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**BRIDGING COMMUNITIES:  
EXPLORING EXPERIENCES OF 'HATE'  
WITHIN COMMUNITY, VOLUNTARY,  
AND CRIMINAL JUSTICE SECTORS**

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2018

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AND CRIMINAL JUSTICE SECTORS**

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requirements of the University of Northumbria  
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## **Abstract**

This thesis examines how hate is experienced, navigated, and negotiated within community, voluntary, and criminal justice services. It details the findings of a qualitatively driven, mixed methods research project including a survey of queer people (n=242) and 33 semi-structured qualitative interviews. The research found that LGBT+ people favour social justice pathways over criminal justice pathways to report, share, and reconcile their hate experiences. Thus I examine the role of criminal and social justice pertaining to hate experiences. I adopt a radical queer perspective, by arguing that the aetiology of hate stems from structural power imbalances and oppression of queer people. Drawing upon historical, sociological, victimological, and criminological perspectives I focus on identity as the conduit for hate victimisation and explore how identities, in particular age, gender, and sexuality, shape how hate is experienced, negotiated, and navigated. The research highlights that age is a major influencing factor as the spaces and places hate crime is perpetrated and experienced is usually correlated with age. Participants experienced more everyday background hate in the form of micro-aggressions, othering, and marginalisation than they did hate ‘crime’. Criminal justice workers advocated the need to protect LGBT+ people from hate crime, departing from the long history of the criminal justice system, previously, persecuting LGBT+ people. ‘Hate’ is both an adult-centric and binary concept, where only adults can experience hate ‘incidents’ or ‘crimes’. By exploring student groups, youth and community groups, and criminal justice workers this research has highlighted that community networks are key for LGBT+ people to organise their sociality and find support for their hate experiences. This research, with the exception of a survey, solely focuses on communities and individuals in the North East of England. It promotes the need for community layered hate crime research that is

intersectional, in order to readily understand the social location of participants. This research provides examples of how experiences of hate can differ depending on age, gender, and sexuality.

## Glossary of Terms and Abbreviations

**ASB** – Anti-Social Behaviour

**Demi-girl** – a gender identity describing someone who partially, but not wholly, identifies as a woman, girl or otherwise feminine, whatever their assigned gender at birth.

**Cisgender (cis)** – a person whose gender identity or sex matches the gender or sex they were assigned at birth. A person who is not transgender.

**CJS** – Criminal Justice System

**CJW** – Criminal Justice Worker

**CPS** – Crown Prosecution Service

**Gender-fluid** – a gender identity that is unfixed and fluid.

**LGBT+** - the acronym associated with non-heterosexual and/or trans people. Lesbian, gay, bisexual, transgender. The + is used to denote other identities, such as non-binary, pansexual, intersex, two-spirit etc.

**Non-binary** – a gender identity which rejects binary gender systems. Neither man nor woman/masculine or feminine.

**Pansexual** – a person who is sexually, romantically, and emotionally attracted to someone regardless of their gender or sex. Sometimes called omnisexual as a way to describe attraction to all sexes/genders

**PC** – Police Constable

**Straight** – a heterosexual person. A person who is sexually attracted to the opposite sex.

**SPSS** – Statistic Package for the Social Sciences

**Transgender (trans)** – a person whose gender identity or gender expression contrasts with the gender they were assigned at birth. A person who is not cisgender.

**TSS** – Time-space sampling

**Queer** – An umbrella term for the LGBT+ community; not straight. Also associated with a set of political values that reject heterosexual norms and values.

# Table of Contents

<b>Abstract</b> .....	<b>1</b>
<b>Glossary of Terms and Abbreviations</b> .....	<b>3</b>
<b>Table of Contents</b> .....	<b>4</b>
<b>List of Tables</b> .....	<b>8</b>
<b>List of Figures</b> .....	<b>8</b>
<b>Acknowledgements</b> .....	<b>9</b>
<b>Declaration</b> .....	<b>10</b>
<b>Chapter 1</b> .....	<b>11</b>
<b>Introduction</b> .....	<b>11</b>
Introduction to thesis.....	11
Research Questions .....	13
Thesis Structure .....	14
The Autobiographical Queer: Acknowledging the ‘I’ in ‘my’ research .....	17
A Queer Person .....	18
A Queer Youth Worker.....	20
<b>Chapter 2</b> .....	<b>22</b>
<b>The historic relationship between LGBT+ people and the Criminal Justice System</b> .....	<b>22</b>
Introduction.....	22
Formation of LGBT+ identity.....	24
Sodomy .....	25
Medicalising homosexuality .....	26
Queer Stonewalling.....	28
21 <sup>st</sup> Century Responses .....	33
Stephen Lawrence and The Macpherson Inquiry.....	34
Post-Macpherson policing.....	35
Introducing Hate Crime .....	38
Protection and Policing .....	42
Complicating Hate Definitions and Terms .....	47
Society, Social Structure, and Hate.....	49
‘Hate’ crime as victimisation .....	53
Transforming non-hate to hate.....	56
Conclusion .....	58
<b>Chapter 3</b> .....	<b>60</b>
<b>Anti-LGBT+ Hate Crime: Understanding Identity and Victimisation</b> .....	<b>60</b>
Introduction.....	60

Identity .....	61
Performativity and presentation of identity.....	63
Negotiating Identity and Sociality .....	66
Victimised identities .....	69
Intersectional Identities .....	71
Introducing Homophobic, Biphobic, and Transphobic Victimisation .....	74
The impact and consequences of victimisation and violence .....	79
Injury to the psyche.....	85
School Environments .....	89
LGBT Youth Groups .....	92
Conclusion .....	94
<b>Chapter 4 .....</b>	<b>97</b>
<b>Methodology .....</b>	<b>97</b>
Queer Ontologies .....	98
Queer Standpointisms and Epistemologies .....	101
Sample .....	105
Participants for Interviews .....	105
Ethics .....	116
Including Young People.....	117
16-18-year-old participants:.....	117
Under 16's.....	120
Sampling .....	123
1: Convenience-Snowball Sampling:.....	123
2: Purposive Sampling: .....	124
3. Time-space Sampling: .....	125
Sampling Limitations.....	126
Interview Style .....	127
Place of Interview .....	131
North East Pride Survey.....	133
Tales from the field.....	135
Processing and Analysing the Data.....	136
Literature.....	137
Interviewing .....	138
Transcribing .....	138
Coding.....	140
Conclusion .....	143
<b>Chapter 5 .....</b>	<b>145</b>

<b>Examining Identity and Hate Experiences .....</b>	<b>145</b>
Introduction.....	145
Identity .....	146
Hate definitions.....	148
Instances of hate crime and its impact .....	152
Self-policing identities .....	157
Age.....	161
Intersectionality.....	164
Orlando: Pulse Nightclub, June 2016 .....	166
Vicarious Victimization .....	171
The Importance of Language .....	174
Case Study of the Army .....	178
Conclusion .....	180
<b>Chapter 6 .....</b>	<b>183</b>
<b>Locating Violence and Victimization.....</b>	<b>183</b>
Introduction.....	183
Victimization.....	184
Structural oppression and background violence .....	189
Vulnerability and Trauma .....	195
Space and Place.....	202
Home.....	204
School .....	208
LGBT+ Spaces.....	211
Conclusion .....	214
<b>Chapter 7 .....</b>	<b>217</b>
<b>Responding to and policing hate.....</b>	<b>217</b>
Introduction.....	217
Policing .....	218
Perception of Police .....	224
Reporting.....	231
Hate conviction and hate crime scrutiny .....	235
Police response to hate.....	240
Support, Visibility, and Education .....	242
Impact of hate for criminal justice professionals .....	248
Conclusion .....	250
<b>Chapter 8 .....</b>	<b>251</b>
<b>Conclusion .....</b>	<b>251</b>

Introduction.....	252
Dominant Themes and Findings .....	253
Hate and hate crime .....	253
Identity and hate.....	254
Expanding hate victimisation: acknowledging structural oppression .....	257
Space and Place.....	259
Policing and interacting with the criminal justice system.....	262
Comments on the limitations of this research .....	265
Future Pathways.....	266
Appendices.....	269
Appendix A – Information Sheet.....	270
Appendix B – Consent Form .....	271
Appendix C – Service Worker Discussion Form.....	273
Appendix D – Easy-read Information Sheet .....	274
Appendix E – Example Interview Schedule .....	275
Appendix F – UK Police Rank Structure.....	277
References.....	278

## **List of Tables**

Table 4.1: North East LGBT+ Student Cohort Participants .....	108
Table 4.2: Voluntary Sector Cohort Participants .....	113
Table 4.3: Criminal Justice Cohort Participants .....	115
Table 4.4: Survey Themes .....	134
Table 4.5: Student Theme Framework.....	141
Table 4.6: Coding Framework .....	142
Table 5.1: Percentage of Hate Crime Experiences.....	152
Table 5.2: Respondents who identified behaviours listed as a hate crime .....	154
Table 6.1: The space and place in which hate crime was experienced .....	203
Table 7.1: Ethnic proportion of a NE police force taken from College of Policing (2017).....	221
Table 7.2: Gender proportion of a NE police force taken from College of Policing (2017) .....	221

## **List of Figures**

Figure 4.1. Interview Cohort.....	106
Figure 5:1 Total hate crime experiences .....	153

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The courage, hard work, emotional labour and sacrifices required to complete a PhD are numerous. This means that unapologetically my last acknowledgement goes to myself. It has been a rocky road the past three years and you have come through it with a thesis in hand. Do not forget this accomplishment and do not be overtaken by imposter syndrome. Well done.

## **Declaration**

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work. I also confirm that this work fully acknowledges opinions, ideas and contributions from the work of others. Any ethical clearance for the research presented in this thesis has been approved. Approval has been sought and granted by the Faculty Ethics Committee / University Ethics Committee at the University of Northumbria at Newcastle.

**I declare that the Word Count of this Thesis is: 80,777**

**Name: James Pickles**

**Signature:**

**Date:**

# Chapter 1

## **Introduction**

### *Introduction to thesis*

In 1998, a young American man named Matthew Shepard went to his local bar for what was supposed to be a normal night of partying. After drinking, socialising, and partying, he began chatting to two men, Aaron McKinney and Russell Henderson, who offered him a lift home. Matthew would never make it home. They drove Matthew to a remote area, dragged him out of the car and tied him to a nearby fence. They robbed belongings from his person and drew a pistol on him to use as a blunt instrument to whip and torture Matthew. Leaving Matthew tied to the fence, bloodied and battered, they drove away. Matthew fell into a coma and was discovered 18 hours later. His body was so damaged and bloodied that the man who found him reportedly thought he was a scarecrow tied to a fence. His face was heavily covered in blood, except for two streams from his eyes where his tears had washed parts of it away. Matthew died 6 days later (Bindel, 2014).

In 1999, David Copeland entered the area of Soho, London with a nail bomb. He approached the Admiral Duncan pub as partygoers indulged in revelry and socialised with friends. He detonated his nail bomb on 30<sup>th</sup> April, killing 3 people, Andrea Dykes, Nik Moore, and Jon Light. A further 70 people were injured in the attack, marking one of the most significant events in queer history. Copeland targeted this pub as a space of queer merriment, with a homophobic, neo-Nazi agenda (see Casciani, 2015).

In 2016, Omar Mateen entered a queer nightclub called Pulse, in Orlando, U.S.A. Pulse was hosting a Latin night drawing Latinx, black, and queer people of colour from all corners of

the local area. What was to be a night of partying and celebrations of queer and racial diversity turned into the deadliest incident of violence against LGBT people in the history of the United States. Omar, armed with a semi-automatic rifle, began firing bullets at party goers at approximately 2:00am on June 12<sup>th</sup>. He killed 49 people and wounded 58 (see Henderson, et al., 2016).

All of them horrifically victimised for their identities. All of them family – a community – to queer people around the world.

In 1999, Groombridge demonstrated in his paper *Perverse Criminologies: The Closet of Doctor Lombroso* the myopic discourse around (homo)sexuality within criminological enquiry, due to the consistent neglect of sexuality per se as an analytical framework. Groombridge (1999: 531) argued for ‘the importance of (homo)sexuality for the criminological enterprise’ noting that gay empiricism, standpointism, and queer theory were paramount for criminology to widen its scope of empirical research. The inclusion of sexuality within criminological inquiry slowly carves a unique area of research that historically, criminologists have had a tendency to neglect. What the three events described directly above have in common, is that they were attacks on sexuality. These events had a significant impact on the psyche of LGBT+ (lesbian, gay, bisexual, and transgender) people and prompted the basis for many of the hate crime laws seen in England and Wales and the USA respectively. At the time of Groombridge’s paper however, the critical concept of ‘hate crime’ was not fully formed or developed, leaving a chasm in academic thought over anti-queer violence. Hate crime in relation to sexuality is a slowly growing area within criminological discussion. Since the mid-2000’s hate crime and sexuality has seen rapid growth (see Moran, 2004; 2008; Meyer, 2012; Chakraborti and Garland, 2015) However, few hate crime studies have gained the gay empiricism, standpointism, and queer theory that Groombridge discusses.

In response to this call for gay empiricism and queer standpointism, this research specifically looks at LGBT+ hate crime and centres sexuality and gender – specifically queer, non-heterosexual identities – at the heart of its enquiry. In order to understand the events described above, I stand with Groombridge’s philosophy that sexuality and queer identity should be prioritised in critical research. Pertinent to queer hate crime, sexuality and gender should be the central lens with which to analyse.

### ***Research Questions***

The aim of this research was to achieve a community layered picture of hate crime experiences, hate crime services, and hate crime responses in the North East. This study, from the outset, is premised on qualitative research and empirical standpointism, taken from traditional feminist methodologies. As it progressed however I decided to conduct a quantitative survey in order to gauge the numerical significance of hate experiences. I wanted to discover the personal impact hate crime experiences have on LGBT+ people, and more specifically, how LGBT+ people interact with hate crime support channels such as voluntary sector organisations and criminal justice agencies. It is important to point out here however that hate crime was a starting point for this research. As I became immersed in the field ‘hate’ became a broader concept that I included to denote the everyday homophobic and transphobic experiences of participants in this sample, moving away from criminal justice thresholds. I later expand on the theoretical, legislative, and academic debates on hate crime, hate incidents, and ‘hate’ as a form of violence more specifically in Chapter 3. In order to examine my interest on the personal impact of LGBT+ hate crime, I developed three research questions to guide this specific inquiry:

1. How do LGBT+ people negotiate, navigate, and reconcile the identities for which they are victimised, post-hate crime?
2. How do LGBT+ people utilise community and voluntary sector services that deal with hate experiences?
3. How are LGBT+ people, who experience hate crime, involved in criminal justice processes?

These questions were carefully developed in order to drive my central research inquiry to explore the intimately personal impact that hate experiences have on LGBT+ people. Using these research questions, I argue throughout the thesis that hate is a structurally embedded, daily reality for the LGBT+ people who took part in this research. Participants negotiate hate experiences with difficulty as a daily navigational process within core societal institutions; the home, school, and the workplace. These questions will be revisited throughout the thesis and discussed more closely in my Methodology chapter, Chapter 4.

### ***Thesis Structure***

In chapter 2, I begin by setting out the historical landscape of LGBT+ people and their relationship with the criminal justice system beginning, briefly, with the Buggery Act of 1553. This chapter is dedicated specifically to the historical significance of how the criminal justice system has persecuted and repressed LGBT+ people. I set the scene in this chapter and argue that LGBT+ collectives, political groups, communities, and identities have formed from the conflicting relationship with the criminal justice system. In particular, I focus on the Stonewall Riots of 1969 as a corner stone in queer activism that shaped criminal justice responses. Throughout this chapter and the rest of the thesis I use the term queer, noting its political significance as an identity as well as an interchangeable term for LGBT+. I trace this

fractured relationship throughout Western European history and finalise with a discussion of contemporary policing practice. I emphasise the importance of Macpherson's (1999) findings on policing practice, and examine the political and social changes that have contributed to a shift in policing practice and academic paradigms. I also outline the legislative framework for hate crime in England and Wales whilst drawing on past and contemporary debates on hate crime.

In chapter 3 I outline the theoretical and philosophical principles underpinning identity in order to underline the quintessential relationship between identity and hate crime. More specifically, I examine the sociological and victimological discourse on victimisation and vulnerability, in order to expand the parameters of victimisation that hate crime does not cover. I examine identity as a social experience and explore how experiences of victimisation, specifically homophobic and transphobic victimisation, impacts on a person's sociality. Sociality is an anthropological term I utilise here that refers to human organisation and associations within social groups. Further, I use Spalek's (2006) concept of spirit injury to outline how identity victimisation can brutalise the individuality and psyche or self of a person. This concept is central to later chapters and I return to it throughout.

Chapter 4 outlines the methodological pathways I chose as a researcher. I highlight my 'journey' as an architect of the research inquiry and discuss how it has been shaped from its beginnings to its final stages. I outline my research parameters, using a qualitatively driven, interpretivist approach. I go on to explore my epistemological and ontological positions, and justify why I have adopted a queer standpointism in order to direct my research. Reflexive practice was a central undercurrent whilst conducting the research, I therefore reflect on the personal ramifications researching hate crime had on me, both as a queer individual and as a queer researcher. I faced specific ethical and practical hurdles which I had to overcome, partly due to my choice to include young people (under 18's) in this research. I spend a

significant time reflecting on the ethical and practical obstacles that I overcame in order to highlight the realistic challenges I faced.

In Chapter 5, the first of my findings chapters, I lay out how LGBT+ identity and hate crime experience intersect, specifically focusing on how LGBT+ hate experiences influence the sociality of my respondents. I explore how age is a significant factor in shaping hate experiences and sociality by contrasting the narratives of participants 40+ years old and participants under the age of 40. They reflect on the cultural, social, and legal experiences. As a chapter this reflects the historical and cultural framing of hate that I discuss in Chapter 2. I then reflect on a targeted shooting of LGBT+ people based in Orlando, which occurred midway through conducting my fieldwork. This is significant as this event affected me personally and shaped the way that my participants, post-Orlando, responded to me or discussed hate crime. I promote the idea that the way respondents discuss their hate experiences is vital to the research process. I use a Bourdieusian framework to examine the linguistic capital that both I and my participants had access to, to describe and conceptualise their experiences.

In Chapter 6, the second of my findings chapters, I theoretically expand traditional understandings of victimisation. Although I adopt a queer position throughout, with leanings towards radical feminism, I outline in this chapter specifically the structural and societal oppression facing LGBT+ people and link these to overall hate experiences. I apply these findings of 'everyday' violence to typologies of vulnerability and trauma with the aim of queering or troubling current frameworks of vulnerability. In contrast to Chapter 5, this chapter significantly explores the structural and social harm LGBT+ people face. Further, I critically examine the spaces and places LGBT+ people experience hate events and shed light on the specific, intimate spaces respondents had to negotiate and navigate.

Chapter 7, the last chapter where I present my empirical findings, I specifically draw on data from respondents who work in the criminal justice system. I utilise the discourse on queer and criminal justice history that I discuss in Chapter 2 as I draw attention to the lasting legacy of historical LGBT+ persecution that contemporary police forces are trying to overcome. I dwell on the negative perception of the police, held by LGBT+ participants, which I argue contributes to an overall reluctance for victimised individuals to engage with the criminal justice system. I outline the barriers to reporting hate experiences through criminal justice channels and recommend ways these can be overcome. I make clear the difficulty in bridging hate *crimes* and hate *incidents* within a criminal justice context, and suggest anti-social behaviour models to marry these two separate but connected aspects of hate. Finally, I draw attention to the emotional dimensions of hate crime which criminal justice workers manage within their professional parameters.

My concluding chapter, chapter 8, draws together the thesis as whole. I revisit my research questions and explicitly reflect on how my research has answered those questions with my findings. I will draw attention to the areas where my research has contributed to theoretical and methodological knowledge, in particular the inclusion of young people within an adult centred field. I move on to assess and reflect on the limitations of my research, specifically being refined to the North East of England. I finalise with suggestions for future research and specifically focus on my postdoctoral plans to continue my research into this area of criminology.

### ***The Autobiographical Queer: Acknowledging the 'I' in 'my' research***

Throughout my writing process, I have intermittently frustrated my supervisory team for distancing myself from my research. My supervisors have read chapters where throughout I

use the term ‘the researcher’ to which they have scribbled notes next to demanding ‘I’, ‘me’, and ‘my research’ be used. Indeed, Davies (2012) reflects that as criminological and sociological researchers, we are often trained from undergraduate level to distance ourselves from our research, and use language such as ‘the researcher/author’ to maintain a façade of objectivity. She maintains that the research we conduct, particularly those with feminist leanings, often brings about raw emotions due to the strong personal pull of our research interests. To deny this personal aspect to the research and to minimise its integral, emotional pull, is to deny the very heart of your research. My time researching is what England (1994: 251-2) describes as ‘intensely personal, in that the positionality [i.e. position based on class, gender, race, etc.] and biography of the researcher plays a central role in the research process, in the field as well as in the final text.’ As someone who is incredibly suspicious when claims of objectivity are made, I feel it is important to embrace the ‘me’ in this research and outline, in a brief biography, how my standpoint and lived experiences have shaped the analytical lens through which this research is conducted. I therefore interject briefly with a reflection of the personal.

### *A Queer Person*

I should start off with some slight humour, before I discuss the macabre, by fondly remembering Matt Lucas’ character Daffyd Thomas in *Little Britain* whose famous tagline was being ‘the only gay in the village’. For most of my childhood this indeed seemed to be the case, as I was born, raised, socialised, and assimilated into a very straight world. I recognised my same-sex desire from the age of 6. It was just a natural and normal part of liking things and experiencing the world. However, I was indirectly told, through subtle processes of socialisation, that the people who I should be playing kiss chase with, getting

married to when I was older, and making babies with, were girls. These subtle messages that I received as a child are part of a much larger structural ‘othering’ that LGBT people experience from an early age. They are ways of socially communicating to LGBT people that their desires are wrong; contributing to a large range of emotional harms and traumas that I discuss later in the thesis.

Growing up, I was raised in a materially deprived part of Lancashire, with a strong working class community, deeply rooted issues of poverty, hugely conflicted racial divides, and a strong sense of ‘men should be men’ and ‘women should be women’. I was told intermittently by my father that he would kick me out if I was ever like “one of those poofers”. In primary school, we did not have the language of ‘being gay’, so I would regularly get teased and called a girl because I was a sensitive, flamboyant, and camp child. I came out at school when I was 12 and later came out to my family when I was 16. Coming out was not a freeing and liberating process for me. It was the catalyst for further bullying and exclusion.

From childhood, through adolescence and into early adulthood, it is very difficult for me to remember fondly. I have lots of good memories of being a young person, but those memories are surrounded and filtered by an overwhelming sense of unhappiness, of never belonging, never fitting in, being the queer kid who deserved to be vilified. My sense of naturalness and normal was turned into disdain and unclean. Our sexuality is an intangible part of us, but for the majority of my adolescence I wanted to rip it out of my body and throw it away. I never once experienced a hate crime, other than the persistent bullying I received at school, which even in modern academic discourse would not be discussed as a hate crime. However, the psychological damage to my self-worth, my sense of self, and my value as a person was significant due to the structural oppression and social traumas I experienced through my primary and secondary socialisation.

The point of this brief tour through my childhood and teenage years is to demonstrate how structural and societal processes significantly restricted and damaged my younger self. It is also to acknowledge that my analytical lens is shaped by these experiences of queer marginalisation. This is pertinent to the shared experiences of my LGBT participants and their experiences of hate, marginalisation, and oppression. Hate crime, the topic of this research, is a threshold that is maintained in criminal justice. I focus throughout the thesis on a broader conceptualisation of justice that holistically incorporates elements of social justice. For example, the way I was socialised was not a criminal offence, but socially I experienced many damaging and harmful injustices that shaped the way I negotiated and navigated the environments I traversed. This standpoint is the very nexus of this entire research inquiry and eventual thesis.

### *A Queer Youth Worker*

It is perhaps ironic that I am employed as a queer youth worker responsible for running weekly LGBT+ groups for LGBT+ young people. Due to my overwhelmingly negative experiences in my young life, perpetrated by other young people, I had absolutely no interest in working with young people. I began volunteering around LGBT+ issues when studying for my Masters, in the hope that I would help improve LGBT experiences, as I know all too well the harms of growing up gay. Eventually I became employed as a youth worker, with the task of facilitating weekly LGBT+ groups. This role allows me to provide a queer affirmative space for LGBT+ young people over 13 – a space where being femme is celebrated, boys wearing makeup is viewed as beautiful, gender is experimental and fluid, and lesbian young women are actively valued – the very space I desperately needed as a queer young person.

My role as a youth worker has allowed me to become the person that I needed the most when I was a young person. This position cemented my commitment to valuing the voices of queer young people, who are so often neglected by society, its institutions, and academic discourse. I am enabled and empowered to create a space where LGBT+ young people do not have to negotiate and navigate their queerness in an environment that is heteronormative. Youth work practice informs a significant layer to my research as a third of my sample are recruited from LGBT youth and community services.

Acknowledging these two positions within this research is important as I was researching ‘a situation with a very high level of personal involvement, where an approach that takes the personal out and puts a distance between the researcher and subject was neither possible nor desirable’ (Davies, 2012: 747). Indeed, the framing of this thesis is driven by the experiences and positionality that I have just outlined.

## Chapter 2

### **The historic relationship between LGBT+ people and the Criminal Justice System**

#### *Introduction*

Lesbian, gay, bisexual, and transgender (LGBT+) people have experienced many changes to the ways in which the criminal justice system (CJS) has responded to them throughout history. From being persecuted and prosecuted by the CJS (in particular men who engaged in same sex activity), ‘this male sexual subject now has the potential in crime control contexts to occupy the position of an officially recognised sexual citizen’ (Moran, 2012: 20). The CJS has reflected the changes in society towards LGBT+ persons, heavily influenced by the changing social landscape of sexuality and recognition politics. Moran (2012) highlights how in the past 70 years LGBT+ people have gone from being ‘bad victims’ (victims who are labelled as a problem or cause to their own victimisation, resulting in them being arrested and persecuted) to ‘good victims’ (whose experiences of violence are recognised as a threat to their person and to the order of society). This chapter will take a much longer historical approach and trace the historic policing of same-sex activity, starting very briefly from the 1500’s, in order to historically contextualise the sovereign’s response to same-sex activity and reflect on the current model of policing. The purpose of this is to firstly recognise the change in social attitudes towards LGBT+ people. Decades of LGBT+ activism have resulted in the development of hate crime legislation, as part of this change. In order to, truly, understand the emergence of hate crime legislation and the social ramifications this has had for the LGBT+ community, it is important to explore the historic relationship between the CJS and LGBT+ people.

Moran (2012) argues that recognition politics has been the impetus for such change, as this type of politics has legitimised and recognised LGBT+ individuals whilst concurrently fighting against the injustices non-heterosexual people experience. This chapter therefore highlights the ongoing ‘battle’ between LGBT+ groups/movements and the CJS, in particular I focus on the Stonewall Riots of 1969 as a major cornerstone for the advancement of LGBT+ rights. It is important to recognise however that the labels of lesbian, gay, bisexual, and transgender are recent labels (in comparison to the many thousands of years of same-sex activity). Therefore, this chapter will use the labels that were appropriate to the historical reality of the people and institutions discussed at the time. This is done so as not to impose a worldview that is inappropriate for the historical, cultural, political, legal, and social contexts that the policing of sexuality took place in.

This chapter will outline key features of LGBT+-policing history. It will critically examine how the criminal justice system(s) has responded to LGBT+ identity. The CJS is a series of agencies comprising of but not limited to the police, courts, probation and in the late 80’s the Crown Prosecution Service (CPS). The focus of this chapter will be centralised on police, courts, and prosecutor’s relationship with the LGBT+ community. Firstly, the formalised system of policing in England and Wales today emerged from a centralised and state legitimised push for social control (Newburn and Reiner, 2012). As such, they are the gatekeepers or ground troops to justice, and have been the conduit for policing and persecuting LGBT+ communities across history. Secondly, the courts prosecuted many people before homosexuality was decriminalised, acting as a central organ of the state. To provide an understanding of the 21<sup>st</sup> century criminal justice responses to LGBT+ issues and individuals, contemporary debates of LGBT+-police relations are explored.

The movement from a set of individuals partaking in deviant and criminal behaviours (Humphreys, 1970) towards a protected community has seen little criminological

commentary. This chapter highlights the historic policing of non-heterosexuality by exploring early criminalisation and stigmatisation of people with same-sex desires and gender non-conformity, what would now be identified as homosexuality and being transgender. It simultaneously explores how the criminal justice responses have shifted, influenced by the change in cultural and social attitudes, to protect LGBT+ individuals from hostility towards their non-heterosexuality. It will demonstrate that the fluid (often-hostile) interactions between criminal justice institutions and LGBT+ people have helped to form contemporary LGBT+ communities and criminal justice practices.

### ***Formation of LGBT+ identity***

LGBT+ identity has undergone many changes in recognition – from criminal offenders (Harry, 1982) to protected groups (Willis, 2004; Hall, 2005). Many cases in the 20<sup>th</sup> century, which involve criminalising LGBT+ people, are listed in the National Archives but remain locked under the Data Protection Act. LGBT+ involvement with the CJS is therefore historically fragmented and patchy at best. Further, the data we do have is rarely situated within the UK; most of what we know comes from other European, American, and Australian contexts (Dwyer, 2015). Historically therefore it is very difficult to situate sexuality in the context of how it is understood in present-day Britain. It is vitally important to understand the precursory background of the times *before* LGBT+ people were constructed as ‘LGBT+’. Throughout the earliest and most ancient civilisations up until the present day, there have always been humans who practise erotic desire with the same sex. It is beyond the scope of this chapter to explore every civilisation within the ancient world and beyond. I begin this history therefore with a brief overview of early criminalisation.

## *Sodomy*

In England, same-sex activity became regulated and criminalised by state law with the introduction of the Buggery Act 1553 binding previous ecclesiastical frameworks of same-sex desire and 'original sin' (Asal, et al., 2012) to the civil legal sphere. Additionally, this law criminalised other sexual acts such as opposite-sex anal penetration and bestiality. According to Umphenour (2014), social norms vilified sodomy as unnatural and against God's law. However, despite carrying a capital penalty, sodomy and buggery were not heavily prosecuted. It is therefore argued that the Buggery Act was used as a political tool (Grosclaude, 2010) to create an era where the state and not the Church controlled political and cultural power, by default covering sexuality. Thus the policing of same-sex desire, officialised by the state, began.

Without a structured police force, it would have been very difficult to witness and legally regulate behaviours of buggery between people of the same-sex. Nevertheless, this key piece of legislation was the first recognition of sodomites as individuals by the state, effectively embodying deviant sexual desires within legal frameworks. This practice continued uninterrupted for several centuries. Again, using Moran's (2012: 14) basis of recognition politics, the law and eventually its criminal justice agencies, in this case the sovereign:

‘provided one context in which there has been a preoccupation with ideas about male sexuality and in which the negative values associated with male sexual practices with other men have been shaped, institutionalised, and legitimated.’

Only recently, have positive values towards LGBT+ identity been recognised and legitimated, in the form of protection, by the criminal justice system.

### *Medicalising homosexuality*

The emergence of the scientific method in the 20<sup>th</sup> century brought with it a medicalisation of homosexuality changing it from ‘sinful’ to sickness – it was now something to be cured (Hart and Wellings, 2002). The authority of the medical sector determined what type of behaviour was acceptable and what was ‘perversion’; homosexuality fell into the latter (Hart and Wellings, 2002). Same-sex sexuality and gender non-conformity were pathologised as an illness, a perversion, immoral, and illegal. This furthered the policing of non-normative sexuality and gender by the state and the CJS. In 1935 for example, aversion therapy was first used to cure and prevent homosexuality, later being used on trans people (Ali, 2011).

According to Smith, et al. (2004) homosexual ‘offenders’ and deviants experienced medical coercion in order to avoid imprisonment and involvement with the criminal justice system. Homosexuals often received psychoanalytic treatment, in order to cure their clinical ‘perversion’ or pathology (Drescher, 2010). This was claimed to ease the socially informed pressures of that time (Smith, et al., 2004), which were often reinforced by the regulation of sexuality by the criminal justice system. Most treatments for psychiatric disorders included behavioural aversion therapy with electroconvulsive therapy (ECT). Homosexuality was pathology of the same degree as insanity, schizophrenia, bipolar, mania, and depression (Teh, et al., 2007). ECT involved electrodes being attached to the bodies of homosexual ‘perverts’ who were subsequently shocked when shown images of naked men. The belief was that these shocks would prompt a negative stimulus which people would eventually associate with homosexual desires, and would ultimately cure them of their ‘sickness’. There is no clear evidence of direct criminal justice involvement in these treatments apart from several taking place in a military hospital (Smith, et al., 2004). Smith and colleagues (2004) argue that the pressures of hostile family relations and social pressures influenced people to seek treatment rather than face police enforcement. King, et al., (2004) highlighted evidence of the court

systems also referring homosexual offenders to medical professionals for treatment. Thus, there is a clear ‘blending’ of criminal and medical institutions responding concurrently and coercively to homosexual ‘offenders’.

There are several cases in Britain that highlight the severe and punitive ways in which the criminal justice system responded to the LGBT+ community (despite the small shift in cultural attitudes). Alan Turing (1912-1954) was sentenced in 1952 to one year of chemical castration for ‘gross indecency with males’; a process requiring oestrogen being injected into his body, reducing libido, causing impotence, and increasing breast tissue (Cook-Daniels, 2008: 489). He was required to do this or face a prison sentence. He committed suicide two years later by cyanide poisoning (Ali, 2011). The criminal justice system therefore acted as a coercive and repressive form of social control by medicalising the non-medical (homosexuality) (Conrad, 1992). This was to prevent his homosexuality from compelling him to commit further crimes of ‘indecent’. His response initially was to comply with this method of control (as most did) imposed by the state and the CJS; his final response was to take his own life. ‘Alan Turing’s homosexuality was interpreted by the legal system as a crime, by the medical profession as a malfunction, and by the government as a liability’ (Halberstam, 1991: 444). This high profile case, alongside the increasing convictions of homosexuality, and the pursued prosecution of homosexuals by the Home Office helped maintain lesbian and gay rights within public discourse and within political agendas (The National Archives, 2015). This led to David Maxwell-Fyfe, Home Secretary at the time to establish the Departmental Committee on Homosexual Offences and Prostitution in Great Britain (later known as the Wolfenden Committee) under John Wolfenden in 1954. Their task was to consider and evaluate whether the law on homosexual offences should change (The National Archives, 2015). Arguably, this was the ‘essential’ first step in reversing the

negative values associated with same-sex sexuality, embedded into society by law and criminal institutions (Moran, 2012).

### *Queer Stonewalling*

An iconic milestone for the LGBT+ community took place in New York on June 28<sup>th</sup> 1969 demonstrating a heightened political radicalism and resistance. It began with the police raiding a New York club, ironically called The Stonewall Inn as part of a surveillance measure to monitor homosexuality (see New York Times, 1969). Many gay clubs and pubs had already been closed down in the district due to police harassment and surveillance – there was always a constant threat of harassment and raids to closeted LGBT+ people prior to this (Arriola, 1995). It was during this raid that a group of LGBT+ revolutionaries (Puerto Rican and black drag queens and butch lesbians) responded to the police with violence, turning into what is now called The Stonewall Riots. An ordinary night involving a routine police raid on a group of effeminate queers turned into a symbolic form of resistance to the historical years of harassment, discrimination, and repression the criminal justice system forced upon them (Arriola, 1995). This arguably changed the landscape of how the police responded to LGBT+ people and how the LGBT+ community saw itself (Pierce, 2001). The Stonewall riots challenged the repressive power of the state, shifting the discourse dramatically in the following 40 years to come. This began with the American Psychological Association removing homosexuality as a disorder (Butler, 2004). ‘Social attitudes about sexual and gender – moral, medical, popular – shaped the fifties and sixties legal culture of enforcement and sometimes supported violent methods of police harassment’ (Arriola, 1995: 35).

