas of social and economic deprivation (Emerson and Hatton, 2016). They are also likely to need care and support and are more likely than the general population to live within care facilities. Thus, the identified perpetrator communities of marginalised neighbourhoods and abusive care facilities, with their distinct cultures, are arenas in which disablist hate crime seems more likely. In these arenas, perpetrators have different roles, and identity and power relations are constructed differently. These perpetrator communities come with their own rules, but they are arenas within which the agents of social justice operate: the police, safeguarding practitioners, and others. However, it seems that they are seen as being outside the realm of responsibility of the police and safeguarding practitioners.

The final contribution made is through the exploration of the way these agents of social justice construct disablist hate crime. The police prioritise serious crimes, those which are detectable, those with a known perpetrator, and a clear (and ideal) victim, and which they feel are part of their job. For safeguarding practitioners, the rules are different, they seek to reduce risk, ensure people are safe, balancing the risks and rights of people to make bad decisions. Housing Officers seek to protect those living in their properties, deal with complaints, and move people around by allocating housing according to perceived (deserved) need. We can consider the public/private domain and the roles of

carers, family members, and partners in these constructions. The influence of the targeted person was explored within Brofenbrenner's (1994) ecological model, to develop a layers of vulnerability model. This builds on the valuable work of Hollomotz (2012) who suggested a conceptual model of violence against disabled women by including perpetrator communities, and the agents of social justice. Hollomotz suggests that the process of violence begins when labels are attached to a disabled person. Indeed, but I would like to add that labelling, and each specific form of labelling, as my data shows, is related, or leads to certain forms of disablist hate crime. The perpetrator sees the disabled person as different, as vulnerable prey, or as a target for brutalisation and targeting, which leads to an act or a string of acts of subjugation, exploitation and even extensive control.

7.4 Implications of findings and recommendations

Disablist hate crime tends not to be recognised by victims, carers, and their families, or those responsible for its social construction: the police, safeguarding practitioners, care and housing providers, and the wider criminal justice system. Many cases are under-reported and under-prosecuted. Despite several attempts to challenge these issues, the problems persist. Reported cases are increasing slowly, but those cases remain the tip of the iceberg. My research suggests the problem lies with a number of operational and structural issues.

The police are under-funded, under-resourced, and have competing priorities. There are systems for reporting disablist hate crime, which enable police officers to 'cuff' incidents rather than investigate them fully. There is useful guidance available operationally, but it does not seem to be followed.

The recent guidance is comprehensive but is not likely to be read in full by all police officers. There were previous iterations of guidance which are simple and would, if used as intended, perhaps be more useful, in particular the Hate Crime Policy and Procedure (2017) previously used by Greater Manchester Police which asks:

Whenever dealing with a disabled victim of crime, you must ask yourself:

Would this have happened to the victim if they were not disabled?

Why is this not a disability (sic) Hate Crime?

This has been recognised recently by hate crime scholars as an issue with hate crime training for all police officers. A joint review by HMCPSP, HMIC, & HMI Probation⁶⁹ into disability hate crime was carried out in 2013, visiting six police forces and interviewing police staff, witness support staff, observations of court cases, reviews of sixty-one cases, and interviews with a range of representatives from police management organisations (2013, p.44). The report concluded that although there was evidence that training available for police forces, many police personnel had “no real grasp” of disability hate crimes and questioned the reliance on e-learning which “was universally treated with mistrust by officers” (2013, p.41). Trickett and Hamilton carried out a review into hate crime training of police officers in Nottingham. One of their conclusions was that hate crime training, particularly for disability hate crime, needed to be bespoke, with empathy being at the heart (Trickett and Hamilton, 2016, p.197). In recent research into which factors influence the ability of Surrey police officers to respond to disability hate crimes, Tyson (2022, p.502) suggests current practices in police training need challenging. Tyson posits a more effective model for learning than current power points presentations and eLearning, would be: “an immersive training environment...to...help facilitate deeper learning”. However, she cautions that this must involve disabled people in its creation and delivery. It is indicated in this thesis that the problem lies with framing the targeted person as disabled, and there is evidence of both individual and institutional ableism within the police. We need values-based education for all the agents of social justice, as part of basic and ongoing training. There is currently limited training offered around equality, this needs to be different.

A further issue seems to be that those cases which are constructed as disability hate crime are those which happen in public, where the perpetrator is an individual who is a stranger to the victim but often known to the police, with a history of similar previous incidents. In these cases, the targeted person is deemed to resemble Christie’s (1986)

⁶⁹ HMCPSP (Her Majesty’s Chief Inspector of the Crown Prosecution Service), Her Majesty’s Inspector of Probation (HMI Probation) Her Majesty’s Inspector of Constabulary (HMIC).

ideal victim. These cases also have a recordable crime and clear evidence of disablist slurs. However, this research highlights that disablist hate crime can happen in private places, and be perpetrated by 'friends', family members, partners, and carers. Those incidents which are recorded as hate incidents, and those not seen as motivated by hostility because of the person's disability can be mis-constructed, partly due perhaps to competing priorities. Framing disablist hate crime as a process could help police officers and other actors to recognise the repeat nature of such events and see how these may progress to extensive control if not interrupted.

The current laws have created a hierarchy in the hate crime practice (Mason-Bish, 2012) where disablist hate crime lies below racist and religiously motivated crimes. Currently, there is no specific disablist hate crime law, the provision remains one of sentence uplift for a recordable crime, many of which are public occurrences. However, with the Law Commission recommendations published in December 2021, aggravated offences and stirring up offences may extend to cover all protected characteristics including disability (2021, pp.539-541). Whilst recent attempts to redress this balance by the Law Commission (2021) are encouraging, the issues will remain. Although the recommendations suggest including motivational factors of prejudice alongside hostility as a key determinant in constructing disablist hate crime, the difficulties with identifying motivation will also remain. This research develops our understanding of how this affects practice.

It is hoped this research adds to the debate raised by hate crime scholars (Chakraborti et al., 2014; Chakraborti and Garland, 2012; Roulstone and Sadiq, 2012; Mason-Bish, 2018) as to how we position disablist hate crime, how we decide what is hate crime, or indeed whether situating disablist hate crime within the hate crime discourse and the language of hate is the right framework. Would the language of bias be more useful? Hate crime, as other social constructs, is in a constant state of flux, developing with time and knowledge. As our knowledge expands so too must our way of conceptualising and constructing hate crime. Disablist hate crime is not the same as other forms of hate crime in all ways. But fundamentally it is rooted in bigotry. It concerns people being targeted because of who they are. Bias may offer a better way to reframe this, and this

debate must continue. My research will hopefully add to this discourse and to the academic argument that we talk again about hate crime.

In so doing we may also address another key issue. This seems to be a bigger problem than just rewording or more guidance. There is good guidance, but it is not followed. If we ask ourselves why, we need to face some painful truths. Ultimately our society places limited value on disabled people. Some disabled people that can be productive and are not considered too 'other' are valued, but many are not. We have seen in the Covid-19 pandemic the systemic devaluation and dehumanising language used when talking about the cost of protecting disabled people. In a blog-post Sophie Trist reflects angrily on comments made by Rochelle Walensky (2022) that it is "encouraging" that three quarters of deaths (from Covid-19) occur in those who are disabled and have chronic illnesses. Policy in both the UK and USA has failed to protect the lives of older and disabled people. This is further entrenched by the economic arguments of those policy makers which reflect the capitalist values in which our societal systems are situated. These are systems of dis/ablism (Goodley, 2017, p.125). Protecting disabled people from violence and abuse should not be a hard-fought battle, it should be built into our core, where disabled people are of equal value to others, receive good education along with their peers, live fulfilling lives, find their dreams and talents, live in decent housing, as part of their community, and have access to good health care and support as necessary. This needs a commitment from leaders, the media, politicians, institutions, and the welfare system, to reinforce this message by positive imagery, but importantly the right to legal redress if this does not happen.

7.5 Recommendations for further research

There are more questions inevitably when a research project comes to a conclusion, and there were many alternative paths I could have pursued which may be worth consideration for future projects. It would be useful to explore further the areas of good practice in recognising and interrupting disablist hate crime. This could be achieved by further research with the police, safeguarding practitioners, housing, and youth justice workers, which I was unable to pursue due to covid-19. This may help to better understand what works, who are people who make it work, and how do they do this?

Action research could be useful to develop strategies for agencies to work together to recognise and interrupt the process of disablist hate crime, as has been done by Firmin (2020) and colleagues with the use of contextual safeguarding in child sexual exploitation.

Similarly, further research with advocacy groups and disabled people would be useful to explore if there are disabled people who are not experiencing disablist hate crime. Listening to disabled people could also help develop strategies for action, what works in helping to recognise, report, prevent, escape from, and stop disablist hate crime. This could be done by talking to survivors to learn from their experiences.

