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The Disability Bias: Understanding the context of hate in comparison with other minority populations

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Abstract

During recent years 'disability hate crime' has become a major political and criminal justice concern due to a number of high-profile murders in the UK. The aim of this paper is to compare disability-motivated hate crimes with other hate crimes motivated by homophobic or racist bias. This study employs a quantitative methodology utilising data collected by ARCH hate crime recording system over a ten-year period (2005–2015). The data findings illustrate a number of variations concerning incidents reported by disabled people regarding violence and threatening behaviour, when compared with incidents motivated by race/faith or homophobic bias.

- The aim of this research was to compare disability-motivated hate crimes with hate crimes motivated by homophobic or racist bias.
- This study compared hate crime/incidents data collected over a ten year period in the north-east of England (2005–2015).
- The study suggests that disability hate crime is underreported compared with other types of hate crime.
- The data findings show a greater number of incidents reported by disabled people regarding violence and threatening behaviour.

Introduction

The aim of this paper is to compare disability-related hate crime/incidents with other forms of homophobic and race-related hate crime/incidents reported in the north-east of England. This study analyses the administrative records of ARCH, a third-party reporting system for hate incidents in the north-east, in order to produce a dataset which comprises ten years of longitudinal data documenting hate crime/incidents in the Tyne and Wear region from 2005 to 2015. Data was collected on five protected characteristics including disability, race, faith, transphobic and homophobic types of hate crime/incidence. This paper applies a quantitative methodology to compare and find similarities and differences between hate crime/incidents experienced by disabled people with those experienced by ethnic and sexual minority communities within the north-east.

The paper employs a social model approach to conceptualise hate crime/incident trends experienced by disabled people (Roulstone *et al.* 2011); this commences by discussing hate crime as a constructed political and social policy category, with reference to the government's protected characteristics, which include disability, race, faith and sexuality (Chakraborti and Garland 2015). With reference to disability, it is suggested in the literature that this form of hate crime is often hidden and underreported in official crime statistics, compared with the other protected characteristics (Thomas 2011; 2013; Creese *et al.* 2014).

The findings in this study illustrate that threatening behaviour and physical attack is a problem for the disabled population when compared to the other protected characteristics. Furthermore, the findings reveal that a greater number of disabled

people who reported hate crime/incidents directly to the police, expecting a criminal justice response, were less likely to have their case investigated or intelligence gathered when compared with incidents motivated by race. The analysis also illustrates key differences in the number of disability and race hate crimes/incidents in areas of deprivation compared with the sexual minority group. Although the study highlights that disability hate crime/incidents only account for 4% of reported hate incidents in the Tyne and Wear area, this paper suggests that this is due to underreporting rather than a genuine low level of disability hate incidents occurring during this time period (Sin *et al.* 2009; Sin 2013; Sherry 2010). The authors conclude by implying that inadequate partnerships have been developed between ARCH, third-sector disability organisations and criminal justice agencies in order to successfully respond to disability hate crime/incidents in the Tyne and Wear area.

Hate crime, protected characteristics and hate crime reporting

The concept of 'hate crime' has gained currency within social policy and academic literature over the last decade (Hall 2013; Chakraborti and Garland 2015). Hate crime became a prominent term used in criminology, criminal justice studies and victimology after a number of high-profile murders in England. The first was the murder of Stephen Lawrence in 1993, which was racially motivated. This was followed by the 1999 nail bomb attacks in London (Brixton, Soho and Brick Lane) which targeted people from ethnic and sexual minority communities (Chakraborti and Garland 2015). Further community tensions developed out of the 9/11 and 7/7 terrorist attacks in the United States and United Kingdom, leading to a backlash of racial and religiously motivated crimes targeting specific ethnic groups across Europe and the United States (Chakraborti and Garland 2015). Within England and Wales, because of the Macpherson

report, legislation was passed in the form of the Crime and Disorder Act (1998), to protect certain minority communities which were considered at risk of targeted victimisation.

The Crime and Disorder Act can be seen as a landmark piece of legislation in constructing the discourse of hate crime and developing particular practices that measured and responded to this 'new' form of victimisation. This Act specifically gave powers to courts so that judges could increase sentencing tariffs for perpetrators if it could be proven that a crime was motivated by hatred towards a minority group (Roulstone *et al.* 2011; Chakraborti and Garland 2015). This legislation was further expanded by the Anti-terrorism Crime and Security Act (2001), which incorporated religiously motivated crimes as an additional example of hate crime. Therefore, while early legislation made specific reference to race/faith, it was not until 2005, within the Criminal Justice Act (2003), that legislation was expanded to protect disabled and sexual minority groups from bias-motivated crimes. Under these Acts there are five legal categories of hate crime which are referenced to as 'protected characteristics'. These protected characteristics identify five specific communities which are at risk of experiencing hate crime in England and Wales, consisting of bias crimes which are motivated by race, faith, homophobia, transphobia and disability (Hall 2013; Roulstone *et al.* 2011; Chakraborti and Garland 2015). With reference to disability in particular, since the Criminal Justice Act (2003), for any crimes where it can be proven that a perpetrator acted with intent or hostility towards a disabled person, the courts have the power to increase sentencing for the perpetrator within England and Wales (Macdonald 2015).