Interestingly, ‘stonewalling’ refers to ‘an act of delaying or obstructing a person, request or process’ (Oxford Dictionaries, 2015: n.p) which encapsulates the queer resistance of the CJS throughout four decades of activism. It is also a nod to one of the most important events for LGBT+ activists and movements, the Stonewall Riots. This key event arguably prompted the modern Pride movement as a resistance to oppression and persecution by the criminal justice system.

Although in Britain there was a small progression in the public consciousness of homosexuality, the Sexual Offences Act (1956) enacted many prohibitions, broadly covering gross indecency, male soliciting, and Buggery. According to Section 13 *Indecency between men*:

‘It is an offence for a man to commit an act of gross indecency with another man, whether in public or private, or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man.’

(Sexual Offences Act, 1956: 4).

This single act arguably influenced much of the police behaviour and activity against homosexual communities until the 21<sup>st</sup> Century (Newcastle upon Tyne Hospitals, 2015). Gross indecency could cover anything from kissing in public, holding hands, displaying affection, or cottaging (sex in toilets). Section 13’s framework focused exclusively on male homosexual sexuality rather than all sexual behaviour in public (Johnson, 2007); justifying police raids, surveillance of male public toilets, and the persecution, blackmail, and prosecution of homosexual men. Seemingly, this empowered the police to regulate male sexuality, through discriminate means, throughout England and Wales, exacerbating hostile police relations with homosexuals. Despite this discriminatory legislation passing in Government, the Wolfenden committee by 1957 had reached a conclusion on whether the law surrounding homosexual offences needed to be changed. They recommended under the

section of (a) Homosexual Offences: ‘That homosexual behaviour between consenting adults in private be no longer a criminal offence’ (Home Office, 1957: 115). This was a key recommendation that set the foundation for political change within the CJS to dismantle the criminalisation of homosexuality. It was not until 1967 however, that homosexuality was legalised in law. It was not until 2003 however that homosexuality was fully decriminalised<sup>1</sup>. The distinctions between legalisation and decriminalisation have predominantly been discussed in sex work literature. I will draw briefly from this to explain the difference. Legalisation is where prostitution/sex work or in this case homosexuality is ‘is controlled by government and is legal only under certain state specified conditions’ such as being over the age of 21 to have sex with the same gender. Decriminalisation is the ‘repeal of all laws against prostitution, or the removal of provisions that criminalised all aspects of prostitution’ (Mossman, 2007: 6) where no state regulations or restrictions are imposed.

Therefore, to suggest that a linear progression of LGBT+ rights was achieved in a chronological order is to ignore the nuances of the criminal justice system and its processes. As has been highlighted, small victories for LGBT+ people were often responded to with further legislation or policing – and the LGBT+ community often responded with further activism.

Following the release of the Wolfenden report, the Homosexual Law Reform Society (HLRS) was established in 1958 with the aim of campaigning and persuading the government to carry out the recommendations outlined in the report. This is credited as being one of the first politically active lesbian and gay ‘groups’ that campaigned to change and resist the criminal justice processes for homosexuals (Kollman and Waites, 2011). After almost a decade of campaigning, The Sexual Offences Act (1967) lifted and decriminalised consensual,

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<sup>1</sup> Legalisation is where an act is permitted but regulated through law. Decriminalisation is where an act is removed from the criminal and legal justice system.

homosexual acts between adults over 21, in private. This however did not interrupt the police responding to the LGBT+ community with harassment, ‘fag-bashing’, and blackmail. Several scholars report on police officers blackmailing ‘perpetrators’ of homosexual acts by threatening to tell their families of their ‘deviancy’ (Harry, 1982; Humphreys, 1970). Arguably, it took the rise of student-LGBT+ movements and counter-cultural based activists such as HLRS to foster a renewed radical response to the persecution of LGBT+ people by the CJS (Kollman and Waites, 2011). Thus, the oppressive responses exhibited from the CJS had a huge impact on forming and shaping the political identities of LGBT+ communities that had an aim of stonewalling the CJS.

British movements in the 1970’s similarly mirrored this heightened political climate. The Gay Liberation Front (GLF), established in 1970, was part of this more radical move to challenge direct social inequality over the legal approach (Mooney, 2013). In comparison to the waves of feminism, first wave feminism fought for legal reform, second wave prioritised the radical restructuring of society (Franceschet, 2004); this can arguably be labelled the second wave of gay liberation, as it demanded political and institutional change. The new era of liberation moved away from demanding ‘rights’ from the legal system, to challenging entire structures and systems of power and oppression (Kollman and Waites, 2009); the CJS and policing practices being a prime institution at reinforcing such oppression (Burke, 1994; Buist and Stone, 2014; Dwyer, 2014). GLF outline in their original manifesto that the ‘practice of the police in ‘enforcing’ the law makes sure that cottagers and cruisers will be zealously hunted, while queer-bashers may be apprehended, half-heartedly after the event’ (Gay Liberation Front, 1971: 4). Thus despite the changes in the law, many operational practices and agents of the CJS were still responding to LGBT+ people with hostility and discrimination prompting a new wave of LGBT+ politics and a shift in the formation of

LGBT+ communities. The onset of the HIV/AIDS epidemic exacerbated the hostility and discrimination facing LGBT+, but predominantly gay male communities.

The panic of HIV/AIDS – originally called GRID, Gay-Related-Immune-Deficiency, the ‘gay plague’ (Joffe, 1995) – came to the forefront of public consciousness in the 1980’s. This severely and negatively influenced how LGBT+ people (primarily gay men) were stigmatised, policed, and treated by social, crime, and medical based institutions. Goldin (1994) argues that Goffman’s (1963) typology for understanding stigma is a useful one to apply to the correlation between AIDS and homosexuality. Rather than focusing on behaviours that carry a high level of risk, such as unprotected sex, the HIV/AIDS crisis correlated to the perceived moral transgressions of homosexuals and the unnatural desires they exhibit. This contributed to the deeply held view that homosexuality needed to be prohibited to which the government responded with Section 28 of the Local Government Act (1988: n.p) ‘Prohibition on promoting homosexuality by teaching or by publishing material.’ This piece of legislation enforced heterosexuality and pedagogically prohibited homosexuality, using the law, education institutions, and the criminal justice system.

As a direct response to Section 28 (Mooney, 2013; Stonewall, 2015) and the continued policing of homosexuality, Lisa Power, Sir Ian McKellen, and Michael Cashman established The National LGB charity Stonewall, in 1989. The continuing campaign for LGB equal rights persuaded the then government to lower the age of consent for ‘homosexual’ sex from 21 to 18 in 1994, just over 20 years ago. This still made it a crime to have sex with people of the same gender; two years older than sex with the opposite gender. Equalisation for the age of consent was amended through the Sexual Offences (Amendment) Act (2000) although it did not come into effect until 2001 – a very recent milestone for LGB people. Arguably, it was the rise and fall of the Thatcherite government that maintained homosexuality within public consciousness and advanced LGBT+ activism in the 1980’s and 1990’s. The policing

of 'homosexual sexual acts' involving criminal justice intervention and legislation did not cease until the 21<sup>st</sup> century in England and Wales at the hands of the New Labour government.

Although this is only a brief overview of LGBT-CJS history, it is important to grasp the historical responses to homosexuality by the CJS and the role it played in shaping the LGBT+ community, and the counter responses to the CJS by the emerging LGBT+ communities. Without this understanding, it would be difficult to situate current research into LGBT+-policing relationships. It would also be difficult to understand the shift in transforming LGBT+ people from 'bad' victims, into 'good' victims (Moran, 2012) protected under hate legislation. For example, certain LGBT+ movements began to reclaim symbols, which represented the repressive measures imposed on LGBT+ people by the criminal justice system. The pink triangle, once a symbol of oppression, death, and identification of lesbian and gay people was reclaimed to represent the shared memory LGBT+ persecution by Nazi Germany (Jensen, 2002). It now serves as a representation of gay pride to remember how the state, law, and criminal justice system persecuted and repressively responded to LGBT+ people. Without understanding these historical responses, such meaning would be lost or misunderstood.

### ***21<sup>st</sup> Century Responses***

The new millennium saw the most rapid changes for the legal rights of LGBT+ people, which included the recognition of hate crime (Criminal Justice Act, 2003; Crown Prosecution Service, 2008; Crown Prosecution Service, 2011) which are relevant to this research. A change in government power (New Labour), acting on the years of activism seen throughout the Thatcherite era, prompted this. It is important to note that many of the changes that

prompted New Labour to advance the rights of LGBT+ people through legislation is one narrative within a wider recognition of diversity. It was arguably the Stephen Lawrence inquiry and the Macpherson report that acted as a catalyst to prompt a new era of diversity within the CJS. Thus, many of the changes in the 21<sup>st</sup> Century are remnants of events that took place in the 1990's.

### *Stephen Lawrence and The Macpherson Inquiry*

As a backdrop to the 21<sup>st</sup> Century, I call the period from 1993 to 2000 the Lawrence and Macpherson era in reference to the contributions of the Lawrence family and the Macpherson Report (1999) in stimulating change in diversity and minority groups. April 22<sup>nd</sup> 1993 saw the brutal killing of Stephen Lawrence by a group of white people in a racially motivated attack. Following this, the police made several arrests but dropped the case three months later in July. Despite launching an inquest into Lawrence's death, due to new emerging evidence in December, the Crown Prosecution Service found there was insufficient evidence in April 1994 and refused to prosecute. The Lawrence family launched a private investigation into their son's death maintaining the case within public consciousness for several years. In 1997 Jack Straw announced a public inquiry (The Stephen Lawrence inquiry) chaired by William Macpherson to investigate the weaknesses in understanding prosecutions relating to racially motivated attacks (BBC News, 1999; 2014).

The Stephen Lawrence inquiry found institutional prejudice and racism within the Metropolitan police (Macpherson, 1999) highlighting a drastic need to change the way policing affected minority communities. In terms of diversity, it is argued that the police should be held to a higher level of accountability, make the service more human rights orientated, and increase its supportive agenda (Macpherson, 1999). The publication of this

report coinciding with the racist and homophobic nail-bomb attacks perpetrated by David Copeland in Soho, Brick Lane, and Brixton, in 1999 (see page 1) garnered widespread attention to the marginalisation and phobia, often perpetrated by the CJS, to minority communities (Chakraborti, 2009). Macpherson (1999) highlighted 70 recommendations to dismantle the institutional prejudice and racism within the police. Thus a new age of policing began to be more inclusive of diversity and combat the prejudice faced by minority groups, including the LGBT+ community. Without this phase, it is fair to posit that hate crime law, research, and scholarship would not be as advanced as it is today.

Again, Moran's (2012) basis of recognition politics is important here. The Macpherson report represents a major milestone in highlighting the criminal justice system, in particular the police, as an institutional force which attached negative values and attributes to minority groups, specifically racial groups. This report delegitimised prejudices that were once legitimised, and reframed the practice of persecuting minority groups towards protecting them. Thus, minority groups were recognised as requiring specific legislative protection.

### *Post-Macpherson policing*

The post-Macpherson era of the CJS helped *stimulate* the move from police prejudice to police protection. It is still to be determined whether those prejudices are fully removed from policing practice and the CJS as a whole. Dwyer (2014) argues that suggesting a marked shift from policing sexual perversions to positive LGBT+-police relations is too simplistic. LGBT+ communities and contemporary policing practices are sophisticated and complex, that to argue there has been a discernible shift would ignore the nuances of both groups. The dawn of the millennium saw an outcry for greater accountability and transparency within the police (Joyce, 2011; 2017). LGBT+ protective legislation arguably motivated the police to

make partnerships with LGBT+ people by creating more specialised jobs within the CJS such as LGBT+ liaison officers. The effectiveness of this role creation has received virtually no research however.

The ability for the police to marginalise LGBT+ communities, continually, has largely been undermined by the shift in recognition politics noted by Moran (2012) and the publication of the Macpherson report (1999). The evidence for LGBT+ ‘perversions’ being weighted on moral arguments challenged the legitimacy of the police to continually carry out raids and discriminate against LGBT+ people (Dwyer, 2014). Our knowledge of how this undermined practices of persecution nationwide is fragmented, due to the distinctions of the police and police practices by force area. The Metropolitan police has been particularly progressive. For example, the homophobic bombing of the Admiral Duncan pub on 30<sup>th</sup> April 1999 colloquially known as the Soho Bombings was:

‘...the first time that a large group of lesbian and gay police officers had been operationally deployed to support a police force anywhere in the world and represented a defining moment of police relations with the gay community within the UK’

(Martis cited in Blackburn, 2006: 30).

The aim of post-Macpherson policing was to dismantle the past racism and discrimination the police were previously guilty of (Phillips, 2007). A measure to correct this was to increase the level of diversity in the police workforce by recruiting police officers from minority demographics (Jones, 2015), such as LGB and BME (black and minority ethnic) officers (Phillips, 2007). A new industry developed, where jobs were created, campaigns were funded, and protective measures developed (Jones, 2015). Jones (2015) argues that diversity, in the post-Macpherson era becomes a commodified product used to create jobs and capitalise on minority oppression and discrimination. There are instances of homophobic and heterosexist attitudes and experiences internally (Blackburn, 2006) which indicate LGBT+-police

relations need further investment and advancement; particularly with transgender communities. However, generally it can be noted that this has been a success as 75% of LGB officers in the UK feel that the police force they work for support them (Jones, 2015).

Although there is a complicated interplay of dynamics that inform police-LGBT+ interactions, the UK has policies outlined by the CPS to protect LGBT+ people from victimisation because of their sexuality or gender identity. The CPS uses guidance under Section 146 of the Criminal Justice Act (2003) “Increase in sentences for aggravation related to disability or sexual orientation”, becoming the first recognition of hate crime against LGBT+ people. Moran (2012) marks this as one of the most prominent examples in the emergence of legislation designed to turn LGBT+ people from ‘bad victims’ into ‘good victims’, as it legitimised protection for LGBT+ people in law. Since 2003, the CJS is guided by a *responsibility* to protect LGBT+ people from becoming victims of crimes specifically because of their identity.

‘...it is now the responsibility of the CPS to decide charges in all but minor and routine cases. Our prosecutors will work with the police to ensure that homophobic or transphobic crime cases are identified as early as possible so that the correct charging decision can be made’

(Crown Prosecution Service, 2007: 11).

This demonstrates there is a multi-layered relationship within the CJS. The courts, prosecutors, police, liaison officers, and the CPS share a role in protecting vulnerable groups and a responsibility to respond to LGBT+ identity with protective special measures. The new millennium marked a new era where for the first time, the state ‘officially’ began to protect the individuals it once zealously persecuted, removing prejudiced and discriminatory legislation and practices. Similarly, LGBT+ people have concurrently formed a collective community due to the historic shift in policing perversion to protecting LGBT+ people.

Additionally, Section 28, repealed by New Labour in 2003, enabled educational institutions to be able to talk to their students about being LGBT+. It also saw the Employment Equality (Sexual Orientation) Regulations Act (2003) making it illegal to discriminate against sexual orientation in the workplace. The Sexual Offences Act (2003) came into effect in 2004, which washed away the Victorian style laws relating to sexual behaviour, particularly those that discriminated against gay men. Despite these advances in legislation however, there is still limited research on LGBT+ people's experiences of the police and the criminal justice system (Woods, 2014) in relation to hate crime procedures in the UK.

### ***Introducing Hate Crime***

In the past two decades there has been increasing scholarly interest around violence directed at minority communities - ethnic minorities, the LGBT+ community, religious populations, and the disabled for example (Tomsen, 2009). Through the efforts of various activist groups and the mainstream publicity of high profile cases (such as the murder of Stephen Lawrence, Macpherson, 1999), crime and violence directed at individuals because of hostility towards their community and individual identity, have become a part of public discourse and interest. This has ultimately led to crimes, directed and targeted towards certain communities, being termed as hate crimes. There are two types of hate phenomena that are recognised for criminal justice pathways; hate *crimes* and hate *incidents* (Clayton, et al., 2016; Hall, 2013). Hate crimes are illegal acts or offences that meet the threshold of a crime and are deemed to be motivated by hate. Hate incidents are acts that are not illegal and do not constitute a crime, but are perceived by any individual, particularly those who are victimised, to be motivated by hate (Hall, 2013). I do not specifically utilise the language of hate *incidents* throughout, preferring terms like structural violence and micro-aggressions for example, as I employ a

much wider remit of justice than criminal justice processes. I will return to this in greater detail in Chapter 3.

There is substantial academic research about the nature of hate crime and its effects on specific communities within society; much of the knowledge we have is victim-centric (see Gelber, 2000; McDevitt, et al., 2002; Chakraborti and Garland, 2009; Chakraborti, 2012; Mason, 2014; Chakraborti and Hardy, 2015) of which I will be contributing to. I will begin therefore to explore how hate crimes are distinct from crimes that are not motivated by hate, such as opportunistic burglaries for example. Specifically, this research is concerned with legislation that actively protects LGBT+ communities from victimisation. I will present an overview of the legislative emergence of hate crime and the academic research and scholarship that has ensued.

According to the CPS (2012: 8) hate crime is defined as targeted crimes ‘motivated by a hostility or prejudice based on race or perceived race; religion or perceived religion’ sexual orientation or perceived sexual orientation; disability or...a person who is transgender or perceived to be transgender.’ The onus of defining criminal behaviour specifically as a hate crime is on individuals who perceive that they are victims of this specific type of crime. From a victim-based perspective, Duggan and Heap (2014) argue that this broad and colloquial definition of hate crime is operational enough to determine and filter a higher volume of scenarios and crimes, which may constitute as a bias, prejudice, or hate fuelled form of targeted victimisation, which may otherwise have gone unacknowledged in early CJS stages.

Although the concept of hate crime is recognised within legislation that covers ‘basic’ or core offences, such as actual bodily harm, common assault, criminal damage, and harassment, it is also recognised within legislation that covers the incitement to violence (Chakraborti and Garland, 2015). Incitement to violence is where a person or group does not directly commit

acts of violence towards another person or group, but where ‘hate speech’ – words or behaviour either written or oral – is used to encourage others to commit acts of hate or violence towards another person or group (College of Policing, 2014a). The Race Relations Acts of 1965 and 1976 protect against the incitement of racial hatred, amended in 2006 to offer protections against the stirring up of religious hatred. The Criminal Justice and Immigration Act 2008 extends these protections to sexual orientation (see Chakraborti and Garland, 2015; Hall, 2013). There are concerns that the nature of these laws leave ambiguities over the effectiveness, interpretation, and legitimacy of their protective provisions. However, the recent landmark case against Paul Golding and Jayda Fransen, leaders of the far-right group Britain’s First, who were sentenced to 18 weeks and 36 weeks imprisonment, respectively, for inciting religious and racial hatred highlights the explicit recognition of identity within ‘hate’ driven offences. According to the judge, the perpetrators ran a campaign ‘to draw attention to the race, religion and immigrant background of the defendants’ (Dearden, 2018).

Garland (2012) posits that the specific recognition of identity within hate crime legislation is a sound progression in understanding the symbolic value to many minority communities who have seen their members become victims of crimes because of their race, religion, or sexuality (Chakraborti, 2012). This symbolic value and protection indicates a successful progression in civil rights and an endorsement on civil activism (McVeigh, et al., 2003). I have demonstrated throughout this chapter, that there has been a historic hostility and conflict between LGBT+ people and the police. Hate crime protections have much symbolic value to the changing nature of the police and the social attitudes towards LGBT+ people (Moran, 2012). It is important to note however that hate crime as a distinct crime does not exist in any legislation, rather ‘these definitions are those used operationally by the police and the wider

criminal justice system to recognise hate crimes, yet they differ markedly from legislative definitions' (Hall, 2013: 8).

Ethnicity/race, religion, disability, sexual orientation, and gender identity (Duggan and Heap, 2014; Chakraborti and Garland, 2015) are protected characteristics; commonly known as the 'five strands' of hate crime. Many argue this scope is limited to favour victims whose vulnerable status is valued by society. People with homeless status, members of certain subcultural groups, and the physically and mentally ill members of society are not granted protection under this legislation (Garland, 2012). Furthermore, this can be seen as unintentionally divisive to minority groups as only selective and specific identities are recognised and privileged with the status of vulnerability. This approach disallows for the fluidity of identity (recognition) within legal frameworks and criminological debates.

LGBT+ people are protected under hate crime legislation (see Section 146 of Criminal Justice Act, 2003; Crown Prosecution Service, 2012: 8; for American legislation see Department of Justice, 2009) as a group that can be targeted through hate-bias motivations. Although progressive, 'hate' legislation remains problematic for several reasons. Firstly, it does not capture the full nature of the oppressions facing these protected groups. For example, under current definitions of hate crime homeless LGBT+ individuals are only recognised as targets of 'hatred' because of their sexual orientation or trans identity and not because of their homeless status. A small body of research in America suggests that homeless LGBT+ people are far more likely to experience sexual victimisation than their counterparts (Tyler, 2008) with bias related factors increasing their chances of victimisation (Willis, 2004) not experienced by heterosexual, homeless youths. A combination of juxtaposing identities (race, religion, sexuality, disability etc.) which may influence the likelihood and outcome of hate-motivated crimes goes unacknowledged. The National Coalition for the Homeless (2014) estimates that over 40% of the homeless youth in America identify as LGBT+ with 30% of

all clients utilising housing programmes to be of LGBT+ orientation. The hierarchical recognition of vulnerability, victimisation, protection (Walklate, 2011) and oppression imposed by legislative frameworks is insufficient in providing adequate protection to the most vulnerable members of minority groups already recognised in hate crime law. Further, it has been documented by Garland (2010; 2012) that certain groups targeted through mechanisms of hate, such as Goth subcultures, are ignored from hate crime protections. Tragic examples such as the case of Sophie Lancaster portray this.

Brutally attacked in 2007 and killed from her injuries, Sophie Lancaster was targeted in Lancashire because she was a member of the Goth subculture and publicly presented as a Goth in her style of clothing and dress sense. Despite the physicality and motivation of such an attack, constituting that of hate crime, the legal definitions actually exclude such cases from being recognised (Garland and Hodkinson, 2014). After the trial, the judge deemed this to be under the hate crime umbrella but could not prosecute under current definitions, as the law does not recognise subcultural identities (Garland, 2010). Identity recognition is the dominating factor over whether the law applies hate crime status to victimisation. This recognition relies on the visibility, both numerically and representatively, of the victim groups rather than the assessment of the risk and vulnerability of the individuals (Chakraborti and Garland, 2012; Garland, 2012).

### *Protection and Policing*

In Britain, legislation already exists to protect *all* people against assault, intimidation, and vandalism. Hate crime is retrospectively the introduction of enhanced punitive measures (Moran, 2004) attached to perpetrators of violent acts when prejudice and hatred against

identity are motivations (Criminal Justice Act, 2003). It is this sentence enhancement or uplift, from a prosecution perspective, which distinguishes hate crime from non-hate crime.

The Crime and Disorder Act (1998) and the Anti-terrorism, Crime and Security Act (2001) allowed for the recognition of racially and religiously aggravated offences to carry enhanced penalties in order to reflect prejudices against these identities. The Criminal Justice Act (2003) followed suit by recognising homophobic and disability prejudice as aggravating factors. In the space of five years, the law acknowledged identity as something to preserve and protect. Thus, specific groups, individuals, and identities warranted a more enhanced, punitive stance when sentencing.

From 2007-2008, the CPS conducted their first hate crime report which has been continued annually. In terms of homophobic and transphobic hate crime it found that in three years (ending March 2008) over 2,400 perpetrators were prosecuted. Additionally 2007-2008 showed an increase in convictions from 71% to 78% (Crown Prosecution Service, 2008) highlighting a dramatic shift to the foundations and practices of policing towards LGBT+ people, comparative to the long history of LGBT+ persecution discussed so far.

The Equality Act (2010) brought together 116 strands of legislation designed to protect people and combined them under one law to protect and promote equality for all individuals. The aim of this was to simplify existing legislation and extend equality laws. It formally created a list of protected characteristics ‘age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation’ (Equality Act, 2010: 4) cementing transgender identity and sexual orientation as protected from discrimination.

In 2011, the fourth annual hate crime report by the CPS put in writing the broad definition of hate crime in collaboration with the Association of Chief Police Officers (ACPO):

‘ACPO and the CPS have agreed a common definition of hate crime: ‘Any criminal offence which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender.’’

(Crown Prosecution Service, 2011: 7)

This definition showed a collaboration of institutions within the CJS working together to protect LGBT+ people from becoming victims of crime because of their identity. The ‘adoption of common definitions for monitored hate crime used across the criminal justice system’ is emphasised in the College of Policing (2014b: 3) National Policing Hate Crime Strategy (NPHCS). The NPHCS outlines its central aims of supporting the police to build trust and confidence with those individuals and groups affected by hate, reduce under-reporting, reduce hate incidents and crimes, bring offenders to justice, and promote community cohesion (inter alia). To fulfil these five central aims, requires a sensitive policing approach. With regards to the policing of hate crime against sexual orientation, the College of Policing (2014a) Hate Crime Operational Guidance, recognises that people who are victimised are likely to have partners, friends, colleagues who are not aware of their sexual orientation. Having their sexuality exposed through the criminal justice process can arguably be detrimental to LGB people’s lives. The guidance offered by the College of Policing recommends that the police can work with local LGB community groups in order to assist reporting and overcome these issues. Further, community engagement is vital for the police to build a rapport with transgender people. Getting to know individual trans people can assist the police in accurately using the correct language adopted by the transgender victim, such as the persons pronouns, gender identity etc. (College of Policing, 2014a)

By extending protection to cover gender identity, transphobia was recognised as a form of prejudice and discrimination (Dittman, 2003; Bettcher, 2014). However, by policing

prejudice of specific identities and protecting only those recognised strands of identity, identity privilege is socially reinforced (Simoni and Walters, 2001) whilst intersectional prejudices are ignored. For example, as many as 30% of the homeless population are comprised of LGBT+ individuals (Roche, 2005) with homophobia and transphobia often contributing to unstable home situations and living environments for many young adults who have recently ‘come out’. Stonewall Scotland (2009: 16) identifies that ‘multiple identity issues can, often alongside socio-economic disadvantage, increase the potential exposure to stigma and discrimination. This has been described as multiple discrimination.’ Despite these protections, there is little research on how protective legislation has translated into changed practices within the CJS. Further, there has been little research on how LGBT+ communities respond to criminal justice agencies, such as the police, that have been adapted to support and protect them.

There is little research exploring the intersectionality of protected identities and characteristics. Intersectionality describes how ‘groups can be marginalized along many axes’ across ‘multiple forms of marginalization – including race, gender, class, sexuality, and disability’ (Strolovitch, 2014: 388). For example black women experience marginalisation at the intersection of racism and sexism whereas white women do not. This goes hand in hand with the intersectionality of vulnerability, marginalisation, and victimisation (Monro, 2010). If homophobia informs LGBT+ homelessness, homelessness may then inform the likelihood of homophobic hate crime. The homeless, as a social group, have no protection under hate crime definitions however (Garland, 2012). It is unclear why sexual identity is hierarchically protected above homeless populations, when both identities may inform and intersect with each other. Chakraborti and Garland (2009) reflect that the restrictive application of hate crime status to specific identity groups risks producing victim hierarchies. Hate crime

frameworks, which CJS institutions and academics work with, are therefore beneficial in many ways but are, potentially, equally problematic.

There has been a recent, albeit minimal, recognition within academia of the need to develop an inclusive hate crime framework (Alden and Parker, 2005; Garland, 2010; Chakraborti, 2012). Scholars hope that this will breach the divide between existing protected identities and neglected marginalised identities. Several attempts have already been made. 2006 saw Merseyside Police begin treating sex workers who suffered victimisation and harassment as hate crime victims (Taylor, 2010). Merseyside acknowledged how their ‘othered’ and deviant status within society generates harassment and violence - fulfilling already established definitions of hate crime (Campbell, 2014). ‘Whore stigma’ and ‘slut shaming’ are identified as a main prejudice (O’Reilly, 2012; Ringrose and Renold, 2012) against sex workers for deviating away from the normative management and regulation of sexuality and sexual behaviours. As a socio-political tool to manage wider structures of regulation and oppression, this prejudice is arguably akin to racism and homophobia in marginalising and isolating a specific group or section within society. ‘The interplay between ‘othering’, marginalisation and criminalisation contribute to a lack of social and legal protections creating conditions in which sex worker hate victimisation can flourish’ (Campbell, 2014: 58). Merseyside Police Force thus requires a more inclusive hate crime framework (Chakraborti and Garland, 2012; Garland, 2012) to allow for intersecting victim identities to be acknowledged. The perceived vulnerability of sex workers is also used by perpetrators to target their victims due to seeing their target as weak or powerless (Campbell, 2014). This complicates the aggregating factors of perpetration as sex workers are arguably targeted, primarily, because of their female gender, their role as a sex worker, and their lack of legal protections. Hate definitions and terms are therefore very sophisticated yet problematic.

### *Complicating Hate Definitions and Terms*

The words hatred or hate do not exist within legal frameworks. The definition of hate crime, including its arbitrary phraseology, is a contested term in criminal legislation and academia (Chakraborti and Garland, 2009). Everyday vernacular of 'hate crime' has made its way into popular culture and usage. It is a contentious term in academia as 'hate' and 'crime' are argued to oversimplify the main root cause of identity targeted crimes with 'bias crimes' being open to ambiguities (Nolan III, et al., 2004). Use of the word hate is a potentially emotive and ambiguous word that means different things to different people in various different contexts. Iganski (1999) posits that the use of these words colloquially imply the superlative severity of perpetration, conjuring images of extreme violence. Further, this excludes subtler acts and behaviours used to intimidate and 'stir up' acts which constitute as recognised hate or bias crime. Baron and Byrne (1994) describe prejudice and hatred as being a type of attitude or emotion towards a social group or individual.

As such, there is no clear definition or consensus on what constitutes an act of hate. It is also unclear over whether 'hate' gives merit to it being a crime. I have already outlined that hate is bifurcated, within criminal justice operations, to either being a crime or an incident. However, the very word 'hate' is an arbitrary and value-loaded term as it infers a very angry and violent type of behaviour. Hate, a word describing an emotion, is difficult to encapsulate the full breadth of experiences. Further, it is difficult to distinguish between oppressive behaviours, bigoted attitudes, destructive behaviour, non-criminal bigotry, and socially sanctioned prejudice (Green, et al., 2001) all of which are under the umbrella of hate. Is feeling uncomfortable around gay people the same as hating gay people? The use of emotional language such as 'hate' can arguably blanketise a whole spectrum of behaviours under one

umbrella term. For example, ‘hate’ arguably condenses extreme acts of violence such as murder within the same parameters of subtler acts of violence such as avoiding gay spaces or disagreeing with same-sex marriage. Arguably, by limiting ‘hate’ phenomena to such strict emotional terms, the underlying power systems that enable and legitimise certain acts of hate are ignored. Pestrosino (2003) for example argues that hate crimes are merely an extension of structurally based prejudices, discrimination, and oppression rooted within the everyday workings of society. The subtle nuances of discrimination and prejudices are arguably not scrutinised if they are labelled under the umbrella of hate.

Discrimination is described as prejudice in action. It is the behaviour directed towards certain individuals by putting prejudicial attitudes into action (Baron and Byrne, 1994). As the law only protects five strands of identity (Garland, 2010, 2012; Duggan and Heap, 2014; Garland and Hodginson, 2014) hate crime becomes extremely muddled, and distorted about whom it is protecting and whose identities constitute as being the most vulnerable to acts of hate. There is no empirical evidence to explain why specific identities of racial, sexual, and religious significance carry such weight to gather such discretionary protection when ‘the elderly, the young, tall people, short people, obese people, left-handed people and so on are not’ (Hall, 2005: 12). I contend that the cultural context of extreme and isolated crimes against members of minority groups such as Stephen Lawrence (Macpherson, 1999) have raised specific identities to the forefront of these debates. However, it is important not to dismiss how society structurally maintains the oppression of current protected groups, where no structures currently exist to oppress left-handed people, tall people, short people etc. Racism, homophobia, transphobia, disableism, and religious persecution are all specific structures within society that are used to maintain the power of dominant – white, heterosexual, middleclass, male – groups. Therefore, there is value in utilising the terminology of ‘hate’, despite its shortcoming and limitations as it currently does protect

those characteristics which are criminally targeted *and* experience specific structural oppressions, in practice.

Academically, prejudice and hatred are also important to define, as arguably there are certain prejudices, stereotypes, and implicit biases (Fiske, 2000; Banks, et al., 2006; Greenwald and Krieger, 2006) that every person holds. If every group holds some form of prejudice then it may be argued that every crime committed by one group against other can be hate crime (Hall, 2005) if identity is the influencing factor. On a wider scale we could extend this to historical wars where one national identity fights against another; WW1 for example saw various European national identities fighting against each other for political reasons. Historians have described the twentieth century as a period of mass hatred, reaching the extremes of political and social hatred to genocidal proportions (Kressel, 2002). The Holocaust could be described as a mass, political hate crime against various minority groups (Jews, homosexuals, disabled etc.) perpetrated by the Nazi Party, in line with social Darwinian inspired prejudices and biases. Identity therefore is of extreme importance to hate crime. As I have highlighted, 'hate' is a very loaded term and its usage brings about many definitional obstacles and challenges. It is unclear whether hate conceptualisations fully take into account bigotry, prejudices, and oppression. However, for this research 'hate crime' is a useful term as, in criminal justice practice, it does identify protected characteristics or identities that experience illegal acts or offences, specifically towards their identity, *and* experience oppression due to social structures. I will therefore briefly outline how sociological theories of structure oppress identities which are covered by hate protections.

*Society, Social Structure, and Hate*

Theories of normativity and otherness explain how the heterosexual, white, cisgender identities are ontologically reified and constructed as ‘normal’ within society (Jackson, 2006). Different identities are ‘othered’, becoming marginalised outside of this matrix and excluded from ideological frameworks about the way things naturally ‘are’ (Schilt and Westbrook, 2009). Homophobic, racist, and transphobic attacks motivated by prejudice are therefore not necessarily rooted in emotions such as hatred or fear but of a subordination of those less powerful who are perceived as weaker than the perpetrator (Berk, et al., 2003; Perry, 2003a). Sheffield argues this by stating that ‘hate crime is an expression of power against those without the rights, privilege and prestige’ (cited in Chakraborti and Garland, 2009: 5). For Hall (2005) using such a simplistic label for human emotion is distinctly unhelpful when theorising ‘hate’ crime. Although powerful and emotional images are invoked by this language, it ignores and disregards other nuanced ideas that are components of acts of hate, such as bigotry, ignorance, prejudice, bias, anger, disgust, and hostility. Does the phrase hate crime encompass all of these varied experiences or does it mean the very extremes of these things? Furthermore, it is unclear, legally, of the difference between prejudice, hate, and discrimination. I use ‘hate crime’ throughout this research however due to it being the easiest term for participants to recognise. Further discussion on how these concepts are operationalised take place in Chapter 4: Methodology.