It would be useful to identify some common ground across the different social justice arenas, of police, safeguarding, housing, community workers, agencies, advocacy organisations, to understand and develop values-based training, perhaps developing a toolkit based on the layers of vulnerability model.

Finally, research beyond England and Wales could offer useful comparisons. Understanding how disablist hate crime manifests in other countries which have a different social milieu could offer opportunities to learn how to recognise and manage disablist hate crime? How do they develop a more inclusive society, how do they interrupt disablist hate crime, and how do they rehabilitate offenders?

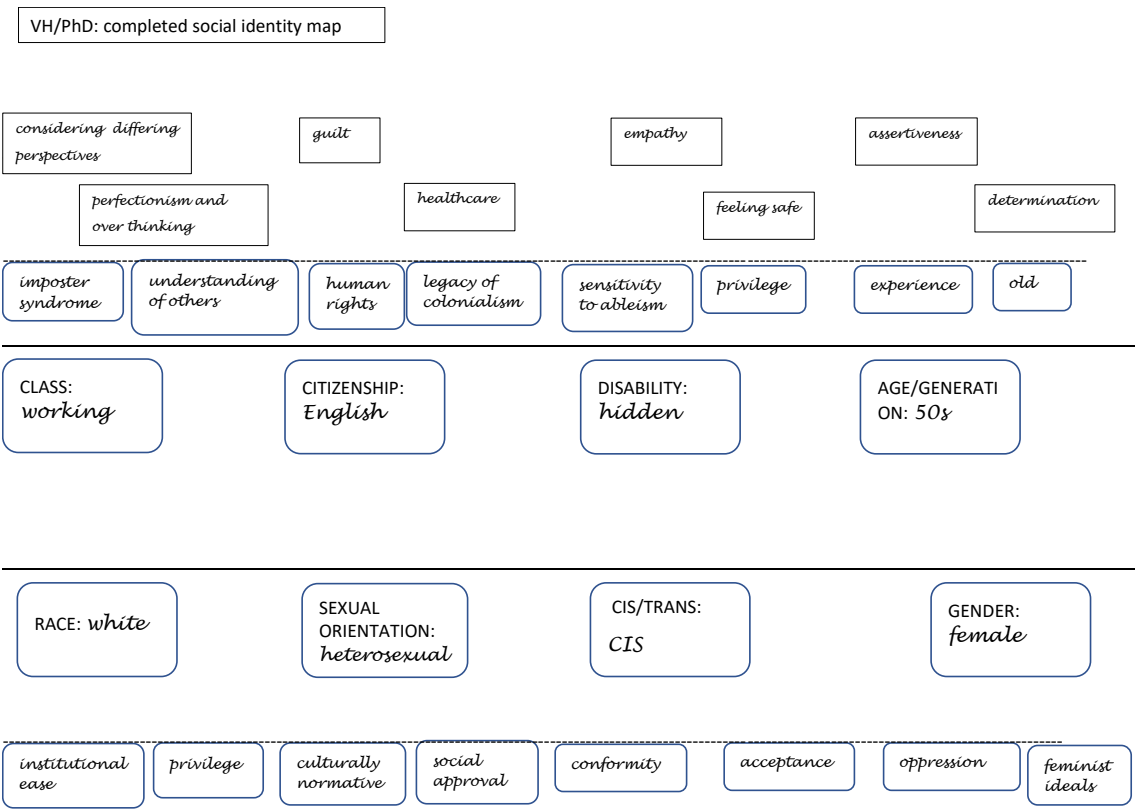
7.6 Final Thoughts

We must remember those disabled people living with experiences of being targeted because of who they are. Addressing disablist hate crime effectively, by attempting to prevent, stop, and punish crimes, sends an important message, that such targeting will not be tolerated. It reinforces where we as a society draw the line, that there must be zero tolerance to disablism in all its forms. It is every citizen's job to enforce this and call out ableism where they see it. The current charity model seen in the UK reinforces stereotypes. Do we need a new constitution similar to that of our neighbours in Scandinavia? With rights for all? This may be a challenge in these current political times. Our government should play a lead role in this, by rehumanising, rather than dehumanising, in their rhetoric. The media are important players in this; some great

awareness is being made, but some stereotypes are being reinforced. Greater recognition and bringing awareness to these stereotypes may help. Being confronted with the impact of othering, and brutalisation of disabled people may alert people to the wider dangers of dehumanising and the need for rehumanising in society.

Appendices

Appendix 1: completed social identity map



Appendix 2: Field notes and reflexive exert of early memo from GMP data collection period

Exerts from reflexive account. December 2016-Jan 2017.

Concerns around gathering data:

...I have two days left with GMP. As I only have ten days booked in and not all diaried I need to make sure that PC gives me two extra days. I always feel a little worried that they will say ok that's it or PC needs to do something else now. Booked to go in Friday before Xmas. PC has put time aside, booked room and car parking space, and I need to prioritise capturing this...discussed in supervision we discussed whether I keep head down and looking at crimes or whether I go back to hate incidents and crimes... as this is where most of data lies. Although not as rich in terms of motivation, does give me a better understanding. How to approach this? Informally seems best, I have confidence of (PC) now I feel but the systems in the police may mean she will say no unless (supervisor) around. Aim to capture most recent six months as that brings me right up to date, I can justify to GMP as delay in getting started mostly due to their systems, and data will be more relevant, since recent inspection so should see changes and thus be more indicative of how things are now....

Changing and developing understanding of focus of data collection:

...but managing anxiety around process of research-not to give answers just to help understand whole thing better. Helps to be reflexive-need to be constantly thinking when there about what I am looking for. Got enough cases but feel like need more detail...Good to have plan before I go in. need to be organised regarding which case numbers etc, and have made adjustments to data collection tool as gone through process. Now victim **and** police perspective....

Usefulness of previous knowledge:

...use of two systems makes it difficult sometimes as not always files set up on opus. Not always followed up, sometimes uploaded in wrong place or multiple crimes in one file. If interviewed but goes nowhere then is filed but in separate place which I don't have

access to. Similarly the ones which go to court then are not completed so have to contact cps to find out outcome unless another crime listed later. Previous knowledge here very useful as is being able to talk same language as PC, taking lead from me but get absorbed and recognising that I don't take breaks often enough so have to ask at lunchtime to make sure PC ok. Also lose concentration after a while so good to have break, lunch in kitchen sociable affair, need to use this time to make links with senior staff and ground staff and to get deeper understanding of culture and systems. Learning lots from discussions with PC and others at lunchtimes, about how process works...identifying areas for further exploration: Hate crimes are recorded on true vision website then emailed into headquarters. Collected, recorded then sent out to division. This system could be better as follow up then divisional rather than force wide. Need a coordinator for this, someone checking investigations, offering advice and support.

Identifying police responses to constructing disablist hate crime:

...when cases taken up sergeants seem good at identifying but issues around correct identification of crime on system. People taking calls need to be aware of potential for hate crime label. If obvious-language then identified easily. If more subtle then not always identified-occasions when police told to go back and check with victim. Another issue is that the investigation is crime related. Obviously this is good from police perspective but only to prove crime, not to find out actual motivation-need to use narrative to get perpetrator to tell story-but do they or is this just my perspective?...but there is often a real delay in investigating. People unavailable, things moved on, victim does not want to pursue. Why is this? Could better support be offered to victims during process?...when police refer to other services there are occasions where say vulnerable person log created but isn't, then another incidents happens and log populated. Incidents where say referred to social services or safeguarding but no follow up. For me there are several incidents where the person is left in a vulnerable situation particularly when trouble with youths or being deliberately targeted in home... Another problem is that lots of incidents are housing related, and the use of third-party reporting centres are great as is use of PCSOs but they have no powers to investigate so may be making

situation worse or failing in duty to fully investigate. Then passed to police officer and then back to PCSO. This needs better coordination.