Although hate crime legislation now defines disability as a protected characteristic, practices around prevention and victim support were originally developed to support people from ethnic or religious minority communities. Creese *et al.* (2014) illustrate that, when comparing statistics on disability hate crime with other protected characteristics, disability hate incidents seem far less common than other forms of hate-motivated criminality. Official figures on disability hate crime indicate that only 5% of hate crimes are motivated by hostility or bias towards disabled people (OCS 2015). If we compare this with ethnicity, where 82% of hate crimes are racially motivated (OCS 2015), this would suggest that either disabled people are at lower risk of hate crimes, or that disability hate crimes are underreported, or that it is a combination of both.

The nature of hate crime

When conceptualising the nature of hate crime incidents, it has been emphasised that hate crime legislation developed out of crimes which specifically targeted ethnic minority communities. This has led to a number of criminal justice assumptions about the nature of hate crime, as it is presumed that offenders will not be known to their victims (Thomas 2011; Chakraborti and Garland 2015; Macdonald 2015). However, this is not always the case for people that have experienced disability hate crime, as in many cases the perpetrator is known to the victim, often as an employed carer or family member (Shakespeare 2013). Whilst there are many similarities of experiences of hate crime and help-seeking across the protected characteristics it is only recently that research has focussed on the experiences of disabled people. Thomas (2011; 2013) highlights the complexities around disability hate crime. She emphasises that many disabled people become victims within their own home, through abusive care workers or groups of individuals who have befriended disabled people in order to exploit and

victimise them. Thomas defines the concept of 'mate crime', where disabled people (particularly individuals with an intellectual impairment) are befriended then exploited and abused by particular perpetrators. She suggests that this form of hate crime is more similar to experiences of domestic violence than those of the traditional notion of hate crime; if this is correct, perpetrators of disability hate crimes could be viewed as 'insiders' rather than 'outsiders'. Furthermore, because these perpetrators are frequently employed by the care system, and often develop the abusive and exploitative behaviour gradually, leading to systematic and long periods of victimisation within an individual's home, Thomas stresses that this form of hate crime is rarely reported and can be very difficult to detect (Thomas 2011; 2013). This emphasises a level of complexity around disability hate crime which is unique and different from other forms of hate crime experienced by other minority groups, and these differences help mask the actual extent of disability hate crime from criminal justice agencies, resulting in disabled people being excluded from official hate crime statistics.

Disability and hate crime

Similar to Thomas's study, Sin (2013) proposes that, rather than disability hate crime being rare, the reality is that this form of hate crime goes unnoticed by criminal justice services. She suggests that disability hate crimes are underrepresented within official statistics because of underreporting rather than there truly being a lack of crimes specifically targeting disabled people. Sin discovered that disabled people generally did not report their experiences of crime to criminal justice agencies (Sin *et al.* 2009). She reveals that, although there is a low level of reported disability hate crime, 66% of people with intellectual impairments described experiencing some form of victimisation, and a further 90% reported experiencing general harassment, and 32%

implied that they experienced harassment on a weekly basis (MENCAP 1999; Sin *et al.* 2009).

As Sin (2013) implies, in order to have disability hate crime recorded and processed through the courts, evidence must be first gathered by the police. She suggests that many disabled people's experience of the police is extremely negative due to inferred attitudes of police officers along with inflexible policing and exclusive procedures. She goes on to suggest that police services are not adapted to the needs of specific disabled groups. Officers have been reported not to have taken notes or even interviewed persons with intellectual impairments as there is an assumption that those persons will not have the ability to effectively give evidence. She also reports officers being dismissive of disabled people, and insufficient training is offered in alternative ways of collecting evidence from particular disabled groups (Sin 2013). In conjunction with this, Balderston (2013) and Macdonald (2015) highlight similar barriers with reference to Victim Support, particularly around a lack of: understanding of disability; communication skills; and alternative packages of support tailored around disability.

For the small number of disabled people whose victim status has been acknowledged by the police and Victim Support, similar disabling barriers have been identified by Gravell (2011) and Roulstone *et al.* (2011) with reference to the Crown Prosecution Service and Law Courts. Roulstone *et al.* (2011) imply that disabled people's experiences are constructed differently from other minority groups. He suggests that disabled victims often have their status pathologised, as they are considered inherently vulnerable to criminality due to assumptions about the nature of their conditions. Roulstone *et al.* (2011) suggest that, because of this assumed inherent vulnerability, the actions of

perpetrators are often explained in terms of exploitation rather than prejudice or hostility towards disabled people's status itself.

As Gravell (2011) indicates, although there is an obligation to support vulnerable witnesses, many disabled people feel that they have not received adequate support during their time in court. From this perspective, the reason why there are only a small number of disabled hate crime prosecutions, even in extreme cases of murder, would be because of this construction of vulnerability (Roulstone *et al.* 2011; Sherry 2010). Thus, the low level of reporting, recording and prosecution of disability hate crime can be explained as an indicator that criminal justice agencies, Victim Support, social welfare services and courts are ill-equipped to effectively support disabled victims who experience hate crime within the UK (Quarmby 2008; Sin 2009; Roulstone *et al.* 2011; Sherry 2010; Edwards 2014; Macdonald 2015). These studies seem to demonstrate that disabled people are underrepresented in official statistics rather than being at low risk of experiencing hate crime due to their minority status.