Theories of hegemonic masculinity (Connell, 1995) help explain how hate crimes against gay men are not solely driven by a prejudice towards sexual orientation. According to Connell (1995; 2005), there are many different ways of being masculine. However, there is a dominant (hegemonic) or preferred way of presenting as masculine. For example, jobs that are considered masculine (surgery, computing, and more recently being a chef) are seen for the preserve of men. This concept highlights the underlying sexism of homophobia (Pharr, 1997) which preserves and regulates notions of a ‘pure’ masculinity, maintaining gender and

sexual social hierarchies (Herek, 2004) i.e. heteronormative<sup>2</sup>, cisnormative<sup>3</sup>, and hypermasculine systems (Bauer, et al., 2009; Johnson, 2013). In theory, men who exhibit hegemonic masculinity desire to preserve their ideals of gender identity and secure privileged power positions against the threats to this system (homosexuals, transgender people, women etc.). ‘This normative model of masculinity enforces the virtues and rights of white, male heterosexuality, perhaps by the use of force’ (Chapple, 1998: 189). Applying this type of ‘force’ to hate crime phenomena, we can unpick the complexities of rigidly viewing hate crime as a specific form of prejudice. By exploring the structural maintenance of privileged identities, it becomes clear that hate crime perpetration may be one method of this. An important distinction therefore must be drawn between hate crime and other methods of normative identity maintenance. For example, what is the distinction between homophobia and homophobic hate crime, racism and racist hate crime, transphobia and transphobic hate crime etc.? Although they are not interdependent homophobia, sexism, and racism are interwoven within society (Kimmel, 2001).

Freedom of speech, thought, and democracy are continually negotiated against a terrain of social production to position individuals with the right to hold certain beliefs and prejudices; providing these views and opinions do not incite hatred or violence (Jack, 2004). In this case, it can be argued that forceful and violent uses of these prejudices are what constitute as acts of hate, as they move further into criminal and legal territory. How identity is maintained, viewed, constructed, and reproduced by social structures and hate crime perpetration (Tomsen, 2009) is therefore transforms non-hate crimes into hate crimes.

Do we then delineate hate crime as being acts of hatred against groups and individuals by individual perpetrators, or do we use this term to cover political and state inspired hatred

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<sup>2</sup> A social system of power which preserves heterosexuality as ‘the norm’

<sup>3</sup> Cisgender – a term which describes people who agree with the gender identity assigned at birth i.e. people who are not transgender. Cisnormativity is the social system of power which preserves this as being the ‘norm’

more broadly, such as domestic and state terrorism? Legally this is contentious and complex, for terrorism and political violence have their own place in law and legislation (Counter-Terrorism and Security Act, 2015). For Kressel (2002) it is more important to analyse the factors and ideologies that inspire hatred, and remedy the forces that ignite hatred into action. Indeed, liberal feminists have often fought for legislative change whilst radical feminists have long argued for the structural upheaval and dismantling of patriarchy. This discourse between legislative changes, such as in hate crime laws, and the structural abolishment of heteronormativity is an important area for this research.

Theorising hate victimisation as motivated by a prejudice towards a victims primary identity attribute (Perry, 2009) (such as becoming a victim because you are gay, OR black, OR Muslim etc.) produces and reproduces an either/or process within criminological and legal debates. Perry (2003a) argues that this rigid categorisation of identity sets up a system of mutual exclusivity between each identity, which reinforces the grounded notions of difference and marginalisation society has. This assumes one is either a man or a woman, black or white, gay or straight, abled or disabled - ignoring the nuances of identity fluidity (Diamond, 2005). This also creates an apartheid between identities on the assumption that victimisation takes place based on one significant and main identity.

Sikh victims of Islamophobic hate crime often have their religious identity mistaken due to their perceived ethnic identity and 'Muslim-like' appearance (Perry, 2003b; Love, 2009). Thus, various identities inform, work alongside, and become a part of hate victimisation and the victim experience. Further, these cases also conflate various identities together, often erroneously; for example, homogenising all brown-bodied individuals as Muslim. This carries significant weight in post-9/11 periods where anti-Arab, anti-Muslim rhetoric increased substantially (Panagopoulos, 2006). Similarly, recent studies exploring experiences of anti-queer violence against members of the LGBT+ community show that categorising

homophobic hate crime as being rooted in bigotry towards sexual orientation ignores the sexism, misogyny, and racism that shape these experiences, particularly in relation to anti-lesbian and transphobic hate crime (Meyer, 2012). Thus there is much to gain from dismantling the structure that acts as a foundation for hate crime to flourish.

The approach I take is very much borrowed from feminist philosophy, specifically radical feminism. Both radical and liberal feminism hold many theories and tenets that have been debated and critiqued for decades, which I do not have time to rehash here. Briefly however, liberal feminism is a branch of feminism that examines gender inequality through socialisation of gender norms and fights for legislative reform (Tong, 2009). Radical feminism examines the root of women's oppression as being tied to patriarchal power structures and seeks to achieve gender equality by 'reforming the "system"' (Tong, 2009: 48). It is for this reason that I adopt a radical over a liberal approach to conduct this research, as the structural foundation, heteronormativity, patriarchy, cisnormativity etc., cannot be overlooked when identifying hate crime.

#### *'Hate' crime as victimisation*

As I have begun to explain above, to presume rigidity of victimised identity overlooks how individuals experience their victimisation and ignores the specific meanings they attach to their victimhood based on their multiple and intersecting identities. Gay men of colour for example are twice more likely to experience hate crime than white gay men (Gay British Crime Survey, 2013). They report feeling like their status as a victim (because of their sexual orientation) implies that they have negatively represented their communities or let their communities down (Meyer, 2012). Additionally, gay men of colour have been found to downplay the violent aspects of their experiences due to it being commonplace for BME

communities generally to experience victimisation (Meyer, 2010; Reed, et al., 2013), thus they normalise victimisation. Blackness and masculinity also intersect significantly as black men's perceptions of weakness, strength, and masculinity are tied to social expectations and stereotypes of race. For example, BME people who experience homophobia report feeling that they have represented black identity negatively by a) identifying as gay and b) becoming a victim because of that (Meyer; 2010; 2012; Reed, et al., 2013). The social and cultural stigma of gay men as being weak creates a pressure for men, specifically men of colour, who are expected to be strong and masculine. Overtly hypermasculine behaviour (Ward, 2005) is a response from gay men of colour in order to compensate for this external and internal view of weakness, sexuality, and race (Meyer, 2012). Thus, there are various, intersecting factors that shape the victim experience. These are again rooted in structural systems of oppression hence why I maintain a radical position, aimed at structural 'hate' throughout.

Indeed, some scholars have argued that crimes motivated by a prejudice towards sexual orientation sends a message to all members of the gay community, that their sexual identity carries the consequence of hostile, homophobic brutality, in a form of terrorism (Herek, et al., 2003). It must also be noted that identities and identity labels can often be collectively stereotyped and stigmatised (Goffman, 1963) which can often complicate identity perception and construction. Whilst this view is a good starting point to understand and preface anti-LGBT+ hate crime, it is too simplistic to analyse and homogenise victim experiences and the motivations of perpetrators in a unilateral dimension.

Arguably, policy and legislation regarding hate crime institutionalises difference by disallowing the fluidity and intersectionality across identity spectrums. Constructing victimisation on rigid, exclusive forms of identity (Strobl, 2004) polices the borders and boundaries between these identities. 'It implies dominance, normativity, and privilege on one hand, and subordination, marginality and disadvantage on the other' (Perry, 2003a: 98).

Whilst seeking to protect various minority groups, viewing identity in relation to hate crime in this way reinforces wider oppressive power structures of normativity and otherness. This creates a paradox, as hate crime definitions privilege certain identities over others, repressively dictating other identities as less deserving of protection against prejudice. Arguably, this maintains power structures of difference and segregation across identities.

However, the main arguments for the implementation and recognition of hate crime within legal frameworks and criminological debates imply that hate crimes are set above ordinary crimes. The impact on victims, the severities and brutalities of the crimes (Herek, et al., 1999; Herek, et al., 2003; Dunbar, 2006), and the underlying motivations and prejudices that influence perpetrators to commit acts of hate (Hall, 2005) are all significantly worse. Whilst there is minimal empirical evidence in a UK context to understand the experiences of LGBT+ hate crime from a victim (and perpetrator) perspective and its impact, there are several American studies, which suggest the emotional differences between hate crime and ‘ordinary’ crime. Herek, et al. (2003) for example found that victims of homophobic hate crime were more likely to have their mental health affected by their experiences. Higher levels of depression, raised levels of anxiety, and symptoms of post-traumatic stress and panic were all common. Victims were more likely to suffer from these symptoms over a longer period than that of their non-hate victim counterparts.

There are isolated cases of hate crime within both British and American contexts that highlight hate crimes can be physically more severe than non-hate crimes, such as the murder of Stephen Lawrence (Macpherson, 1999), Matthew Shepard, and the Soho bombings (Moran, 2004). There is little evidence to show that the general severity of hate crime is physically worse than non-hate crime (McDevitt, et al., 2001; Herek, et al., 2003). What is clear however is that victims of hate crime are more likely to experience longitudinal psychological pressures and trauma which has a dramatic impact on how they cope with their

experiences and how well their recovery process is maintained (Iganski, 2001; Iganski and Lagou, 2015). I therefore close this chapter by exploring the justification for transforming existing crimes and incidents into hate crimes and hate incidents.

### *Transforming non-hate to hate*

‘The symbolic categories that form the basis for hate-motivated crimes are presumably linked to one of more invidious distinctions. For example, the hate-crime perpetrator may perceive gays as immoral, Jews as avaricious, Black as surly, and so on.’ (Berk, Boyd, and Hamner, 2003: 52)

The symbolic significance of defining and grouping particular criminal acts under the hate crime umbrella is addressed by separating these types of crimes from ‘ordinary crimes’ (Shenk, 2003; Moran, 2004). Arguably, hate crimes have different aggravating factors that stem from prejudice and bias (Perry, 2003a). As I have showing throughout this chapter hate perpetration is multi-faceted and nuanced. The relationship between prejudice, identity production, and performance are complexly incorporated into the collective nature of difference oppositions (white-black, gay-straight, citizens-aliens) and wider ideologies of otherness and subordination (Tomsen, 2009). Our understanding of hate crime perpetration is incomplete if we do not first understand the relationship between structure and agency - in terms of holding these prejudices against specific groups contextualised within wider narratives of ontological normativity and abnormality/otherness (Ryan and Leeson, 2011). The basic nature of all hate crime is rooted in structural oppression of some form (McDevitt, et al., 2002).

‘To justify the greater punishment of hate crimes as a separate class of crimes, it needs to be demonstrated that the terroristic impact of a hate crime usually goes above and beyond the perceived threat behind the underlying crime without the bias motivation’ (Iganski, 2003: 135).

Several attempts have been made to link the ‘harms’ and perpetration of distinct crimes such as rape (Carney, 2001) with hate crime. Often called message or bias crimes, hate crimes are

said to be a way of maintaining normative and oppressive structural hierarchies within society (Browne, et al., 2011). Walters and Tumath (2014) argue that violence against women such as rape and domestic violence reinforces patriarchal power structures whilst concurrently subjugating female/womanhood identities - causing specific harms to a particular identity (women). In this sense, the terroristic impact described by Iganski (2003) is messaged to all women, who have the potential to become victims because of their gender identity. Rape is only transformed officially into hate crime however when the perpetrator exhibits prejudices and hostilities towards the five minority strands that are protected under hate crime practice (Walters and Tumath, 2014).

Cases such as the Montreal Massacre (Bindel, 2012; Walters and Tumath, 2014) can be used to argue the case the 'hate crime' is not so dissimilar from violence against women. In Montreal in 1989, Marc Lépine killed 14 women, directing his hatred and prejudices towards their gender identity. Before shooting his victims, he uttered 'You're women. You're going to be engineers. You're all a bunch of feminists. I hate feminists' (Eglin, 2002: 820) premising their identity as women at the heart of his murderous massacre. The transformation of existing crimes into 'hate crimes' seems to be, from my perspective, predicated on the victim's perceived identity and the prejudices or hostilities towards that identity from the perpetrator.

The protection of only five strands of identity has long be criticised by Chakraborti and Garland (2009) who have repeatedly argued for a more inclusive victim model (Garland, 2012). 'Every hate crime conveys a symbolic message to both the victim and others like him or her' (Walters and Tumath, 2014: 574). Victims of hate crime are attacked because of who they are, what they look like, and how their identity is performed and perceived (often something they cannot change) – rather than what they have done. Using enhanced sentencing in the prosecution process of hate crime is therefore symbolic in remedying and

easing the specific harms (Perry, 2003a). As has been highlighted throughout this chapter, hate crime protection processes are also symbolic in remedying the historic conflict between LGBT+ people and the criminal justice system.

### ***Conclusion***

To summarise, the relationships between the criminal justice system and LGBT+ people has a long history of hostility, oppression, and repression. The CJS has often responded to LGBT+ identity with methods of persecution that have enforced regimes of prejudice against non-heterosexual ‘perversions’. The political, legal, and medical sectors have a large role to play in informing the CJS and shaping the institutional responses to LGBT+ people. Despite being largely discriminatory and detrimental to the lives of many LGBT+ individuals, the CJS responses have helped foster a community of LGBT+ people enabling radical, reactive political agendas to fight back for a restructuring of society and a respect of LGBT+ communities. As a movement, LGBT+ communities around the western world have developed counter responses fighting for the liberties and rights LGBT+ communities in the UK experience today. This has led to the criminal justice system being restructured to now work collaboratively with the aim of protecting LGBT+ individuals from the types of discrimination the CJS itself used to be guilty of. As a major institution of society, the criminal justice system has changed historically as a reflection of public and political attitudes towards LGBT+ people. This has led to the development of hate crime protections, designed to safeguard minority demographics such as LGBT+ people.

Hate crime legislation has been one iconic milestone in building better relationships with LGBT+ people and reframing the violence they face as a threat to social order, a complete polarisation from when LGBT+ people were directly viewed as the threat to social order.

Hate crime legislation empowers prosecutors to provide a sentence uplift and afford specific protections to the five protected identity characteristics: race/ethnicity, sexual orientation, religion, disability, and gender identity. Although problematic for many reasons highlighted, it has encouraged symbolic, legal, and practical protections towards LGBT+ people. This in turn has shaped academic discourses and research of LGBT+ people. Although only touched on in this chapter, identity is intrinsically linked to hate experiences. Chapter 3 further explores the concept of identity and its relationship to hate crime whilst specifically elaborating on the structural violence I have highlighted throughout this chapter.

## Chapter 3

### **Anti-LGBT+ Hate Crime: Understanding Identity and Victimisation**

*'I cannot be truly committed to dismantling racism, without a commitment to also dismantling sexism, because these often operate hand-in-hand. Likewise, I cannot imagine a true commitment to civil rights that does not take seriously (and fight actively against) the violence and hatred directed against the LGBT community.'*

Yolanda Pierce (cited in Perry, 2009: 16).

#### ***Introduction***

The purpose of this chapter is to further explore the concept of identity and illustrate how this is a central component to hate crime. There has been a long historic oppression of so-called deviant identities and minority groups, such as Jews, disabled people, black people, migrants, lesbian and gay people, transgender people etc. (Grattet and Jenness, 2001). In most, if not all, cases the state or sovereign has always sanctioned its own prejudices by endorsing oppression, marginalisation, and the murder of minorities or different (deviant) groups of people. As I illustrated in Chapter 2, one only has to glance back through recent history for an insight into historical and structural oppression. An upsurge in political activism, civil right groups, radical liberation movements, and activists fighting for equality has advanced major legal protections for minority identities and communities. In particular, sexuality, transgender identity, religion, ethnicity, and disability are five features specifically protected against hate or bias related crime (Turner, et al., 2009; Duggan and Heap, 2014; Chakraborti and Garland, 2015).

This research examines specifically how LGBT+ people negotiate, navigate and reconcile the identities for which they are victimised. I argue in this thesis that the LGBT+ people who

took part in this research negotiate their hate experiences and their identity on a daily basis, due to the structural and embedded foundations that cause anti-LGBT+ hate to occur. I therefore dedicate a large portion of this chapter to exploring the complexities and nuances of identity. I draw upon post-structural debates around identity, relying on the works of Judith Butler and Erving Goffman to outline how identity is performative. Through these theorists I demonstrate that identity is a constant process of ‘doing’ and ‘presenting’ in various social contexts. Thus, I explore how identity is a process of consistent negotiation and navigation. I then extrapolate from these debates how identities become victimised and how they are negotiated and navigated with victimised experiences.

After establishing the position of identity that I will be utilising for this research, I turn to look at homophobic and transphobic victimisation as a process, one in which identity is negotiated within. I focus heavily on the concept of ‘spirit injury’ developed by Spalek (2006) to concentrate on the negative impact of victimisation. I therefore hold a theoretical discussion on the nuances of victimisation and violence and the contexts they take place. I begin however by examining, philosophically, identity.

### ***Identity***

Identity, as a concept, is widely debated and contested within the social disciplines. A descriptive definition is therefore hard to articulate, as there is no clear consensus. Identity is often used as an abstract concept in order to answer the question ‘Who am I?’ (Woodward, 2000). It can also be used to identify people ‘like me’ and people who are ‘different from me’. Identity is therefore, often a way to relay our sense of personhood, ‘self’, or the dominant social constructions that have shaped our sense of personhood. Identity can be used as the basis to form social groups or categories, such as age, gender, ethnicity, sexuality, and

nationality for example. George Herbert Mead often described identity as being a product of various social contexts or scenarios, which influence the way we want other individuals to perceive or imagine us. According to Mead (1934), it is a way we symbolically interact with the world and with one another, by the representations we let people see. For example, our clothing changes depending on social context and how we like to present ourselves within those contexts. For example, wearing suits in an interview or at work help us to represent ourselves as ‘serious’ workers or candidates (Woodward, 2000). Fundamentally, identity is a social tool used to understand our sense of ‘self’ or ‘personhood’.

Post-structural and postmodern contributions have advanced the concept of identity significantly. Theoretically these contributions grasp epistemologies of the body, being, and individualism (Elliott and du Gay, 2009) which help understand the social location of identities, such as whether certain identities are privileged over others. Socially privileged groups are usually identities belonging to a collective that is normalised, such as heterosexuality, whiteness, non-disabled bodies etc. Identities that are seen as ‘normal’ usually take dominance within social hierarchies and status (Jenkins, 2008). These identities become socially privileged and unquestioned. People of Caucasian ethnicity, for example, rarely call their whiteness into question when navigating their place in society (Dyer, 1997). Cisgender (people who agree with their gender assigned at birth) identity is privileged so superlatively that it is often seen as the way gender ontologically ‘is’ or should be (Johnson, 2013). The reification of various identities and identity expression carries a social weight that oppresses and/or excludes certain individuals and groups whilst privileging and/or including others.

It seems therefore that identity comes in many forms and is framed differently – either favourably or negatively – within particular contexts (Connell and Messersmchmidt, 2005). Mechanisms such as hate speech and hate crime constrain the social framing of identity

(Jagger, 2008) and reinforce those that are framed negatively as abnormal or wrong identities. This socially privileges identities that are seen as normal, a term I called normativity, and reinforces the sanctity of these identities. Cisgender normativity, for example, legitimises binary expressions of gender – male/female, masculine/feminine – whilst marking difference and ‘othering’ towards gender non-conformity (Johnson, 2013) such as being transgender. Heterosexual normativity (heteronormativity) likewise maintains heterosexuality as the normal and dominant sexuality. Heteronormativity as a social structure i.e. a way in which society is organised, hierarchically and hegemonically positions heterosexuality as the *valid* sexuality, granting it a privileged status in social organisations and identity experience (Yep, 2003). All over sexualities are rendered invalid by this social system.

Social systems do not take away autonomy however as Pride movements, Trans Awareness Campaigns, and Civil Rights Movements (see page 53) have all resisted the oppression of these identities and the privileging of normalised identities. These movements have ultimately fought for the liberation of individuals to express collective, political, and individual identities, free from persecution. Williamson (1986) argues that we do have a level of choice (agency) over how we present our identities and the expressions that accompany them. However, the levels of choice we have are constantly constrained by cultural narratives and social structures that shape what is expected of us as individuals.

### *Performativity and presentation of identity*

There is a strong tradition in Queer research that conceptualise identity as performative. Performativity is the theory that all identities and identity presentations are performed rather than static entities. Beginning with Goffman’s work *The Presentation of Self in Everyday Life* (1959) where he theorises that the way in which we present or express ourselves could be

likened to actors on a stage. Our presentations of 'self' change with every social dynamic and situation. Our roles and behaviours similarly change performance depending on the social circumstance. LGBT+ people for example consistently balance their performances of sexuality within the family, depending on how accepting their family are (Valentine, et al., 2003). This also influences the performative transition of LGBT+ people coming out. For example, a person may not be 'out' about their sexuality or gender to parents but can be 'out' to their friends. We often maintain notions that our identity is something that we 'are'. It is a medium we use to describe an internal quality about who and what we are. West and Zimmerman (1987) reject this analysis of identity as a rigid concept and argue the case for 'doing' [gender] identity. Identity and in particular gender identity is something we produce, reproduce, and form through interactional activities that are perceptual and situated. We are constrained by the social mould in which we exist but we can script our existence and shape that mould to suit how we negotiate our identities.

Butler (1990) advances these earlier ideas of [gender] identity presentation explored by Goffman to develop the theory of performativity. According to Butler, gender is a constant process of doing – i.e. we perform our gender and the various expressions of our gender (masculinities and femininities) every single day. However, we perform our gender and choose degrees of masc/femme expression from a spectrum of performances that are hegemonically constrained (Robinson, 2005) by dominant social, cultural, and historical scripts of what is expected of us (Butler, 1990). It is important to recognise here that gender is a social construct that is continually performed. As this research will focus on transgender identity and different expressions of masc/femme presentations, such as femme gay men, butch lesbians etc. it is important to recognise that all gender presentations and identities are equally valid. It is not my aim to reproduce hierarchies of gender whereby cisgender individuals are perceived as 'normal' and transgender people are seen as unique and

abnormal. I utilise Butlers model of performativity to highlight that *all* gender is performative and subject to ontological fluidity.

‘...gender is in no way a stable identity or locus of agency from which various acts proceed; rather, it is an identity tenuously constituted in time – an identity instituted through a stylized repetition of acts. Further, gender is instituted through the stylization of the body and, hence, must be understood as the mundane way in which bodily gestures, movements, and enactments of various kinds constitute the illusion of an abiding gendered self.’ (Butler, 1988; 519)

Butler suggests that our identity is not a fixed construct but one that exists within a framework of social temporality. Our constructed identity is what she calls a ‘performative accomplishment’ (Butler, 1988; 520) where the performance is believed by the social audience, who then act accordingly to that belief. Deviations or transgressions away from our arbitrary beliefs on identity can often cause conflict in terms of how social audiences ontologically view the world and the social group they themselves belong. This can be seen through hostility towards transgender identity, racism, homosexual challenges to heteronormativity, and religionism. Stigmatisation of identity marginalises those identities and the individuals who perform them, in effect making them ineligible for full societal acceptance (Toyoki and Brown, 2014). Hate crime is a symptom of this maintenance through stigmatisation of identity. Thus, performative theories are essential to understanding anti-LGBT+ hate crime as a response to identity performances that are structurally and socially stigmatised. Nevertheless, as I have highlighted earlier, agency can be utilised to rebel against this stigmatisation by forming alternative positive images of self-identity and enacting a positive embodiment, which contest normative narratives of identity. Transgender studies, LGBT+ pride, and queer theory being prime examples.

In addition to rebellion, there are various ways of navigating, negotiating, and adapting our identities. The body for example and the modifications we apply to it can be used to alter or reinterpret our identity (Woodward, 2000). Some female body builders are found to be

resisting perceptions of femininity, by adopting a more masculine physique and reworking masc/femme binaries. By blurring the dichotomy between masculine and feminine identities they disrupt hierarchical constructs of sex/gender (Johnston, 1996), biology/society, and normative/other identities. Transgender individuals similarly reject or do not conform to the gender description that they have been assigned at birth. LGB people can be seen as resisting the social expectation to be straight, what Robinson (2005) calls compulsory heterosexuality. This is where children are socialised to be heterosexual as an expected default. Gendered and sexual expressions are regulated through socialisation processes (Robinson, 2005) where femininity is demonised in men and encouraged in women. Feminine gay men for example report far more instances of negative experiences and homophobia than men who do not identify as effeminate (Sandfort, et al., 2007). An understanding of how identities are performatively negotiated, against these social and structural pressures, is essential to understand experiences of identity based victimisation, such as hate crime.

### *Negotiating Identity and Sociality*

Identities are used socially as a way of interacting and negotiating the strength of belonging to a particular group or community. Whilst being both durable yet fluid, identities are often used to describe our 'being' or 'self'. They are used to negotiate our membership and collectivism towards others who describe their 'self' in similar ways (Druckman, 2001). The LGBT community for example have common descriptions of being non-heterosexual, often-sharing similar identities or non-identities. Identity as a method of negotiation and navigation through society can be used to understand the ways in which people choose to label themselves or apply and conform towards the identity that they have been grouped, assigned, or labelled. Again, referring back to social structure, this assignation and labelling process

does not exist in a vacuum however. It is shaped by systems of power including patriarchy, heteronormativity, and heterosexism.

Non-identity is also important. Despite identity being a passive nexus with limitless possibilities – we are all also not something. The ‘things’ society or social collectives actively assign usually define us. Non-identity is significant as it presents us with options about which reality is more preferable and which is the better option for people’s lives (Weinberg, 2014). It also implicitly directs the ways in which privilege, normativity, and oppressive social structures are applied. Non-identity contributes to the levels of difference (Weinberg, 2014) depending on the way our social circumstances are framed. Various ethnic identities such as Asian, Chinese-Asian, Black, Caribbean, Mexican, Pakistani, etc. may be many, varied, and different from one another, however they are all similarly grouped by their non-whiteness as being stratified from the privileges that come from whiteness. Similarly, the LGBT community is actually defined, with its expanding acronyms, by the many identities the community holds; Lesbian/Gay/Bisexual/Trans with the recent addition of Queer/Intersex/Asexual (Schulman, 2013). Their non-heterosexual or non-cisgender identity groups these identities together. ‘Gay men and lesbians exist on social terrain beyond the boundaries of the heterosexual nuclear family. Our communities have formed in that social space’ (D’Emilio, 2007: 245). The social terrain that identities and non-identities form collectives and communities around are founded upon structural heteronormativity and cisnormativity. I will be exploring how these community networks are utilised when individuals experience hate towards their identity. As I am exploring the victimisation of gender and sexuality, it is important to recognise that LGBT groups and communities form – for non-heterosexual and non-cisgender people – as spaces of safety.

Using a Goffmanian approach to interactionism, I advocate that identity is a complex means of description and identification between the social agent or actor and the social audience.

Identity performances are relayed to the audience that is perceiving that particular performance (Goffman, 1959). Each scenario, milieu, or context is a stage where individuals perform identity scripts and identity presentations whilst simultaneously being the audience to receive or perceive another's social performance (Goffman, 1959). For example, a female teacher presents her identity as authoritarian, teacher, and female to her students whilst also perceiving her students as younger individuals adopting student roles. This role performance and reception occurs simultaneously to students who adopt the role of students whilst receiving the identity of their teacher. Contextually this allows for a nuancing of consensus and conflict often managed through identity negotiation by both agent and audience. This negotiation process allows both parties (within the social stage) to reach agreements or disagreements about 'who is who' and 'who is not' (Swann, et al., 2009). How individuals negotiate and navigate these identities, against this backdrop of oppression and discrimination is where this research interest lies. Further, how LGBT+ people negotiate their sociality – their social organisation into collectives and groups – will form the basis for a community layered analysis of my second research question (see page 3).

Swann and colleagues (2009) emphasise the importance of identity negotiation. They argue that dress mode, body language, work attire, accessories, and décor convey aspects of identities or specific identities. They argue that the constant negotiation between audience and agent over the production and reproduction of identity create an 'interpersonal glue' (Swann, et al., 2009: 2) that bind people together into collectives. This can be attributed to how communities are formed which Johns, et al. (2013) argue is through our relational and social ties surrounding our identities. In other words, heteronormativity and hate towards LGBT+ identity forces queer people into collectives and communities.

Understanding negotiation as a mechanism for 'interpersonal glue' is limited however as negotiations can be repressive and oppressive when certain identities are disguised to prevent

recognition, such as when LGB individuals hide their identities for fear of homophobia. Currently it is unclear how LGBT people manage their identities with their victimhood. I therefore turn to explore the concept of victimised identities.

### *Victimised identities*

The terms ‘victimisation’ and ‘victim’ opens up a criminological discourse about the labels applied to individuals who have experienced a specific negative event. I go into further detail on victimisation as an experience later in this chapter, on page 62. These initial identity descriptions have intersectional impacts on other identities (Crenshaw, 1993; Henne and Troshynski, 2013; Carastathis, 2014) a person may have or perform. Becoming a ‘victim’ has undertones of passivity, weakness, helplessness, submissiveness (Walklate, 2007a), and of non-masculinity (Bricknell, et al., 2014). The victim label has a long gendered tradition of being feminised dating back to its etymological origin ‘la victime’ (Walklate, 2007b). Not being a victim is strongly associated with masculinity. The social idealisation of masculinity is influenced by other identities such as class, ethnicity, sexuality, religion, and educational ability, which affect the different ways men perform their ideal masculine identity (Courtenay, 2000). Arguably masculine ideals amongst gay men can influence their experiences with homophobic abuse or harassment. The identity of a victim can therefore be an unwanted label (Dunn, 2012). As highlighted above, who wants to be associated with passivity, weakness, helplessness and submissiveness? Victim identity is ultimately a problematic one, particularly for some men, as it becomes difficult to reconcile a victim identity with male identity, manliness, and what it is to be a man (Dunn, 2012).

Feminists have long critiqued the idealisation of masculinity over femininity and the associations of masculine identities as strength and feminine one’s as weakness. Hegemonic gender structures (Ridgeway and Correll, 2004; Connell and Messersmchmidt, 2005;

Schippers, 2007) can influence how people receive victim identities and how this label affects our existing cultural social relations framed around masculinities and femininities (Ridgeway, 2009). Social identity is usually a process where people wish to see themselves and be seen by public social audiences in a positive way (Martiny and Kessler, 2014). Inferior femininities and hierarchical masculinities can often determine victim experience and victim connotations, particularly when violence is motivated by gender or sexuality bias. Again, victimisation is negotiated against a structural backdrop of patriarchal idealisation of masculinity and subordination of femininity (see Wilson, 2003).

For victimologists such as Allen (2002) the emotional weight carried by a violent event is determined significantly by how the individual or 'victim' interprets and analyses these events. Violent scenarios can mean different things for different people. It is down to the perception of the individual as to whether they identify with various labels applied to them such as the label of 'victim'. This process is clearly influenced by the lived reality of those individuals, which in turn is influenced by the understanding individuals have of the world, through their identities. Dunn (2012) identifies that we need to understand victim identity not as a standalone singular strand but as one component of a much wider picture of a person. In the case of homophobic violence, we therefore need to understand 'victims' outside of the lens of victimisation, and as people whose multiple and intersectional identities inform their experience.

Whilst patriarchy enforces hegemonic gender roles, masculinism becomes the reified and legitimised way of identifying as a male and as a man. This is where masculine identity meets various ideological power dynamics to become the privileged and unquestioning way to differentiate gender and gendered realities (Whitehead, 2002). Gender roles dictated by patriarchal systems can be self-constraining and repressive for many genders in particular social contexts (Brown and Lewis, 2011). To be a man is to be masculine and to be masculine

is to not be a victim. Men are expected to be dominant, strong, and powerful, have power over women, reject homosexuality, and sometimes display violence (Locke and Mahalik, 2005) in order to conform to masculine standards. The male victim presents itself as an oxymoron. The seemingly incongruous identities of ‘man’ and ‘victim’ are, in practice, the most parallel discourses that men balance, in order to make sense of their victimhood. Their identity is reproduced and negotiated within that experience (Åkerström, et al., 2011). How particular agents feel experiences, through the social meanings they carry, are predicated on people’s identities and how these identities are shaped. Men can resist their victim identity as it conflicts with their ‘man’ identity and modify it to balance, more congruously, their prominent identities (Burcar and Åkerström, 2009). This sub-section has been androcentric to a large extent but not without good reason. Victim identities are placed in a subordinate, ‘feminised’, position that imply weakness and powerlessness, due to their feminine undertones. Structurally, in a patriarchal world that values masculinity – fearless, brave, strong, dominant, powerful masculinity – it is understandable why the victim label is rejected rather than embraced. I will therefore not be approaching and viewing my participants as ‘victims’ first and foremost. I will be responding to them as queer people who have experienced hate, and allow them to self-determine whether they are victims or not, rather than impose such a loaded term. Further, I will take into account their intersectional identities, rather than homogenise their individual experiences and identities under the umbrella term of ‘victim’

### *Intersectional Identities*

Although I have touched on intersectionality briefly in Chapter 2 and made reference throughout this chapter I will explore it specifically here to discuss how hate crime is

experienced differentially, due to the intersections connecting identities. Intersectionality theory was developed by Crenshaw (1993) to highlight the differential oppression experienced by black women as opposed to the oppression faced by white women. Intersectionality is a response to earlier understandings of feminism, which limited all women as one identity category by using gender as the sole tool for societal analysis (McCall, 2005). Intersectionality proposes the overlapping inequalities and disadvantages are experienced by interlocking or intersecting minority identities (Corlett and Mavin, 2014). It is to make visible the voices that are ignored and homogenised by simplified identity categories (McGlotten, 2012). To understand a person or a situation we need to understand the identities that interact with each other to produce a fuller picture. Intersectionality is usually described as a web of interlocking identities (Carastathis, 2014) or as an interplay between multiple and interacting identities. For example, pertinent to this research, instead of viewing all gay people as the same or all trans people as the same, I will recognise how their age, ethnicity, gender, and sexuality all influence their experience of hate.

Corlett and Mavin (2014) argue that intersectionality applies to all identities as it highlights the complexities of personhood that is used to describe a person's lived experience. Through an intersectional framework we can begin to understand a more rounded picture of a person's 'story' and how their experiences relate to and are shaped by structural and systematic processes of stratification, categorisation, individual distinctions, and individual autonomy. In criminological terms, intersectionality is a useful framework to use when exploring crimes involving identity and understanding how situations of crime are experienced through the lens of identity.

Scholars such as Riessman (2000; 2002) see identity as being a constant flux of situationally preferred selves. A desired self is often chosen from a nexus of multiplicity and diversity. There is no essential or core self that is fixed, there is only a selection of identities which we

display to society and want others in that social situation to recognise. This is useful if we are to understand identity as being an unfixed medium through which we can draw on our entire life stories and realities to display a certain self situationally. Intersectionality is therefore an important tool to view identity as one is not just a woman. One might be a black, transgender, Muslim, disabled, middle-aged, middle-class, western, woman. The social position of these identities together is different from white, cisgender, atheist, able-bodied, young, working class woman. Åkerström, et al. (2011) argue that multiple identities can be experienced or perceived simultaneously, even identities that contradict or are incompatible with each other. People have the entire wealth of their lifetime to share their experiences through their identities.

Identities are something that are complexly embodied and intertwined by forming a lens through which we see the world and through which we perceive and experience reality. To separate identities from one another creates a dichotomous process of *either/or*. This risks us having a one-dimensional understanding of identity leading to the erasure of others (Taylor, 2011). The process of understanding identity intersectionally is to charter new ontological understandings and expose hidden inequalities complexly constructed (Walby, et al., 2012).

Identity categories that are homogenised – all men, all women, all white, all black, all gay, and all straight – as being the same is problematic when understanding specific events (such as victimisation) as life experiences. Further, it ignores how certain identities can be privileged such as white gay men over gay men of colour. Previous identity scholarship has argued that privilege is dichotomous, where one either has it or one does not (Nash, 2008). Singular identities are used as a one size fits all category, as if all males are white and heterosexual. By blurring these rigid structures that confine identity we can allow for a layering of identities that recognise men as having privilege whilst allowing them to retain other identities that may be oppressed in some way (Coston and Kimmel, 2012), such as

being LGBT, black minority ethnic, or disabled. Whilst certain identities are granted privileged status within society (men, white, middle class, heterosexual) these identities may also operate within a co-existing matrix of oppressive forces (Coston and Kimmel, 2012), such as middle-class black men experiencing racism whilst maintaining material and economic privilege. Further, middle class women may have more privilege in terms of their class mobility than working class men; however, working class men have privilege in terms of escaping misogyny and sexism. Thus, victimisation and violence towards queer identity extends far beyond the legal parameters of hate crime. It manifests structurally and oppressively within systems of homophobia, transphobia, and patriarchy. The approach I will therefore take, to examine how hate experiences are negotiated and navigated with the identities that have been victimised, will be intersectional. After justifying at length the importance of identity to hate experiences, I will now turn to discuss victimisation as a process, specifically homophobic, biphobic and transphobic victimisation.