Understanding police perspective:

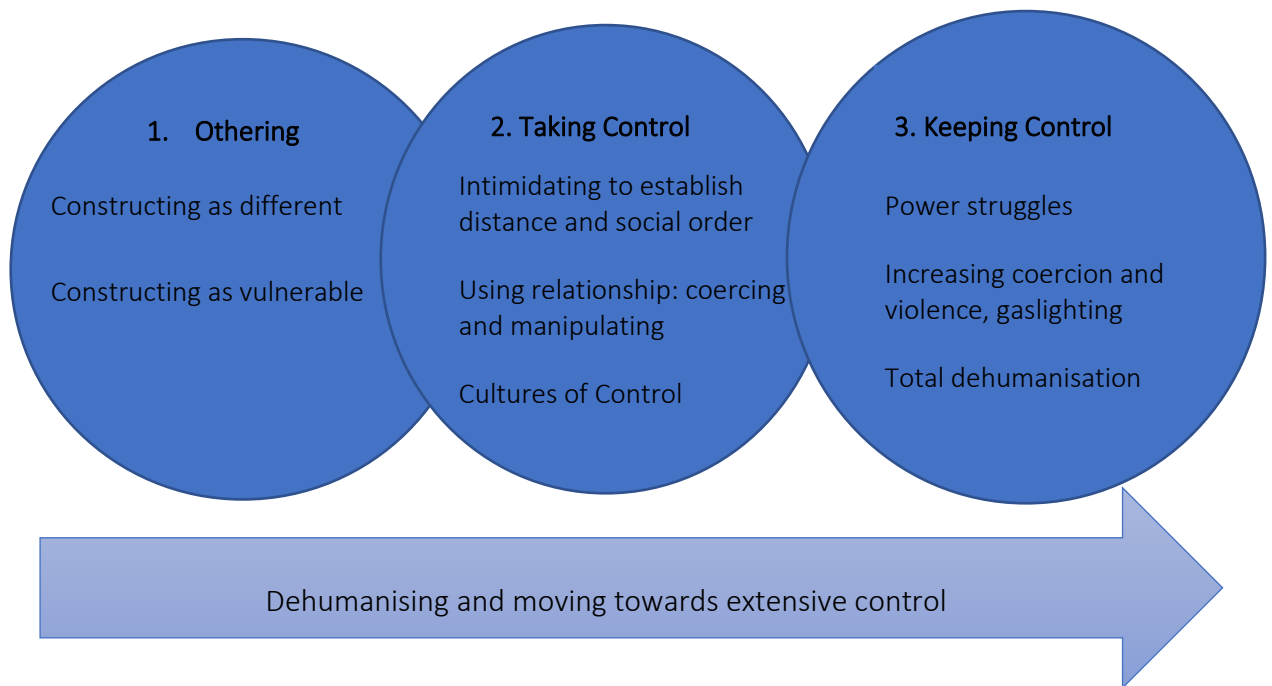
There are also incidents which are clearly hate motivated or motivated by vulnerability of victim but not treated as disability. This distinction is unclear. I need to find out what disabled means to the police. There are some great examples, and some very poor ones...need to understand the perspective of the police on the ground and disability needs more focus. Currently there is little systematic data collection, focusing on crimes not helpful-cyber crime not dealt with, almost encouraged to ignore-if post taken down, fatalistic attitude-why is this? Frustration at command level, seem committed to working but some problems also with intersectionality. Boxes mean data collected limited-have to sign off in certain ways- how to put many 'flags' on crime?

The victim does seem to be not believed sometimes. There may be dislike for the victim, they are not always a perfect victim, may be drug or alcohol users, may be offering conflicting evidence, more needs to be done to support perhaps. There are some officers who are using video interviews to get good evidence but there is too much of a delay. And there is a focus on physical rather than learning disability. There is also a tendency to go with the staff. There may be occasions when the person needs an independent person to make that decision rather than staff. A big problem seems to be police understanding of what behaviour may be displayed by victims of abuse-aggression, only telling story when drunk, but when sober retracting, treated as children, told off for wasting time....perhaps better idea would be to support victims and help them tell their story, how do they engage? And communicate?

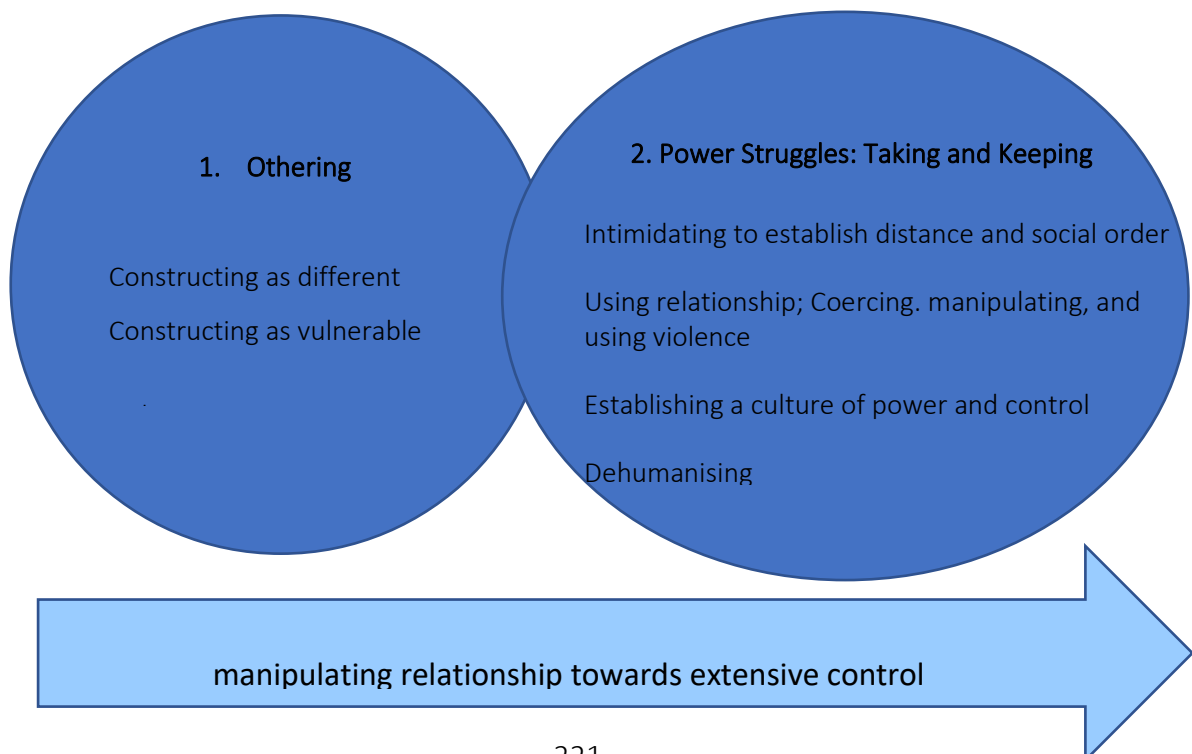
Appendix 3:

Diagrams used during constant comparison to capture process of dehumanising in disablist hate crime (later captured as process of othering)

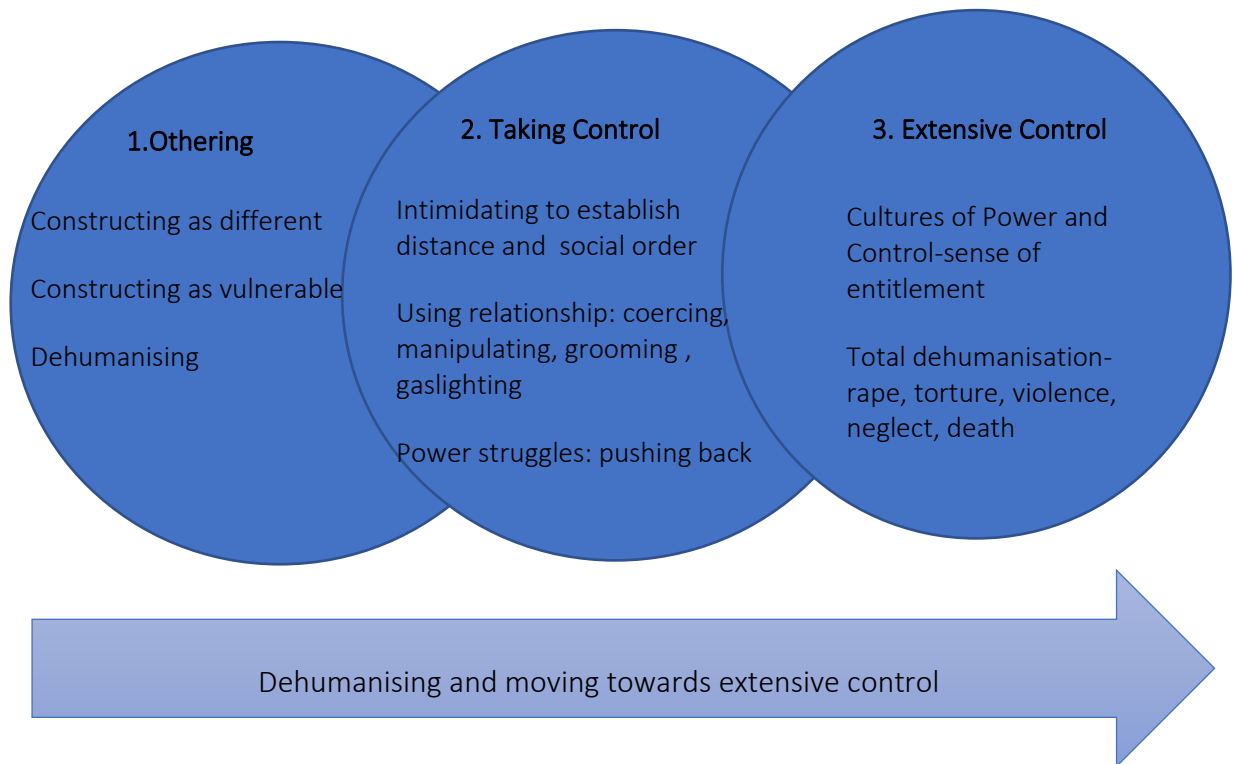
The Dynamic Processes of DHC: Crossing the Lines.