Methodology

This study quantitatively compares the similarities and differences between disability motivated hate crimes and other hate crimes motivated by homophobic or race bias. The data in this study was obtained through ARCH, an organisation that records and documents all forms of recorded hate incidents and hate crime from across Tyne and Wear within the five metropolitan boroughs consisting of Newcastle upon Tyne, Sunderland, Gateshead, North Tyneside and South Tyneside. ARCH is a third-party reporting system that works in partnership with organisations including the police, housing agencies, local councils, schools/colleges/universities, Victim Support, and

other local third sector charities in the north-east of England. All hate crime incidents that are reported to Northumbria police are recorded by ARCH. This study had access to data from two of the five boroughs, collected over a ten year period from 2005 to 2015. Thus, the data analysed in this study was composed from the two cities, Newcastle upon Tyne and Sunderland, within this metropolitan county.

A total population sample of reported hate crime/incidents (De Vaus 2002) was obtained through ARCH from the Newcastle upon Tyne and Sunderland populations. This project compares three distinct groups of participants who had experienced some form of hate crime/incidents. The first group comprised data on participants who had a range of impairments and who had experienced some form of disability hate crime/incident (n=156). The second group consisted of individuals (n=375) who had experienced some form of transphobic/homophobic hate crime/incidents. The largest group (n=3377) was people who had experienced forms of race/faith hate crime/incidents. These three groups were used as the independent variables in this study and consisted of a total population of 3908 cases.

When analysing the data, descriptive statistics were used in the form of cross-tabulation tests to examine the frequency distribution of cases when examining the correlation between two or more variables. Two or more variable frequency distributions were analysed using a chi-square statistic (χ^2) to discover whether variables (i.e. disability \times hate crime/incidents \times criminal justice response = increased/decreased chance of victimisation) are statistically independent on whether they are associated (De Vaus 2002). The data from this survey were subsequently analysed, and only data which were calculated to be of significance were used ($P \leq 0.05$). The data were analysed using

SPSS and Excel in the form of single variable analysis (univariate), and where data were calculated to be of significance ($P \leq 0.05$) bivariate and multivariate analysis was applied (De Vaus 2002).

In the data analysis, five significant themes ($P \leq 0.05$) emerged in the bivariate data, which were: extent of disability hate crime/incidents; type of agency reporting hate crime/incidents; geographical location; type of offence; police responses to incidents. Although the authors are influenced by a critical realist philosophy regarding disability and impairment, this paper employs the social model of disability in respect of the data analysis (see Macdonald 2013). Hence the author applies the social model definition, which classifies 'disability' as disabling structural barriers and 'impairment' as biological/neurological variations (Oliver 2009). This paper is the second (XXX 2015) in a longitudinal study which has covered a ten-year period comparing disability hate crime/incidents with other forms of hate crimes targeting other communities, for example crimes targeting people from sexual minority and ethnic minority groups.

Findings: protected characteristics and reporting trends for hate crime/incidents

When comparing protected characteristics of hate crimes within the time period from 2005 to 2015, the data indicates that the vast majority of cases recorded, at 86% ($n=3377$), relate to race/faith hate incidents (see Figure 1). There is a significant drop, to 10% ($n=375$), when comparing this with sexual minority cases of hate incidents in the region. As we can see, the lowermost category, at 4% ($n=156$), refers to cases of disability hate incidents. Whilst Figure 1 clearly shows that race/faith groups are most at risk of hate crime, we must treat this analysis with caution as it might also reveal

significant issues of underreporting of disability and sexual minority hate incidents within the region, as discussed earlier.

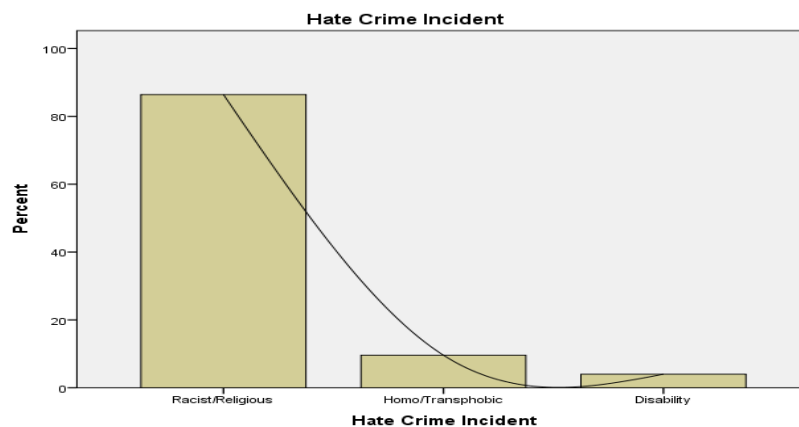


Figure 1: Protected categories of hate crime/incidents – ARCH data

There may be some evidence of underreporting of disability and sexual minority hate incidents when comparing ARCH data with existing data on hate crime nationally. If we refer to Figure 2, the ARCH data collected in Tyne and Wear is very similar to Official Crime Statistics (OCS) collected across England and Wales. When comparing hate crime/incidents between the OCS data with that of ARCH's data, there is a direct match with reference to race, as both data sources reveal that the majority of cases, at 82%, were racially motivated. With reference to sexual minority incidents, again there are some striking similarities as OCS data indicates 12% of cases, compared with 10% in the ARCH data, were motivated by homophobic bias. With reference to disability hate incidents, further similarities are revealed as OCP data indicates that 5% of hate incidents were committed against disabled people, compared with ARCH at 4%.