### ***Introducing Homophobic, Biphobic, and Transphobic Victimisation***

Typologies of ‘victimisation’ very rarely remain uncontested (see page 57); therefore, it is difficult to agree upon a concrete definition. Rock (2007) attributes this to the theoretical conceptualisation of victimisation, which he feels tend to be underdeveloped and intellectually thin. Much dedication and theorisation is given to the ‘victim’ and the ‘victimological’ perspective, but understandings of victimisation, as a process, rely on rates, risk, and impact. This reflects a common-sense approach to victimisation (Walklate, 1989) where it is assumed which acts constitute victimisation and which acts do not. Walklate (2007a) argues that victimisation is an interactive process, one that is constantly negotiated.

Within LGBT+ related literature, victimisation is separated into two strands: primary and secondary victimisation. Primary victimisation deals with the direct physical and verbal abuse, harassment, and violence against a person. Secondary victimisation is harm or trauma resulting from primary victimisation, such as psychological distress, risk-taking behaviours, homelessness, and suicidality (Dwyer, 2010). There is some inconsistency with the application of this term however as Walklate (2007b) maintains that secondary victimisation arises from involvement with the criminal justice system. For example, a woman who has been raped having to relive her experiences and explain them within the judiciary system may be 'revictimised' by this process, resulting in secondary victimisation. In the case of the former application, I would term this the 'consequences of victimisation' to highlight how victimisation(s) are not separate processes that can be placed hierarchically. Rather, victimisation can be on a continuum across the life course and is not confined solely to criminal acts. I take the approach that victimisation(s) are complexly interwoven, that to separate them into primary and secondary processes can be problematic.

'Homophobic violence is a form of the governance of sexual differences which poses direct and actual danger to its individual recipients for 'just' being or being perceived to be 'not straight'' (Stanko and Curry, 1997: 514).

This quote from Stanko and Curry is an important definition of homophobic violence as violence can sometimes imply a physical or emotional act against another individual which can cause them harm or trauma. This quote highlights that violence does not solely occur within a self-contained event, but can be systematic, structural, and an everyday occurrence. The term 'victim' to describe those who experience violence is a gendered term – often being linked to womanhood for its connotations of passivity and powerlessness (Walklate, 2007b). Additionally, it is a problematic term as an either/or binary is created between victim/survivor which does not fully encapsulate the processes of victimisation (Walklate, 2007b).

Yep (2002) extends homophobic violence beyond the direct anti-queer behaviours such as assault, abuse, bullying etc. that non-heterosexual people can experience, to the violence of heterosexism and heteronormativity. He defines heterosexism as the belief that everyone is or should be heterosexual, which is discussed earlier as compulsory heterosexuality (Flowers and Buston, 2001). Heteronormativity is the assumption that ‘heterosexuality is the indisputable and unquestionable bedrock of society’ (Yep, 2002: 167). In other words, it is natural, given, normal, stable, fixed, and universal. Having these social structures in place which privilege and set heterosexuals in a place of power above non-heterosexuals is a form of violence that shapes the queer experience on a daily basis. Heteronormativity and heterosexism – the social privileging of heterosexuals – are less ‘visible’ and conspicuous than active, violent, and direct acts of homophobia (Flowers and Buston, 2001) such as physical hate crime. They are however, just as impactful in victimising LGBT+ people. In line with this structuralist approach, I view, throughout this research, victimisation against LGBT+ people to be a complex and sophisticated process that is structurally oriented on heteronormative and patriarchal systems.

Although an extension of heteronormativity and homophobia, biphobia is a ‘unique brand of discrimination...that can be levied from heterosexuals, lesbians and gay men’ (Galupo, 2006: 40). For example, the suspicion, mistrust, and stereotyping of bisexuals as a high risk of ‘stealing’ partners poses a specific barrier in forming friendships with lesbian, gay and straight people (Galupo, 2006). Bisexuals are highly invisibilised within the LGBT+ community and are denied the authenticity with which to express their sexuality. Obradors-Campos (2011) argues that this is due to bisexuality carrying unsupported connotations of ‘greediness’, promiscuity, polyamory, and ‘perversion’ (which can be interpreted as experimental, kinky, and risky) sexual practices (Obradors-Campos, 2011).

Whereas lesbian and gay intimacies are widely accepted within the LGBT+ community, bisexual relationships are treated with suspicion and disapproval from both straight/mainstream society and LGT+ people (Klesse, 2011). It is therefore much more difficult for bisexual people to find accepting partners – who are not bisexual themselves – and for bisexuals to find a space where they can negotiate and navigate their sexuality, safely and autonomously (Klesse, 2011). It is argued, therefore, that bisexuals are doubly discriminated against due to their lack of acceptance from both queer and straight spaces/communities (Mulick and Wright Jr, 2002). These discriminations are rooted in heterosexist structures as the majority of people – including queer people – have received a heterosexual education and have been taught to perceive themselves and other queer people through the lens of hetero and mono sexuality (Obradors-Campos, 2011; Welzer-Lang, 2008). Bisexuality, homosexuality, and transgender identity are thus constructed and constrained through heteronormative power structures.

Homophobia, heterosexism, and heteronormativity are pervasive systems of structural power and oppression within society. They work at a deep level to regulate the sexual and gendered desires of individuals by creating shame, difference, and a position of otherness. The site of violence for LGBT+ people is arguably these social structures which ultimately organise society. Identities that are structurally victimised, such as LGBT+ are indelibly tied to hate crime victimisations. I argue that violence is not just the direct acts of physical, verbal, or emotional abuse of non-heterosexual people, but the everyday workings of society that are founded upon heteronormativity. Anti-LGBT+ hate crime is one symptom of the wider structural violence discussed above.

Indeed, Yep (2003) notes that hate crimes against LGBT+ people are the extreme manifestation or expression of violence; however, the violence of heteronormativity, heterosexism, and homophobia can be indirect, every day, and deeply embedded in our social

landscape, collective psyches, biases, language, and assumptions. Language such as ‘that’s so gay’, ‘dyke’, ‘lesbian’, ‘tranny’, ‘poof’ are common in school contexts but can also be prevalent in wider social spaces. This language, whether intentional or not, can be an instrument used to ‘other’, cause psychological harm, inflict trauma, and rationalise the normality of heterosexuality (Pierce, 2001). This violence also extends to academic disciplines that discursively cover queerness, non-queerness, heterosexuality, and non-heterosexuality. Discursive violence is the ‘words, gestures, tones, images, presentations, and omissions used to differentially treat, degrade, pathologise, and represent lesbian and gay subjectivity and experience’ (Yep, 2003: 23).

Although rarely intentional, this treatment of queerness reproduces the social and sexual hierarchies, which shape and limit LGBT+ people. Therefore, anti-LGBT+ violence is an everyday, undercurrent, underpinning, overarching, and permeating process. It is nigh impossible to tangibly deconstruct and situate a physical ‘site’ for violence, as the lives of LGBT+ people are violently, subtly, and assiduously shaped by heteronormativity, heterosexism, and homophobia. Further, the site of homophobic violence within schools is often cast or construed as a problem for schools, rather than a symptom of the systematic and institutional bias (heteronormativity, heterosexism) that culturally influences these victimisation and violent processes (DePalma and Atkinson, 2010). By exploring the everyday violent realities faced by LGBT people and the connection between bullying, hate crime, and systemic anti-queer violence, understandings of hate crime and violence are nuanced.

When exploring identities such as race, religion, sexual orientation victimological and criminological studies tend to homogenise people who experience crime and victimisation through the lens of these identities. This does not fully articulate what victimisation means to the person in terms of their intersecting identity positions, nor does it express the diversity of

experiences (Spalek, 2006). Victimisation against sexual or gender identity (for being LGBT) is often discussed differently based on the context or environment of the victimisation. This study, whilst being concerned with the criminal context i.e. hate crime, is also concerned with the everyday, pervasive, and structural nature of LGBT (hate) victimisation. I alluded to the consequences that arise from structural and direct victimisation at the start of this thesis. I will now turn to look specially at the impact of victimisation and its consequences, for LGBT people, with particular focus on poor mental health, increased suicidality, and psychological harms.

### *The impact and consequences of victimisation and violence*

I discussed the concept of homophobic violence against LGBT+ people earlier; I will now discuss the impact of this violence. The evidence for negative consequences that arise from the victimisation(s) of queer people is overwhelming. Heterosexuality is regulated just as strictly as non-heterosexuality through cultural norms and values placed on gender and sexuality logics (DePalma and Jennett, 2010). For example, boys who display their feelings at a young age are seen as ‘girly’ or ‘poofs’ whilst tomboy girls risk being called ‘lesbians’ or ‘dykes’. This arguably creates a sense of shame for anyone who deviates from gender and sexuality norms whilst heightening anxiety and depression for LGBT+ people ‘guilty’ of this (McDermott, et al., 2008). Cultural regulations of sexuality (such as taboos) also reproduce assumptions of victimisation that affect the education of young people within schools. For example, DePalma and Atkinson (2010) found that teachers and non-teachers readily assume that showing picture books portraying LGBT+ characters or relationships to pupils would receive negativity and disapproval from parents. This highlights how the systemic violence of heteronormativity, hate crime, and the school environment are connected through invisible

yet impactful power structures - regulating and shaping the lives, education, and cultural biases of future generations. Denying representation of LGBT+ individuals to children who could potentially be LGBT+ is an act of violence. The consequences of such acts reproduce compulsory heterosexuality (Flowers and Buston, 2001) where all individuals are socialised, expected, assumed, and deemed heterosexual until they 'come out'. It is from these subtle acts where gay individuals first identify their differences as knowing of 'something being wrong' with them (Flowers and Buston, 2001: 54).

Shame relating to gendered and sexual desires is often the result of this positioning of non-heterosexuality as abnormal, dirty, disgusting, and 'other' (McDermott, et al., 2008). It affects the psyche of individuals who have to manage and negotiate heteronormativity and homophobia at a deep and personal level. Self-destructive behaviours can often stem from this shame in order to help people cope from being 'othered'. Although heterosexuals can face victimisation and violence in many different contexts, including the school, workplace, and public spaces – the cultural 'background' systems of power that sustain heteronormativity and homophobia create an added pressure and dimension to the victimisation and violence LGBT+ people face. This violence is immersed in the very fabric of societal biases which create significant life problems that heterosexuals do not have to face (Dragowski, et al., 2011) i.e. environments saturated by regulated sexuality – where heterosexuality is the norm. Queer people therefore risk facing humiliation and victimisation because of their sexual desires far more than heterosexuals do. Further, hate crime is not a reality straight people have to contend with because of their straightness. Hate crime is a consequence of the social systems of power and hegemony described above.

However, it can also be the cause of many negative consequences in and of itself. Six in every ten LGBT students report feeling unsafe in school environments (Dragowski, et al., 2011). Further, hate-based victimisations have been argued to send a terroristic message to all

in the LGBT+ community (Iganski, 2003) that they are more at risk of violence because of who they are and who they desire. The realities that LGBT people navigate are clearly impacted by heteronormative violence and homophobic victimisation (however minimally and slight). Victimisation and violence is therefore extended in this research to general feelings of unsafety and being ‘at risk’.

LGBT people are more likely to experience poor mental health outcomes, suicidal feelings, depression, anxiety, and low self-esteem compared to their heterosexual peers (Poteat, et al., 2011). Arguably anyone who is harassed, bullied, or victimised is more likely to experience these outcomes. However, LGBT people are more likely to *be* harassed, experience bullying, and victimisation because of their sexual desires and gendered behaviour than heterosexuals. Further LGBT people are more likely to face homelessness (proportionally) than heterosexuals do, with almost a quarter of homeless people being LGBT (The Albert Kennedy Trust, 2015). The top three reasons cited for homelessness are parental rejection (of their sexuality or gender identity); abuse within the family such as physical, verbal, emotional, sexual; and aggression/violence within the family (The Albert Kennedy Trust, 2015). This highlights that victimisation can have many direct consequences, such as increasing the risk of homelessness. Arguably this violence moves LGBT people into environments where their risk of victimisation increase as they are more likely to experience targeted violence and prejudice, develop substance abuse addictions, risk sexual exploitation, and engage in risk-taking sexual behaviours (Aratani, 2009) such as bareback sex, sex work, and exchanging sex for housing (Hunter, 2008). It is difficult to separate victimisation and the consequences that arise, due to many forms of anti-queer violence and victimisation causing further victimisation and violence consequently. Thus, victimisation is not a linear process but a cyclical one.

The psychological health of LGBT people who experience victimisation and violence is shaped by homophobic experiences. For example, peer victimisation within schools and the workplace is closely correlated with feelings of lower self-worth and post-traumatic stress (Mynard, et al., 2000). The distinction drawn between peer victimisation and victimisation from strangers is the direct intimate nature of the victimisation and the overwhelming feelings of powerlessness, helplessness, and a lack of agency within the school or working environment, all of which contribute to a higher risk of depression, anxiety, and post-traumatic stress (Mynard, et al., 2000). Interestingly, ‘Questioning’ people (those who are experimenting, unsure, or curious about their sexuality and gender) are more at risk of victimisation than even LGB students according to Birkett, et al. (2009). The result of being at such a high risk of victimisation means that the level of risk for depression, anxiety, suicide ideation, and isolation increases (Birkett, et al., 2009). Educational attainment can be affected by young people choosing to truant rather than face victimisation. Lower physical health outcomes can also occur due to psychological stress and distress.

Maladaptive coping mechanisms such as self-injury, drug and alcohol misuse, unprotected sex, and absenteeism from school and work are directly linked to the victimisation LGBT people experience (Dragowski, et al., 2011). Citing Jannof-Bullman and Frieze, Dragowski, et al., (2011) explain that victimisation:

‘...gives rise to negative psychological reactions because it (1) shatters the “self-perception of invulnerability” leaving the victim feeling defenceless in an unpredictable world filled with malevolent people; (2) destroys the belief that the world is meaningful, comprehensible, and orderly; and (3) challenges the victims’ positive self-perception, leaving them feeling weak, helpless, and worthless.’

Being violated both directly and indirectly through heteronormative, homophobic, and heterosexist environments and structures influence the social value LGBT people place on themselves and other LGBT people. This can often lead them to internalise the stigma, homophobia, and transphobia they are presented with (Herba, et al., 2008). Internalisation of

structural homophobia, anti-queer hostility, heterosexism, and heteronormativity has many psychologically injurious effects. This can result in the self-regulation of gender norms, for example, gay men desiring and endorsing masculinity as both a personal and sexual quality whilst approaching femininity with shame or disdain (Dunn, 2012). Minority stress (stress that arises due to the stigmatisation of being associated with a minority group) can represent the degree in which queer people internalise anti-queer hostility. The internal stress is associated with the negative feelings one has towards one's identity, the perception of that identity, and the association of that identity with the minority group. Internalised homophobia and minority stress arguably contribute to body dissatisfaction, hostility towards fellow queer people who deviate traditional gender roles, and stress from the stigma of being perceived and associated as queer (Kimmel and Mahalik, 2005).

Recent research (Miller and Behm-Morawitz, 2016) has demonstrated that femmophobia (hostility against other gay men who are effeminate) often results from the internalised homophobia of gay men. This affects the sexual confidence, date-ability, and self-esteem of many gay men. In short, internalised homophobia resulting from hate crime, heteronormativity, and heterosexism shapes the lives of queer people and the biases they hold. Homophobia, heterosexism, and heteronormativity can be just as rife within the queer community as it is in mainstream society.

Robinson and Espelage (2011) urge for scholars to recognise the heterogeneity of LGBT+ and Queer people; their differences range just as far and as wide as heterosexual people. Not *all* LGBT+ people experience direct violence and victimisation as they note many of their LGBT+ participants did have positive experiences of school. However, in terms of risk, vulnerability, possessing the ability to be fully self-autonomous as sexual beings, queer people by proportion are more likely to be victimised, have a sense of not belonging, live in precarious home and schooling situations all of which disproportionately affect the lives of

LGBT+ people. This research will take note of the wider structural powers and systems that influence victimisation i.e. it will treat anti-LGBT hate crime as a symptom of much wider systems of oppressions.

Self-autonomy is a crucial point when examining the impact of violence and victimisation. Critical race theorists, black feminists, and womanists have applied the concept 'spirit injury' to the experiences of people of colour, in order to encapsulate the full impact racism, sexism, and misogynoir (where racism and sexism intersect and are directed at black women) has on people of colour. Spalek (2006: 87-8) argues that the continual, daily harassment black women face due to racialised power structures which privilege whiteness and oppress people of colour causes harm which "goes beyond the psychological, emotional, behavioural and physical impacts of crime." Such harm goes directly to the self, causing the degradation and brutalisation of self-identity, individuality, sociality, materiality, and personhood. In turn, spirit murder is understood as the consequence of continual, accumulated, micro-processes and micro-aggressions such as sexist, racist language (Spalek, 2006) which can destroy a person's self-worth and self-identity.

Dyer (1997) although not explicitly discussing spirit injury argues that racial imagery is a central component to the organisation of the world. He argues that the embodiment of race is something that is only applied to non-whites. White people are raceless, moving through society racially unseen or unnamed and thus operating as the human norm. The position that white people can turn on the television, watch films, read books, and view images within mainstream society and see themselves widely represented puts them in a place of privilege and 'normality'. Non-white people are unrepresented and even cast as white people. For example, images of Jesus, a figure originating from the Ancient Near East, is traditionally portrayed as white and Eurocentric (Dyer, 1997). The saturation of society with whiteness systematically oppresses people of colour through such micro-aggressions and micro-

processes discussed by Spalek (2006). By othering, blanketising, invisibilising, and marginalising non-white people on a mass scale through simple micro-processes such as imagery, the systematic injuries caused arguably go to the core of self-identity and personhood. In the case of Muslim women for example ‘spirit injury is the product of the psychological, spiritual and cultural effects of multiple types of racism, sexism and discrimination upon ‘other’ women, and it can lead to the slow death of a person’s soul or psyche’ (Chakraborti and Zempi, 2013: 69). For studies of hate this sets up an interesting debate between acts that are criminal and acts that are oppressive. In terms of victimisation, the violence against LGBT people can often be both.

### *Injury to the psyche*

‘Spirit injury’ has mostly been contained within critical race theory as very few have tried to apply this to identity and hate crime. Yep (2003) however has borrowed the concept of soul murder from child abuse/neglect literature to describe the impact of heteronormativity. He argues that soul murder is the frequent and sufficient neglect and abuse of children, which negatively affects their emotional development; it is a term to describe crime that attempts to eradicate or compromise (negatively) the identity of another. He links this to heteronormativity by arguing the widespread regulation and othering of sexual identity is a form of soul murder.

I agree with the idea that spirit injury is a process that goes beyond the emotional and the physical to brutalise and degrade the very self of a person. I reject using its phraseology however to describe victimisation in this research for several reasons. Firstly, the term spirit

often synonymous with soul has religious undertones that are monotheistic and Judeo-Christian in nature, positioning such a concept within a particular ideological framework and context. There are many religious (Buddhist) and non-religious (atheistic) perspectives, past and present, which do not believe in a 'soul', 'spirit', or even a 'self', thus spirit injury buys into a particular paradigm of thought. Thus I agree with the premise of spirit injury but I reject the notion that there is a supernatural soul or spirit which is degraded or damaged through this process.

Secondly, a dualism is derived from the idea of a spirit or soul that separates an individual's personhood or 'self' from the materiality of the body. In other words, the spirit is separated from the body as something that transcends mortality or mortal experience. This dualism further privileges certain ontological – spiritual/religious – positions of experiencing the world and experiencing victimisation. This dualism is an outdated concept for scholars like Peterson (2007) who argue that the separation of the mind and body often isolates and disembodies the mind, ignoring the interconnectedness of its health with the health of the body. This process of the disembodied self often leads to a neglect, objectification, and an abandonment of the body. The body as a sensory organ is how we experience the world, thus to understand the psychological and mental impact of hate crime requires a unification of the mind and the body as things that are not separate.

For example, self-identities of manhood or masculinity are directly linked to the male body and the embodiment of masculinity. Similarly, poor mental health often correlates with negative bodily experiences, linked to identity. I have highlighted throughout that the consequences of being queer in a heteronormative world directly correlate with poorer mental health, increased suicide ideation, and self-harm which are all experienced through the body. In terms of healing injuries to the self, soul or spirit, Peterson (2007) argues we should challenge such dualistic concepts in order to reconnect the self and the body in a humanistic,

holistic, and therapeutic way. Alienation of the material body from the self or psyche is what I seek to avoid here. It is also particularly apt when discussing harms or traumas to the queer psyche to note the regulation of queer bodies often has impacts upon the mental, psychological, and psychic state of individuals (Dwyer, 2010). Thus whilst I accept that spirit injury is indeed a brutalisation to the self, I do not accept that the self has to be separated from the body to experience this.

Thirdly, the term spirit implies some form of intangible essence that is other-worldly, supernatural, or metaphysical and requires a belief in some form of essence beyond the material body. This implication, I feel, carries with it Anglo-Saxon, Judeo-Christian ethnocentrism without acknowledging other positions or ways of being within the world, making it a non-inclusive term. I reject that spirit injury has to carry religious undertones in order to work as a concept. The term 'spirit' ontologically and philosophically privileges a religious world view, one where a soul, spirit, of metaphysical essence exists inside a person. I do not accept this particular worldview being privileged and therefore secularise the phraseology of spirit injury whilst keeping its fundamental premise. I therefore adopt the concept of spirit injury or spirit murder to 'psyche/psychic injury' as an inclusive term to religious and non-religious worldviews, which underpins the mental, cognitive, and deeply personal harms to the self, or core personhood of an individual.

Arguably impact of heteronormative and heterosexist power structures within society can therefore cause psyche injury i.e. harm or trauma that cuts to the very self or personhood of an individual. Scholars such as Lewis et al. (2015) note that deeply rooted and upheld power structures such as patriarchy create spaces of marginalisation, which prevent women from being fully human. Safe spaces they argue provide conditions where women can be themselves, learn more about their womanhood, and enhance the autonomy women have within these set spaces. Similarly, homophobic/transphobic hate crime co-existing with

heteronormative, cisnormative, heterosexist, and cissexist systems may stifle queer people from being fully autonomous humans, an act of psyche injury. Thus, the systemic violence and oppressions that face queer people has an injurious impact on the psyche that stifles their human autonomy and existence. It is important to note however that patriarchal, heteronormative violence is not just a micro-level violence towards solely queer individuals, this is a macro-level, systemic process rooted in gender and sexuality biases. For example, heterosexual students who are *perceived* as gay are three times more likely to miss school and feel unsafe. Further, they are three and a half times more likely to display suicidal tendencies than heterosexual students who are not targeted for being perceived to be gay (Ryan and Rivers, 2003).

In terms of power, it is very clear that heterosexuals are privileged due to heteronormative systems; however, it is difficult to discuss anti-queer victimisation without acknowledging the perception or mistaken perception of queer identity that can occasionally restrict the lives of some heterosexuals. This violence is therefore systemic rather than individualistic. The consequences of such violence are the regulation of all bodies in some form. However, for queer people, the ultimate impact such violence has is psyche injury and psyche murder. For people with identities that sit at the nexus of such systems of oppression, hate crime can be a very diverse experience in terms of the maintenance and negotiation of those identities. One aspect of these identities is age.

Much of the discussion around hate victimisation is adult-centric, often neglecting young people's experiences. Youth victimisation for example is often framed as bullying within schools and educational establishments (Birkett, et al., 2009) rather than as acts of hate crime. Hate crime has been highlighted, previously, as having a terroristic impact towards all in the community, as contextually bound, and as an identity orientated victimisation. It seems sensible therefore, that young queer people's experiences should be included within hate

crime research. By comparing various research studies Robinson and Espelage (2011) estimate that the mean age for *self-awareness* of same-sex attraction occurs by 10-11 years old, and self-labelling of non-heterosexuality has a mean age between 14 and 16 years old. The school environment is a critically important time where young people are becoming self-aware of their non-heterosexual attraction and taking up LGBT labels to self-define their gender or sexuality. I will therefore review the research that has taken place within schools, around young people's experiences of hate.

### ***School Environments***

Recent research has indicated some improvement for LGB people within select British schools (McCormack and Anderson, 2010; McCormack, 2012). McCormack and Anderson (2010) argue that overt homophobia is declining within school sixth forms and a new form of masculinity – an inclusive masculinity – amongst men is emerging. They argue that in recent years men are able to openly display affectionate behaviours such as hugging, spooning, and cuddling allowing them to become more accepting of LGBT peers. They also establish that British schools are environments where heterosexuality and heteronormativity are privileged, but overt homophobia is now increasingly policed much more thoroughly. More evidence needs to be gained into this area of research, which is why I will aim to include young people, under the age of 18, within this research. Further, Kehler (2014) advises caution over the generalisability of McCormack and Anderson's combined and separate research findings. He notes the co-dependence of research between the two authors and their theories of *inclusive masculinity* as problematic. Further, there is a much wider body of research that maintains that cultural heteronormativity, heterosexism, and homophobia are still issues many queer people face, both within the confines of school environments and in public spaces and places

(Moran, 2004; Moran and Sharpe, 2004; Whittle, et al., 2007; Meyer, 2012; Warwick and Aggleton, 2014). Although legislation, school and workplace policies have improved dramatically in the last decade to protect the lives of LGBT people, homophobia and heteronormativity are still relevant in the ‘systematic and purposeful social policing of hegemonic masculinity’ (DePalma and Jennett, 2010: 16). Thus, heteronormativity affects us all regardless of whether we are LGBT/Queer and/or heterosexual.

A large-scale survey of American state schools shows that 71.4% of LGBT students have been verbally harassed with 55% experiencing anti-LGBT behaviour from teachers. This can include being disciplined for showing affection to the same gender; being prevented from prom and dance events with someone of the same gender; and for transgender students – being misgendered and being forced to use their birth name (Kosciw, et al., 2014). This suggests that schools can often be hostile environments for LGBT+ youth, which they have to navigate and negotiate. It is unclear how LGBT+ young people negotiate their queerness with such hostile environments. Further, the picture for British schools is similarly unclear and conflicting.

Students at some all-girls schools have been found to be more tolerant of gay men than lesbians due to the students fearing other girls becoming sexual with them. However, when schools adopt anti-bullying, equal opportunities, and anti-homophobia policies, research has shown they have dramatically reduced anti-LGBT bullying (Warwick and Aggleton, 2014). This cannot be taken for all schools however, as cultural, social, and economic contexts factor into how school environments are shaped. Guasp, et al., (2014) finds that 86% of secondary school teachers within Britain acknowledge that LGBT people are bullied, harassed, or called names for being LGBT. 35% of schoolteachers say that verbal abuse occurs in their schools. Whilst the evidence is conflicting, what is clear is that homophobic victimisation within *certain* school environments is declining, particularly when LGBT+ and

anti-homophobia policies and training are in place – painting a hopeful picture for the future. LGBT+ victimisation is still a reality for many young people within their school’s environments however.

The LGBT+ individual’s peers often perpetrate anti-LGBT+ violence and victimisation within schools. This process is termed ‘peer victimisation’. Peer victimisation has many effects within the context and confines of school environments. Feeling out of control, powerless, and helpless are common for young people experiencing peer victimisation (Mynard, et al., 2000). This can partly be correlated with young people being confined within the school environments. In other words, many have to attend school and have little or no option to leave, thus having to endure and negotiate environments where the potential for peer victimisation can occur. Further peer victimisation can often take the form of physical abuse, verbal victimisation, harassment, social manipulation, attacks or vandalism of property (Mynard, et al., 2000). Interestingly outside of the school setting, many of these acts would constitute an act of hate, if motivated by sexuality, race, religion, disability, or being transgender (Criminal Justice Act, 2003; Crown Prosecution Service, 2007; Equality Act, 2010; Crown Prosecution Service, 2012). However, youth based victimisation goes unrecognised within the literature on hate crime and in recording hate crime.

What is recognised however, is that the school environment, as a reflection of wider society, is rooted in heterosexism and heteronormativity (Birkett, et al., 2009), which LGBT+ students often have to navigate and negotiate regardless of peer victimisation. However, this is not just limited to LGBT+ identifying individuals. Espelage and Swearer (2008) note that schools have the potential for creating hostile environments for all students, due to the masculine/feminine, man/woman gender norms it sustains and promotes. Victimisation within school milieu is heteronormatively based and contextualised. There has been virtually no research linking young people’s experiences of violence and victimisation within

educational settings to hate crime frameworks. This research attempts to bridge this gap by including the victimised experiences of LGBT+ young people. In order to access such experiences, the spaces which LGBT+ young people organise, around their sociality, are crucial. LGBT+ youth groups will therefore be targeted in order to fulfil this element of my research inquiry, and engage them in spaces where they are able to fully, as Lewis et al. (2015) posit, be autonomous.

### ***LGBT Youth Groups***

I have highlighted throughout this chapter that the spaces LGBT+ people frequent are structured heteronormatively. Thus, LGBT+ people frequently negotiate and moderate their behaviour when navigating through society. Hate experiences are one manifestation of structurally oriented heteronormative violence towards LGBT+ people. Over the past 20-30 years, youth workers and queer youth practitioners have created counter-hegemonic/heteronormative spaces in the form of youth groups (Batsleer, 2012). Due to laws such as Section 28, which prohibited discussion or education of homosexuality to young people (under 18's), many specialist LGBT+ services were traditionally covert. In recent years, many have made their way under local authority control. Indeed, youth groups provide a space where LGBT+ individuals can negotiate their identities outside of the heteronormative cultures within school settings and find a place where they are not underrepresented or the minority (Batsleer, 2012).

‘Visibility management is both a response to the environment as well as an influence on the environment, because visible gay people in the environment are part of the environment, and the absence of visible gay people in the environment can be a deafening silence’ (Lasser and Tharinger, 2003: 240)

Thus, LGBT+ youth groups are crucial places where non-heterosexual youth can escape the ‘deafening silence’ of their absence in mainstream society and organise their sociality – in

other words form social groups – with other LGBT+ people. Youth groups as environments are vital in promoting LGBT+ affirmative practice i.e. being actively positive and celebratory about non-heterosexuality. LGBT+ affirmative practice is shown to significantly empower young LGBT+ people, promote resilience, provide stability, create a space that escapes the everyday oppressions they face, promote healthy identities and relationships, and consider the homophobic and heteronormative challenges which young people face (Crisp and McCave, 2007). Batsleer (2012) notes that the pedagogy of youth work and school are broadly similar but have, currently, fundamental differences. Each try to create a ‘safe space’ for young people, however their commitment to what constitutes a ‘safe space’ are significantly different.

LGBT+ youth groups seek to provide a specific space, exclusionary of straight youth, in order to specifically target and overcome the issues facing LGBT+ people, which are often invisibilised in school contexts. Many youth services in the North East for example target men who have sex with men (MSM) as they are at a higher risk of HIV contraction. Thus, specific spaces are required to support LGBT+ young people in overcoming the social problems they face. Further, LGBT+ youth are able to claim citizenship in these spaces, a divergence from all other spaces in society where they are the ‘other’ (Batsleer, 2012). By including youth and community groups in sexuality research, adult-centric frameworks of victimisation is challenged and a broad reach of sexual and gender diversity among young people is achieved (Scourfield, et al., 2008).

Active engagement and involvement of youth groups are therefore necessary if a community, layered understanding of hate crime is to be achieved. Merton et al. (2004: 147) advocates that young people ‘finding their voice and place in society is an important aspect of the journey young people make on their way to adulthood; it is an induction into their rights and responsibilities as citizens.’ As such, active involvement of young people in services and

research should be a core rationale, as their voices help make provisions for more inclusive and developed frameworks. I have already highlighted the gap in the literature between hate crime and young people. Young people will therefore be actively recruited in this research in order to highlight these hidden voices of hate experiences and advance current, theoretical hate crime frameworks. Youth workers will also be recruited to gain an understanding of the youth services, as counter-heteronormative spaces for young people.

### ***Conclusion***

Previously, I have discussed the historic harms caused to LGBT+ people by the criminal justice system prior to the 21<sup>st</sup> Century. As part of a contemporary criminal justice system, designed *now* to protect LGBT+ people, hate crime legislation marks a symbolic attempt to repair these previous harms caused by persecuting LGBT+ people. It is also symbolic in recognising the oppressions that minority groups face. However, hate crime frameworks are exclusive to certain ‘strands’ of identity – race, religion, sexuality, disability, and transgender identity – which fail to protect other vulnerable demographics such as the homeless people and members of goth subcultures. Hate crime is a contested term within academic debates, presenting definitional and practical challenges to applying this term within my research. I use the term hate crime throughout however, as, for the purpose of this research, it is a term that is commonly understood by lay audiences. Ultimately this means it is a term that is the easiest to operationalise to research participants. This research treats hate crime as a symptom of wider socially structured systems, such as patriarchy, heteronormativity, and heterosexism that oppress LGBT people. These systems shape LGBT identity and therefore shape victimisation.

This chapter has demonstrated how violence and victimisation are processes rooted both directly and indirectly in systems of homophobia, heteronormativity, and heterosexism. Violence is shaped contextually to suit various social environments i.e. bullying in schools, hate crime in public and systemic violence through social systems of power and privilege. The consequences of such victimisation and violence for queer people are numerous. Poorer mental health outcomes are common as are feelings of powerlessness, shame, and hopelessness. Further LGBT people have an increased likelihood of being moved into environments where victimisation is even more likely to occur. They are more likely to develop maladaptive coping strategies such as self-injury and risk taking behaviours to deal with the pain they feel at growing up in a society that excludes and oppresses them. Violent injury such as these go beyond the physical and psychological to the very core of queer peoples' personhood and psyche. Hate crime, violence, and victimisation has been extended in this chapter beyond the direct acts which constitute a crime. I begin to argue that hate crimes and incidents are symptomatic of the systematic, societal, and ubiquitous presence and power of heteronormativity. The concept spirit injury has been used and adapted to the term 'psyche injury' in order to provide an inclusive term for injurious acts that cut to the core of individual personhood. It does this without negating the consequences that victimisation has on the body or the role the materiality of the body plays in experiencing violence and victimisation.

Through examining and reviewing hate crime literature in Chapters 2 and 3, it is clear that research on hate has advanced significantly since the 1990's. However, the overwhelming focus of hate debates and discourse is adult-centric. Young people (13-18) will there be included in this research in order to provide a voice to these hidden experiences. The inclusion of young people provides balance to the adult-centricism prevalent in hate crime

theory. The next chapter will explore, in more detail, how participants were recruited and the methodological approach that I took to carry out this research inquiry.

## Chapter 4

### **Methodology**

I highlighted in Chapter 3 how ‘hate’ occurrences often transcend geographical boundaries, often rippling through to entire sections of protected communities (see Iganski, 2001), involving many sectors of society. Hate crime research is therefore a complex task to undertake. From an LGBT+ perspective, experiences of hate crime involve various different agencies across the local community. Firstly, it involves the person(s) who directly experienced hate and secondly the community groups who support people with these experiences. Hate experiences can also lead to possible engagement with the police and the criminal justice system. Three main questions therefore drive this research. Firstly, ‘how do LGBT+ people negotiate, navigate, and reconcile the identities for which they are victimised, post-hate crime?’ Community, student, and youth groups are thus an essential part of establishing how LGBT+ people engage with this process and forge their sociality with each other. Second, ‘how do LGBT+ people utilise community and voluntary sector services that deal with hate experiences?’ As highlighted in Chapter 3, many hate experiences originate from structural systems of power and oppression which in turn influences how LGBT+ people negotiate their victimised identities in the environments they frequent. The multi-layered responses to hate crime means that there is a constant, navigational relationship between the groups, spaces, and places LGBT+ people frequent. This in turn influences how the police attempt to engage with community spaces. The fractured relationship between the police and the LGBT+ community highlighted in Chapter 2 presents a unique obstacle in terms of researching this area. Thirdly, ‘how are LGBT+ people, who experience hate crime, involved in the criminal justice processes?’ in order to scope the community approaches to

hate crime. The police, as the gatekeepers or ground troops of justice (Joyce, 2011) have a stake in the LGBT+ community due to the recent emphasis (as outlined by the College of Policing, 2013) on liaising with diverse communities as part of good police practice. It was therefore necessary to acknowledge the interaction between LGBT+ people and the police. I outline in this chapter the rationale for targeting the specific groups sampled in this research and the steps I took to gain access.