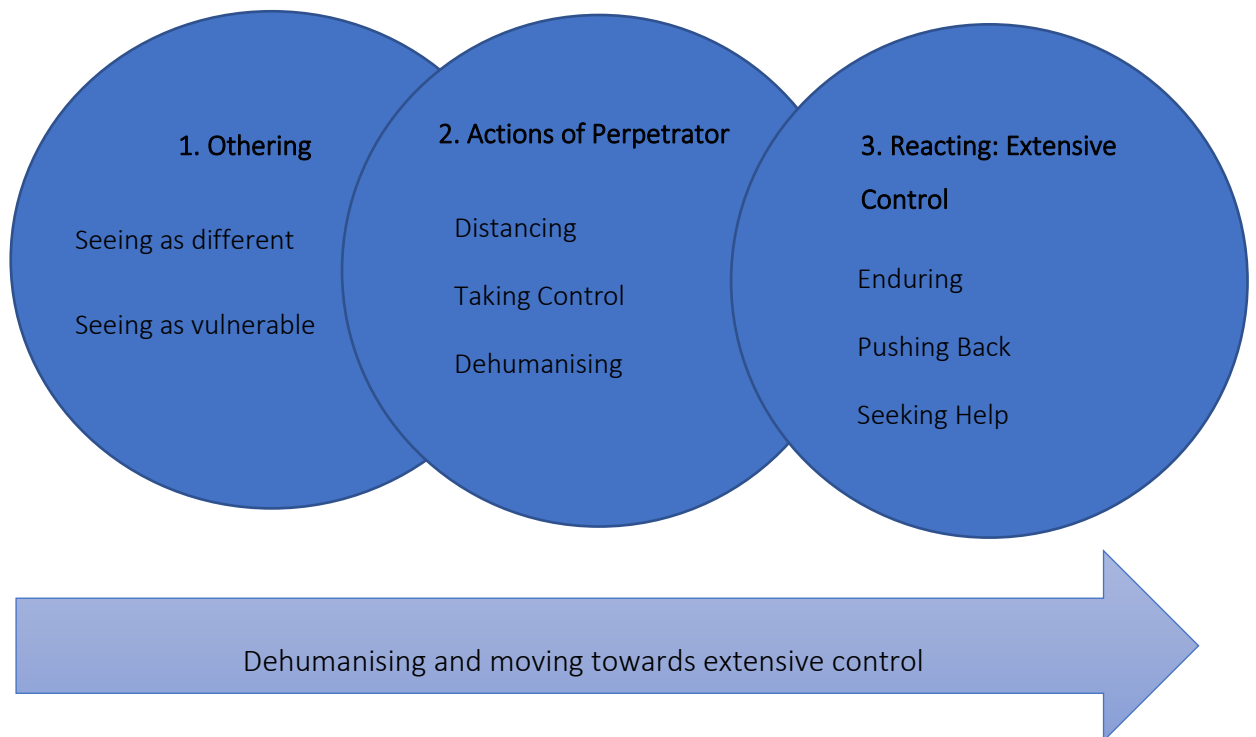
The Dynamic Processes of DHC: Crossing the Lines.



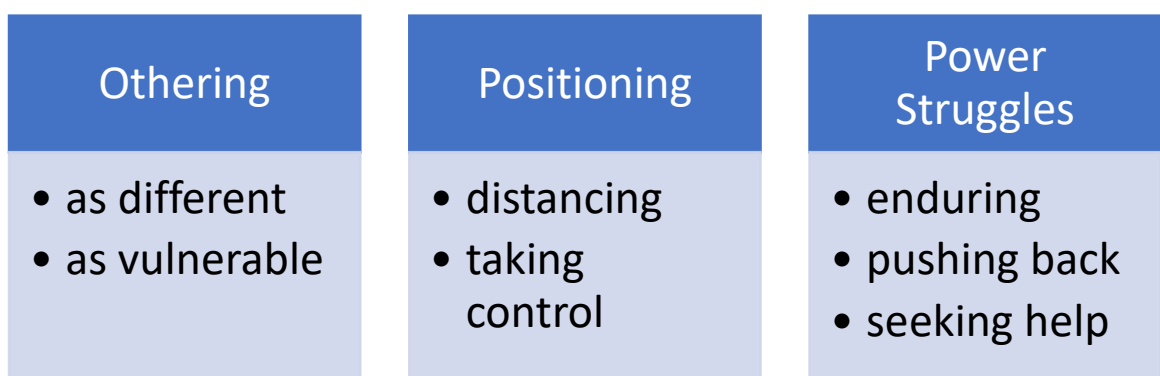
The Dynamic Processes of DHC: Crossing the Lines



The Dynamic Process of DHC: Crossing the Lines



The Dynamic Process of DHC: Othering



Appendix 4: Email invite for interview

Dear,

I am emailing to invite you to participate in my PhD study which aims to better understand the motivations of the perpetrators of disablist abuse and hate crime.

I am hoping to develop the limited evidence base by understanding why perpetrators target vulnerable and/or disabled people- frail older people, people with learning disabilities, people with physical disabilities, autistic people, people with mental health needs, and people that use/abuse substances.

I wish to interview current health/social care professionals who have experience of Safeguarding referrals and investigations and are willing to share their experiences, opinions and insights. The interview should last between 30-60 minutes and can be at a time and location convenient for you. The interview will be recorded, and transcribed but all identifying information will be removed. I have attached an information sheet and consent form which have more information but if you have any questions or are willing to help please contact me at the email address v.houghton@lancaster.ac.uk

Or telephone me on 0161 295 2256,

I look forward to hearing from you!

Val

Valerie Houghton



VALERIE HOUGHTON

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Winner-Teacher of the Year –Health 2015-16**



Appendix 5: Participant information sheet



Participant information sheet

'Project Title: Understanding the motivations of the perpetrators of disablist abuse and hate crime'⁷⁰.

For further information about how Lancaster University processes personal data for research purposes and your data rights please visit our webpage: www.lancaster.ac.uk/research/data-protection

I am a Lecturer at the University of Salford currently studying for my PhD at Lancaster University and I would like to invite you to take part in a research study about the motivations of the perpetrators of disablist abuse and hate crime.

Please take time to read the following information carefully before you decide whether or not you wish to take part.

What is the study about?

This study aims to further develop our understanding of the targeting of vulnerable and/or disabled people. I wish to explore situations in which frail older people, people with dementia, people with mental health issues and people with physical and learning disabilities are exploited, particularly those incidents where perpetrators deliberately target their victim through a relationship, so called 'mate crime'⁷¹ (Thomas, 2011).

Why have I been invited?

I have approached you because you may be able to offer insight into the context and underlying motivations of the perpetrators of these incidents. As a health and/or social care staff responsible for carrying out safeguarding reviews and investigations, you will work directly with vulnerable disabled adults and their carers, and thus have a breadth and depth of experience and knowledge

⁷⁰ The initial focus of the study was to understand the motivations of perpetrators, this changed as concurrent data collection and analysis indicated the need to better understand of the phenomenon and construction of disablist hate crime

⁷¹ Thomas definition of 'mate crime' goes beyond that of other authors and includes family members and carers. It is recognised however that the term 'mate crime' is not without difficulties as it may be misleading, and one aim of the research is to develop our understanding of this phenomenon.

of individuals, systems, and theory. I would be very grateful if you would agree to take part in this study.

What will I be asked to do if I take part?

If you decided to take part, this would involve a face to face interview at a time and location convenient to you. The interview should take no more than one hour.

What are the possible benefits from taking part?

Taking part in this study will allow you to share your understanding of the motivations of perpetrators targeting vulnerable and/or disabled people. At present we know very little about these motivations and developing our knowledge base will help us to improve our response to this phenomenon.

Do I have to take part?

No. It's completely up to you to decide whether or not you take part. Your participation is voluntary.

What if I change my mind?

If you change your mind, you are free to withdraw at any time during your participation in this study. If you want to withdraw, please let me know, and I will extract any ideas or information (=data) you contributed to the study and destroy them. However, it is difficult and often impossible to take out data from one specific participant when this has already been anonymised or pooled together with other people's data. Therefore, you can only withdraw up to 4 weeks after taking part in the study.