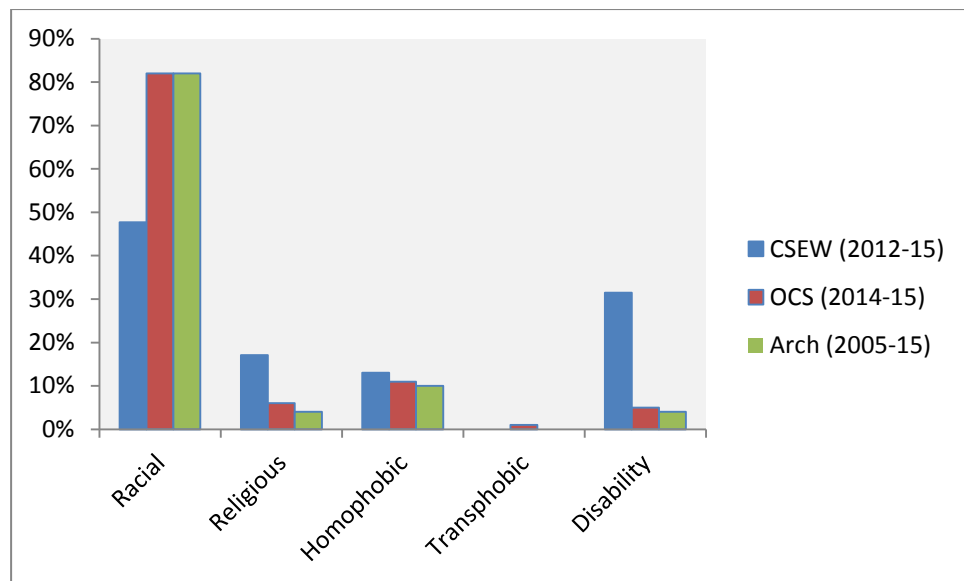


Figure 2: Protected characteristics of hate crime/incidents

Although ARCH and OCS are similar, there is a substantial difference between these data sources and the Crime Survey for England and Wales (CSEW), the CSEW levels of victimisation being considerably higher for the disability group at 32%, which is an increase of 28% and 27% compared to the Arch and OCS data respectively. Racially motivated crimes dropped to 48% within the CSEW data findings compared to ARCH and OCS findings which were both at 82%. Interestingly, levels of sexual minority incidents were similar between all three data sources, ranging from 13% in the CSEW to 10% in the ARCH data.

It should be noted that the CSEW is viewed as a more accurate representation of victimisation than the OCS (Maguire 2007). This is because the CSEW collects information from victims, so it includes crimes that are not officially reported in the OCS data, which only includes information solely recorded by the police and courts, and so arguably gives an incomplete picture as it excludes unreported crimes. The OCS data also does not include incidents that either may not be perceived as a criminal act, or

may not be criminal offences but still have a damaging effect on the victim (e.g. prolonged anti-social behaviours). The authors would have, therefore expected that the ARCH data would reflect reporting across the protected characteristics that was more in line with that of the CSEW. The fact that it does not may indicate that the ARCH data on disability is also incomplete, and lends support to the notion that it underrepresents disability hate crimes in the region due to underreporting.

The reporting of hate crime incidents

To explore whether ARCH data represented in Figures 1 and 2 indicate that disability hate crime is either uncommon or underreported, we must examine data in Figure 3. It should be noted that ARCH was originally established to build trust between communities, so that excluded groups would have confidence to report hate crime/incidents to local criminal justice authorities/agencies. Partnerships between third-party multi-agency reporting centres were central to the success of the ARCH system. Data in Figure 3 illustrate a range of ARCH's multi-agency reporting centres where victims reported hate incidents, which included statutory, third-sector and private organisations. At the start of this research in 2013, ARCH had 120 partner organisations across the region. A significant relationship ($P \leq 0.00$) emerged in the data analysis which indicated some similarities and differences between the three groups. In Figure 3, half of all hate incidents reported by the three groups were reported to criminal justice agencies, ranging from 51% of disabled victims, 50% of sexual minority victims and 49% of race/faith victims. The second most productive reporting agencies were housing services, with disability being the most prevalent category at 26%, indicating that over a quarter of victims reported disability hate incidents to their

housing providers. This is compared with the 20% race/faith victims and 19% sexual minority victims. The third prevalent group was educational services, where again disabled victims were most likely to report an incident at 15%. This is compared with the race/faith community at 11% and the sexual minority community at 8%.