My positionality as a researcher, an LGBT+ person, a student, a youth worker, and a civilian is reflected on throughout this chapter. In particular, my involvement with young LGBT+ people, defined here as 13-18 year olds, influenced the design of this research and shaped the entire methodological process. I set out the ethical ramifications and hurdles of involving these participants, and reflect on how these ethical processes shaped the research.

In this chapter I outline how and why I chose a mixed-method approach to answer the research questions highlighted above. I discuss my sampling methods and justify the specific cohorts I targeted to comprise a complete sample group. I further justify the targeting of these cohorts by reflecting on the ethical parameters of my research and outline the hurdles that I overcame, particularly when recruiting under 18's into my sample group. I move to discuss the analytical framework I used to code, thematically, my collected data. I begin however by outlining the theoretical, ontological, and epistemological positions I took throughout this research. I discuss how, by being sensitive to the subjective standpointisms of my participants, I added to a queer ontology.

### ***Queer Ontologies***

Ontology is the philosophical inquiry into reality or being i.e. the nature of existence. This research identifies what it is to *be* a queer person with a victimised, stigmatised, or oppressed

identity. Criminologically, this inquiry raises many questions over how LGBT+ people experience the world, their place in it, and how their hate experiences shape this. Indeed, Leisenring (2006) argues that criminology would benefit as a discipline by expanding its focus past the social processes that construct stereotypical victim identities for queer people. This is not to say that this research neglects the victim experience, however it explores how experiences of hate crime shapes an individual's personhood. Arguably, criminal justice frameworks do not take into account, and are therefore not shaped by, queer ontologies. Thus, criminal justice agencies, which shape aspects of the lives of queer people, are unable to fully recognise the multiplicity of queer experiences.

I highlighted the importance of intersectionality as a theory which advocates capturing the multiplicity of experiences in Chapter 3. I will now examine the importance of intersectionality as a research framework. Feminists such as Crenshaw (1993) who advocate that intersectional frameworks criticise research frameworks that homogenise women as having one shared experience. Women are not a monolithic cohort of society. The lived realities of native, colonised, transgender, lesbian and black women for example are different from the lived realities of white, heterosexual western women (Arvin, et al., 2013). Indeed, feminist developments within criminology have argued that it is important to learn of the struggles for justice, from non-Western women, such as women in the Middle East and the global south (Carrington, 2015). White feminism propagates a criminology that concerns itself only with the struggles of white, western women. This overlooks and dismisses intersectional systems of oppression facing non-western women, such as the intersection of sexism, racism, and misogyny. Further, the subjective ontologies or realities, embodied by non-western women are shaped by systems, which western, white women do not face. It is therefore fair to assess that each woman exhibits her own subjective ontology. Indeed, there are many subjective ways to be a woman and many different meanings of womanhood

(Crenshaw, 1993; Jordan-Zachery, 2007). This case can be made for all oppressed groups in society, including queer people. To the best of my ability as a researcher I avoided homogenising my participants in order to avoid the problems highlighted above.

Epistemologically, I embraced the subjectivity of each of my participants, in order to encapsulate their experiences. Learning from the subjective and intersecting realities of queer people about their everyday struggles and access to justice helps shape criminological research to be more holistic and multi-faceted. I embrace this feminist tradition, as similarly, the LGBT+/queer community do not all share the same realities and exist with the same ontologies. Cochran and colleagues (2007) observation of LGBT+ services note that despite the overwhelming evidence that LGBT+ people share similar experiences such as stigma, shame, coming out, and discrimination, there are many other differences within the 'community'. Every person within this community exists in a reality shaped by age, gender identity, ethnicity, race, culture, class etc. LGBT+ people are thus a heterogeneous collection of people all existing with different 'stories' and lived experiences.

Transgender individuals are likely to have very different needs and experiences compared with cisgender lesbian, gay, and bisexual people. Hate crimes against transgender people often manifest in more extreme forms of violence such as physical or sexual violence, than their LGB peers (Lombardi, et al., 2002), which may require a different response. It is worth reinforcing also that transgender people do not all have the same experience. Holman and Goldberg (2006) maintain that there are transgender people who experience dysphoria with their gender, and transgender people who are non-dysphoric for example, which shapes their experience of victimisation. It is also worth noting that not all LGBT+ people may identify as queer or reject the term queer. I chose therefore to respect how individuals labelled their identity so as not to impose the queer label. I do however use queer as a collective term due to its inclusivity of non-heterosexuals who do not identify as 'LGBT' – such as non-binary,

gender fluid, pansexual etc. – or as an academic term. I also use the term queer as a verb, meaning to contest, question, and trouble theoretical paradigms and concepts. Thus, I argue that this research ‘queers’ and rejects the notion that queer people are without difference.

Being queer is not a stand still position at which one always remains. The ontological approach taken appreciates the fluctuating dimensions of victimisation that people experience. I do this by exploring the relationship between structure (the social systems and institutions that shape society, the CJS for example) and agency (how LGBT+ people choose to navigate their own identities and sociality through everyday interactions). Despite the legal advancements in the ways that the CJS respond to LGB people, there are still people and groups existing outside of ‘LGB’ who go unrecognised. Trans, intersex, and gender atypical (non-binary, agender, two-spirit, fluid etc.) individuals experience significant hurdles to justice as their experiences are disembodied and unrecognised within the criminal justice system (Rahman, 2010). Queering these boundaries and identities through criminological scholarship helps to challenge current understandings of cultural norms, values, and attitudes of crime (Buist and Stone, 2014). This in turn highlights the unique and complex structural challenges that queer people face (Buist and Stone, 2014). Thus ‘queer’, as a noun, is an identity category I included but it is also a ‘set of theoretical tools mobilised to effectively understand and represent sexuality and gender diversity in criminological research’ (Ball, 2013: 3).

### *Queer Standpointisms and Epistemologies*

It is generally a consensus amongst queer scholars that transgender people are amongst the most disproportionately marginalised in the LGBT+ community (Moran and Sharpe, 2004; Bauer, et al., 2009; Vitulli, 2010; Strolovitch, 2012; Graham, 2014). However, it is

overlooked within mainstream criminological discourses that 'LGBT+' is a heterogeneous collection of people (Silverschanz, 2009). This research seeks to include the diverse needs and 'knowledge's' of queer people (Buist and Stone, 2014), to accommodate a much wider inclusion of LGBT+ peoples flexible, fluid, unfixed, ever changing, and diverse lived realities. I felt it was appropriate to embrace feminist traditions of qualitative standpointisms, and adapt this to a queer standpointism. This facilitated an epistemology which gathered the subjective experiences of queer hate crime.

Epistemology can be defined as 'the theory or science of the method or grounds of knowledge; standpoint epistemology takes this definition and adds the personal and the political' (Goodey, 1998: 138). Feminist standpoint theory argues, primarily, that the standpoints of women should be highlighted and privileged when conducting research about women so that effective policies which positively affect women are developed. It is a call to understand the world through the experiences *of* women in order to develop social changes *for* women (Goodey, 1998). This endeavour has been successful in disrupting androcentric research and male focused discussions (Comack, 1999). However, postmodern feminists warn against adopting a singular, unilateral, standpoint, as this too readily assumes that all women have the same standpoint or shared experience (Intemann, 2010). To avoid this within a queer context, alongside the aspirations to adopt a subjective standpoint, I utilised an intersectional framework throughout this research. I asked people to self-identify at the beginning of each interview, noting their age, gender, and sexual identity. This enabled people, who do not fit neatly into the LGBT acronym, to express their identities in non-traditional ways. For example, Karen identifies as a feminine polarised genderqueer, whilst Sho identifies as a non-binary, but leaning towards boy/male. These identities are important as they are authentic to the realities in which my participants exist. This limits the homogenisation of the LGBT+

participants who took part. Intersectional standpointisms grounded this research in order to highlight the heterogeneous experiences of queer people.

As highlighted above, 'queer' as a theoretical tool disrupts what society considers ontologically 'normal', thus preventing essentialism of the queer experience. Further, queer identities are multi-dimensional, ever changing, and diverse. I felt that prioritising those conflicting, juxtaposing, and fluid voices at the heart of this research embraced the nuance in queer experience, as opposed to homogenising them.

Fundamentally, the intersectional standpoint epistemology at the core of this research acknowledged that there are other subjective ways to view the world ontologically, and are important in shaping the world. Primarily the epistemological rationale was to conduct queer research *for* LGBT+ and queer individuals. By adopting a 'queer' and a 'queered' standpointism, I moved beyond 'what the research is on' towards 'who is this for?' and 'how will this impact?' I tried to allow for a greater level of nuance and fluidity towards people's identities and their experiences. Essentialising the queer experience would inevitably privilege white gay/lesbian, man/women dualisms (Hammers and Brown III, 2004) and in that instance would stop being queer.

As advised by Hammers and Brown III, I attempted to remain inclusive and reflexive of multiple identities, ontologies, and standpoints of participants. 'Continuous self-examination of both our inner and outer worlds is thus a major objective so as to extricate ourselves from this heteronomous condition' (Hammers and Brown III, 2004: 94). By striving for this I hope to generate multi-dimensional queer knowledge's *for* queer people, a shift from hegemonic, heteronormative research processes. As a starting point I embraced non-normativity, by which I mean all non-heterosexuals, within the scope of this research to add the diverse range of queer voices and representation to the criminological discourse. It is for this reason I

labelled all people who agreed with the gender they were assigned at birth, as a cis man or a cis woman.

For decades, queer theorists have argued that heterosexuality should be scrutinised just as rigorously as non-heterosexuality in order to prevent heteronormative ontologies and epistemologies (Richardson, 1996). In the same vein, I wanted to avoid reinforcing cisnormative and cissexist ways of thinking. Cissexism is ‘the belief that transsexuals’ identified genders are inferior to, or less authentic than, those of cissexuals’ (Serano, 2007: 12). The privilege that cis people experience is that they often do not have their gender labelled or analysed as a product of being assigned or constructed. Trans identity from my own ontological outlook is just as credible, just as normal, and just as valid as not being trans. A queer standpointism therefore requires a recognition that all queer identities are credible and valid.

Queer standpointism is not just an approach to examine the standpoint of LGBT+ people. What this fails to encapsulate is that we all have multiple and intersecting identities (Walby, et al., 2012) and therefore hidden vulnerabilities and inequalities (Werbner, 2013). Victims of hate (and non-hate) crime do not always belong to a fixed identity group, thus this hidden vulnerability has tended to fall through the cracks of criminological scholarship. Discourse within criminology, even when concerning itself with LGBT+ issues still reinforce heteronormative language, gender biases, and categories that are polarised. Queering criminology, by developing a queer ontology, advances my analytical discussions away from such rigid category structures. This empowers a move towards a more fluid and nuanced criminological approach by embracing and valuing non-normative and unfixed expressions of identity. In order to further understand the responses of the CJS to LGBT+ people and vice versa, due credence needs to be given to the socio-cultural contexts in which they occur. For the LGBT+ community, the context of my sample base is queer.

## *Sample*

A mixed methods approach was most suited as I combined data from a mixture of qualitative interviews and a quantitative survey. The qualitative data is the backbone to answering all three of my research questions. The survey was developed to compliment my qualitative findings. Thus, my data comes from two main sources:

1. Interview respondents (Qualitative)
2. NE Pride Quasi Online Survey respondents (Quantitative)

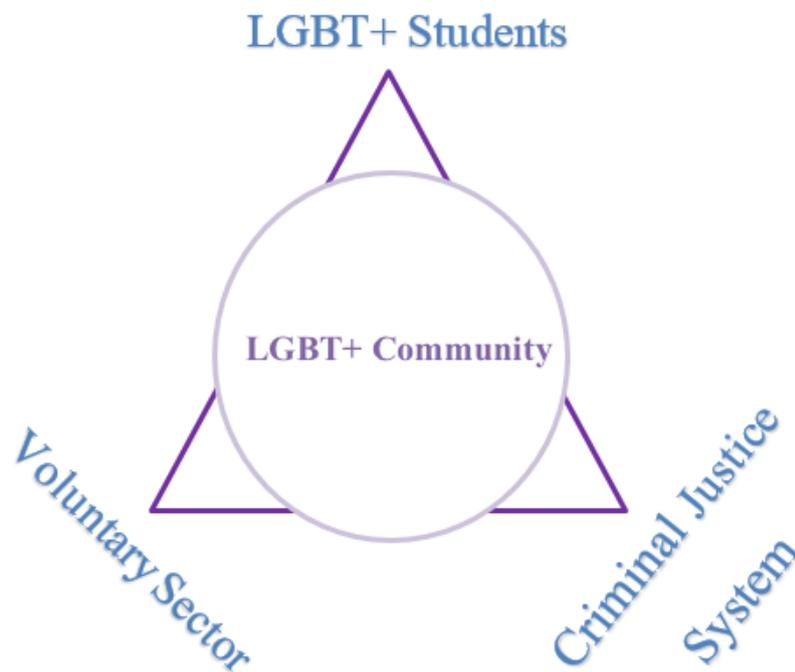
## *Participants for Interviews*

I separated the overall sample number of my interview respondents into three sample cohorts. These cohorts are targeted as they specifically deal with LGBT+ hate crime:

1. North East LGBT+ student cohort – students sampled from North East University LGBT+ societies (7 in total)
2. Voluntary sector cohort – charities, support services, and local authority funded LGBT+ services. This cohort is bifurcated in two:
  - (i) containing interviews of the people who utilise these services (11 service users in total)
  - (ii) people who work in these services (6 service workers in total)

3. Criminal justice services cohort – criminal justice workers, including the police and the Crown Prosecution Service (8 in total)

In order to gain a picture of the community layered approaches to LGBT+ hate crime in the North East, I specifically targeted these cohorts to make an overall, complete sample. I define the North East, when I refer to (1) LGBT+ Students and (2) Voluntary Sector cohorts, by its 4 geographical counties: Northumberland, Tyne and Wear, County Durham, and Cleveland. When discussing (3) Criminal Justice System cohort I define the North East based on the police force areas: Durham, Cleveland, and Northumbria. Within this cohort I sampled from one of these force areas. : Interview Cohorts



**Figure 4.1. Interview Cohort**

As is demonstrated by Figure 4.1, each sample group is a specific cohort that deals with hate experiences and supports LGBT+ individuals. Although they are separate cohorts they connect through community ties and networks, with the main aim of supporting LGBT+ people. I could have recruited LGBT+ participants from gay bars, clubs, sport groups etc. However, I chose to recruit from groups that had a dual purpose of

- (i) specifically supporting LGBT+ people with their hate, oppressed, or victimised experiences and
- (ii) providing a place for LGBT+ people to negotiate their identities with these experiences and participate in queer socialising.

Below, I outline each sample cohort in finer detail and present information on the biographies of the participants who belonged to each cohort. As discussed above, in my ontological discussion, it is important to recognise each aspect of a person's identity; the labels they themselves define as; and how my participants are subject to intersecting systems of oppression and power because of their identities.

*Cohort Group 1: North East LGBT+ university students (n = 7):* were the first group identified and targeted as a sample. Student LGBT+ societies in the North East are a major and visible microcosm of the LGBT+ community, due to an active online and social presence. Due to my own research undertaken at a university in the North East, I was already aware of the presence and visibility of student LGBT+ societies. From the outset of this research, I integrated, into LGBT+ student communities due to my status as an LGBT+ student. The following identities listed in the tables below are explained fully in the glossary (see page 254)

North LGBT+ Students	East	Pseudonym	Gender Identity	Sexuality	Age	Ethnicity
		<u>Arin</u>	Non-binary, <u>demigirl</u>	Bisexual	19	White English
		Charlie	<u>Transman</u>	Pansexual	22	White Irish
		Deena	<u>Genderfluid</u>	Lesbian	22	White English
		Jamie	Gender neutral	Gay	27	White English
		<u>Jeremiah</u>	<u>Cisman</u>	Gay	23	White English
		Stuart	<u>Cisman</u>	Gay	23	White English
		Sunshine	Non-binary	Gay	22	White Irish

**Table 4.1: North East LGBT+ Student Cohort Participants**

Occasionally there was crossover to other sample groups as some students were also service users to voluntary sector organisations. Participants were therefore only categorised as part of the student cohort if they were recruited from the sampling process in this stage. This totalled 7 students from this sample cohort.

Most LGBT+ student societies, at universities mainly exist by maintaining an online (Facebook) group for LGBT+ people. I had established access to these online spaces due to my queer identity and status as a student. Researchers are using cyber-methods increasingly to access LGBT+ populations due to the mounting evidence that LGBT+ people form online communities (McDermott, et al., 2013) as a mechanism for their sociality. Hillier, et al. (2004) highlights how LGBT+ people use online networks to explore their sexual desire, which they are unable to do outside of virtual spaces. Previous research with online sample groups has so

far been quantitative in nature (McDermott, et al., 2013) and the data gathered from these groups have come from online surveys (Durso and Gates, 2012).

I had existing access into LGBT+ online university spaces, which made it both convenient and desirable, from a qualitative perspective, to recruit participants who were engaged in these micro-communities. I did not predict that every single LGBT+ person in the North East would be actively engaged in an LGBT+ space or micro-community. However, student led community groups provide ample diversity of young LGBT+ people who are actively engaged in the community. Indeed, Hash and Spencer (2009) sustain that sampling, within online LGBT+ communities, offers researchers access to recruit or ‘meet’ people who they would not, traditionally, have geographical access too. Further, LGBT+ people who do not frequent ‘...gay or lesbian bars in their vicinity, may go online in search of support. For these individuals, “virtual communities” have offered an alternative to social isolation’ (Hash and Spencer, 2009: 238). It was desirable to recruit members from student LGBT+ societies due to their diverse range of community members.

I distributed information (using Facebook posts and attachments) via LGBT+ student Facebook groups. People who commented on the post with an interest in participating were then directly messaged via Facebook messenger. Several people were further recruited using a snowball method. I asked participants if they knew anyone else who would like to be interviewed. This led to one participant creating a private Facebook chat between them, several friends, and myself. Two participants were recruited using this method. For many LGBT+ and Queer students Facebook is an accessible tool to maintain contact with each other. Further, it is a tool that is essential for researchers to utilise if they are to set up interviews, disseminate information about the research, and sample more widely into the communities targeted.

*Cohort Group 2: Voluntary sector LGBT+ services (n=17):*

When embarking on this research I already held a position as a youth and community worker for an LGBT+ organisation (prior to the start of this research). In the initial stages of planning my research design, it was never the intention to utilise youth and community services, or to gain access to under 18's. Originally, I proposed, during the early stages of the research design, to recruit participants who were 18 years and over. However, during the latter stages of designing the research it became clear that in order to a) balance the adult-centric scholarly research on hate crime and b) understand how people who experience LGBT+ hate crime negotiate their identities in wider society, enlisting the support of voluntary sector services were key to understanding the community-layered responses to LGBT+ people and LGBT+ hate crime. Thus in the later stages of the research design I decided to explore how younger LGBT+ people used voluntary services to manage and negotiate LGBT+ issues. It was therefore desirable to target and interview service users and service workers who support LGBT+ users. Recent studies using data gathered from both youth workers and young people have been successful in gathering rich information. Downing's (2013) study of non-heterosexual young people positioned the young people who participated as active agents who shaped their own lives based on their spatial and temporal environments.

Further, the combined narratives of youth workers who provided support for young people highlighted an institutional perspective on the issues LGBT+ participants in this study faced, such as how they negotiated their sociality and how they engaged with the wider community. It was my priority to gather both young people and youth worker perspectives in order to explore the negotiation of hate experiences at the individual and institutional level. Additionally, it was important for me as a member of the LGBT+ community and a youth worker to explore the vicarious victimisation of service workers who deal with victimised youth, as part of their professional and personal life. Indeed, from my own youth work

practice, I was heavily aware of the emotional strain one has when hearing accounts of victimisation from the young people in your care. Reflecting on the insider/outsider status of researchers, my familiarity with youth work and LGBT issues allowed me look for answers to questions which may not have occurred to people who were not youth workers or LGBT+ (Dwyer and Buckle, 2009). However, LaSala (2009) notes that researchers will always be outsiders to some degree as even insiders are only familiar, not omniscient, with their participants' circumstances. It is impossible to fully understand and apply your own experiences with someone else's.

Many service workers in this sample also identify as LGBT+. As highlighted in Chapter 3, people may experience victimisation vicariously through others. Highlighting service worker experiences of vicarious victimisation through the young people in their care, was of great importance. In order to understand the nuances of victimisation I also asked for their own, direct, experiences of hate. Overall, I gathered 6 qualitative semi-structure interviews with service workers and 11 interviews from service users. A variety of ages were gathered, as several LGBT+ services ran older social groups. This endorsed a cross-section of the community to be gathered in relation to age.

As there are very few LGBT+ services in the North East, they were very easy to target. Additionally, it is common for services to collaborate for various projects and initiatives, as there are so few. Therefore, using my existing connections as a youth worker, working within an LGBT+ youth service I was able to make contact with the chief executives and managers of various LGBT+ organisations who, after an initial meeting, agreed to be interviewed. They then disseminated information sheets about the hate crime project and helped to recruit service users who expressed an interest in participating. Thus, my credentials as a youth worker, my identity as a queer person, and my existing involvement with voluntary sector LGBT+ organisations helped 'craft' these relationships for recruitment. As LGBT+

organisations run various groups including: LGBT+ youth groups, gay men's groups, trans groups etc. several initial meetings at these youth groups were necessary in order to recruit a sample of service users. Table 4.2 provides information about this cohort, including the pseudonyms and identities of participants.

Voluntary Sector: Service Worker	Pseudonym	Gender Identity	Sexuality	Age	Ethnicity
	Carl	Cisman	Gay	62	White English
	Caroline	Post-operative, non-binary, genderqueer, transwoman	Pansexual	54	White English
	Karen	Feminine polarised genderqueer	Pansexual	43	White English
	Molly	Ciswoman	Lesbian	60	White English
	Ruth	Ciswoman	Lesbian	44	White English
	Sue	Ciswoman	Lesbian	48	White English
Voluntary Sector: Service User					
	Alicia	Ciswoman	Pansexual	18	White English
	Andrew	Cisman	Gay	53	White English
	Bobby	Cisman	Gay	25	White English
	Darla	Transwoman	Attracted to anyone feminine	39	White English
	Dave	Cisman	Gay	47	White English
	Elliot	Cisman	Gay	18	White English
	Katie	Transwoman	Straight	67	White English
	Miley	Genderfluid, non-binary, butch	Lesbian, dyke	24	White English
	Riley	Genderfluid	Bisexual	14	White English
	Sho	Non-binary leaning towards boy/male	Gay	15	White English
	Tahi	Non-binary	Gay	23	Malaysian

Table 4.2: Voluntary Sector Cohort Participants

*Cohort Group 3: Criminal Justice Services (n= 8):*

Members of this cohort are comprised of police officers, CPS workers, and internal staff (civilians). By having no participation, connections, or contacts within the criminal justice system this sample cohort was the most difficult to gain access to. Fortunately, a manager at a youth service, which I targeted from the voluntary sector cohort, had regular communication with several police LGBT+ liaison officers. This manager, after being interviewed contacted them on my behalf and explained the purpose of my research. From there I liaised personally with one police officer who was enthusiastic about my research. She put me in contact with several other officers, effectively snowballing participants into this sample cohort. Overall, there was a positive commitment to be involved in LGBT+ research from the police and criminal justice services. Further, the snowball element of this sample highlighted the community ties between LGBT+ services and the police.

There were many time constraints placed on police officers' work schedules making it incredibly difficult to find days and times when I could interview officers, without conflicting with their work. One participant for example cancelled a total of 8 times over the course of three months before finally being able to find time for an interview. The precarious and sporadic nature of police work also meant that events occurred outside of the control of officers who had to follow up cases, attend meetings at the last minute, and manage their time discreetly. Several officers vocalised that due to austerity cuts in the police, they had less and less free time in their daily and professional lives and were overworked. Thus, they had minimal time to talk to me. Luckily, conducting a PhD allowed me to have a flexible time schedule. I was therefore able to cater my time around their workloads in order to engage the police in this research.

The police in my sample adopt a community-layered response to hate crime, by working with community LGBT organisations allowing snowball sampling to span across various agencies of the criminal justice system. These included other police officers, the CPS, and internal staff. For anonymity purposes, I do not disclose which participants are from the CPS or HR. I therefore, at their request, call them criminal justice workers. Overall, this sample cohort contained two criminal justice workers, three police constables, and three police constables who had the additional role of working with the LGBT+ community in their capacity as LGBT+ liaison officers. Table 4.3 on the following page provides a breakdown of these roles and the identities they disclosed.

<b>Criminal Justice Sector: CJW</b>	<b>Pseudonym</b>	<b>Gender Identity</b>	<b>Sexuality</b>	<b>Age</b>	<b>Ethnicity</b>
	Gabby	Cis woman	Straight	34	White English
	Sharon	Cis woman	Lesbian	58	White English
<b>Criminal Justice Sector: Police Constable</b>					
	John	Cis man	Gay	34	White English
	Rhys	Cis man	Gay	22	White English
	Tim	Cis man	Straight	34	White English
<b>Criminal Justice Sector: PC and LGBT+ Liaison Officer/Engagement Officer</b>					
	Lindsay	Cis woman	Straight	42	White English
	Maddy	Cis woman	Gay woman	36	White English
	Zara	Cis woman	Straight	35	White English

**Table 4.3: Criminal Justice Cohort Participants**

Self-identification of sexuality and gender was an important aspect of my methodology as it embraced the standpoint fluidity I outlined at the start of this chapter. For example, observant readers may note that Maddy identifies as a gay woman rather than a lesbian. This is because she did not like the word ‘lesbian’ and felt uncomfortable when referred to as one. Respecting the wishes of how LGBT+ participants self-identified was paramount, in order to respect individual respondents’ subjective ontologies. The identity labels provided are important to understand the self-defined positionality of all participants. Ethically however it was important to provide pseudonyms to protect the anonymity of participants. Indeed, there were many ethical challenges I had to scrutinise before embarking on the fieldwork portion of this research.

### ***Ethics***

I gained ethical clearance from Northumbria University at Newcastle prior to carrying out this research. According to the guidance of Northumbria University’s Research Ethics and Governance Handbook (2014-15: 30) research involving vulnerable people where there are ‘physical safety and/or emotional wellbeing concerns for the researcher or the participant’ is coded as red for high risk. A red coded research project does not mean that the research cannot be carried out. It does mean however that precautions need to be taken in order to reduce, but not eliminate, risk to the researcher and participants. All participants were anonymised with pseudonyms in order to protect their identities, minimising the risk that they could be identified. I also asked all participants to read thoroughly an information sheet (see appendix A), detailing the aims, praxis, and agenda for this research. It also outlined what participation of the research would involve and emphasised that should a participants wish to withdraw from the study, their data would be destroyed upon withdrawal. The use of this

information sheet was to guarantee that consent was fully informed. Informed consent is outlined by Crow and colleagues (2006: 83-4) as information that is ‘sufficiently full and accessible for their [the participants] decision about whether to take part to be considered informed. It also requires that people in possession of this information consent freely to participation and have the opportunity to decline to take part or to withdraw from the study without such decisions triggering adverse consequences for them.’ In order to give consent participants were given a consent form (appendix B) which they were required to sign and date in order to take part. I chose to recruit several participants who were aged 18 and under, requiring specific ethical scrutiny and clearance from Northumbria University’s ethics committee.

### *Including Young People*

I will now spend considerable time justifying my attempts to recruit young people, the significant risk of including under 18’s into my sample, and the ethical safeguards I put in place in order to maintain the safety of all participants. Firstly, I was required to obtain DBS clearance, specifically for my research, in order gain clearance to work with and include young people into my overall sample. I discuss 16-18-year-old participants separately to under 16-year-old participants, as I had to enable these two age groups differently, with specific safeguarding techniques.

#### *16-18-year-old participants:*

The voluntary centres I chose to target offer services to people 13+ years of age. They identify that people under the age of 18 require support for victimisation relating to their sexuality or gender; as such, they run youth groups, offer counselling services, and STI tests. Additionally, third party reporting centres are located in various venues in the North East,

such as libraries and voluntary sector charity centres. Hate crime reporting centres work with the police and allow anyone, of any age, to report hate victimisation. Participants from the ages of 16-18 were therefore included in this sample. Yep (2002) highlights that LGBT+ young adults growing up in a heterosexist society often feel that they are ‘not okay’ and are somehow personally flawed. I therefore interviewed 16-18 year olds who utilised public voluntary sector services for sexuality and gender issues. By seeking these services outside of parental control, young people are affirming their identities and seeking the support they need for gender and sexuality issues, autonomously. Under Article 11 of the European Convention on Human Rights (1950: 11-12):

‘1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.’

Article 11 enables LGBT+ youth services to accept and provide service to any LGBT+ person outside of parental consent, as all individuals are free to associate themselves with any group of their choosing. Likewise, this enables young people to seek out, attend, and associate themselves with LGBT+ services external to parental wishes. Further, this allows hate crime support agencies to provide services to LGBT+ youth without outing them to their parents. Outing potentially places LGBT+ people at risk of homophobia, biphobia, or transphobia within the home.

As third sector services do not require parental consent for the reasons highlighted above, parental consent was not sought in this research. This was to avoid ‘outing’ undisclosed identities to the young person’s parents. Outing participants as gay, lesbian, bisexual, or transgender may place them at significant risk, enhance their vulnerability to parents, and

break confidentiality policies, which many of the organisations involved in this research adhere. It was not in the nature of this study to reveal information that young people had not disclosed to their parents. Participants' identities; how they reveal and present their identities, were prioritised and respected in this research.

However, I acknowledged that 16-18 year olds were particularly vulnerable. As a precaution, youth workers who provide the specific services for these users acted as official gatekeepers in lieu of parents, to avoid exposing my participants' identities. I provided consent forms (appendix B) to service workers, who had to give their consent, alongside the 16-18-year-old. Before consent was obtained, an information sheet was given, to both the service worker and the 16-18-year-old. Signposting, in the form of helpline websites and information provided to these participants to ensure that they knew where they could seek further help.

According to the Northumbria University Research Ethics and Governance Handbook (2014-15: 22):

‘As a rule, Northumbria University states that collecting personal data from anyone under 18 should only be done with the permission of the individual’s parents. However, the University recognises that it is not always possible to conduct research with youngsters where they may not wish their parents to know that are taking part (for example, projects involving underage smokers).’

However, it also states:

‘The Data Protection Act (1998) states that collecting personal information from anyone under the age of 18 does not always require the consent of parents or guardians if the child is deemed capable of understanding fully what is being asked of them.

There is no set age under the Act as to when someone is ‘old enough to understand’ so this may need to be assessed on a case-by-case basis. When someone is deemed old enough to understand what is being asked of them and provide their own consent, parents or guardians are not authorised to give it on their behalf. Where they are not capable of giving consent themselves, parents or guardians must be consulted.

Projects which require the collection of data from persons who are under 18 without the parents’ permission or knowledge should make this clear in their proposal when it is submitted to the Ethics Committee - data collection should not proceed without the Committee’s approval.’

I therefore assessed, alongside youth workers employed in each organisation, the appropriateness of all participants under the age of 18 taking part. Discussions with youth work leaders, who run the youth groups, took place to assess the ability of each young person to consent, and the appropriateness of each young person who wished to take part.

An interview schedule was reviewed under the supervision of service workers in order to make sure all questions were suitable and appropriate for all under 18 year olds. Service workers were also required to sign a form (see appendix C) to indicate that they discussed participation with service users who were under 18 and felt they were suitable for the research.

### ***Under 16's***

Although there were enhanced safeguards put in place to protect 16-18-year-old participants from harm, I implemented further enhancements for under 16's. People who are 13-15 currently use LGBT+ youth services in Newcastle. These young people actively seek LGBT+ public services outside of parental influence. Parental consent is not required to use these services and groups due to Article 11 as outlined above on pages 103-5. They are therefore considered Gillick Competent (NSPCC: 2015) when deciding if a child is mature enough to make a decision, using their own agency, autonomous of parental wishes. All participants under the age of 16 were required to meet the Fraser Guidelines (NSPCC: 2015). The Fraser Guidelines discuss giving contraception to sexually active under 16 year olds, and state 'that he [the doctor] cannot persuade her to inform her parents or to allow him to inform the parents that she is seeking contraceptive advice; that she is very likely to continue having sexual intercourse with or without contraceptive treatment.' I neither forced nor persuaded the participants in this sample to inform their parents of their activities. This would put

significant pressure on the service user, place them at significant risk if they have not already disclosed their identity, and break confidentiality.

Further, most services offering support to young LGB individuals for abuse surrounding their sexuality is located within the voluntary sector. Under 16's were therefore included in this research to highlight this hidden view of hate crime. Morris, Hegarty, and Humphreys (2011) argue that involving under 16's in sensitive research such as violence and victimisation helps to raise unacknowledged voices to the front of research and inform adult-centric policies and initiatives. In short, to positively impact young people, you have to listen to and research young people.

Voluntary sector organisations in this research identified a social need to include under 16's in their services, to support them and discuss their issues with gender and sexuality. Currently, formal services begin assessments and treatment of gender dysphoric and transgender people once they are 18. Tavistock, located in Leeds, is the only gender identity clinic (GIC) to cater to trans individuals (16-18). Many NHS and private health trusts do not allow appointments for transgender people under the age of 16, and in some cases 17. Thus, there was a specific need to include third sector service users under the age of 16 in order to understand victimisation for sexual orientation and gender identity. This is particularly relevant when there is strong psychological evidence suggesting high level of dysphoria among trans children (see Zucker, 2005) with no formal outlet for them to discuss their feelings and experiences. Allowing participants under 16 to participate provides a contemporary understanding of hate victimisation in institutions such as schools, the home, and in young social groups. Inclusion into this research allowed for an understanding of the hidden victimisation experienced by young people which formal services may be unaware. Additionally, it empowered young people to voice and make sense of their experiences within a supportive environment (Solberg, 2014) that they themselves were familiar with.

Using voluntary sector services which cater to sexuality and gender issues, affirms that they have understood they are having difficulties with their sexual or gender identity by actively seeking service help. I anonymised all data, in all research outputs. As an additional method of empowerment, I gave all young people the option to invent and choose their pseudonyms. As a method of anonymisation, this was particularly useful for trans people, who were passionate about being recognised as their chosen name as opposed to their birth name.

To fulfil all safeguarding mechanisms in relation to adequately informing young people, an easy read information sheet (appendix D) was given to under 16's in order to ensure consent was fully informed. Both participant and service worker, in lieu of a parent, were required to sign the consent forms. As an extra layer of protection I interviewed under 16's for a shorter period of time with a person over the age of 18 whom they trust, such as a service worker, sitting in on the interview. It was made clear to this person that they were to support the participant, safeguard them (acting as an appropriate adult), and pay close attention to the interview relationship. Before the interview commenced I provided participants with a copy of an interview schedule so that they were aware of the types of questions the interview would contain. They were then asked if there was anything that they did not wish to discuss in the interview. This gave them an additional opportunity to withdraw their consent or disclose anything they did not wish to be asked.