What are the possible disadvantages and risks of taking part?

Taking part will mean investing 30-60 minutes of your time for an interview.

Will my data be identifiable?

After the interview, only I, the researcher conducting this study will have access to the ideas you share with me.

I will keep all personal information about you (e.g. your name and other information about you that can identify you) confidential, that is I will not share it with others. I will remove any personal information from the written record of your contribution.

How will we use the information you have shared with us and what will happen to the results of the research study?

I will use the information you have shared with me only in the following ways: I will use it for research purposes only. This will include my PhD thesis and other publications, for example journal articles). The findings will be written up in

a report for the Salford City Council, NHS Salford Clinical Commissioning Group, and Salford Royal NHS Foundation Trust. I may also present the results of my study at academic conferences, practitioner conferences or to inform policy-makers.

When writing up the findings from this study, I would like to reproduce some of the views and ideas you shared with me. I will only use anonymised quotes (e.g. from my interview with you), so that although I will use your exact words, you cannot be identified in our publications. However, I will ensure that these do not allow the individual(s) you are discussing to be identified.

If anything you tell me in the interview suggests that you or somebody else might be at risk of harm, I will be obliged to share this information with the safeguarding team. If possible I will inform you of this breach of confidentiality.

How my data will be stored

Your data will be stored in encrypted files (that is no-one other than me, the researcher will be able to access them) and on password-protected computers. I will store hard copies of any data securely in locked cabinets in my office. I will keep data that can identify you separately from non-personal information (e.g. your views on a specific topic). In accordance with University guidelines, I will keep the data securely for a minimum of ten years.

What if I have a question or concern?

If you have any queries or if you are unhappy with anything that happens concerning your participation in the study, please contact myself:

Valerie Houghton v.houghton@lancaster.ac.uk

or my supervisor **Professor Paul Iganski** p.iganski@lancaster.ac.uk

Professor of Criminology & Criminal Justice | Law School | Bowland North | Lancaster University, LA1 4YN, UK | (01524) 594121 |

If you have any concerns or complaints that you wish to discuss with a person who is not directly involved in the research, you can also contact:

Professor Alisdair Gillespie a.gillespie@lancaster.ac.uk

C056, C Floor, Bowland North, Lancaster University

Tel: +44 (0) 1524 593706

or **Professor Sigrun Skogly**, s.skogly@lancaster.ac.uk

(Law School Postgraduate Director) Law School, Bowland North, Lancaster University. Tel: +44 (0)1524 592452

This study has been reviewed and approved by the Faculty of Arts and Social Sciences and Lancaster Management School's Research Ethics Committee.

Thank you for considering your participation in this project.

Appendix 6: Interview schedule

Safeguarding practitioners-Interview Schedule.

Preamble- Introduce self, background, and research: interview for research project which forms part of a PhD investigating the motivations of perpetrators who target vulnerable people. The interview should take about an hour.

Consent form given to participant, allowing time to read, digest and sign before commencement of interview, reminding participants that they can choose to end the interview at any time.

The interview:

- 1) **Could you tell me a bit about yourself:** what is your current job, who is your employer, how long have you worked here, what is your background and experience in social care/nursing?
- 2) **What is your job role with regards to Safeguarding Vulnerable Adults?**
- 3) **I would like to ask you some questions about safeguarding incidents and investigations you have been involved with: (remind about confidentiality)**
- 4) i) **Firstly, can you think about a recent incident of financial abuse of a vulnerable adult:**
 - Circumstances: How did the incident come to be reported? Where did it happen? Was it a single incident or did it happen several times? Was there violence or coercion involved?
 - Relationships: What was the relationship between the perpetrator and victim? Did they 'know' each other? How long had the victim and perpetrator 'known' each other? Did the perpetrator view the victim as vulnerable? What did the perpetrator know of the victim?
 - Perception of Motivation: What do you think motivated the perpetrator to take money/property from the victim? Do you think there was a 'trigger' event? What did the victim feel was the motivation for the incident? What did witnesses feel was the motivation?
 - Outcome: Did the victim report the incident? What happened after s/he reported it? Is it still ongoing? Was it investigated under the Care Act? What was the outcome of the investigation?
 - The perpetrator: How old was the perpetrator? Was s/he local to the area? Was s/he employed? Did the perpetrator have any previous history of similar types of incidents or a previous criminal history?
- ii) **Can you think about a recent incident of sexual abuse of a vulnerable adult:**

Circumstances: How did the incident come to be reported? Where did it happen? Was it a single incident or did it happen several times? Was there violence or coercion involved?

Relationships: What was the relationship between the perpetrator and victim? Did they 'know' each other? How long had the victim and perpetrator 'known' each other? Did the perpetrator view the victim as vulnerable? What did the perpetrator know of the victim?

Perception of Motivation: What do you think motivated the perpetrator to sexually abuse the victim? Do you think there was a 'trigger' event? Was there violence used?

What did the victim feel motivated the incident? What did witnesses feel was the motivation?

Outcome: Did the victim report the incident? What happened after s/he reported it? Is it still ongoing? Was it investigated under the Care Act? What was the outcome of the investigation?

The perpetrator: How old was the perpetrator? Was s/he local to the area? Was s/he employed? Did the perpetrator have any previous history of similar types of incidents or a previous criminal history?

iii) Can you think about a recent incident of verbal abuse of a vulnerable adult:

Circumstances: How did the incident come to be reported? Where did it happen? Was it a single incident or did it happen several times? Was there violence or coercion involved?

Relationships: What was the relationship between the perpetrator and victim? Did they 'know' each other? How long had the victim and perpetrator 'known' each other? Did the perpetrator view the victim as vulnerable? What did the perpetrator know of the victim?

Perception of Motivation: What do you think motivated the perpetrator to verbally abuse the victim? Do you think there was a 'trigger' event? Was violence used?

What did the victim feel about the incident? What did witnesses feel was the motivation?

Outcome: Did the victim report the incident? What happened after s/he reported it? Is it still ongoing? Was it investigated under the Care Act? What was the outcome of the investigation?

The perpetrator: How old was the perpetrator? Was s/he local to the area? Was s/he employed? Did the perpetrator have any previous history of similar types of incidents or a previous criminal history?

iv) Can you think about a recent incident of physical abuse of a vulnerable adult:

Circumstances: How did the incident come to be reported? Where did it happen? Was it a single incident or did it happen several times? Was there violence or coercion involved?

Relationships: What was the relationship between the perpetrator and victim? Did they 'know' each other? How long had the victim and perpetrator 'known' each other? Did the perpetrator view the victim as vulnerable? What did the perpetrator know of the victim?

Perception of Motivation: What do you think motivated the perpetrator to become violent towards the victim? Do you think there was a 'trigger' event? What did the victim feel about the incident? What did witnesses feel was the motivation?

Outcome: Did the victim report the incident? What happened after s/he reported it? Is it still ongoing? Was it investigated under the Care Act? What was the outcome of the investigation?

The perpetrator: How old was the perpetrator? Was s/he local to the area? Was s/he employed? Did the perpetrator have any previous history of similar types of incidents or a previous criminal history?

v) Can you think about a recent safeguarding report involving a vulnerable person which happened within a care home?

Circumstances: How did the incident come to be reported? Where did it happen? How long had it been going on for when it was reported? Was there violence or coercion involved?

Relationships: What was the relationship between the perpetrator and victim? Did they 'know' each other? How long had the victim and perpetrator 'known' each other? Did the perpetrator view the victim as vulnerable? What did the perpetrator know of the victim?

Perception of Motivation: What do you think motivated the perpetrator to abuse the victim? Do you think there was a 'trigger' event? What did the victim feel about the incident? What did witnesses feel was the motivation?

Outcome: Did the victim report the incident? What happened after s/he reported it? Is it still ongoing? Was it investigated under the Care Act? What was the outcome of the investigation?

The perpetrator: How old was the perpetrator? Was s/he local to the area? Was s/he employed at the care home or a visitor? Did the perpetrator have any previous history of similar types of incidents or a previous criminal history?

vi) Can you think about a recent incident of neglect of a vulnerable adult by a carer or family member?

Circumstances: How did the incident come to be reported? Where did it happen? How long had it been going on for when it was reported? Was there violence or coercion involved?

Relationships: What was the relationship between the perpetrator and victim? Did they 'know' each other? How long had the victim and perpetrator 'known' each other? Did the perpetrator view the victim as vulnerable? Was this vulnerability a recent development? What did the perpetrator know of the victim?

Perception of Motivation: What do you think motivated the perpetrator to neglect the needs of the victim? Do you think there was a 'trigger' event? What did the victim feel about the incident? What did witnesses feel was the motivation?

Outcome: Did the victim report the incident? What happened after s/he reported it? Is it still ongoing? Was it investigated under the Care Act? What was the outcome of the investigation?