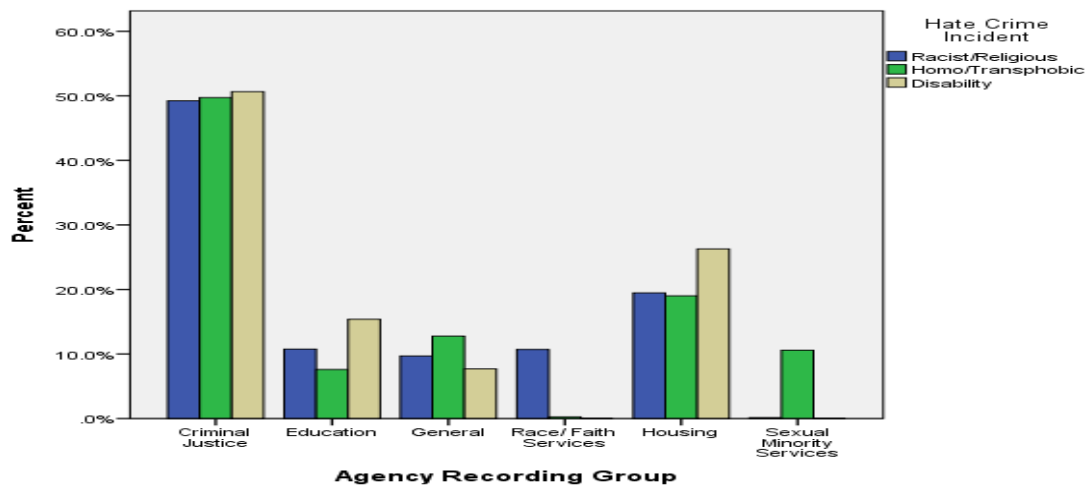


Figure 3: Reporting Agencies¹

This analysis indicates that all three victim groups were most likely to report crime/incidents to criminal justice agencies, followed by housing and educational services. Nevertheless, these findings also reveal that it is the disabled group who are most likely to use these reporting networks compared with the race/faith and sexual minority communities. Figure 3 also illustrates the role of specialised race/faith, sexual minority and disability support agencies in reporting hate crimes within the region.

¹The six categories in this graph represent reporting agencies that have particular specialisms. 'Criminal Justice' refers to agencies including the police, Victim Support, etc. 'Education' refers to schools, colleges and universities, etc. 'General' refers to organisations that do not specialise in a specific area relating to the five protected strands – this category predominantly consists of city councils' local customer service centres. 'Race/Faith Services' refers to community services which support people from a range of race, faith or ethnic minority populations. 'Housing' refers to housing organisations such as local housing offices, housing associations, etc. 'Sexual Minority Services' refers to community projects which specialise in offering services for sexual minority groups such as Gay Advice Sunderland or MESMAC, etc.

11% of the race/faith communities reported hate incidents to specialist race/faith agencies, and likewise 11% of the sexual minority communities used specialised sexual minority agencies to report hate incidents. Unfortunately, with reference to specialist disability organisations, no disability support agency had actively reported a hate crime/incident within the Newcastle or Sunderland areas over a ten-year period. This could be partially explained because ARCH was originally established as an alternative reporting system to traditional criminal justice services, aimed at supporting ethnic minority populations in Newcastle upon Tyne. This was because many ethnic minority groups had lost trust with local criminal justice agencies in Tyne and Wear. Because of the Criminal Justice Act (2003), which expanded hate crime protected characteristics from race/faith to include disability and sexual minority victims in 2005, this transformed and expanded the remit of ARCH. Yet, even after 2005, there was not a single reported disability or sexual minority hate crime/incident recorded by ARCH until 2008. What this data might represent is that, although ARCH has had some success in developing partnerships and trust with ethnic minority community groups, this success has not been fully replicated within the north-east disability communities.

Geographies of hate in Newcastle and Sunderland

While the authors acknowledge that this data gives only a partial picture of disability hate crime, the data does allow some comparison between hate crime trends affecting the three groups from 2005 to 2015. The data analysis in Figure 4 examines whether a correlation exists between protected characteristics, hate crime/incidents and areas of deprivation, based on the 'Indices of Multiple Deprivation' (2010). The data seems to reveal a significant correlation ($P \leq 0.00$) between disability hate crime/incidents and areas of deprivation. In the first four wards of the most deprived areas in Newcastle and

Sunderland, hate incidents that targeted disabled people equated to 33% of all incidents. This is comparable with the race/faith community, where 35% of hate incidents relate to the first four wards of deprivation in Figure 4. This correlation does not relate to the sexual minority group though, as only 12% of hate incidents took place in these areas of deprivation.

Interestingly, with reference to the sexual minority group, it was the Newcastle city centre, at 37%, where most incidents took place. Newcastle city centre was a less dangerous place for people from the race/faith and disability communities as only 7% of disability hate incidents and 9% of race incidents were reported to ARCH as having taken place there. As we can see from Figure 4, as wards become less deprived hate crime/incidents reduce, so this illustrates some level of correlation between areas of deprivation, disability and race incidents within the Tyne and Wear region.

It should be noted that linking deprivation with forms of hate crime is somewhat problematic. This analysis does not suggest that certain working-class Tyne and Wear communities are more likely to engage in racist/disabling behaviours. The authors propose the reason why there are high levels of incidents in these areas, with reference to ethnicity and disability is due to changing levels of diversity living in close contact with each other, in comparison to wealthier areas in Tyne and Wear (see Clayton et al., 2016). This close contact is often underpinned by poverty, the withdrawal of jobs and services, and a climate of suspicion and marginalisation. Research by Gravell (2011) suggest that many disabled people, particularly those with learning disabilities or profound mental health problems, are often placed in areas of high deprivation, to save local authorities on rent costs. This is very similar to individuals who are seeking

asylum. This data might reveal that, by housing large numbers of disabled people and individuals from diverse ethnic communities in areas which are already economically deprived, this seems to create community tensions and conflicts (O'Grady *et al.* 2004; Clayton 2012; Clayton, *et al.* 2016). Therefore, from a social model perspective, the data seems to show that social housing constructs disabling barriers which leaves individuals at risk of victimisation within the region (Thomas 2011).