All interviews where an appropriate adult or gatekeeper attended were finalised with a brief session without the presence of the researcher. This provided an opportunity for the service user and gatekeeper to discuss the interview and any issues highlighted could be identified. No issues, to my knowledge, were identified. However, this gave the gatekeeper an opportunity to be able to immediately signpost and support the service user if an issue arose.

With all this in place, ethical clearance was granted by Northumbria University at Newcastle and I could begin recruiting participants. I will now detail the sampling methods utilised to recruit participants into my research.

### ***Sampling***

I triangulated three methods of sampling.

#### ***1: Convenience-Snowball Sampling:***

As the first prong to my sampling triangulation, I used a convenience snowball method. Gray (2014: 223) describes that ‘with this approach, the researcher identifies a small number of subjects, who, in turn, identify others in the population.’ The snowball method was a technique underpinning all of the sampling methods I utilised. Every time I interviewed a participant I asked if they knew of anyone else who would be interested in taking part in my research. I used this as a springboard to gather introductory participants who would then guide me to other potential participants. Swann and Anastas (2009) sustain that there is a long tradition of using snowball sampling to recruit ‘hard to reach’ populations, such as LGBT+ individuals. When conducting community research, snowball methods provide a picture of the community networks’ which ‘hard to reach’ populations utilise for liaison. Specifically, for the LGBT+ world, this community is characterised by having ‘many overlapping social circles and networks, and it had a variety of distinct subpopulations’ (Gorman, 2009: 322). Snowballing proved particularly useful as it made possible communication of the research to be transmitted across various sectors of the community, allowing people outside of my direct contacts to participate. Indeed, snowballing ‘requires the researcher to be actively involved in

developing and controlling the sample's initiation, progress and termination' (Gray, 2014: 223).

It was through this sampling method that access to the criminal justice sector was achieved. As highlighted in the introduction to this Chapter, I am an outsider to the police yet an insider to the community the police want to support and liaise with. I occupied the paradoxical space in between insider and outsider (Dwyer and Buckle, 2009). By using my existing connections to voluntary sector workers, I was able to request that they put me in contact with LGBT+ liaison officers. Liaison officers wanted to liaise with LGBT+ community members like myself, despite officers' identities overall not being LGBT+. I wanted to liaise with the police despite being an outsider to the police workforce. Thus throughout sampling the criminal justice cohort via snowball, both myself and my participants met each other within the insider outsider space.

## ***2: Purposive Sampling:***

By placing my research questions at the heart of my sampling strategy, I identified that a purposive sampling method would be the most beneficial as it permitted me to target specific populations. I used a purposive sample to target three specific cohorts in order to achieve a community layered representation of LGBT+ hate crime. Whilst there are several different styles of purposive sampling, the style I adopted was unfixed and flexible, what Bryman (2016) refers to as a sequential approach. This differs from non-sequential approaches where sampling groups are established and fixed from the outset. A purposive sample with a sequential approach is an organic process that evolves as the research deepens. Researchers usually begin with an initial sample and then gradually add to the sample.

For example, during the planning of this research I did not seek to investigate the experiences of under 18 LGBT+ people. Additionally, I only originally intended to interview police officers rather than criminal justice workers. However, as the research evolved participants within those cohorts offered valuable perspectives about who they went to for support, who had the most up to date knowledge in the area of hate crime, and who worked with the LGBT+ community around these issues. As these perspectives offered valuable insights that were in line with my research questions, I snowballed these participants into my overall sample.

### ***3. Time-space Sampling:***

LGBT+ people traditionally congregate in particular venues to form various micro-communities, such as LGBT+ youth groups, student groups, and activist groups. I therefore developed a venue-based targeting sample. According to Muhib, et al., (2001: 217):

‘Time-space sampling methods provide an alternative to traditional probability and non-probability sampling methods. TSS techniques seek to recruit respondents in places and at times where they would reasonably be expected to gather and to ask them about their experiences within the place or space.’

In line with Muhib, et al., (2001) work on venue sampling methods for ‘hard to reach’ populations, my research targeted several different LGBT+ youth groups and student groups over the North East. The youth groups and social groups I targeted were held at specific venues every week. Many LGBT+ student societies exist, as a social space, on Facebook. These online spaces or ‘venues’ were easier to target due to them being accessible via a simple Facebook search and a request for membership.

Further, a time-space sampling (TSS) method affords convenient access, which enables researchers to target specific LGBT+ spaces. This method is not ethnographic in nature as it is not to observe and note the activities occurring in the targeted space. For the purpose of my

research, it was to screen, with the support of service workers, for potential participants. A TSS method proved very useful as it warranted for me, as a researcher, to go along to weekly youth and community group gatherings and introduce myself, introduce the research, and recruit interested participants. There were often crossovers between student societies and LGBT+ youth and community groups as, occasionally, service users who were above 18 years old were also university students, and university students were occasionally service workers. Many of the voluntary services liaise with the police and the criminal justice system, therefore service workers were able to snowball LGBT+ liaison officers into the research in order to form a third sample group. This sampling approach also shaped where the interviews were conducted. I targeted the specific venues where LGBT+ people socialised. I therefore interviewed them in that very space.

### ***Sampling Limitations***

A limitation of this triangulation method was the lack of discreteness between each of the sample groups, which made the sampling method often fluid and at times precarious. However, this was outside my control as each sample cohort interacted, liaised, and fed into each other. Comparatively, this demonstrated a multi-layered community that LGBT+ people often negotiated and navigated. Despite this lack of discreteness, the sampling method highlighted the community networks between student, youth and community, and police microcosms. Further, a combination of time-space, snowball-convenience, and purposive sampling methods demonstrated how various sectors of the LGBT+ community interacted, implementing access into hard to reach groups, in particular young LGBT+ people. The sampling methods utilised empowered me to align, albeit crudely, participants with three sample cohorts, as demonstrated in Figure 4.1, in order to gain qualitative data.

## *Interview Style*

Previous studies on LGBT+ populations have used interview methods, however Meyer (2010) identifies that these have often adopted a very structured approach to conducting interviews. Successful use of structured interviews has traditionally allowed for larger sample sizes, which is numerically advantageous. However, they limit the participants' agency to construct their own narratives and take ownership of the words they use. In line with Meyer (2010), I chose a less rigid and more flexible approach, adopting the semi-structured interview format to collect qualitative data from participants. 32 were collected in total. Semi-structured formats allowed for a fuller engagement and for the participants to take control of the topics they wished to expand on and explore further. Allowing participants agency during the interview process enabled me to understand the world from their point of view (Kvale, 2007) based on their identities; including how they constructed meanings and how they understood their positionality and social location. Indeed, one participant (Stuart) spent a large portion of the interview discussing his liberal religious upbringing and political ideologies, another (Charlie) spent a large part of his interview discussing the first time he had sex, and several young people (such as Sho) kept referring to their desire to drink alcohol. Much of this was irrelevant to the questions I asked and at times, to my chagrin, it was difficult to keep some participants on the topic at hand. However, these issues were clearly important to them, their personalities, and their worldview, which would not have been captured without the flexible interview style I adopted.

My philosophy behind the interviews was to have 'a conversation with a purpose.' Kvale and Brinkmann (2009) argue there are many different conversations people have with each other, such as in everyday life, in literature, and in specific professions. Additionally, there are

certain types of conversations that contain language inaccessible to people outside of specific professions or fields, such as medical terminology and academic discourses. All of these ‘genres’ of conversation have different rules and are sustained using different techniques. The interview I adopted in my research was an active and purposeful conversation (Kvale, 2007) geared towards my participants’ lives, experiences, narratives, and interpretations of hate crime. This conversational approach proved particularly useful when interviewing young people as it gave them agency to sketch and narrate their hate crime experiences, something that they had minimal opportunity to do previously.

Though I adopted a loose format, I nevertheless felt that it was important to have an interview guide in order to prompt the interview so that I could keep track of the conversation and steer the direction (the purpose) towards that of hate crime. I designed a loose interview guide for each cohort (see appendix E for example) in order to steer the general conversation towards each of my research questions. For example, the police cohort had an interview guide that specifically asked about their policing experiences and occupational knowledge of the LGBT+ community. This guide would not have been appropriate for LGBT+ people who were not police officers and who had intimate knowledge, via their own experiences, of the LGBT+ community.

The interview process was specifically designed with flexibility in mind however so that participants could construct and define for themselves what they determined as ‘hate crime’. This proved particularly useful as several participants disclosed that bullying and violence occurred in intimate, familial, and kin contexts, something that other participants did not define as hate crime. Thus, a diversity of narratives was captured by providing participants the flexibility to self-define their own experiences of violence and harm. This also allowed interview questions to be adapted depending on how participants responded to the questions asked. Gray (2014) notes that due to the complexities of narratives when interviewing, new

issues and ‘surprises’ arise that are not anticipated at the start of interviews. Further, it enables the research to remain topical by allowing participants to discuss their current and ongoing experiences.

In the latter stages of the data collection process, a mass, terrorist hate crime targeting LGBT+ people occurred in Orlando (see Chapters 1 and 2); the worst mass killing of LGBT+ people since the Holocaust. This had a profound effect on many in the LGBT+ community, including myself. Questions were added and adapted, in order to give participants the opportunity to discuss how the shooting in Orlando shaped their understanding of hate crime. Thus, the theoretical remit of the research shifted slightly, to include mass hate killings such as Orlando. If I did not account for methodological flexibility, this research would not have remained topical or relevant to present LGBT+ hate issues.

I used a Dictaphone, with the consent of my participants, to audio-record the interview and capture participants’ voices. Robson and McCartan (2016) believe that interviews demand particular emphasis on the social interaction between respondent and participant, which most people experience through ordinary conversations, such as turn-taking, listening, expressing ideas etc. Therefore, the entire interview, especially when sensitive subjects and themes are discussed, should be a comfortable experience. I constructed the interview in three parts: the head, the main body, and the tail end. The head i.e. the beginning of the interview, I asked questions not related to my research, such as ‘Can you tell me about your day?’, ‘what do you do for work?’, ‘what is a typical day in your life like?’ in order to get participants used to talking within the parameters of an interview.

Once the participant felt comfortable, I then asked them the main body of the interview, gently leading into discussions about their hate crime experiences. This, from a researcher position, was the useful information/data the interview was designed to retrieve. Sue, who

was an LGBT+ youth worker, related to my style of interviewing in such a way that when discussing her own identity and her insecurities over facing criticism about her identity remarked that ‘You’re probably [the researcher] the first person that I have mentioned it to for years and years and years’. I interpreted this as; my methodological approach gave her the opportunity to discuss issues she had not discussed with anyone for a long time. Although not directly relevant to the topic I was discussing with her at the time, this interaction would not have been captured without the interview method.

Experiences of victimisation, in general, are sensitive discussions. Sensitive topics were therefore discussed during the main body of the interview, which gave people the space to articulate their narratives. A time at the end was then set aside to bring the interview gradually to an end in a more positive way. This is the tail end of the interview, where I asked casual questions such as ‘how are you feeling?’, ‘what are your plans after this interview?’, ‘are you doing anything nice for the rest of the day?’ The tail and head processes of the interview created a sense of personality and familiarity, framing the interview as informal. This was far more desirable than more formal, structured interviews, such as job interviews for example, due to the sensitive populations and samples targeted. Particularly when collecting data from young people, this strategy proved extremely useful as it familiarised them with answering questions and being audio recorded.

Hate crime research immediately highlights the sensitive nature of these interviews. Hydén (2008) distinguishes sensitivity by an event or a topic. A sensitive *event* is something which you experience that is sensitive or traumatic. A sensitive *topic* is something that appears in discussion, which is often discursively handled. Discourse of a sensitive topic can have the ability to form a traumatic or sensitive event by re-traumatising the traumatised, however “such talk can just as well have the potential to heal” (Hydén, 2008: 123). Sensitivity and trauma are often discussed within the confines of ethics. It is important to recognise however

that interviewing around sensitive topics and asking participants to disclose and narrate their personal, sensitive experiences form the foundation for the style and type of interview style. Employing a head, main body, and tail end strategy of interviewing took into account both the discursive and psychical space that the interview embedded. As highlighted in Chapter 3, hate crime, homophobia, transphobia, biphobia can have significant injurious effects on the psyche. The style of interview I adopted was framed, methodologically, as a purposeful conversation rather than a circular question-response standard interview style. I was guiding the interview towards my research questions throughout, however I allowed room for informal conversations in order to get to know my participants and get a feel for their personalities and stories. This was to create a space best suited for catharsis and elicit the psychical impact participants discussed without retraumatising them.

Further, the question-answer, stimulus-response, interview style was not best suited to this particular type of research as the interviews I conducted were essentially untold stories. In the case of interviewing young people about their hate crime experiences, these are generationally untold stories. My model for interviewing was better suited to elicit these stories due to the personalised and meaningful nature of the interview process.

### ***Place of Interview***

Rust (2009) notes that data collection methods are intimately tied to recruitment and sampling methods. For example, if one recruits participants online then an online questionnaire would be the most sensible method to collect data. My sample groups were targeted and snowballed using a 3-way sampling method. As I utilised a TSS method as a part of this (Muhib, et al., 2001) it was sensible to conduct interviews in the spaces that were familiar to participants. I was lucky enough to be able to conduct interviews in those spaces

that each sample group utilised. Service users and workers were interviewed in the organisations they used, students were interviewed on their university campus, and police officers were interviewed in their police stations and offices. This ensured that these spaces were safe and familiar for the participants. It did not however ensure that these spaces were familiar to myself.

Conducting interviews in a police station with a police officer I had just met was initially uncomfortable, as a researcher, as it was unfamiliar territory. The police however were very comfortable in these habitats which may have influenced how open they were about their experiences during the interview process. Fortunately, all of the police officers that I interviewed in their workplace offered me cups of tea and biscuits, ensuring that I was relaxed and at ease. Interestingly, they did not seem suspicious of me in this setting. However, two police officers who were the only ones I interviewed on the university campus asked to view my interview schedule before committing to the interview.

Sin (2003) identifies the socio-spatial aspect of conducting interviews.

‘Interviews are, at least in part, structured by the spatial context in which they are conducted. At the same time, the production of information through the interactional interview can affect the experience and understanding of the socio-spatiality of the interview site.’ (Sin, 2003: 306).

Arguably, the interview ‘site’ can reveal specific ways in which participants construct and perform their identities. For example, interviewing police officers in their workplace can reveal how they specifically construct and negotiate their policing/workplace identity. Many of my non-policing participants utilised their familiar spaces, where the interviews were conducted to also: seek support, carry out their work, study etc. The socio-location of the interview site was significant when gathering data and generating knowledge as the spaces participants are familiar and unfamiliar with shape power dynamics of the interview process.

The meanings and symbolisms attached to these spaces for participants, particularly those who utilised them as spaces of safety, cannot be overlooked.

### *North East Pride Survey*

A corollary of my initial qualitative responses, I was inspired to conduct a quantitative survey. During the course of interviewing my participants noted that they experienced hate crime in LGBT+ spaces. Despite many similarities, participants had varying different interpretations of what hate crime was. This presented several challenges. Firstly, as noted by Bowleg (2008) identity is incredibly difficult if not impossible to measure. It was not my aim to accurately measure identity in terms of its fluidity or construction. Rather, I was tempted to explore the statistical significance of how identity groups – lesbian, gay, bisexual, trans – defined specific acts of hate crime and where they were more likely to experience them. For example, were trans people more likely than cis people to say that misgendering was a hate crime? and were they more likely to experience hate in LGBT+ spaces?

I designed the survey with a series of 11 questions. The first five were self declaration spaces where participants could outline their identities (age, gender, sexuality, ethnic identity, and religious (or non) affiliation). Following this the survey set out to establish three broad themes using 6 further questions, of which are summarised in Table 4.4. Although not an accurate science in defining hate crime, or an exhaustive list of where hate crime is experienced, these are broad enough to cover a general idea of how LGBT+ people define and experience hate crime based on the initial responses in my interviews.

Defining LGBT+ Hate Crime	Verbal abuse, bullying, misgendering, intimidation, physical abuse, looks in the street
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Experiencing hate crime and the location	Yes/No Home, LGBT+ spaces, work, public, online, school/university
Reporting to the police	Always, on some occasions, no. Would or wouldn't report if perpetrator was sent on a training course Do the police take LGBT+ hate crime seriously – Yes/No

**Table 4.4: Survey Themes**

I chose to sample, initially, a North East pride event using a paper format of the survey where I gathered 140 responses. Corliss, et al. (2009) argue that population based surveys are useful as they generate representative data from the populations they are targeting. However, I was not confident, due to my inner knowledge of the LGBT community that Pride would represent the diversity of the LGBT community nor that every identity under the LGBT+ banner would be present. Thus, I replicated the survey to an online platform called Bristol Online Survey and distributed it across queer online groups, primarily utilising Facebook and Twitter. In each message I posted to these groups, I included a footnote asking for it to be circulated amongst people's contacts. From this, I gathered a further 102 responses, totalling 242 overall responses. The claims made by my survey are not generalisable due to the limited number of people who participated. However, the sample size of 242 responses is reasonable enough to make statistical significance of my interview data. I uploaded and coded my data into SPSS.

I faced several challenges and obstacles whilst conducting a survey and interviews. I now turn to reflect on my time in the field and the unexpected 'surprises' that challenged the research process.

### *Tales from the field*

Throughout my time in the field, several hurdles and unexpected obstacles occurred. Circumstantially, these transpired mostly when interviewing young people. For instance, with the help of a youth worker, I organised interviews with three young people on one particular day. The youth worker conveniently had driven them from their houses to the youth centre, where I was to conduct the interviews. One young person, who was 19 at the time, had gone drinking the night before. Naturally, he was extremely hungover on the day of interview. After completing the first two interviews I went to collect the young person who I found face down, spread eagle across the laminate flooring which he remarked ‘feels so nice because it is cold.’ At this point I realised it was inappropriate to interview him so made him a cup of tea and let the youth worker drive him back home to recover.

Safeguarding was a priority throughout in order for the research to be as sensitive and ethically sound for young people to participate. When interviewing Alicia, an 18-year-old pansexual cis woman, she disclosed that she had been ‘looking into going into a shelter’ due to the homophobia, she experienced from her parents. Although an adult, she was a person using LGBT+ youth services for support. After the interview, I informed her that I would have to talk to her youth worker about her plans to leave home and live in a homeless shelter. This facilitated a discussion between myself, Alicia, and her youth worker about the best options of leaving home, which included leaving home to go to university or staying with friends. Involving her in this conversation did not betray her confidence but provided the means for safeguarding procedures to be put in place, empowering her to make informed decisions. Without interviewing Alicia about her experiences, her plans to leave home and go

to a homeless shelter may have gone undiscovered. Although her narrative was essential and relevant to my research questions it was also essential to her safety and protection.

An unforeseen situation occurred when I arranged to meet Sunshine, a 22 non-binary student, for an interview. As a non-binary person Sunshine feels ‘uncomfortable when people refer to me as a man although I still don’t correct them because I’m still kind of working through that and working through my identity.’ Sunshine uses they/them pronouns rather than he/him or she/her. Sunshine previously identified as a gay man and was only in the early stages of exploring non-binary identity when first interviewed. On some days, they presented femme, wore longhaired wigs, make up, and dresses. On the day that I interviewed them, they wore a blond wig with makeup and a dress. As a student at the same university as myself the interview took place in a university space familiar to them. We also shared the same department and agreed to meet in our university department building. I invited them into the department’s staff room for a coffee and a brief chat prior to the interview, which they enthusiastically agreed to. Unexpectedly there were many people in the staff room. This panicked Sunshine who was wary of the reactions their femme gender presentation may provoke. I had to find a private room with tea and coffee facilities in order to accommodate for a shift in Sunshine’s needs and emotions. Sensitivity and understanding, outside of the parameters of the interview setting, was required to ensure the needs of my participants were maintained and adapted.

### ***Processing and Analysing the Data***

Analysis of my qualitative data required a methodical and systematic strategy. Although it is possible to be strategic, no rigid structure or science exists for qualitative analysis which researchers’ can equip. Qualitative research does not offer a standardised magical tool that

researchers' can put in their arsenal on their quest for meaning. Rather, the researcher is a 'craftsman (*sic*)' reflexively engaging with their data in order to construct and interpret meaning (Kvale, 2007: 103). The tools equipped to analyse do not give meaning by themselves; meaning comes from the one who applies these tools to data *a posteriori*. Kvale and Brinkmann (2009) acknowledge that 'true' or 'real' meaning infers that there is some objective truth, undiscovered, uncontaminated, waiting to be mined and dug up by researchers. In line with my ontological and epistemological persuasions, I embraced the subjectivity of this research and situated my own reflexivity as a process of meaning. My role in ascribing and discovering meaning in my data therefore required a critical, self-reflexive, and overarching practice throughout all stages of this research.

I decided therefore, in the tradition of queer and feminist qualitative research to adopt a thematic, analytical approach. Harding (2013: 6) defines a theme as 'an idea that can be seen running through several responses'. Looking for broad areas of similar or differential themes risks removing the finer detail of responses and relies on the subjective interpretation of the researcher. However, it provides a method of linking diverse or juxtaposing experiences together through 'codes' (Bryman, 2016) and helps to form and situate them within broader thematic ideas or concepts. Further, it enables the researcher to examine links and relationships with their data, helping them to understand how different parts of their analysis sit together side by side or contrast in polarity (Harding, 2013). As I sampled a diverse range of people and sought an intersectional epistemology, interpreting my data using a thematic mode of analysis allowed me to organise the subjective experiences of my participants into clear and concise patterns. The following are the steps I took from the precursory beginnings of this research, up until its completion.

### *Literature*

Initially, as a queer person, I had a specific and personal interest in LGBT+ people, the oppression they face, and the victimisations they can experience. However, a thorough review of the criminological literature deductively informed the aims and later analysis of this research. Acknowledging the fissures in hate crime scholarship allowed me to direct the course of this research. In turn, my interview questions were guided by these gaps in the literature. The overall themes arising, from a critical review of the literature shaped my analytical framework and interpretations.

### *Interviewing*

Situated within an unfixed framework, the interactional process of the interview informed many of the themes that came through in my data. Of course, I steered the interviews based on my extensive reading of the literature, however, listening and probing were key tools to allow respondents to clarify or deepen my understanding of the themes/ideas they discussed. I have highlighted throughout this chapter that my epistemological leanings, my positionality, and the fluidity of the research to remain topical, allowed me to adapt questions based on how participants responded. Deductive in nature, this process helped form and solidify new themes as the interviews accumulated and progressed. For example, participants began to disclose that they experienced LGBT hatred within LGBT spaces. I then probed further in this area to understand why this was the case. Ideas and themes such as internalised homophobia and transphobia emerged as explanations. These probed findings were the impetus to carry out a quasi-online survey, the purpose of which was to gain statistical significance of these responses, outside of my initial sample.

### *Transcribing*

I audio recorded all interviews using a digital recorder (a Dictaphone) so that I was free to immerse myself fully in the interview conversation, rather than becoming distracted by making notes. In line with my epistemological position, I chose to engage, actively, in full with participants. I felt that a notebook and pen would create a barrier between participants and myself, and limit my observation of how they expressed their body language and articulated their emotions throughout the interview. I used these recordings to transcribe, in full, all of the interviews collected. Given that most interviews were 1 hour and 30 minutes long on average, and there were 33 of these in total, it was a long and often tedious process. Originally I began transcribing immediately after the interview, however on the occasions that I had 3-4 interviews in a week, sometimes 3 in one day, it was impossible to keep up transcribing in full at this pace and find time to sleep! Thus, there were periods where I collected several interviews that needed transcribing. At one point, I had 8 interviews collected, ready to transcribe; a daunting task. When I transcribed interviews in full, the person who I had interviewed was not fresh in my mind. Arguably, this may be a weakness in the analytical process, due to the lack of familiarity with individual transcripts. However, I did not find this limiting as it allowed me to re-familiarise myself with several transcripts at the same time, enabling me to discover the broad similarities and differences between them, with relative ease.

Wengraf (2001) recommends that whilst transcribing, researchers should make notes throughout in order to take full advantage of the experiences and ideas stimulated by rehearsing the interview. Indeed, I kept a methodology journal throughout this process and added to this when transcribing. During each transcription, I chose brief intervals to collect my thoughts and make notes on which areas of my literature linked. These notes did not form a theoretical masterpiece that would shape the tectonic plates of academic scholarship; rather they were my own private jottings that were trying to make sense of ‘what is this all about?’

Once all transcripts were complete, I separated each by sample cohort and had them bound together in a complete book with a wide paper margin so that I could write codes as I annotated the document. This totalled 268 pages' worth of data. Binding them in a book was primarily useful as my transcripts had an organised and professional aesthetic. It also allowed for an easier analytical process as I did not have 33 separate paper documents to cross-reference when trying to establish thematic similarities and differences.

### *Coding*

Coding each individual transcript was the easiest task in this process. I began manually writing key words in the margin of each transcript. These words would have made little sense to anyone else, as for the most part, they seemed to be my own individual hieroglyphs decipherable only to me. Sometimes these codes were words that participants themselves used, for example whenever a person mentioned reporting hate crime I would simply write the code 'reporting' next to the dialogue. Circling key phrases and coding these allowed me to begin thinking holistically about my data as a whole. Charmaz (2006) theorises that coding is an individual process of separating, selecting, and organising data. There is no scientific recipe for how one engages with this process. Broadly however this initial step allows the researcher to identify overarching categories, which the themes can fall under or be organised together. I organised my codes into 5 overarching categories which I colour coded. I then separated the thematic categories by cohort, so that I could manage my data more easily.

## Student Theme Framework

Identity	Policing	Hate Crime	Violence & Social Harm	Place & Space
Identity	Reporting	Definitions of hate crime	Victimisation	Geography
Identity – self policing	Perception of police	Hate experiences	Vulnerability	Culture
Identity - negotiation	Police responses	Hate – verbal	Social Structure	Religion
Age		Hate - impact	Language	Home/Family
Visibility		Sexual Violence	Background violence	Army
		Orlando	Internalised phobia	Public
			Homophobia	LGBT Society
			Normalisation	Safe spaces
				Education
				Social media
				LGBT Spaces
				School

**Table 4.5: Student Theme Framework**

Table 4.5 shows an example theme framework that I developed for each sample cohort. Each cohort framework looked approximately the same as they all discussed very similar themes. However, the criminal justice cohort often spoke about how they as a system responded to hate crime, and what support they provided for people who experienced hate. I therefore added a 6<sup>th</sup> category entitled ‘Responses’ which was specific to the Criminal Justice Theme Framework. From this, I developed a coding framework for each sample cohort. This comprised of a table, where each code, categorised by thematic colour to reflect my theme framework (above), matched with which participants discussed topics relating to that code. These codes were then followed by an appropriate quote. Table 4.6 illustrates this:

Code	Participant	Quote
Identity	Arin, Charlie, Deena, Jeremiah, Sunshine	
Identity – self policing	Arin, Charlie, Deena, Stuart, Sunshine	Stuart - "I think it is more preventing myself from feeling like a victim. Like it probably won't happen if I walk past someone holding my hand but you know - and <sup>and</sup> it wouldn't happen in six out of ten cases. I'm not willing to take that risk so it is more like preventing myself from being a victim and actually feeling like I am a victim. And I wouldn't want to feel or think of myself like I am a victim and that's probably why I don't hold hands with my boyfriend. I don't want to be the Victim because it makes you feel weak and I have had enough of that already."
Identity – negotiation	Charlie, Deena, Jamie, Jeremiah, Stuart, Sunshine	Sunshine – "I feel uncomfortable when people refer to me as a man although I still don't correct people because I'm still kind of working through that and working through my identity. Like at university I feel that I can wear hair and make-up if I want to. But if I am going to find a full time job next year I think will that not jeopardize my chances of getting an interview. So, like in those instances and in that respect maybe my non binary identity I like to keep hidden."
Age	Charlie	
Visibility	Arin, Sunshine	
Reporting	Arin, Jamie, Deena, Jeremiah, Stuart, Sunshine	Jeremiah – "Interviewer. And would you report any of your experiences to the police.  Interviewee. No. If I was attacked and hospitalized then yes. And I do think it is really important to do it but equally I have been on the side of people who report it and have been forced in a courtroom with the person that has attacked and raped them and everything else. And despite saying that they didn't want to do that and you know even doing it on a video link no one believes them. And I have been and held the hand of someone who has basically reported a rape crime whilst they have been in a hospital gown whilst the police have basically said it didn't happen. So, I think it would depend massively on that situation depending on whether or not I would report it to the police."  Stuart – "If I was physically assaulted and knew it was because of that then I would probably report it if there was any doubt that. What's homophobic I probably wouldn't unless like obviously it broke my leg then I would but say if I was just punched me I probably wouldn't? But if someone was to attack me or even heavily verbally and it was to stop me from going about my day then I would report that. I didn't report the guy that was following me just because it's a lot of hassle you know because you can't just brush it off which is just what I

**Table 4.6: Coding Framework**

I chose to organise my codes in this way so that I could identify which and how many participants related to this code, permitting me to claim which themes were the most dominant. It also allowed me to organise and link the most appropriate quote from the dataset as accurate examples to the analysis I provide. Additionally, this provided the basis for formatting my finding chapters. As I had a variety of themes to discuss, I agonised over how I would structure my findings and link the broad themes together. Initially I wanted to dedicate a chapter to each cohort. However, this felt too crude and blunt to make sense of what is arguably, a complex sampling and data collection process. I therefore decided to dedicate my first findings chapter to the themes 'Identity' and 'Hate Crime', the second to 'Place and Space' and 'Violence and Social Harm', both of which present data from student and voluntary sector cohorts. The final chapter discusses 'Policing' themes in detail, using

material from all cohorts, whilst predominantly presenting data from the Criminal Justice cohort.

## ***Conclusion***

This chapter has discussed the epistemological and ontological basis grounding this research, and outlined how this has influenced the methodological approach I have taken. The emphasis of queer ontologies and epistemologies have also influenced the rationale and premise of my research questions, shaping how I conducted my fieldwork and recruited participants. The entire process of this research interweaves with queer realities and knowledge. I have also outlined the ethical safeguards and justifications for conducting this type of sensitive research, and in particular, the importance of including young people within this research.

I have discussed the sampling methods used in order to achieve a viable sample and answer my research questions underpinning this research. Further, I have debated the qualitative approach I took in this research whilst outlining how, from my initial interview responses, I opted for a mixed method approach to carry out a quantitative quasi-online survey. The aim of interview data was to provide a snapshot into the inner realities and positionalities of LGBT+ people who participated in this research and their hate experiences. The aim of survey data was to gain statistical significance and context that complimented my interview data, ultimately with the goal of providing a wider representative picture of the LGBT+ community. Together, these aim to gain a community layered understanding of LGBT+ hate crime, including how LGBT+ people negotiate and reconcile the identities for which they were victimised; how they navigate and engage in services which support victimised

experiences; and how LGBT+ people, based on their hate experiences, are involved criminal justice processes.

I now turn to present my findings. The immediate Chapter 5 focuses on the themes of identity and hate crime by examining this intricate relationship in shaping experiences, definitions, and contexts of hate.

## Chapter 5

### **Examining Identity and Hate Experiences**

#### ***Introduction***

Six key themes emerged from my analysis. This chapter will report on two of those themes: *hate crime* and *identity*, and various subthemes within them. The aim is to establish the relationship and relevance of *identity* to *hate crime* experience. Throughout the chapter I will illustrate how participants understood their hate victimisation and what impact this had on their identity. The chapter demonstrates that identity and hate experiences are inseparable; fundamentally, they are fused together. Understanding the relationship between sexuality, gender identity, and hate experiences enables a fuller understanding of the structural systems, such as heteronormativity or cisnormativity oppressing and victimising the participants described throughout. I outlined in Chapter 3 how violence and oppression against LGBT+ people is woven into societal norms, biases, and values (Dragowski, et al., 2011), which on a structural level is ubiquitous. The emerging proposition is that ‘hate’ is both a criminal and non-criminal process of violence motivated and aggravated by identity. This chapter considers how young people (under 18) experience and negotiate their hate experiences with their LGBT+ identity. I argue that ‘hate’ is of a structural origin, that is deeply embedded within the primary institutions of society. Participants negotiate experiences of hate, on a day to day basis and employ daily navigational processes to reconcile their identities with these experiences.

Specifically, this chapter reports on how the participants from North East LGBT+ Student Cohort and Voluntary Sector Cohorts experienced hate crime in relation to their identity. It

touches also on how they reconciled and negotiated those identities. Data from these two cohorts feature here and in Chapter 6, therefore when I refer to participants in this chapter I am referring to the participants from these two cohorts, rather than the overall sample. Chapter 7 will report on findings from the Criminal Justice Cohort and will explicitly explore the criminal justice responses to hate crime. Here I outline how service users from voluntary sector cohorts experience and define hate crime and describe how service workers experience hate, vicariously through their users. Data from the survey also features and highlights the prevalence of hate experiences.

Chapter 4 outlined that the methods I used to recruit my respondents and record their identities, enabled them to self-define their identities. Throughout this chapter, I refer at all times to the identities respondents defined for themselves, including the pronouns (they/them, he/him, she/her) that they utilised. I provide an intersectional understanding of how their identities are rooted in their hate experiences. In doing so the reader may begin to understand, through the narratives presented, the lived experiences of my participants. First I introduce how my participants understood and expressed their LGBT identity.

### ***Identity***

The first dominant theme I will discuss is that of ‘identity’. More specifically, how participants use their identities as social tools to describe, navigate, and negotiate their experiences. They view and experience the world through the lens of their identity, prompting extended discussions around what they understand about their individuality and how important identity is to them. I found that a small minority of participants were actively exploring their identities and questioning their notions of ‘self’. This was found, mainly in participants who had non-cisgender identities and/or identified as non-LGB. For example, I asked Alicia, how she self-identified and how important her identity was to her. She responded:

‘I’m a bit weird at the moment. I’m all over the place, I went through the bi phase because, I like, well I’ve realised that I am attracted to pretty much anything. So I guess I am pansexual. To some degree my identity is important to me but I don’t want people to come and take it all and let that define me.’ **Alicia. 18, pansexual, cis woman.**

Additionally, Miley described how lesbianism was an integral part of their identity, so much so that they had purchased a tattoo to symbolise this lesbianism. However, when speaking about trans identity Miley confessed:

‘I don’t know how attached I am to my trans identity. It is a big part of who I am but I just can’t imagine it being any other way.’ **Miley, 24, lesbian/dyke, genderfluid, non-binary, butch.**

Although a small minority of participants were still questioning, changing, unpicking, and negotiating their identities, all of them described their identities, or parts of their identities, as important to them. Identity for all participants captured who they are as people. Identities play a major part in shaping their lives and their worldviews. For example, Elliot responded:

‘My sexuality I guess is important for me because it has shaped my life heavily especially since I came out. Like I don’t think I would be a fashion student for example because straight men tend to guard their masculinity so much. And I think being gay and out of the closet is quite freeing and I can do that sort of thing. I just don’t think I would be who I was today if I wasn’t gay. A lot of my family aren’t happy with it so I would probably have a better relationship with them if I was straight. I am quite open with myself. I am proud to be who I am and I’m really happy with myself at the moment.’ **Elliot. 18, gay, cis man.**

These discussions with my participants demonstrate their identities as heterogeneous whilst sharing the overarching commonality of queerness. All participants were shaped, specifically by their non-heterosexuality and their trans identities. Further, all participants used their identities as social tools, to negotiate their sociality with others who identified like them. Sho maintained that

‘the majority of my friends are in some way LGBT. I surround myself with people that are LGBT and I use voluntary sector organisations.’ **Sho. 15, gay, non-binary but leaning towards boy/male.**

This particular sample group included a variety of youth, community, and student groups. It is not surprising therefore that all participants were negotiating their identity with their

sociality, to form social groups, regardless of their hate crime experiences. I highlighted in Chapter 3 that identities are part of a person's 'self' and influences their social position within the world. Victimisation of identities can injure the psyche or the self of a person. In keeping with the tradition of queer research I adopted the model of performativity, where gender and sexual identities are understood to be socially constructed and performed. Butler (1990) argues that gender is culturally formed and bound but, through individual agency, is performed as if on stage. There are dominant, hegemonic norms, which constrain gender expectations (Connell, 1995; Connell and Messersmchmidt, 2005) socially informing individuals of the 'correct' way gender 'should' be done (West and Zimmerman, 1987). This has a profound, usually negative effect, on those who deviate away from these expectations. In short, gender is an act of 'doing' rather than 'being'. It consists of the everyday repeated processes that reaffirms our identities and realities. However, as Goffman (1959) sustains, in order for these performances to be embodied, they must be believed by the audience they are being performed to. Gender and sexual identities therefore are a dramaturgical relationship between actor and audience. My participants are experimenting with and performing many different gender expressions and scripts depending on their positionality and social environment. Many of their identities rely upon the attachment they feel to these performances, such as Miley's symbolic recognition as a trans lesbian, through their lesbian tattoo. Further, participants organised themselves socially, around meeting other queer people through student societies, youth groups, and community groups. Their identities were performed, in part, using these community links as spaces of safety to try out these performances.