The perpetrator: How old was the perpetrator? Was s/he local to the area? Was s/he employed? Did the perpetrator have any previous history of similar types of incidents or a previous criminal history?

- 5) Do you have some questions? Any further comments you would like to make? Are there any other types of similar incidents of targeting vulnerable adults that we have not covered that you could tell me about?

Endings:

Thank you for your time, I will arrange a feedback session when I have completed, transcribed and analysed all the interviews for participants either individually or as a group.

Appendix 7: Consent form



CONSENT FORM

Project Title: Investigating the motivations of perpetrators of disablist abuse and hate crime.

Name of Researchers: Valerie Houghton

Email: v.houghton@lancaster.ac.uk

Please tick each box

1. I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily	<input type="checkbox"/>
2. I understand that my participation is voluntary and that I am free to withdraw at any time during my participation in this study and within four weeks after I took part in the study, without giving any reason. If I withdraw within four weeks of taking part in the study my data will be removed.	<input type="checkbox"/>
3. I understand that any information given by me may be used in future reports, academic articles, publications or presentations by the researcher/s.	<input type="checkbox"/>
4. I understand that my personal information will not be included in any future reports, academic articles, publications or presentations and that I will not be identifiable.	<input type="checkbox"/>
5. I understand that my name/my organisation's name will not appear in any reports, articles or presentation without my consent.	<input type="checkbox"/>
6. I understand that any interviews will be audio-recorded and transcribed and that data will be protected on encrypted devices and kept secure.	<input type="checkbox"/>
7. I understand that data will be kept according to University guidelines for a minimum of 10 years after the end of the study.	<input type="checkbox"/>
8. I agree to take part in the above study.	<input type="checkbox"/>

Name of Participant

Date

Signature

I confirm that the participant was given an opportunity to ask questions about the study, and all the questions asked by the participant have been answered correctly and to the best of my ability. I confirm that the individual has not been coerced into giving consent, and the consent has been given freely and voluntarily.

Signature of Researcher /person taking the consent_____ **Date** _____ Day/month/year

One copy of this form will be given to the participant and the original kept in the files of the researcher at Lancaster University

References

- Allen, G. & Zayed, Y. (2021). *Hate crime statistics*. Commons Library Research Briefing, Number 8357, 26 November 2021.
<https://researchbriefings.files.parliament.uk/documents/CBP-8537/CBP-8537.pdf>
- Anne Craft Trust. (2020). Adult grooming factsheet. [Adult-Grooming-Factsheet.pdf \(annecrafttrust.org\)](https://annecrafttrust.org/Adult-Grooming-Factsheet.pdf)
- Alexander, J. G., Chesnay, M. d., Marshall, E., Campbell, A. R., Johnson, S., & Wright, R. (1989). Research note: Parallel reactions in rape victims and rape researchers. *Violence and Victims*, 4(1), 57-62. doi:<https://doi.org/10.1891/0886-6708.4.1.57>
- Association for Real Change (ARC), (2013). *Mate crime: a challenge for the police, safeguarding and criminal justice agencies*. ARC Ltd.
- Barnes, C. (1991). *Disabled people in Britain and discrimination. A case for anti-discrimination legislation*. University of Calgary Press.
- Barnes, C. and Oliver, M. (1995). Disability rights: Rhetoric and reality in the UK. *Disability and Society* 10(1), 110–116.
<https://doi.org/10.1080/09687599550023769>
- Beadle-Brown, J., Richardson, L., Guest, C., Malovic, A., Bradshaw, J. & Himmerich, J. (2014). *Living in fear. Better outcomes for people with learning disabilities and autism. Main research report*. Tizard centre.
- Bowling, B. (1998). *Violent racism. Victimisation, policing and social context*. Oxford University Press.
- BBC News 03/11/2016 Joseph O’Hanlon murder: Rochdale killer Anthony Bennett jailed for life, <https://www.bbc.co.uk/news/uk-england-manchester-37850996>

Burch, L. (2021). *Understanding Disability and Everyday Hate*. Palgrave Macmillan.

Carter, H. (2007). Three jailed over man's shed torture. *The Guardian*. 9th July 2007. <https://www.theguardian.com/uk/2007/jul/09/ukcrime.helencarter>

Chamberlain-Salaun, J., Mills, J., & Usher, K. (2013). *Linking symbolic interactionism and grounded theory methods in a research design: From Corbin and Strauss' assumptions to action*. *Sage Open*, 3(3),

Chakraborti, N. (2015). Re-thinking hate crime: Fresh challenges for policy and practice. *Journal of Interpersonal Violence*, 30, (10). 1738-1754. <https://doi.org/10.1177/088626051454858>

Chakraborti, N. & Garland, J. (2012). Reconceptualizing hate crime victimization through the lens of vulnerability and 'difference'. *Theoretical Criminology*, 16, (4). 499-514. <https://doi.org/10.1177/1362480612439432>

Chakraborti, N., Hardy, S., & Garland, J. (2014). *The Leicester hate crime project. Findings and conclusions*. University of Leicester. <https://le.ac.uk/-/media/uol/docs/research-centres/hate-studies/our-reports/fcfullreport.pdf>

Chapman, L. (2020). *Still getting away with murder: disability hate crime in England*. Inclusion London.

Charmaz, K. (2014). *Constructing grounded theory*. Second edition. Sage. ISBN: 978-0-85702-9140

Cheeseman, P. (2017). *Safeguarding Adult review Concerning 'Tom'. Overview report (final) 27.02.2017*. Rochdale Borough Safeguarding Adult Board.

Christie, N. (1986). The ideal victim. In *From crime policy to victim policy* (pp. 17-30). Palgrave Macmillan. https://doi.org.10.1007/978-1-349-08305-3_2

College of policing. (2012). *Operational guidance for police officers responding to hate crimes*.

College of policing. (2021). *Major investigation and public protection: Hate Crime: responding to hate crimes*. <https://www.college.police.uk/app/major-investigation-and-public-protection/hate-crime/responding-hate>

Collins, D. (2022). 'Life in a box': young autistic man confined in hospital's former file room. *The Times online*. 1st January, 2022. ['Life in a box': young autistic man confined in hospital's former file room | News | The Sunday Times](#)

Corbin, J. (2016). Taking an analytic journey. In Morse, J. M., Bowers, B. J., Charmaz, K., Corbin, J., Clarke, A., E., & Stern, P., N. In *Developing Grounded Theory: The Second Generation revisited*. (pp. 35-54). Routledge.

Crown Prosecution Service. (2010). *Disability hate crime – guidance on the distinction between vulnerability and hostility in the context of crimes committed against disabled people*. Crown Prosecution Service.

Crown Prosecution Service. (2021). [Disability Hate Crime and other crimes against disabled people - prosecution guidance | The Crown Prosecution Service \(cps.gov.uk\)](#)

Delamothe, T. (2008). Founding principles. *BMJ*, 336(7655), 1216-1218. <https://doi.org/10.1136/bmj.39582.501192.94>

Doherty, G. (2020). Prejudice, friendship and the abuse of disabled people: An exploration into the concept of exploitative familiarity ('mate crime'). *Disability & Society*, 35(9), 1457-1482. <https://doi.org/10.1080/09687599.2019.1688646>

Emerson, E., & Hatton, C. (2014). *Health inequalities and people with intellectual disabilities*. Cambridge University Press.

England, K. V. (1994). Getting personal: Reflexivity, positionality, and feminist research. *The professional geographer*, 46(1), 80-89.

Equality and Human Rights Commission. (2011). *Hidden in plain sight: inquiry into disability-related harassment*. ISBN: 978-1-84206-400-9

Fenge, L. A., Oakley, L., Taylor, B., & Beer, S. (2019) The impact of sensitive research on the researcher: preparedness and positionality. *International Journal of Qualitative Methods*, 18, 1-8. <https://doi.org.1609406919893161>

Firmin, Carlene. (2020). *Contextual safeguarding and child protection: Rewriting the rules*. Routledge.

Fitzgerald, T. (2016). Careworkers in 'dementia doll' abuse storm at nursing home are jailed. In Manchester evening news online, 21st November, 2016. [Care workers in 'dementia doll' abuse storm at nursing home are jailed - Manchester Evening News](#)

Flynn, M. (2012). *Winterbourne View Hospital. A Serious Case Review*. South Gloucestershire Council.

Folkes, L. (2022). Moving beyond 'shopping list' positionality: Using kitchen table reflexivity and in/visible tools to develop reflexive qualitative research. *Qualitative Research*, <https://doi.org.14687941221098922>

Friedlander, S. (2001). The exclusion and murder of the disabled. In Gellately, R., & Stoltzfus, N. (Eds.), *Social outsiders in nazi germany*. Princeton University Press. (pp.145-164).