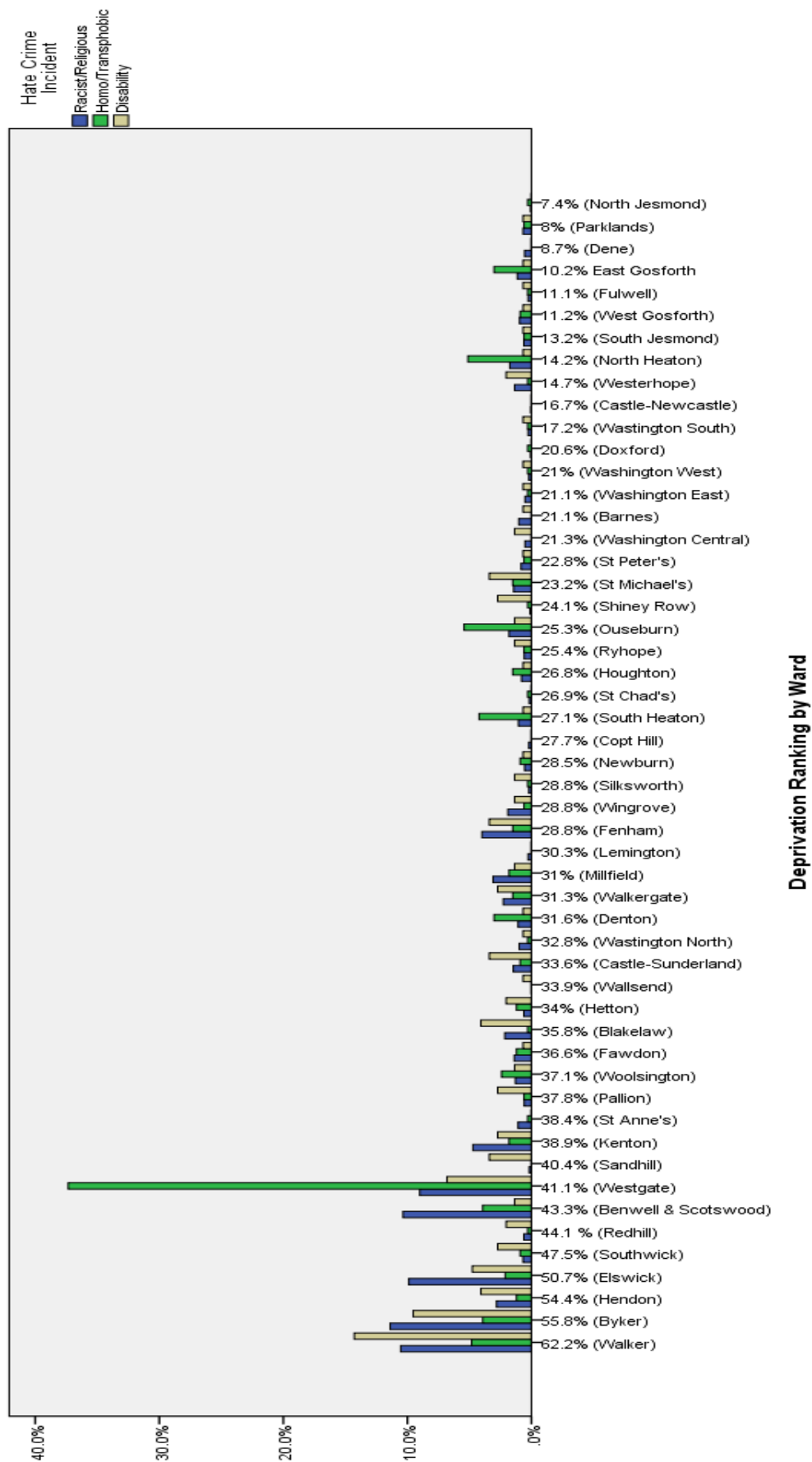


Figure 4: Links between areas of deprivation with forms of hate crime

Types of hate

When comparing the personal experiences of hate incidents that were reported to ARCH, a significant difference ($P \leq 0.00$) appeared between the three groups in relation to types of victimisation. It should be noted that ARCH data varied from OCS because data was recorded equally on hate crimes and hate incidents. In ARCH's data, incidents referred to the everyday experiences of hate, and these included incidents which may not be considered as crimes, such as verbal abuse or other aspects of anti-social behaviour. The data analysis in Figure 5 illustrates the type of hate crime/incidents that each of the groups reported over a ten-year period.