### ***Hate definitions***

Flowing on from my epistemological leanings outlined in Chapter 4, I am persuaded that identity is central to understanding the experiences of hate crime. As stated above my primary focus in interviews was to understand how participants self-identified and how important their identity was to them. Next I explored what the interviewee understood about hate crime and how they defined it. I therefore prompted all participants by asking how they defined hate crime.

All participants, whilst not having official or scholarly definitions at their disposal had a basic idea of hate crime. They understood, in laypersons terms, what hate crime was and how it manifested. Tahi for example outlined hate crime as:

‘harming people physically or verbally just because they don’t understand the things that other people go through, especially when it is something they can’t control, like orientation, gender expression, race and all that.’ **Tahi. 23, gay, non-binary.**

A minority of participants outlined specifically, extreme forms of hate crime such as murder or physical violence as qualifying as hate crime. However, there was a dominant theme running throughout a large majority of interview data that highlighted participants would only report hate crime if it was extreme. Nevertheless, participants often outlined the importance of intention. It seems that intending to hurt an LGBT person was what constitutes a hate crime. For example, Sunshine defined hate crime as:

‘intentional, like there is a difference to me between hate crime and homophobia because hate crime is intentional and purposeful. You know because people are, people neglect trans people and gay people all the time but when that becomes the intent that that is when it is a hate crime. Homophobia or whatever phobia it is with intent’. **Sunshine. 22, gay, non-binary.**

Sunshine here outlines that homophobia is a structural level act of violence, which, as highlighted by Yep (2002; 2003) has the potential to cause, often unintentional, social harm. Hate crime however, by Sunshine’s definition, is homophobia with the *intent* to do harm. Service workers understood the nuances of official definitions of hate crime much more clearly than service users and students, possibly because they worked within official

frameworks more frequently. This influenced how they themselves understood their own definitions of hate crime. Caroline for example defined hate crime:

‘as anything driven by bigotry, prejudice, or fear of difference, or you know they view difference as being a challenge to them. I mean there is a legal definition of hate crime but I really struggle with the word hate because although it is a very powerful word it is limiting. To me it means something quite extreme. The vast majority of hate crime is driven by social prejudice and cisnormativity/heteronormativity as a mindset.’ **Caroline. 54, pansexual, gender queer, trans woman.**

Further, the large majority of my participants discussed, what I have called, the structural layers of homophobia and transphobia, such as those outlined by Caroline. This brought up themes of social harm and structural violence. I discuss these themes in Chapter 6 in further detail and outline how social structures such patriarchy, heteronormativity, and cisnormativity propagate hate experiences.

For trans participants, misgendering was a significant part of their victimised experiences. Particular emphasis was placed on the intention to misgender. Those who framed misgendering of a trans person as a hate crime felt that accidentally misgendering a trans person, for example accidentally referring to a trans man as a woman, was a simple mistake that could be rectified. However, if this was done on purpose to delegitimise a trans person, its position as a mistake was moved to an experience of hate crime. This can be explained using Goffman’s (1959) theory of performance. Participants felt that people who transphobically misgender, do not believe in their legitimacy as a trans person, their gender performance, and identity. The perpetrator as an audience member during the dramaturgical transaction moves to invalidate the actors’ identity. These actions are rooted in heteronormative and cisnormative power dynamics, where those individuals who are heterosexual and cisgender have large amounts of social power and privilege. This power and privilege originates from the assumptions that heterosexuality and cisgender identity are the hegemonic (dominant) and ‘normal’ performance (Richardson, 1996; McLaughlin, et al.,

2006). Transphobia and homophobia stems from power imbalances within these power structures.

My participants were active agents in shaping their identities. They reflexively create, exaggerate, repair, discard, and understand themselves through the hate experiences directed at their identities. Brown and Toyoki (2013) and Toyoki and Brown (2013) postulate the concept of ‘identity work’ when reporting on the findings of a research project conducted in Helsinki prisons. They found that prisoners actively constructed and ‘worked’ their identities to achieve legitimacy. Their participants focused on legitimate identities such as their roles as fathers, sons, brothers, and husbands over their identities as drug dealers, murderers, gang members. Similarly, my participants are the architects of their own identities and actively construct their own narratives. I found that participants chose to reject the victim label, with the majority arguing that they did not *feel* like a victim. However, they all acknowledge that they had indeed been victimised and define their hate experiences using the typology of victimisation.

Identities here are also self-narratives (Giddens, 1991), allowing participants to reflect on their experiences and express how they negotiated their identities and victimisation. LGBT identities are also stigmatised identities as well as victimised identities. Identity stigmatisation is the process where inferior or deviant quality/status is ascribed, both socially and culturally, to them (Goffman, 1963). These experiences were often dependent upon the geographical and social contexts in which they occurred, such as school, in the home, in public etc. Hate crime experiences usually rippled from the direct event or location in which they occurred, through to the everyday process of social navigation my participants employed. The reporting rate of hate experiences for my participants was also reliant on this social navigation.

Service workers also noted how many of their service users struggle with the definitional complexities of hate crime. The phrase ‘hate crime’, they argued, leads people to think only of direct, acts of violence and physically extreme forms of hate to qualify as a hate crime. Ruth believed that ‘people don’t think of lower level things, you know like being excluded from work or graffiti on the side of the house, you know, as being a hate crime in the same way’ **Ruth. 44, lesbian, cis woman.** Individuals who experience hate often do not perceive that their experience qualifies as warranting criminal justice recording or responses. Previous research has also highlighted this (see Chakraborti and Hardy, 2015). My participants experienced ‘lower level’ forms of hate crime far more frequently than extreme forms, yet on the whole defined only extreme forms as hate crime. Official statistics do not account for unreported instances, which raise serious questions over the prevalence of hate crime in the North East.

*Instances of hate crime and its impact*

From the survey I conducted, out of a sample of 242 LGBT+ people, when asked if they had ever experienced homophobic/biphobic/transphobic hate crime, a staggering 70% responded that they had experienced anti-LGBT+ hate crime. This is evidenced in Table 5.1

**Have you ever experienced homophobic/biphobic/transphobic hate crime?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	3	1.2	1.2	1.2
	Yes	168	69.4	69.7	71.0
	No	70	28.9	29.0	100.0
	Total	241	99.6	100.0	
Missing	System	1	.4		
Total		242	100.0		

**Table 5.1: Percentage of Hate Crime Experiences**

The survey listed 6 types of experience, which participants could self-select as qualifying as a hate crime: verbal abuse, bullying, misgendering, intimidation, physical abuse, and looks in the street.

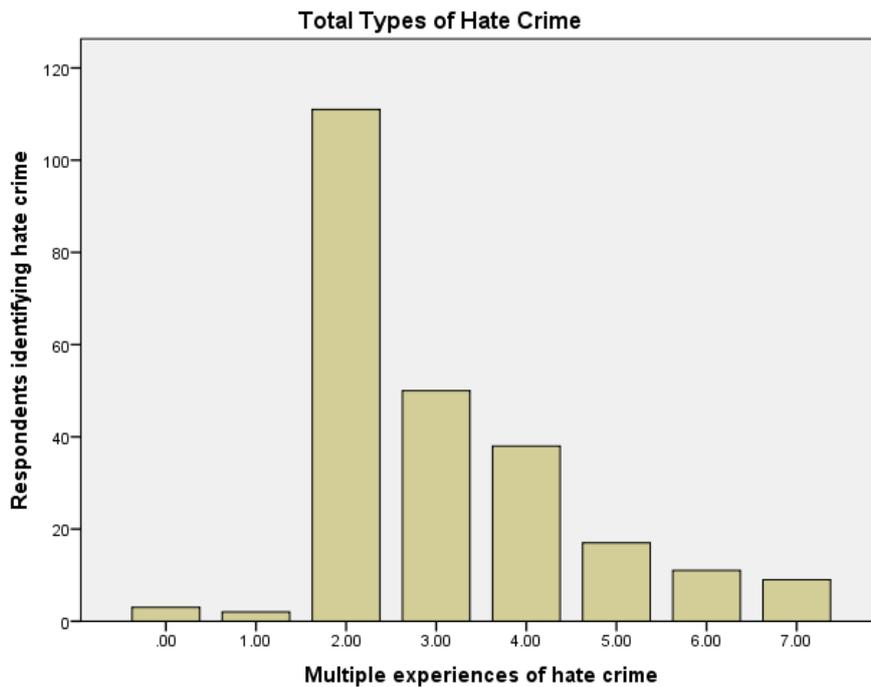
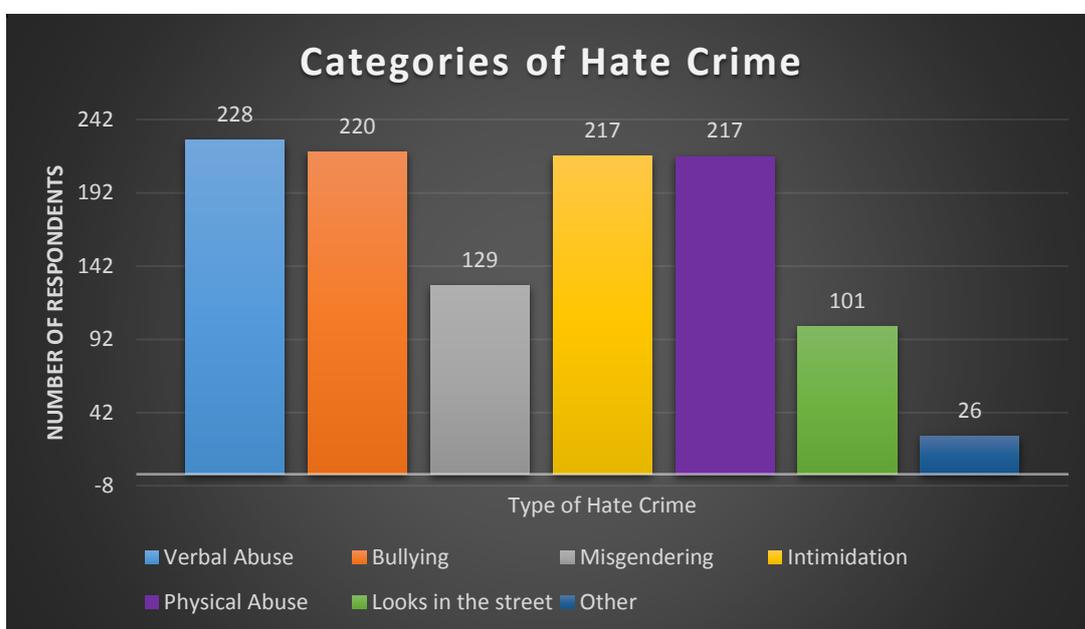


Figure 5:1 Total hate crime experiences

These types do not accurately capture the true picture of hate crime instances for everyone; however, they are broad enough to encompass threats, damage to property, and harassment. It was important for the purposes of the survey to develop categories that most LGBT+ people could recognise and interpret easily. I also allowed for a section entitled ‘Other’ for people to use if they had experienced other forms of hate crime not listed.

Figure 5.1 shows the number of respondents who said they thought the behaviours listed (above) constituted a hate crime. As seen by column 2.00 representing two types of hate crime, 46% of those sampled identified two of the behaviours listed as a hate crime, 21% identified three behaviours as hate crime, and 16% identified four categories. 4% identified all categories as hate crime, including instances that were not listed. Many people clarified that they felt misgendering was only a hate crime suggesting that it is the targeted nature of the offence which turns something into a hate crime. Clearly it is a complex task to understand what a hate crime is. Data derived from interviewed was therefore vital as it allowed for further interrogation and clarification of the survey results. Figure 5.2 on the following page provides the total number of respondents who identified with each category of hate crime.



**Table 5.2: Respondents who identified behaviours listed as a hate crime**

It was common for participants from both respondent groups to have experienced multiple hate crimes. The most common form of hate crime experienced by participants was verbal abuse. For younger participants (14-18) who still lived at home and attended school, this manifested as a regular occurrence in their daily lives. However, participants who were older (19+) were less likely to experience hate crime in their familial and intimate environments, such as their home, as frequently. The context, the place, and the space in which hate crime occurs appears to influence the overall experience. I discuss this in more detail in the Chapter 6. Overall, however, participants cited experiences of public hate crime more than private.

Caroline for example described her many experiences of public hate:

‘I have had physical abuse, violence, verbal abuse walking home with friends from the pub. Individuals walk out and see me and you know start yelling “tranny”. And then there is the you know just casually being looked at like you are a piece of dirt and people staring at you. And they walk away and you know those voices saying “oh that’s fucking disgusting.” **Caroline. 54, pansexual, genderqueer, trans woman.**

Additionally, Darla described an instance of hate discrimination:

“I was going to the shop to get some munchies and the checkout person said to me “I’m not serving one of you” - so I sort of did the Walk of Shame out of the shop with everyone else just stood there. So, I stayed in my flat for about a week, I was too scared to go to lectures. There was another instance when I went out on an organised trans night. And we were in this club and I was with a lot of T girls who were expressing themselves in various different ways. And everyone who was presenting as female was using the ladies’ loos. And there was a very butch woman who started mouthing off at us and telling us that we shouldn’t be in here. You know it was very much *they* shouldn’t be in here which again is kind of crushing.” **Darla. 39, attracted to femininity, trans woman.**

The examples above outline how hate crimes are motivated by a prejudice towards certain identities and manifest in variety of ways, such as discrimination, verbal, and physical abuse.

Although the literature highlights sexuality and transgender identity as protected characteristics (Perry, 2009; Chakraborti and Garland, 2012), describing a person’s identity as a characteristic is not appropriate or fitting to my participants. I have described at length that identities such as sexuality, although are a specific part of a person, are also a part of that

persons psyche; their self. Personal and individual identities have shaped my participants' worldview, how they live their lives, and shape who they are as people. To specifically target someone for who they are, to cause them pain, can have a range of impactful consequences that can stay with a person for the long term. The phraseology 'protected characteristic' overlooks the indelible relationship between identity and the self. To further make the case for this, I will outline Charlie's narrative.

Out of all of my participants, Charlie was the perhaps most articulate in describing the abusive hate from his mother, and specifically outlined how this directly shaped and affected his identity.

“When we are in public she will use my birth name on purpose. And she will use that because she knows that I feel degraded. Because it is completely erasing me and completely erasing my identity. My mum is a very abusive person and I have considered going to a hostel from quite a young age...my mum completely stripped me from any kind of self-worth and my identity. And that affects how I feel about myself, how I dress, how I express myself, what I talk about.” **Charlie. 22, pansexual, trans man.**

Charlie no longer lives with his mother as he lives and studies in the North East. Moving away has meant that Charlie can grow in his identity and find other LGBT+ peers with shared identities and experiences. The above quote from Charlie exemplifies the dominant themes that emerged when asked how hate crime affected him. A large majority of participants felt that hate crime was much more personal in nature than non-hate crime, as it specifically targeted who they were as people. The impact of hate crime is also deeply personal. It touches deeper than the emotional or physical, often leaving its mark on the psyche. Many of these traumas affect, as Charlie outlines, how LGBT+ people dress, express, talk, and organise their social networks. The impact of hate crime can become a long-term experience, and stay with a person throughout their life course. Dave explains this further:

‘I think a lot of people say that it makes them a stronger person, and it does, but it also makes you a flawed person. It makes a person develop cracks and it changes how you feel about yourself and you are not as confident so it changes your ego quite a bit.

And you don't feel that you are equal or as valuable as someone else. Most of us can manage or pretend it is not there but it is always there and it does seriously affect you.'  
**Dave. 47, gay, cis man.**

Around two thirds of my participants said that they were hyperaware of the potential for violence. Public displays which signal that they are openly queer, such as being with their partners or holding hands in public makes them hyper vigilant and aware of the potential for verbal abuse, harassment, and physical violence. Several also disclosed that feeling this way was emotionally exhausting and draining, as they constantly had to manage their identities. For the participants in my service worker sample group, the majority had developed coping strategies for dealing with their own, and their service users' experiences of hate crime.

Caroline highlighted that 'it is very useful to me as a worker who daily deals with this shit far too often. Because I am the person who has to pick up the pieces of threads of broken lives.' All 6 of the service workers interviewed discussed the impact hate crime has on their professional roles. As the above quote shows, LGBT service workers regularly encounter hate crimes and hate incidents, vicariously through their service users. In order to be efficient workers they develop coping strategies so that they can support their service users without being affected by these experiences themselves.

### ***Self-policing identities***

In terms of how participants negotiated the identities for which they experienced hate, the most dominant subtheme I found was how participants self-policed and self-managed their identity. Again using Brown and Toyoki (2013) and Toyoki and Brown's (2013) model of identity work I found that the majority of my participants policed, curtailed, guarded, or hid their sexualities or genders in some way. How participants police their identities depends upon on the place and context they are negotiating. I further discuss this aspect of self-policing in the next chapter.

There were several reasons participants policed their identities. Participants under 18, who lived with homophobic and transphobic parents, avoided talking about their love lives, their queer peers, or (for one gay man) their love of makeup. In order to avoid arguments and family tensions my participants policed these aspects of their identities and concealed parts of their sociality. Participants expressed that it was easier to police themselves and hide parts of their lives from their family members than risk causing arguments or receiving homophobic/transphobic slurs. The majority of my participants who identified that they self-policed and self-regulated acknowledged that they did so to preserve their own mental health. Two participants spoke about putting in headphones and listening to music to ignore comments at school or putting up a mental block so as not to allow homophobic/transphobic slurs to affect them. Most spoke about how they often had to curtail discussing queer topics or regulate their gender expression for example gay men acting more masculine, butch women acting more feminine, and trans people trying to pass as not being transgender in order to avoid conflict.

The dominant feature to self-policing identity, disclosed by all of the participants who identified with this behaviour was that it was a method of prevention. Darla outlined that you

‘try to make yourself as little a target as possible. I think you try to modify yourself to become a smaller target. So, it does shape the way that you behave and make you check yourself a lot of the time.’ **Dara. 39, attracted to femininity, trans woman.**

This also seems to span across the generations e.g. 20-30, 31-40, 41-50. For example, Stuart explained:

“I think it is more preventing myself from feeling like a victim. Like it probably won't happen if I walk past someone holding my hand but you know - and and it wouldn't happen in six out of ten cases. I'm not willing to take that risk so it is more like preventing myself from being a victim and actually feeling like I am a victim. And I wouldn't want to feel or think of myself like I am a victim and that's probably why I don't hold hands with my boyfriend. I don't want to be the victim because it makes you feel weak and I have had enough of that already.” **Stuart. 23, gay, cis man.**

Whilst Sue acknowledged:

“It makes me curtail my natural way of expressing myself I suppose. I still find it very hard to hold hands or be affectionate in public with my partner because I’m worried that somebody is going to come up behind me and shout abuse or worse.’ **Sue. 48, lesbian, cis woman.**

Identities, susceptible to hate targeting, were policed and managed, in order to prevent future discrimination, hate crime, and victimisation. This is very much in line with how women consistently strategise and negotiate their own safety due to the everyday sexist violence they experience outlined in Stanko’s (1995) *Everyday Violence: How Women and Men Experience Sexual and Physical Danger* and (1997) *Safety Talk: Conceptualizing Women's Risk Assessment as a Technology of the Soul* work.

In terms of how my participants responded to their hate experiences, there was overwhelming lack of reporting in the North East. I discuss this in detail in Chapter 7; however, the discussion of defining and experiencing hate crime, which one might report, is important here. Clayton, et al. (2016) provides a critical analysis of one of the largest data sets on hate crime in the UK. Their analysis is based on hate crime reporting to third-party reporting agency ARCH, in the North East. It notes the politics of reporting and the nature of everyday exclusions in shaping the overall picture of reporting.

One of the most striking findings in my research was the everyday nature of hate, in particular the ‘low level’ instances. Using ‘low level’ and ‘high level’ phraseology to position hate incidents is problematic as it creates a hierarchy of severity. However, acts of extreme hate for my participants, such as physical abuse were rare instances. The term ‘low level’ is used here to signify the everyday and often ordinary nature this victimisation took. The majority of my participants experienced what Sue, et al., (2007) term micro-aggressions. Micro-aggressions are the ‘brief and commonplace daily verbal, behavioural, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative’ messages to the individual (Sue, et al., 2007: 271). Micro-

aggressions take the form of micro-assault, micro-insult, and micro-invalidations. All participants, including survey respondents, experienced these whereas only a minority experienced extreme forms of hate crime. My own research contributes to this understanding by outlining the subtlety of hate crime. Hate is often very subtle, pervasive and an ordinary aspect of life for some people (Clayton, et al., 2016). This makes it extremely difficult to identify when hate is experienced and the decision about whether or not to report it is redundant. Although my participants often highlighted that ‘any act’ which uses a personal characteristic to intentionally damage or ‘other’ a person is a hate crime, all of them said they would only report the physical or extreme.

Data provided by ARCH in the North East, does not capture the everyday ubiquity of oppression, marginalisation, invalidation, and otherness (Clayton, et al., 2016). It does however highlight the trend in reporting and the access to justice open to people who experience hate. 54% of reported incidents were of “offensive language” and “coercive and threatening behaviour”. ARCH gives the reporter choice over whether they want their report to be passed on to the police. A significant proportion of homophobic/transphobic hate crimes were not passed on by ARCH to the police (36.5%) (Clayton, et al., 2016). However, this allowed a report to be recorded for intelligence purposes external to criminal justice involvement. The aim of ARCH is to maintain community engagement, allowing for a wider remit of support for those who feel it inappropriate to make their report official via criminal justice agencies like the police. This would seem to be key to satisfying the needs for justice for my participants. None of my participants disclosed that they were aware of ARCH, and were surprised when I mentioned ARCH as a method of reporting during interviews. Clayton, et al. (2016) posits that community engagement has declined due to austerity cuts to third party reporting services, possibly explaining why so few of my participants knew about ARCH. Further, the lack of public awareness and prior knowledge of third party reporting

agencies minimises their functionality as a reporting centre (Chakraborti and Garland, 2015; Chakraborti and Hardy, 2015).

The micro-aggressive nature of many hate experiences makes it difficult for victimised persons to determine whether their experiences qualify as criminal. This contributes to the underreporting of hate. To remind the reader, the police make a distinction between a hate crime and a hate incident, i.e. a hate incident is something which does not legally qualify as criminal but is still aggravated by a prejudice towards a protected identity. A hate crime is a criminal offence. For my participants, such incidents often occurred in the home, were very subtle, and occurred within the parameters of micro-phenomena. The nature of micro-aggressions, micro-assaults, and micro-insults often means that no credible evidence can be acquired as they do not qualify as criminal behaviour. Additionally, participants often employed preventative measures where they would rather pre-empt themselves from feeling victimised. It is likely that reporting such instances affirms and officialises their experience as victimisation. Self-policing, monitoring, and ‘moving on’ are all preferred activities to reporting as it gives those who experience such aggressions agency.

### *Age*

Over half of my participants acknowledged that their age was an important factor in shaping their hate crime experiences. Participants who were 40+ years old used their age as a reflective tool, to shed light on how LGBT rights have changed compared to when they were younger. Younger participants, under 18, used their age to describe their lack of agency or power to confront hate crime. I have already highlighted in Chapter 2 that LGBT+ rights have emerged and changed over many decades. The political debates and fights for LGBT+ equality therefore continue to evolve. The relationship between LGBT+ communities, the

police, and the criminal justice system has a strong history of hostility and conflict. It came as no surprise that all of my participants who were 40+ reflected on the decades before the existence of hate crime laws. Andrew summarised this:

‘I mean you have to remember that it was different for us back then when we came out as gay. Now there is so much more and there is so much more reason for people to come out as gay because it is more acceptable now than what it ever was before. It had such a stigma before I mean with family like I have, to come out to my older brother. He then stopped his niece coming round to my house because he thought she might catch something from drinking out of the cups. There was an awful lot of negativity.’ **Andrew. 53, gay, cis man.**

Dave also outlined much of the background violence – a concept discussed in Chapter 6 – which LGBT+ people face:

‘When I was growing up there was a lot of anxiety because you had to be careful who you spoke to, what you wore or who you were seen to speak to, in case you were suspected of being gay. It was just little things like that, if someone was known to be gay you wouldn’t speak to them.’ **Dave. 47, gay, cis man**

He further outlined the relevance of how cultural and social changes have influenced hate crimes:

‘I think a lot of homophobia was overt 20 years ago whereas now it is more discreet. I think a lot of it is still there. There is still a lot of bigotry and innuendo remarks but they are much more discreet about it now, which is not always a good thing. A lot of it [homophobia] at work is very discreet which makes it more difficult to address.’

The above quotes epitomise how hate crime, homophobia, and transphobia have culturally shifted over the past thirty years. For my older participants, age was therefore an important lens used to reflect and describe their experience, as a way of making sense of the violence towards their identity and coming to terms with it.

In addition, a third of participants aged under 21 identified that their age influenced their overall hate experiences. They outlined how their age was often used to invalidate many of their experiences. Adults often deemed them too young a) to identify, or be sure of their LGBT identities and b) to experience stress, trauma, anxiety, and depression linked to their experiences. For example, their parents would vocalise that they were too young to know

what 'real' stress was as they were only young and did not have jobs etc. The young people in my sample acknowledged that they had little power to combat their hate experiences. For example, they had to attend school despite experiencing homophobia and transphobia and could not leave home if their parents were homophobic or transphobic. Further, within academic discourse hate crime is only theorised using adult-centric frameworks; where perpetrators and victims are viewed as adults. Thus, young LGBT+ people – within academic scholarship and criminal justice pathways – have minimal visibility or acknowledgement of the oppression and victimisation that they face.

Riley exemplified this:

'I feel that people you know because I'm young people just think I'm going through a phase or you know like I can't take this up properly because you are young. Unlike until you are 18, 20, 25 you are not valid. And like being young you do not have a voice. Like as a young person at the school I'm at now we have Stonewall and that is like a mechanism but it is not a full thing because you don't have a voice as a young person. It is a very adult world and like the (LGBT) community is a very adult community. And they think that the people that can only fight for what they want and for their rights are the adults and it's not.' **Riley. 14, bisexual, genderfluid.**

Sho also felt:

'Age wise I say I do think that I am at a disadvantage. I've had many people tell me that I'm too young to know that I am trans. Whether I am 15 or not or whether I am trans or not, that is what I identify as now so that needs to be respected. People invalidate my identity because I am 15.' **Sho. 15, gay, non-binary boy/male.**

The above highlight that invalidating someone's identity also invalidates the stigmatisation, oppression, and direct hate crime experiences, they experience and embody. The lack of social power younger participants have access to influences how they recognise their own victimisation(s). Young participants have little agency to make their own decisions external to adult supervision, self-identify free from scrutiny, and construct their own narratives of hate experiences. Young people were more likely to interpret hate crime as bullying, particularly within educational contexts, thus reframing the adult concept of hate crime into a

child context of bullying. The intersections between age and sexuality are therefore crucial to understand a more rounded picture of how hate crime experiences differ.

### ***Intersectionality***

This research set out to explore how LGBT+ people negotiate their hate experiences with their identity. I discussed in chapter 3 that intersectionality is a theoretical and methodological concept that scrutinises the experience of multiple, interlocking identities. For example, experiences of race, age, gender, class, sexuality are interrelated. White gay men have different experiences to queer people of colour, as they do not experience racism alongside homophobia. My participants are managing and constructing many different identities and thus managing and constructing many different experiences. I have discussed age separately for two reasons. Firstly, I wanted to demonstrate the reflective stories of older participants as a recognition of social and political change for LGBT people. Secondly, I wanted to highlight the present, geographical and social environments, which young people navigate and negotiate. All but one of my participants are white which limits the scope for an analysis of my data by race and ethnicity. However, the position of whiteness should be scrutinised just as carefully as non-whiteness.

Young people were far more likely to acknowledge that their whiteness allowed them to maintain a position of social privilege when experiencing hate crime, relative to other LGBT+ people, than their older counterparts were. The majority of participants under 30 recognised that their experiences, whilst being unpleasant and in some cases traumatic, occurred within a position of white privilege. Several participants specifically concluded, as outlined by Sho, that they were ‘lucky to be white because if I was not white and trans I would be much worse off.’ This highlights that younger participants were aware of their

white experience and understand that social structures of homophobia, transphobia, and racism intersect. Miley also outlined the rough demographic of the North East:

‘Trans women of colour are more marginalised I think and we need to tackle that. And like the thing about this [youth] group is that it’s a very white group and most of the trans groups that I’ve been involved with are often very white. I guess we need to advocate for the intersection of racism, transphobia, and sexism.’ **Miley, 24, lesbian/dyke, genderfluid, non-binary, butch.**

The lack of racial and ethnic diversity in my sample does not allow me to claim any representation of queer people of colour who experience hate. However, younger participants acknowledged how their whiteness privileged them over people of colour and understood that racism, homophobia, and transphobia intersected. Virtually all trans participants were aware that trans people of colour experience violence (see NCAVP, 2013) and are killed around the world (International Trans Day of Remembrance, 2016) at a much higher rate than white trans people. They acknowledged their own privileges as white people within these power structures.

There are many different and diverse experiences of hate crime in the sample cohorts, some of which I have illustrated. This demonstrates that there is no ‘one’ way to experience hate crime. Rather, it is individual, personal, and relies heavily on a person’s individual identity and situation within the world. This also shapes how they differentially recognise abuse, if they do so at all. Browne, et al.’s (2011) research on hate crime differentiability has also found that people recognise their own hate abuse differently to each other.

A small minority of trans participants identified that some of their victimisation played a functional role as these experiences, occasionally, affirm their identities. For example, Miley articulated that when they experience homophobia or lesbophobia towards their sexuality, it is:

‘different from transphobia. It’s weird it’s kind of validating. Cause if someone is saying something about me being a lesbian I think, “so it can’t be that strange because

at least they are seeing me as a girl.” I mean, it has a slightly reassuring effect on me but I know that it’s fucked up and that they shouldn’t be making those comments. You know and like when people think that I am a trans guy it’s almost like “yes I pass so well that people think I have been assigned as a woman at birth but is trying to be a boy.” **Miley, 24, lesbian/dyke, genderfluid, non-binary, butch.**

It would be disingenuous to describe these scenarios as *positive* experiences for the reasons outlined by Miley: “it’s fucked up and that they shouldn’t be making these comments.” However, it is fair to interpret these as *functional* experiences. Trans people exist within a society that privileges cisgender people in terms of aesthetics, beauty, status, and power (Bauer, et al., 2009). Trans bodies are rarely acknowledged as legitimate, powerful, or beautiful (ibid.). Therefore, it is understandable that to be *seen* as not transgender can affirm other aspects of a person’s identity, such as their sexuality. Miley also outlines her joy at ‘passing’, i.e. being perceived as not trans inferring that internalised transphobia plays a significant part in trans peoples experiences, particularly experiences of violence. This type of structural violence was not perceived as hate crime for my participants, as it often is not an extreme event. Extreme hate events however can have a major impact on the entire LGBT+ community.

### ***Orlando: Pulse Nightclub, June 2016***

Mid-way through conducting my fieldwork, the deadliest hate crime and act of terror in American history against LGBT+ people occurred. As described in Chapter 1, on June 12, 2016 Omar Mateen entered an LGBT+ nightclub called Pulse, in Orlando, shooting and killing 49 people, injuring and wounding 53 others. It was the most lethal targeted attack on LGBT people since the Holocaust, and the most fatal in USA history (Robertson, 2016). Most of those killed and injured were Latinx as the shooting took place on a Latin night hosted by the nightclub (ibid.). Many vigils took place in the aftermath of the shooting across the UK, including the North East, as a mark of solidarity and remembrance with those affected in Orlando. The perpetrator targeted and killed people, specifically for the identity

that I and my participants share with the victims, specifically for who we are as LGBT+ people. The shooting and the nature of the attack felt very personal. It therefore felt natural to begin asking participants how they felt about Orlando and how this hate attack affected them.

I cannot claim that Orlando was a dominant theme that emerged from this research as it occurred when the fieldwork was in its latter stages. I therefore focus on two narratives at length to highlight the emotional significance of the shooting. Post-Orlando I interviewed seven people, from Police, Service Worker, and Student cohorts. All of these participants expressed the vicarious victimisation Orlando brought them, as they all felt that they were targeted indirectly as members of the LGBT+ community. Several expressed how the shooting had emotionally affected their partners and friends. Many levelled their emotional response with a rational response. For example, most of my participants told me that Orlando was deeply painful and shocking but they were conscious that it was a very rare event and, relative to England and Wales where there is much stricter gun control, it would be extremely unlikely for them to experience, directly, an event like Orlando. Despite this, they still felt victimised as LGBT+ people, highlighting how hate crime, particularly extreme hate crime has wide reaching affects.

This is lamented by Stuart in particular:

‘Orlando was a shock. I think that some of it was nothing because there are so many shootings in America anyway. So, it was sort of numbing at first but then as I sort of realised that they shot them because of who I am it became harder. You know that they weren't shot you know because you know like a terrorist attack against America or the ideology of the West. It was against me and people like me. I think it upset my boyfriend more than me because he goes to Orlando quite a lot and it was when the media tried to erase us from the event, like the Daily Mail and the Sun headlines said that it was against people having fun and like it wasn't against fun it was against LGBT people it was against me. So, I think it was just numbness followed by anger.

But yeah for my boyfriend it was a lot harder because he knew that club and he wanted to go to that Club. So, for him it was much more personal whereas with me it was more you know that kind of stuff happens everywhere like the state murders people in Iran, Sudan, Iraq, Nigeria, Uganda and like people only care because it is terrorism not because it has happened to gay people. I think that I just wrote it off as

American to get over it. I guess that I just reassure myself that I am not there to cope with it. There was a Panorama documentary on BBC and I know that it is there but I have not watched it yet I still think that I am hiding away from it.' **Stuart. 23, gay, cis man.**

Orlando led me to reflect on the changing nature of LGBT targeting and the importance of protective legislation. In particular, this event was very much reminiscent of the Stonewall Riots and the bombing of the Admiral Duncan Pub in Soho. Much of the lesbian and gay political movement has fought for legislative change and promoted assimilation as a key goal, to become like the heterosexual, to get married, have children, and assimilate with the heteronorm (Seidman, 1996; 2002). As highlighted in Chapter 2, this movement has arguably led to the legislative changes that protect LGBT+ people under hate crime laws. However, the perspective adopted in this research inquiry, legislation does little to change power dynamics and structures of oppression. All of my participants are now protected under hate crime legislation. They still experience marginalisation, exclusion, and social oppression. The nexus of hate crime and hate incidents therefore originate from the social structures which oppress queer people and privilege heterosexuals. Garland (2012) already outlines the problematic nature of defining only certain acts of hate as constituting a crime. As such, there is no clear consensus of what 'hate' means, where its parameters begin and end, and who belongs to groups that can experience hate crime. I do not advocate for more punitive, legislative, responses to hate crime. What seems appropriate is to strive for a sociological understanding of violence where hate is theorised 'as a reflection of hegemonic social attitudes and values that maintain and reproduce such inequalities' (Garland, 2012: 27). This is in line with the radical perspective that I subscribe to, in parallel to feminist and queer activism. Radical feminism concerns itself with structural and political upheaval of patriarchy and male supremacy over legislative change often advocated by liberal feminism (Thompson, 2001). Legislation is an act of denunciation from the state. It is helpful in providing state affirmation that certain groups in society deserve protection and therefore should not be overlooked.