Gadd, D., & Jefferson, T. (2007). *Psychosocial criminology*. Sage.

Gass, G. Z., & Nichols, W. C. (1988). Gaslighting: A marital syndrome. *Contemporary Family Therapy*, 10(1), 3-16. <https://doi.org/10.1007/BF00922429>

Gianassi, P. (2013). In Association for Real Change (ARC) *Mate Crime: a challenge for the police, safeguarding and criminal justice agencies*. ARC Ltd.

Giannasi, P., & Shah, R. (Eds.). (2015). *Tackling disability discrimination and disability hate crime: A multidisciplinary guide*. Jessica Kingsley Publishers.

Glaser, Barney G. (1978). *Theoretical Sensitivity: Advances in the Methodology of Grounded Theory*. Sociology Press.

Glaser, B. (2001). *The grounded theory perspective: conceptualisation contrasted with description*. Sociology Press.

Glaser, B. (2012). reprinted from Glaser, B. G. (2002, September). *Constructivist Grounded Theory? Forum Qualitative Sozialforschung / Forum: Qualitative Social Research [On-line Journal]*, 3(3). Available at: <http://www.qualitative-research.net/fqs/fqs-eng.htm>

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. Aldine Transaction.

Goodley, D. (2014). *Dis/ability Studies: theorising ableism and disablism*. Routledge.

Goodley, D. (2017). *Disability Studies. An interdisciplinary introduction*. Second Edition. Sage.

Gov.uk. (2021). Sentencing Act 2020. [Sentencing Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/17/contents/enacted)

Gravell, C. (2012). *Loneliness and cruelty: people with learning disabilities and their experience of harassment, abuse and related crime in the community*. Lemos and Crane.

Grover, C. (2008). *Crime and Inequality*. Willan.

- Grundy, D. (2011), "Friend or fake? Mate crimes and people with learning disabilities", *Journal of Learning Disabilities and Offending Behaviour*, 2(4), 167-169. <https://doi.org/10.1108/20420921111207855>
- HMCPSP, HMIC and HMI Probation. (2013), *Living in a Different World: Joint Review of Disability Hate Crime*, HMCPSP. HMIC and HMI Probation.
- Hall, N. (2013). *Hate crime*. Taylor & Francis Group.
- Healy, J. C. (2020). 'It spreads like a creeping disease': experiences of victims of disability hate crimes in austerity Britain. *Disability & Society*, 35(2), 176-200. <https://doi.org/10.1080/09687599.2019.1624151>
- Healy, J. C., & Dray, R. (2022). Missing links: safeguarding and disability hate crime responses. *The Journal of Adult Protection*. <https://doi.org/10.1108/JAP-09-2021->
- Hoong Sin, C., Hedges, A., Cook, C., Mguni, N., & Comber, N. (2009). *Disabled peoples experience of targeted violence and hostility*. London: OPM.
- Iganski, P. (2008). *'Hate crime' and the city*. Policy Press.
- Iganski, P., Kielinger, V., & Paterson, S. (2005). *Hate crimes against London's Jews: An analysis of incidents recorded by the Metropolitan Police Service 2001-2004*. Institute for Jewish Policy Research.
- Jacobson, D., & Mustafa, N. (2019). Social identity map: A reflexivity tool for practicing explicit positionality in critical qualitative research. *International Journal of Qualitative Methods*, 18, <https://doi.org.1609406919870075>
- Jarrett, S. (2020). *Those they called idiots*. Reaktion Books.
- Jones, K. E., Martin, P. B., & Kelly, A. (2018). Hidden young people in Salford: exploring the experiences of young people not in employment, education or training (NEET) and not claiming benefits. usir@salford.ac.uk

Kenny, M., & Fourie, R. (2014). Tracing the History of Grounded Theory Methodology: From Formation to Fragmentation. *The Qualitative Report*, 19(52), 1-9. <https://doi.org/10.46743/2160-3715/2014.1416>

Kenny, M., & Fourie, R. (2015). Contrasting classic, Straussian and constructivist grounded theory: Methodological and philosophical conflicts. *The Qualitative Report*, 20(8), 1270-1289. retrieved from <http://nova.edu.sss.QR/QR20/8/kenny1.pdf>

Kohl, E., & McCutcheon, P. (2015). Kitchen table reflexivity: negotiating positionality through everyday talk. *Gender, Place & Culture*, 22(6), 747-763. <https://doi.org/10.1080/0966369X.2014.958063>

Lamontagne, C. (2010, January). Intimidation: A concept analysis. In *Nursing Forum*, 45(1), 54-65. Blackwell Publishing Inc. <https://doi.org/10.1111/j.1744-6198.2009.00162.x>

Landman, A. R. (2014). "A counterfeit friendship": mate crime and people with learning disabilities", *The Journal of Adult Protection*, 16(6), 355-366. <https://doi.org/10.1108/JAP-10-2013-0043>

Law Commission. (2021). *Hate crime laws. Final report*. Law Com No 402. ISBN 978-1-5286-3067-2

Lawrence, F. M. (2002). *Punishing hate : Bias crimes under American law*. Harvard University Press.

Levin, J. (1992-1993). Bias Crimes: Theoretical & Practical Overview. *Stanford Law & Policy review*, 4, 165-182. <https://doi.org/10.1177%2F1043986299015001002>

Levin, J. (2013). Disablist violence in the US: unacknowledged hate crime. In *Disability, Hate Crime and Violence*, Roulstone, A., & Mason-Bish, H. (Eds.), Taylor & Francis Group. ISBN: 978-0-203-10446-0 (ebk)

Levin, J., & McDevitt, J. (1993). *Hate crimes: The rising tide of bigotry and bloodshed*. Plenum.

Levin, J. and McDevitt, J. (2002). *Hate Crimes Revisited. America's war on those who are different*. Westview Press.

Macdonald, S.J., Donovan, C. & Clayton, J. (2021) 'I may be left with no choice but to end my torment': Disability and intersectionalities of hate crime', *Disability and Society*, <https://doi.org/10.1080/09687599.2021.1928480>

Macpherson, Sir W. (1999). *Stephen Lawrence Inquiry, Report of an Inquiry by Sir William Macpherson of Cluny*, CM 4262-1. London: HMSO) [4262.pdf](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/4262/stephen-lawrence-inquiry-report.pdf)
([publishing.service.gov.uk](https://www.publishing.service.gov.uk))

Mason, G. (2005). Hate crime and the image of the stranger. *British Journal of Criminology*. 45. 837-859 <https://doi.org/10.1093/bjc/az016>

Mason-Bish, H. (2012). in Roulstone, A., & Mason-Bish, H. (Eds.). *Disability, hate crime and violence*. (pp. 11-24) Taylor & Francis Group.

Mason-Bish, H. (2018). In Duggan, M. (Ed.), *Revisiting the 'ideal victim': Developments in critical victimology*. Policy Press. (pp. 43-62)

Mathews, I. (2017). Not like us? Wolfensberger's 'major historic roles' reconsidered. *Disability and Society*, 32(9), 1351-1356.
<https://doi.org/10.1080/09687599.2017.1322494>

McDevitt, J., Levin, J., & Bennett, S. (2002). Hate crime offenders: An expanded typology. *Journal of Social Issues*, 58(2), 303–317. <https://doi.org/10.1111/1540-4560.00262>

Mencap. (2000). *Living in fear: the need to combat bullying of people with a learning disability*, Mencap.

Metzler, I. (2011). Disability in the Middle Ages: Impairment at the intersection of historical inquiry and disability studies. *History compass*, 9(1), 45-60.

Metzler, I. (2013). *A social history of disability in the middle ages: Cultural considerations of physical impairment*. Routledge.

Metzler, I. (2018). 'Will-nots' and 'cannots': Tracing a trope in medieval thought. In *Intellectual disability* (pp. 45-63). Manchester University Press.

MIND. (2007). Another assault. Mind's campaign for equal access to justice for people with mental health problems. MIND. [anotherassault.pdf \(mind.org.uk\)](https://www.mind.org.uk/about-us/another-assault/)

Mitchell, D. and Snyder, S. (2003). The Eugenic Atlantic: race, disability, and the making of an international Eugenic Science, 1800-1945 *Disability and Society*: 18: 2003 <https://doi.org/10.1080/0968759032000127281>

Moon, K., and Blackman, D. (2014). A Guide to Understanding Social Science Research for Natural Scientists. *Conservation Biology*, (28), 1167-1177. <https://doi.org/10.1111/cobi.12326>

Newburn, T. (2016). Social disadvantage, crime, and punishment. *Social advantage and disadvantage*, 322-340.

Nirje, B. (1969). The normalization principle and its human management implications. *Changing patterns in residential services for the mentally retarded*, 938.