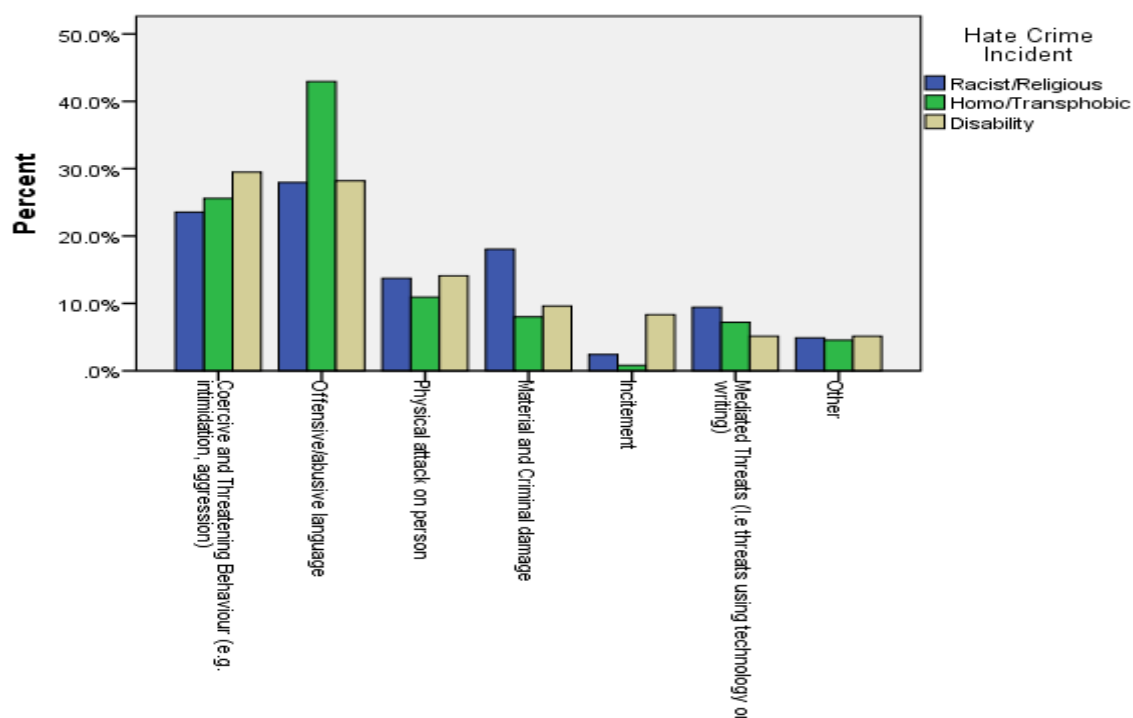


Figure 5: Types of hate crime/incidents

As we can see from Figure 5, there was some variation between the three groups and hate crime/incidents in this study. With reference to disability, this group reported experiencing the highest level, at 30%, of incidents relating to threatening and

intimidating behaviours. This can be compared to lower levels of intimidation experienced by the sexual minority group, at 26%, and the race/faith group, at 24%. For the disabled group, the next uppermost level of hate incidents, at 28%, related to the experience of 'abusive language'. When comparing the prevalence of abusive language with the other communities, this is comparable with the race/faith group, also at 28%. Yet it should be noted that it was the sexual minority group that reported the highest levels of abusive language compared with the other communities, at 43%.

Interestingly, when comparing the data findings on physical violence, all three populations reported similar levels of violence, ranging from 11% to 15%. When examining 'physical attacks', the disability group, at 15%, was again comparable with the race/faith group, at 14%, as both groups reported similar levels of physical violence. The least likely group, at 11%, to experience physical attacks was the sexual minority group. Criminal damage was also a significant category for the disability group, at 10%, compared with the sexual minority group who reported this type of incident at 8%. However, it was the race/faith group that was most at risk of experiencing criminal damage, at 18%.

Although there are some statistical similarities between these groups, there are also a number of slight differences. For disabled people, the data reveals that they were most likely to be subjected to threatening behaviours and intimidation, and slightly more prone to be the victim of physical violence. But, as Roulstone *et al.* (2011) argue, compared with the other protected characteristics it is this group that is far less likely to have these incidents recognised, due to prejudice or hostility towards their minority status by a court.

Police response to hate

Over recent years there have been growing concerns over disabling barriers within the criminal justice system (Roulstone *et al.* 2011; Gravelle 2011; Balderston 2013; Sin 2013; Macdonald 2015). As Sin (2013) implies, one reason why hate crimes are underreported by disabled people is because of a lack of confidence in the criminal justice system. Both Gravelle (2011) and Sin (2013) indicate problems within policing due to a lack of specific understanding, training and commitment by police forces nationally to successfully protect disabled people. On exploring how police respond to the three protected characteristics in this study, the data reveals some significant variations between groups ($P \leq 0.00$).

When investigating data on disability in Figure 6, 56% of disability hate incidents were reported directly to the police. This was slightly higher than the other two groups, as 50% and 42% of the sexual minority and race/faith groups respectively reported homophobic and race hate incidents directly to the police (see Figure 6). Although disability hate incidents were more likely to be reported directly to the police, the police were less likely to investigate these incidents, at 10% compared with the race/faith communities at 16%. Nevertheless, the police were least likely, at 9%, to investigate a hate incident when it targeted someone from the sexual minority group. Interestingly, the police were most prone to gather intelligence for race incidents in Newcastle and Sunderland, at 6%, compared with the sexual minority and disability groups at 4%.

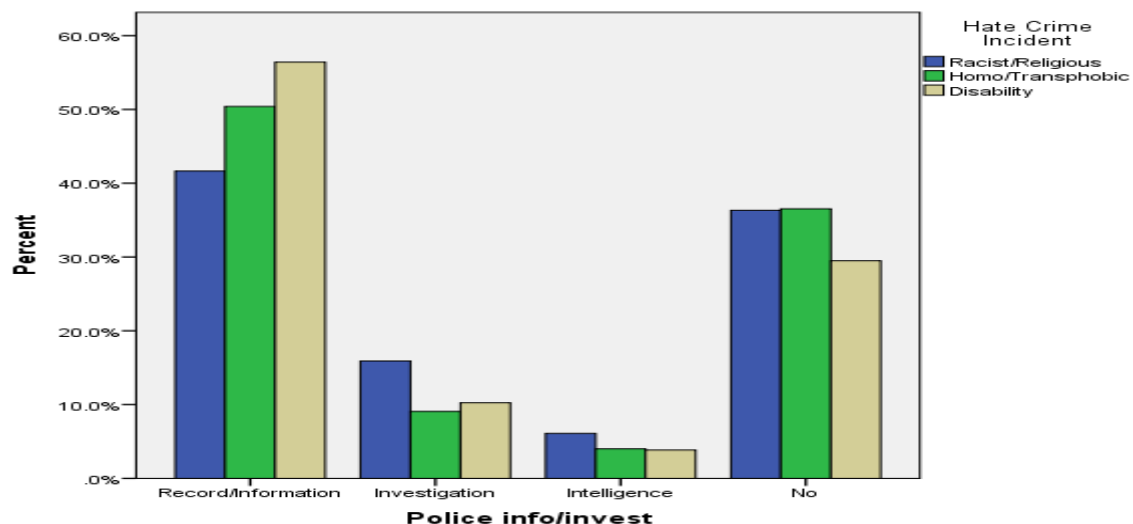


Figure 6: Police response rates²

With reference to the police's 'no' response rates, the data shows that the police were less likely to respond to an incident, at 36%, if it related to the race/faith group or, at 37%, to the sexual minority group. This seems to indicate that the police were more likely to respond to the disability group as their 'no response' rate for disability hate crime/incidents dropped to 30%. However, this analysis needs to be treated with caution, as although this might seem that the police were more likely to respond to a disability hate incident, in reality a recorded 'no' by the police was because victims stated they did not want a criminal justice response. Hence, what this analysis suggests is that 70% of disabled people seemed to want a criminal justice response when reporting a hate crime/incident in this study.

² The four categories in this graph represent police responses to hate crime/incidents. 'Record/Information' refers to disability hate incidents that were reported directly to the police; 'Investigation' refers to a further investigation by the police of a reported crime; 'Intelligence' refers to police gathering intelligence and further information where a hate crime/incident took place; 'No' refers to no police response to a hate crime/incident.

Conclusion

The aim of this article was to evaluate protected characteristics of hate crime in order to examine whether disabled people report hate crime/incidents in similar (see Clayton et al., 2016) or different ways to other protected groups. With reference to the type of hate crimes/incidents experienced by disabled people, the authors discovered a slight but important variation. This study reveals a significant relationship between deprivation and hate crime/incidents as there was an increase of disability hate incidents reported in areas with the highest levels of deprivation. With reference to experiences of victimisation, disabled people were most likely to report that they had been subjected to threatening behaviour, at 30% compared with the other groups at 24% and 26%. Disabled people were also most at risk of experiencing physical violence compared with the other protected characteristics, at 15%, although this only varied by 3%. The disabled group were also most likely to report incidents directly to criminal justice agencies (51%). This could reveal that disabled people were doing so to get a criminal justice response or because of a lack of alternative reporting options. Yet, when comparing police responses to disabled individuals, although they were most likely to have their hate incident logged by the police (56%), they were less likely to have their experience of hate investigated (10%), or intelligence collected (4%), compared with the race/faith protected characteristics.

This paper also illustrates that, when comparing disability hate incidents with race or homophobic incidents, only 4% of cases were classified as disability hate crimes. As stated, this data can be interpreted in two ways: either firstly, that disabled people do not experience the same level of hate incidents compared to the other protected characteristics; or secondly, that disabled people are not reporting incidents of hate to

ARCH or criminal justice agencies. Evidence in this study seems to suggest that it is the latter, as when comparing where individuals reported a crime/incident it became evident that there was reduced options for disabled people. For both the race/faith and sexual minority groups ARCH had established affiliations with community groups and agencies which specifically specialised in issues relating to ethnicity or sexuality. This was not the case in relation to disability, as no specialised disability organisation had identified or reported a hate incident to ARCH over a ten-year period. This seems to reveal that disabled people had reduced means of reporting hate crime/incidents within the Tyne and Wear area, as the concept of disability hate crime seems to be less visible compared to the other protected characteristics.

In summary, when comparing disability hate incidents (n=156) with race incidents (n=3377), the data demonstrates that ARCH was successful in improving the reporting of hate incidents by ethnic minority groups over a ten-year period, but they were not able to mirror this success for disabled people within this study. Yet, ARCH had somewhat acknowledged this before this research commenced, as they had requested a systematic analysis of their data in order to improve the reporting of disability hate crime/incidents within the region. Unfortunately, as this project comes to an end, due to government local authority cutbacks, members of the ARCH team with specific expertise in hate crime, community engagement and partnership building have been made redundant.

The aim of this study was to improve the effectiveness of ARCH, and although ARCH still exists as a recording system, the community engagement and partnership building aspect of ARCH, which was central to its success in targeting race hate incidents, no

longer exists. It was hoped that this project would improve the reporting of hate crime/incidents for disabled people within the north-east of England, but unfortunately this no longer seems to be a priority for local or national government. Hopefully these findings might prompt representatives in the north-east to examine their current disability hate crime reporting arrangements and make much needed improvements. If this does not happen, then disabled people will continue to experience hidden forms of hate crime on a daily basis, and not have their voices heard or have access to the justice they deserve (Sin *et al.* 2009; Roulstone *et al.* 2011). If disabling barriers around reporting are not confronted by local government, which effectively allows disability hate crime to continue, this sends out a clear message to perpetrators about the social status of disabled people within the region (Quarmby 2008; Sherry 2010).

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