Nocon, A., Iganski, P., & Lago, S. (2011). *Disabled people's experiences and concerns about crime, analysis of the British crime survey, 07-08, 08-09*. Briefing Paper 3. Equality and Human Rights Commission.

Office for National Statistics. (2018). *Hate Crime, England and Wales, 2018 to 2019*. Ref: ISBN 978-1-78655-899-2

Oliver, M. (2013). The social model of disability: Thirty years on. *Disability & society*, 28(7), 1024-1026.

Oxford Advanced Learner's Dictionary (2022). accessed on 25th August 2022 [cis 1 adjective - Definition, pictures, pronunciation and usage notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com](#)

Penrose Jr, W. D. (2015). The discourse of disability in ancient Greece. *Classical World*, 499-523. <https://www.jstor.org/stable/24699780>

Perry, B. (2001). *In the name of hate: understanding hate crimes*. Routledge.

Perry, B. (2003). *Hate and Bias Crime : A Reader*, edited by Perry, B. Taylor & Francis Group

Perry, B., & Scrivens, R. (2017). The maturation of hate crime scholarship. In P. Bean (Ed.), *Hate Crime: Critical Concepts in Criminology*, 1-42.

Phillips, N. D. (2009). The prosecution of hate crimes: The limitations of the hate crime typology. *Journal of interpersonal violence*, 24(5), 883-905.

Pring, J. (2012). Winterbourne View: sentencing was 'woefully inadequate'. Disability New Service. 2nd October 2012. [Winterbourne View: Sentencing was 'woefully inadequate' – Disability News Service](#)

Pring, J. (2015). *Longacre survivors. A biography of a scandal*. Disability news service. ISBN: 978-0-9568922-0-1

Quarmby, K., Disability Now, Scope, & UK Disabled People's Council. (2008). *Getting away with murder. Disabled people's experiences of hate crime in the UK*. Scope.

Quarmby, K. (2011). *Scapegoat-how we are failing disabled people*. Portobello Books.

Roberts, R. (1990). *The classic slum: Salford life in the first quarter of the century*. Penguin.

Roulstone, A., & Sadique, K. (2012). Vulnerable to misinterpretation: disabled people, 'vulnerability', hate crime and the fight for legal recognition. In Roulstone, A., and Mason – Bish, H. (Eds) *Disability, hate crime and violence*. 32-46. Routledge.

Roulstone, A., Thomas, P. and Balderstone, S. (2011). Between hate and vulnerability: unpacking the British criminal justice system's construction of disablist hate crime, *Disability & Society*, 26(3), 351-364, <https://doi.org/10.1080/09687599.2011.560418>

Rutter, M. (2012). Resilience: Causal pathways and social ecology. In *The social ecology of resilience*, 33-42. Springer.

Salford City Council. (2019) Intelligence Briefing, Indices of Deprivation 2019. [Intelligence Briefing - Indices of Deprivation 2019.pdf \(salford.gov.uk\)](https://www.salford.gov.uk/media/1000000/Intelligence-Briefing-Indices-of-Deprivation-2019.pdf)

Schmid, S. (2007). Between LS Lowry and Coronation street: Salford cultural identities. In *Thinking Northern* (pp. 347-362). Brill.

Seidel, S., & Urquhart, C. (2012) On emergence and forcing information systems grounded theory studies: the case of Strauss and Corbin. *Journal of information technology*. 28, pp.237-260 <https://doi.org/10.1057/jit.2013.17>

Sherry, M. (2010). *Does anyone really hate disabled people?* Ashgate publishing limited.

Sobbitt, R. (1997). *The perpetrators of racial harassment and racial violence*. Home Office research study 176.

Simick, J. & Fernandez, H. (2014). *Investigation into police contact and response to calls for assistance by Mr Bijan Ebrahimi between Thursday 11 July 2013 and Sunday 14 July 2013. Independent Investigation. Final Report – Part A*. IPCC Reference: 2013/011292

Simick, J. (2015a). *Investigation into police contact and response to calls for assistance by Mr Bijan Ebrahimi prior to Thursday 11 July 2013*. IPCC Reference: 2013/011292

Simick, J. (2015b). *Independent Investigation Final Report – Part C IPCC References: Main Report No. 2013/011292 (Incorporating 2015/044789, 2015/044790, 2015/044791) Additional referrals - Investigation into police contact and response to calls for assistance by Mr Bijan Ebrahimi between Thursday 11 July 2013 and Sunday 14 July 2013*.

Smith, M. (2015). In Giannasi, P., & Shah, R. (Eds.), *Tackling disability discrimination and disability hate crime: A multidisciplinary guide* (pp. 36-53). Jessica Kingsley Publishers.

Sobsey, D. (1994). *Violence and abuse in the Lives of people with Disabilities: The end of Silent Acceptance*. Brookes.

Sommerlad, N. (2021). Exclusive: Abuse hell at Britain's 'worst-rated' care home firm where residents hid from staff. *Daily Mirror online*. 21st September 2021. [Abuse hell at Britain's 'worst-rated' care home firm where residents hid from staff - Mirror Online](#)

Spitz, V. (2005). *Doctors from hell: the horrific account of Nazi experiments of humans*. Sentient publications.

Stiker, H. J. (1999). Using historical anthropology to think disability. *Disability in different cultures: Reflections on local concepts*, 352-380. https://www.transcript-open.de/pdf_chapter/bis%20399/9783839400401/9783839400401-031.pdf

Sykes, W., Groom, C., & Desai, P. (2011). *Disability-related harassment: the role of public bodies: a qualitative research report*. Equality and Human Rights Commission.

Taylor, S. (2018). *The emergence and development of disability hate crime policy and practice in England and Wales. A case of an unsettled and unsettling policy agenda*. PhD thesis, Lancaster University.

Thane, P. (2009). MEMORANDUM SUBMITTED TO THE HOUSE OF COMMONS' HEALTH COMMITTEE INQUIRY: SOCIAL CARE OCTOBER 2009. *Pat*.

Thomas, P. (2011). 'Mate crime': ridicule, hostility and targeted attacks against disabled people. *Disability & Society*, 26(1), 107-111. <https://doi.org/10.1080/09687599.2011.532590>

Thomas, P. (2013). Hate crime or mate crime. in Roulstone, A., and Mason – Bish, H. (Eds) *Disability, hate crime and violence*. (pp.135-146). Routledge.

Trickett, L. & Hamilton, P. (2016). hate crime training of police officers in Nottingham: a critical review. Nottingham Law School.

Tyson, J. (2022). Stressors or facilitators? Exploring the factors that impact police officers' abilities to respond to disablist hate crime. *Policing: An International Journal*. <https://doi.org/10.1108/PIJPSM-10-2021-0145>

Values into Action. (1999). *Living with fear*. London: Values into Action.

Woodward, C.V. and McFeely, W.S. (2002). *The strange career of Jim Crow*. Oxford University Press, USA.

Walters, M. A., Brown, R., & Wiedlitzka, S. (2016). *Causes and motivations of hate crime. Equality and Human Rights Commission*. ISBN 978-1-84206-678-2

Walters, Mark Austin and Wiedlitzka, Susann and Owusu-Bempah, Abenaa and Goodall, Kay E. (2017). *Hate Crime and the Legal Process: Options for Law Reform*
Available at

SSRN: <https://ssrn.com/abstract=3427984> or <http://dx.doi.org/10.2139/ssrn.3427984>

Weikart, R. (2002). Darwinism and death: Devaluing human life in Germany 1859-1920. *Journal of the History of Ideas*, 63(2), 323-344.

<https://doi.org/10.1353/jhi.2002.0019>

Williams, M. L., & Tregidga, J. (2014). Hate crime victimization in Wales: Psychological and physical impacts across seven hate crime victim types. *British Journal of Criminology*, 54(5), 946-967. <https://doi.org/10.1093/bjc/azu043>

Wilkin, D. (2022) Hostility, Hate and Humiliation: Disability Hate Crime on UK Public Transport. In Hall, E., Clayton, J., & Donovan, C. (Eds.). (2022). *Landscapes of hate: Tracing spaces, relations and responses*. Bristol University Press.

Wolfensberger, W. (1972). The principle of normalization in human services. National Institute on Mental Retardation

Wolfensberger, W. (1998). *A brief introduction to Social Role Valorization: A high-order concept for addressing the plight of societally devalued people, and for structuring human services*. (3rd ed.). Training Institute for Human Service Planning, Leadership & Change Agency.

Wylie, A. (2022). Heartless care workers jailed for sadistic pranks on North Devon holiday. *Devonlive*. 26th January 2022. [Heartless care workers jailed for sadistic pranks on North Devon holiday - Devon Live](#)

Young, J. (2002). Ten points of realism. *Criminology: A Reader*, 42.

Michael Zweig, ed., (2004) What's Class Got to Do with It? American Society in the Twenty-First Century. ILR Books.