However, until patriarchal, heteronormative, and cisnormative power structures are radically restructured and contested, LGBT+ demographics will continue to experience marginalisation (Flowers and Buston, 2001).

To reinforce the point, Orlando marked an extreme form of hate crime, which personally affected all of the participants I interviewed after the attack. The extremity of this attack was not prevented by legislation however. Heteronormative and homophobic social structures engineer this type of violence against LGBT people (Schilt and Westbrook, 2009).

For the service workers (n=6) I interviewed post-Orlando, there was general agreement that it reaffirmed the purpose of their jobs. Orlando for them represented the ever-present, ubiquitous nature of homophobia and transphobia that has the potential to boil over into an extreme event.

It is worth repeating verbatim what Ruth's thinking was about Orlando:

'I think that Orlando has been a wakeup call for lots of people. You know it's like that thing where a lot of people think that we are equal but then all of a sudden there was a targeting on a nightclub because it was gay. And it was good that the police were on high alert for pride you know there was a lot more of them they were visibly wearing rainbows on their faces. You know instead of the usual six officers we get there were eighty. That was good because yes for the police it was an exercise in community reassurance but it was an acknowledgement that the community would be worried and that there might be a very real threat. That felt good too, it felt really really good. I have heard a lot of people that were made really really anxious about Orlando. You know a lot of people have been upset at vigils for it. We had one in Newcastle where over 200 people turned up. And there was one at Sunderland where there was even more people. Somebody still felt at the point where someone was reading the names of the dead names out over a microphone, despite there being 200 people there, despite there being the police, and the security someone felt that they could walk up and take the microphone and yell "come on stop talking about fucking puffs now." On the other hand, there were a lot of people that went to Pride in spite of Orlando that have never been there before. A couple that I know who are a very straight acting couple went to Pride because of Orlando to protest. You know people think that we are included in society now but there is still an issue with homophobia and transphobia and a lot of the funding has been cut to tackle it.' **Ruth. 44, lesbian, cis woman.**

Orlando touched my participants on a personal level as an event that marked their psyche. It was a specific targeted attack on people that my participants have a shared identity with. No participant claimed to understand or comprehend how the direct victims felt, however they did express notions of their own vicarious victimisation from this event. As described by Ruth above, Orlando was an impetus for local LGBT+ people to emphasise their sociality. For example, many LGBT+ people in the North East attended vigils to mark the event, not only to stand in solidarity with those affected in Orlando but also to reaffirm their place in the LGBT+ community (Hodgson, 2016). Hate experiences, as shown earlier, are often mundane tremors that my participants experience every day; at school, from their family, friends, teachers, work colleagues, people staring in public etc. However, the impact from these everyday tremors and micro-aggressions can stack up accumulatively, rippling through a person's entire identity, changing and influencing everyday behaviour. Iganski (2001) has long argued that hate crimes hurt more than non-hate crimes, particularly as hate crimes are much more personalised; they attack a personal identity. He argues that through the victimisation of the direct victim, hate crimes ripple with a terroristic impact through to the neighbouring communities, to communities beyond the local neighbourhood, and through to societal norms and values.

In the case of Orlando, a terrorist hate attack, the quakes that have rippled through to LGBT+ communities in England and Wales are evident by the emotional injury my participants experienced. Participants interviewed post-Orlando were left shaken and affected negatively by this event. The emotional impact of hate crime is postulated by Moran (2004) who argues that when seeking hate crime legislative recognition and reform, the personal nature of these crimes turns them into a political issue for gay and lesbian movements. Indeed the dominant position has been to introduce hate crime legislation (Chakraborti and Garland, 2015), enhance punitive sentencing for perpetrators, and provide state protections for LGBT people.

However, 'the 'crime paradigm' generates an assumption that those who have suffered harm will always define either the incident or the injuries as 'crime'' (Moran, 2008: 8). Acknowledgement of the everyday nature that anti-LGBT violence manifests remains invisible outside of official recognition and justice systems.

Victimologically, the negative emotional impact of Orlando can be explained through Spalek's (2006) concept of spirit injury, where the brutalisation and degradation of a person's soul occurs through criminal and social victimisation. I have discussed the use of the term 'spirit' for this concept in Chapter 3 and have justified why I am adapting the concept to a more inclusive term of psyche injury. Psyche injury is complexly interwoven with a person's identity or self. Those who experience targeted violence are more likely to experience severe psychological and emotional impacts, exceeding that of non-hate crime (Iganski, 2001; McDevitt, et al., 2001; Herek, et al., 2003; Chakraborti, 2012).

### ***Vicarious Victimisation***

Over half of my participants who were service workers also reflected on their time being service workers for LGBT+ people and outlined the positive social changes for LGBT+ people, such as the wider public acceptance of being queer. These participants identified that support towards LGBT+ people had increased. Many young people who they meet now have some form of dialogue, acknowledgement, and protection within schools. For some young people it is more accessible for them to come out than it was 30 years ago. However, they also said that despite the social improvements towards LGBT+ people, young people were still affected by homophobia and transphobia. Ruth for example lamented:

‘when I go into school and do any work around homophobia in schools, people think that I am just making an issue out of nothing. Whereas I am only reacting to what I see and the need that I see coming in and clearly for some young people who are

LGBT life is okay but still for an awful lot of young people it is not. And it's really based on the fact that they are LGBT and impacts on their life at home, at school, and everything that they are in life is impacted on because of that and you can't ignore that.' **Ruth. 44, lesbian, cis woman.**

Although there is limited acknowledgement of vicarious victimisation in a criminological context, psychological studies have widely conceptualised the process of vicarious *trauma*. Vicarious trauma is where counsellors vicariously share in and experience the trauma of their patients (Saakvitne, 2002). Those that work closely with survivors of criminal victimisation such as therapists, counsellors, and researchers are more likely to take on their clients' trauma, emotional stress, and enhanced vulnerability. It is the process where 'providing services to survivors, the caregiver is exposed to traumatic material that begins to affect one's worldview, emotional and psychological needs, the belief system, and cognitions, which develop over time' (Salston and Figley, 2003: 169). Service workers in my sample were prone to vicarious traumatisation. To prevent this, they had developed coping methods so as not to become too involved or affected by the issues facing service users. Campbell and Wasco (2005) highlight that vicarious traumatisation is more pronounced when there is a shared identity between client and profession. For example, women traumatologists who counsel and support women with a history of rape and sexual assault experiences can become vicariously traumatised (Campbell and Wasco, 2005) through their womanhood.

It is important to acknowledge the advancements in legislative protections put in place to protect LGBT+ people. Specifically, Section 146 of the Criminal Justice Act (2003) is designed specifically to protect sexuality and gender identity. This legislative landmark marks a positive change from a criminal justice system that has stopped persecuting LGBT+ people and has made strong efforts to protect them (see Chapter 2). Further, the culture of overt homophobia has dramatically minimised for younger people in comparison to the experiences of participants who are 40+. However, homophobia and transphobia are structurally and culturally embedded within England and Wales, therefore hate incidents, hate

crimes, and micro-violations are still experienced by LGBT+ people in my sample. For the service users, there is still a need for their role as they still see and support young people who experience homophobia and transphobia in the home and at school.

Again, utilising Iganski's (2001) model of hate impact, Orlando can be identified as transgressing geographical boundaries. Its effects rippled through to the North East, victimising the participants in my sample vicariously. Vicarious victimisation, in a criminological context, is often linked to the fear of crime, either influenced by the media publishing or sensationalising crime events or through indirect exposure from personal contacts, such as family members and friends (Fox, et al., 2009). This infers that in order for one to experience vicarious victimisation LGBT+ people are conscious of the potential for criminal victimisation. However, participants did not feel that they were at a constant risk of experiencing a hate crime. Certainly, there was a higher police presence at Pride events in the North East, post-Orlando, which according to service workers was an exercise in community reassurance. However, my participants all rationalised Orlando as an extreme event within an American context; one where firearms are legal, shootings are regular, and gun control proposals are politically controversial. The context is very different in England and Wales where shootings are rare and firearms do not have the same legal status. Participants were therefore able to rationalise that they would not be at a greater risk of victimisation for the reasons outlined above.

My participants lamented that the victimisation they experienced vicariously was rooted in their identity. The people injured and killed in Orlando were targeted, specifically because of the sexuality they shared with participants. This link between identity was more important than the fear that it would happen to them. I am not disputing claims of the relationship between the fear of crime and vicarious victimisation, but for my participants, their identity was a conduit for victimisation rather than fear.

How people articulated their emotions surrounding this event was particularly interesting in the wake of Orlando. This prompted me to develop an additional layer of analysis, where I coded carefully how people articulated their experiences of violence. Language as a method of describing participants' own hate experiences emerged as a dominant sub-theme to hate crime experiences.

### *The Importance of Language*

Modern linguists 'conceive of language as a system of arbitrary vocal symbols used for human communication' (Mesthrie, 2011: 1). It is a social tool used to convey and communicate meaning. Language in the context of hate crime is a specific method that is used both to describe hate experiences and to directly experience hate. Firstly, most, if not all of my participants had experienced hate crime in the form of verbal abuse. This could manifest as homophobic or transphobic slurs such as 'faggot' or 'tranny', intentional misgendering of a trans person, using offensive language towards someone, or trying to humiliate someone. Thus, it is a specific method of violence used to carry out verbal hate crimes. Language is also an important social tool for my participants as they use it to communicate to others how they define themselves. Language is also used to convey their sociality and form connections, and to put a name to their identities and their experiences.

As outlined by Karen:

'A lot of people come to me about is that they have been misgendered. People don't think that misgendering someone matters but it does because you are delegitimising a person's identity...I once had a trans guy who went to the barbers and he kept getting misgendered by the barber. Then when he turned around and said actually I am a guy and I want you to refer to me as this, the barber was saying "no you are not you're a woman who wants to be a man" and they basically told him to get out. And that moved from being a simple misgender which didn't have to become an issue at that point – to a purposeful misgender to hurt someone'. **Karen. 43, pansexual, feminine polarised genderqueer**

Language, although being a social tool used to oppress, could also be used as a way to empower participants. All participants used the language that was the most appropriate to them to describe their identities. A minority identified as queer, a term that has since been reclaimed from the use of straight people, so that LGBT individuals have the power to use it. Whatever aspect of language that was utilised, it was always linked to power, power structures, power relationships, or power dynamics. This was particularly relevant to how participants described their hate experiences and identities. As has already been demonstrated, there are definitional difficulties in how we outline and define our hate experiences, with the majority of my participants marking their own definitions. This is partly due to the lack of linguistic power or capital open to participants to describe their experiences.

Jeremiah outlined this.

‘Well I think it is really important to acknowledge a lot of different aspects to hate crime. Linguistically we haven't caught up partly because society doesn't want people who are oppressed to have the language to describe what they are experiencing. Like in Newcastle when I have been handing out flyers for the LGBT society I have been called a fag and spat at. Even though I was in a morph suit so it was completely anonymous it was just the idea of what LGBT was about. People laughed and people pointed. That is quite severe I would say but then it sort of trickles down to like house parties. I have had people come up to me and say ‘Oh I know you are gay and it is ok’ and they are not really hate crimes but they come under micro-aggressions. But there are lots of different levels of it and categorising it altogether as hate crime or micro-aggressions actually there should be a hundred more intersections between them. Because it is wrong that we do not have the language to specifically say this is exactly what has happened to me, because I don't have a unique experience. So, I think it is really difficult to understand what is a hate crime. Because I think we need a lot more terminology and a better understanding that we are just not taught. Because it is easier for the people in power to ignore the fact that we are oppressed.’ **Jeremiah. 23, gay cis man.**

The difficulty in accurately defining hate crime, homophobia, violence, and victimisation is a central finding in this research. Although the majority of my participants did not explicitly discuss language specifically, all of them demonstrated the significance and importance of language in shaping their identities by describing their hate experiences and charting how the two intersected. Without having the appropriate language, participants are unable to describe

their experiences accurately. Nor can they articulate in full how their identities manifest, and how they negotiate their experiences with their identities. By examining the nature of language in this way, it is clear that the social context in which particular languages occur is very important.

All of my participants had the opportunity to define hate crime for themselves. The majority had difficulty in specifically defining hate crime, utilising generic phraseology such as ‘anything driven by bigotry, prejudice or fear of difference.’ However, it was recognised by service workers that hate crime conjures up images of the most extreme and severe, with little acknowledgement of lower level instances. The definitional complexities and obstacles underpinning what hate crime ‘is’ are well highlighted in recent scholarship (Hall, 2005; Chakraborti and Garland, 2012; Garland, 2012). Firstly, the word hate only conjures up the extreme emotions excluding prejudice, bigotry, and ignorance. Secondly, ‘hate crime’ as a phrase does not appear in any legislation in England and Wales. Thus, it is an inaccurate and colloquial term. I chose to use the term hate crime in this research as it is the most familiar and easiest to operationalise for participants in the place of bias crimes or hostility crimes. Many of my participants did not have the language to describe accurately and in full their experiences. This goes beyond the definitional issues highlighted in the literature. As Jeramiah (above) lamented, language is always tied to power.

Oppressed groups such as LGBT+ people do not have the language to define their experiences. Instead, they incongruously outlined their experiences as homophobic or hate crime. However, many of their experiences fell into grey areas. For example, purposefully misgendering a trans person is a deliberate attempt to delegitimise that person’s identity and existence. Linguistically, it sits uncomfortably between transphobic abuse and hate crime. It is inappropriate to interpret misgendering a person as abuse or as a hate crime, but it is behaviour that can ultimately be harmful. Both participants and I do not have access to the

linguistic capital required to describe the harms of this experience, as the language necessary to fully articulate transphobic experiences has never been developed. Bourdeui (1991) argues that language is intrinsically and inexorably tied to power, as it is a social and cultural product. In short, it is firmly situated within social relationships and interactions, which are always rooted in relations of power. Specifically, the linguistic capital available to individuals, groups, and nations influence the process of naming and categorisation, an intrinsic tool in the social construction of reality. In short, the language required to articulate the oppression LGBT+ people face has not been fully developed as LGBT+ people have only recently been viewed, culturally and socially, as legitimate (see Chapter 2).

Power structures, and the language which upholds them, are reified culturally and socially as the way things ‘are’ and ‘should be’. Heteronormativity has upheld the notion that heterosexuality is the norm and the way sexuality and sexual desire should be experienced. All other sexualities deviate away from this norm and are ‘other’ (Richardson, 1996; Seidman, 1996; Yep, 2002; 2003). Thus, our social definitions and linguistic capital are hierarchically structured. Violence against LGBT people has only recently been viewed, socially, academically, and culturally as a legitimate concern. As highlighted in Chapter 2, historically homophobia and transphobia was a legitimate position to hold. Thus, the historic oppression of queer people has left us without the linguistic tools, techniques, or capital to adequately describe and articulate this violence.

Gender and sexuality have been non-agentive identities in the West for centuries as people are prescribed as male or female based on their genitalia and thereafter socialised as heterosexual. It is only recently that queer politics have empowered people to self-define, which has influenced how people can legally define (see Gender Recognition Act, 2004). Socially however, there is still a sense, due to cisnormative and heteronormative power structures, that gender and sexuality are naturalised as male/female and straight. Again, using

Bourdieu's (1991) framework, those who deviate from expected behaviours which any given culture or society constructs as 'natural' are subject to symbolic violence. Symbolic violence is 'the actions taken to disenfranchise and disempower those who do not conform to their majority culture's ideologies' (Mooney, et al., 2011: 175). Intentionally misgendering a trans person, or utilising homophobic/transphobic language is a form of symbolic and symptomatic violence. Language, identity, and hate crime are therefore quintessentially linked.

I have already highlighted that young LGBT+ people experience homophobic language in school environments, shaping how they navigate through school. My data highlights a strong correlation between the language of hate crime and the culture within which it occurs. If it is acceptable to use transphobic slurs or homophobic language in certain environments, then transphobic or homophobic abuse was more likely to happen. Homophobia and transphobia are linked to sexist attitudes, particularly within institutional environments such as schools, colleges, and workplaces (Women and Equalities Committee, 2016).

To illustrate this, I present Deena's narrative as a case study. I focus on her narrative where she outlines the context of the army, as it is the clearest example of a specific cultural milieu shaped by homophobic and transphobic language.

### ***Case Study of the Army***

Deena, a 22-year-old, genderfluid lesbian, was the only participant in the two sample cohorts discussed throughout this chapter to serve in the army (one participant from the criminal justice cohort previously served in the army). Although she was the only queer participant to serve in the army, her insight was a) extremely valuable as it provided a unique insight into an environment that is hard to access b) demonstrates how acceptance of homophobic and transphobic language legitimises a homophobic and transphobic culture. There were many different layers to what Deena discussed with me. Many instances of hate crime were not

directed at her but were what she observed as directed towards other people; however, some were direct, personal experiences that had happened to her. Several times, she reinforced that the overall structure and culture of the army allowed for homophobic, sexist, transphobic, and racist language to be legitimised. As this is only one person's insight into the army, I cannot claim generalisability. Her experiences, as a queer person, in terms of how she witnessed, negotiated, and navigated her queerness within the army are nevertheless valid to her and demonstrate the points above.

Specifically, on hate crime Deena lamented that:

'LGBT hate crime in the army is absolutely massive. And it is not talked about. The army at the moment has an LGBT Gateway which is used for soldiers who identify (as LGBT) in each band, but it is kind of distracted by the fact that there is so much homophobia in the army'

She frequently stressed the distinction between discrimination placed against lesbians and gay men. These intersected with other systems of oppression like sexism, hegemonic masculinity, and heteronormativity.

'I came out during an icebreaker in the field and then the next day they (group of army lads) had created a visual of me and the PTI (physical training instructor) sleeping together almost like a porn film. And was like "can you imagine those two sleeping together." In a field creating visual scenarios of me and her together just purely because I had come out as gay. And it was the first time I had ever felt victimised and sexualised"

This experience, in terms of the language that Deena's male peers used to sexualise her had a long-lasting impact:

'I just felt really shit because I was worried that this is what it is going to be like all the time, just these men fantasizing about me all the time. And it happens every time we go away there is always a comment made about me. And it is that side of things that is a hate crime in a sense. You are objectified and you are not treated like a person...I think it is playing on the idea that lesbians are for the men's pleasure which is misogynistic in a sense. But there is no respect for women there is no value for women'

She also discussed how homophobia differs based on gender differences. For women, homophobia is used to sexualise them in some way. For men, homophobia is used to delegitimise someone's manhood and convey them as not being 'real' men.

'I have been in situations where someone has been suspected of being gay and they have been punished in a physical sense for it. So like the PTI suspected someone was gay and they called them a faggot and made them run and then compared them to girls or call them a puff. Puff is frequently used in the army. Queer is used quite often in a very negative sense. It is just very different for men and women. And that is why I never felt comfortable coming out. Like this person hadn't even come out as gay they were just suspected of being gay. And they were ragged for it by all the men in the group and by the instructions staff...If you are bullied in the army you are instantly labelled as weak because it is seen as banter. And so women are treated completely differently. Because they are sexualised whereas men are treated aggressively'

According to this account, because the culture of the army utilises and accepts sexist, racist, homophobic, and transphobic language this legitimises that very behaviour. Language is another vehicle used to carry out hate crime, and in this case seems culturally accepted. The framing of this type of language as 'banter' creates a situation where not only is it culturally accepted, but it is culturally frowned upon to go against this 'banter' or to be affected by it. This cultural homophobia and transphobia was enough that Deena felt she could not be 'out' as genderfluid in the army, choosing to negotiate and construct her identity as a cisgender woman. She outlined that she was fearful of being called a 'tranny', or a 'transsexual' or a 'ladyboy' as her peers used those terms frequently. This type of language created a culture that limited Deena's ability to negotiate her identities. She kept her genderfluidity hidden, policed her sexuality, and navigated her queerness within patriarchal and heteronormative power dynamics.

## ***Conclusion***

This chapter has discussed the definitional and linguistic complexities to hate crime and hate experiences. It has argued that identity work is fundamental to the hate experience, as people

who experience hate negotiate, navigate, and reconcile their victimised identities in a variety of ways. Identity is thus an inseparable component to hate crime. LGBT+ populations often lack the linguistic power to accurately articulate what hate crime ‘is’, how it feels, and how they process this experience. Spirit injury has been adapted and changed to what I term ‘psyche injury’ to explain the persistent pains of experiencing homophobia, transphobia, heteronormativity, and cisnormativity. Vicarious victimisation of identity is experienced by participants who are service workers, supporting LGBT people through their hate experiences. The shooting of the LGBT+ nightclub Pulse in Orlando represents how victimisation can be experienced, vicariously, on a macro scale. Participants who were indirectly victimised by this shooting expressed their shock, anger, and pain that their LGBT ‘family’ were killed and injured for the identities, which they themselves shared. All participants negotiate their hate experiences with their identities and navigate their lived experiences through society in varying ways. As a preventative measure participants prefer to tactically self-police their identities in order to avoid future hate victimisation. They employ various techniques depending on the environment or contexts that they navigate. In the next chapter I explore the various spaces in which participants navigate and negotiate hate, and further explore the everyday victimisation and violence that they experience.



## Chapter 6

### **Locating Violence and Victimisation**

#### ***Introduction***

The previous chapter reported on how the participants in my sample understood, defined, and experienced hate crime. It illustrated the intrinsic relationship hate crime has with a person's identity, in particular, how participants negotiate, navigate, and reconcile their identities with hate experiences. Many of these experiences are not isolated incidents but are rooted within the social fabric and structure of society. This chapter discusses two further themes, which emerged. Firstly, *Violence and Social Harm* which emphasises and explores the structural and *background* nature of hate experiences. I make the case that hate crime is symptomatic of a much wider, structural, system of oppression. Secondly, *Space and Place* which explores the geographical and social spaces where my participants experience hate. Similarly to Chapter 5, I use data from Service Worker, Service User, and Student LGBT sample cohorts throughout this chapter. I discuss throughout the complex nature of hate victimisation and explain how hate victimisation changes based on specific social contexts. I demonstrate how respondents negotiate this victimisation whilst traversing and navigating the social environments where they experience it. When discussing the *Space and Place* of violence I highlight several subthemes which revolve around the space where victimisation is perpetrated and occurs, such as hate within the home, in school, and within LGBT spaces. I argue that these primary institutions of society are the main places that participants negotiate and navigate their hate experiences. Anti-LGBT+ hate is a structural processes that is deeply embedded within the daily realities and environments that participants traverse. To begin, I

tackle the broad subtheme of victimisation and outline how participants negotiate their experiences of victimisation with their identities.

### ***Victimisation***

The previous chapter outlined how participants are more likely to self-police their identities as a way of preventing them from victimisation. This chapter explicitly expands on how participants view their own victimisation. As a central theme to this research, it is important to appreciate that victimisation is a loaded concept that infers inherently damaging consequences (Walklate, 2007b). Victimisation was overall a negative experience, but was not intrinsically damaging. For the majority of participants, victimisation is a process rather than a single act. Victimisation is an umbrella term used to describe many different negative and potentially damaging scenarios, such as bullying, exclusion, shaming, homophobia, hate crime, and hate experience etc. A minority of participants medicalised their experiences of hate. These participants described how they had been negatively psychologically affected by their hate experiences and recalled that they had tried to commit suicide and suffered from PTSD, anxiety, and depression. However, the vast majority outlined their victimisation as a social experience. Victimisation is usually dependant on specific spatial contexts, such as online platforms, in the home, in public, between friends, at school, that shape the nature of the victimisation. Secondly, victimisation is tied to relationships. The relationship between young person and parent, work colleagues, peers, other students, teachers and student, and strangers. Thus, victimisation is a social interaction that often shapes who a person is by becoming a part of their lived experiences. Whilst victimisation is a negative experience, it does not always have a damaging effect.

Elliot outlined the relationship he has between his victimisation and his personhood:

‘I am not thankful for it but it has sort of shaped who I am. I would say that I guess I am a victim but it is not entirely a bad thing as strange as that might sound. And obviously I have gone through so many things that most people my age don't go through. And you know with the depression, the bullying, exclusion, the homophobia I would definitely count that as being a victim. But without that I wouldn't be as forward thinking, I wouldn't be as creative. I wouldn't have as much to put into my artwork. I wouldn't be who I am today without having gone through all of that. So, it has sort of helped me develop myself through it. I think it has added a lot of character and a lot of understanding to who I am. From going through it, I have developed as a person. And I have a better understanding of the way the world works and the way people react to things. But yeah the victim thing is not a label I enjoy at all.’ **Elliot. 18, gay, cis man**

It would be erroneous and disingenuous to argue that victimisation is a positive thing. However, experiences that are negative per se does not mean that they are irreparably damaging. Participants negotiate their victimisation long-term with their sense of self and their sense of personhood. For me, it was often tempting to display my feelings of sadness. However, for participants, their experiences are a part of their personal history, their lived experience, their personhood, and contribute to how they understand their sense of self and worldview. In short, their victimisation is a part of who they are. As Elliot demonstrates above, he negotiates his experience with his creativity by channelling his negative experiences into his artwork. His perception and relationship with himself has also deepened. Based on his narrative, his victimisation has had a somewhat advantageous impact on his worldview and his own character. Victimisation is therefore *a posteriori* a social experience before a pathological experience. As discussed in the previous chapter, victimisation for a small minority of trans participants – specifically homophobia rather than transphobia – had a somewhat functional or affirming affect. The root of this type of victimisation is identity, which in turn is a social experience. The functionality of victimisation depended on whether it affirmed or delegitimised identity. For example, for several participants their experiences of victimisation have a somewhat functional role in affirming their identities. If a trans person identified as a gay man and was targeted because of his gay male identity, this would secure his identity as a gay man rather than someone assigned female at birth.

The nuanced process and impact of victimisation for respondents in this research requires a critical approach to understanding victimisation and ascribing victimhood to participants. Critical victimology emerged from Mawby and Walklate's (1994) critique of positivist and radical victimology as generating universal principles of victimhood, excluding the lived realities of victimised people. Critical victimology as expressed in 1994 by these authors is therefore concerned with

‘the processes which contribute to the construction of everyday reality: people’s conscious activity, their ‘unconscious’ activity (that is, routine activities people engage in which serve to sustain, and sometimes change, the conditions in which they act), the generative mechanisms (unobservable and unobserved) which underpin daily life, and finally, both the intended and the unintended consequences of actions which feed back into people’s knowledge.’ (Mawby and Walklate (1994: 19)

My interpretation of this over 20 years later reflects much of the structural mechanisms which propagate homophobic and transphobic hate. The link between victimisation and social oppression is therefore key and requires a critical approach if applying victimology through a societal lens. This is specifically the case when examining victimisation that does not meet the threshold of a crime but is profoundly damaging and painful on the psyche. The everyday reality for my participants is to navigate and negotiate through these victimisations and the harms that arise. This requires a critical victimological lens, in order to explore the social structures through which these harms are predicated. Zemiology or the sociological study of harm enables a distinctly critical framework with which to apply my data. It examines the hidden mechanisms and structures which a great deal of individual and social harm is attributed such as sexism for women, racism and colonialism for people of colour, capitalism for the working class, and heteronormativity for queer people (Wolhuter, et al., 2009). Further, a critical perspective proposes that victimisation is experienced differentially, depending on social context, social structure, and individual experience.

I highlighted in Chapter 5 that victimisation could, in some circumstances, be a validating or a functional experience in particular for trans participants. Further, the majority of my participants reflected that their victimisation, although not a positive experience, does have a functional component to it whilst still being situated within a victimised paradigm. The context of victimisation for gay trans men highlighted on the previous page can be a validating experience. However, it is directly tied to wider cisnormative structures that prioritise being seen as ‘not trans’ or ‘passing’ as a positive thing. The desire to be seen as cisgender rather than trans, similar to the desire to be seen as straight and not gay, directly reinforces the very power structures which oppress trans people. Given the complexities in experiences of victimisation, it was appropriate to utilise a critical victimological approach to conceptualise victimisation. Critical victimologists are also critical and hesitant to ascribe the victim label to individuals, due to the loaded undertones of passivity, weakness, and submissiveness it carries (Mawby and Walklate, 1994; Walklate, 2007a; 2007b). A critical approach is particularly important in this instance due to the overwhelming rejection of a victim status by participants.

The language used to conceptualise victimisation presents a theoretical challenge in this research. Again, whilst all respondents outlined scenarios where they experience victimisation, when asked whether they considered themselves a victim, the vast majority rejected the victim label. There were several reasons for this. Firstly, being a ‘victim’ was not a defining feature of how participants present and negotiate their identity. Many participants felt that they had been and are victimised, i.e. it is a social process that they experience; in other words, it becomes a part of their lived reality and history. They insisted however that they did not have a ‘victim’ identity, maintaining that it was something that happened to them rather than who they were as people. Secondly, the majority of my participants did not feel that they fulfilled comfortably, the criterion for the victim label. For them, the victim concept

conjured specific images or ideas, usually of an extreme nature, which did not mirror their perception of victimisation. Miley noted that ‘I guess only technically’ that they were a victim. Much like the concept of ‘identity work’ (Brown and Toyoki, 2013; Toyoki and Brown, 2013) highlighted in the previous chapter, participants were active agents in determining whether they rejected or subscribed to the victim label. Thirdly, for a small minority of participants, victimhood circumscribed their overall experiences and did not capture how they experienced identity-based violence. The language of victimisation did not account for the structural violence my participants faced.

Jeramiah lamented:

‘I feel oppressed by society but I don't fit into or feel like a victim. Because like I said I think it is a lack of linguistics, because victimhood really conjures an image up in your head. And I don't necessarily adhere to that image. But yeah I mean I probably am a victim of homophobia. But whether I actually feel like a victim is up for debate. I definitely feel oppressed by society. And I definitely think that everyone who is LGBT definitely faces oppression. But yes I think it is a lack of linguistics about whether or not you are a victim. I think it's about intersectionality and I think you can be oppressed but not be a victim. And I think you can be a victim and not necessarily oppressed. If there was a word that sort of said that I accept there is a certain level of homophobia in society and I have experienced it in the past but I don't let it affect how I am now. And I try not to let it affect my interactions with the world. But that word doesn't exist because we haven't been allowed to make it exist. So, I think the language we do have is very limiting and that is why I wouldn't necessarily define as a victim. But I definitely feel oppressed.’ **Jeramiah. 23, gay, cis man.**

This further reflects the lack of linguistic capital available for my participants to describe their experiences, as discussed in the previous chapter. Critical victimological typologies make space for the structural violence which my participants were navigating, by examining the structural process that contribute to their everyday realities. Although respondents acknowledged that they were consistently experiencing processes of victimisation and were undoubtedly oppressed, they had significant trepidations towards identifying themselves as victims or using the victim label.

Sunshine outlined the complexities of the victim label:

‘Some things don't bother me as much you know like hate preachers in America and stuff because I just think there are always going to be bigots. But like the word victim is often used to silence people as in like you know stop that stop playing the victim. Like, let me back track. I don't feel like a victim but I do feel like I am oppressed. I guess the hate crime stuff hasn't made me feel like a victim but it has definitely made me feel like a target.’ **Sunshine. 22, gay, non-binary.**

Thus, critical victimology's emphasis on structural oppression describes more accurately the experiences of victimisation and marginalisation of my participants, than the term victim. Their hate experiences, whether criminal or not, are an aspect of this oppression rather than their victimhood. Sara Ahmed's (2014) work discusses the role of pain in victimisation and oppression. She argues that 'how we experience pain involves the attribution of meaning through experience, as well as associations between different kinds of negative or aversive feelings' (Ahmed, 2014: 23). My participants did not interpret the harms they experienced through a lens of victimhood. Rather, the symbolic meanings that they applied to victimisation were described as the social oppression that they experience. I now therefore turn to the structural oppression and violence my respondents discussed during interview.

### ***Structural oppression and background violence***

I highlighted in Chapter 5 that 70% of survey respondents had experienced a hate crime in their life and that a vast majority of interview respondents recounted experiences which they deemed to be a hate crime. Strikingly, an overwhelming majority of interview participants had experienced, on a regular basis, some form of othering or micro-aggression. These micro-aggressions usually took the form of a dirty or strange look when holding hands with their partner, being giggled at for their gender presentation, or being singled out or isolated in social situations. I call this form of 'othering' *background violence* as it adequately describes all of the micro-level, every day, and mundane forms of discrimination and violence that participants experience in the background of their everyday lives. Background violence is

rooted in the structural oppression of LGBT+ people as it is heteronormativity/cisnormativity, and the homophobia/transphobia that come from these structures, that ultimately ‘others’ them. For example, the concept of ‘coming out’ as LGBT+ stems from the heteronormative notion that it is normal to be straight where one needs to ‘come out’ as not straight. Various models of coming out have been discussed in the literature that outline the processes of coming out in a society where heterosexuality is the norm and queer identity is stigmatised. I have purposefully avoided rehashing these models as this is not the central aim of this study. To summarise, coming out still signifies that LGBT is indeed not normal, which has a profound effect on psychological stressors that force an individual to negotiate, come to terms with, and accept or reject their queer identity in a heteronormative society (Rosario, et al., 2001). Ruth reflects on when she first started to realise, consciously, that she was a lesbian, remarking:

‘I still go back to those days where I realised that I started liking women and just in the changing room I didn’t want to look at any one because I thought it was wrong, and it is just there that homophobia is just there in society.’ **Ruth. 44, lesbian, cis woman.**

Scholars such as Sue, et al. (2007) and Nadal, et al. (2011) have laid claim to the structural nature of micro-aggressions where systems, institutions and even the very environment people traverse are constructed to be aggressive on a micro-level. They provide the example of buildings that are only named after white men or universities only presenting paintings or celebrating the achievements of white men. These are subtle communications to people of colour and women of all races that only white men are valued by society whereas the achievements of women and people of colour do not contribute or have value to society. Similarly, heterosexist practices such as the lack of representation in literature, television, or film of queer people can also communicate these messages of invalidation to queer people. These aggressions are micro in terms of the severity of event but macro in terms of the ways they are structurally embedded in society, so much so that Nadal, et al. (2011) notes micro-

aggressions are often unintentional and unconscious ways of communicating discrimination to others. Because these communications are often subtle and covert, they are very difficult to identify. Respondents in this research constantly experienced the types of phenomena described above but chose to normalise or ignore these experiences. Darla for example exclaimed:

‘I think it is difficult because there is an awful lot of stuff that gets normalised within the community. If you go into a convenience store you are well prepared that someone might give you a filthy look or a backhanded comment. There are levels of it but there is stuff that is easy to tolerate you know you can just brush off and walk past. But the verbal stuff and you know the stuff that can get personally dangerous, which happens quite a lot. You tend to scope out where you might be safest. I think I have definitely experienced hate crime. There have been various occasions where people are trying to be violent towards me but people have gotten in the way. And a lot of trans women experience it but a lot of men see us as men so they feel that they can act towards us like they would other men. You know in a violent way.’ **Darla, 39, attracted to femininity, trans woman.**

Participants attribute these micro-aggressions to macro structures of society such as heteronormativity or homophobia, which they in turn normalised. Darla highlights here how participants generally respond to the background violence in their daily lives. They normalise the strange looks they receive in public and tolerate most of their negative experiences. Normalisation is a strategy participants use, often unconsciously, to, using Darla’s words, ‘brush off and walk past’ the everyday violence that they experience in order to navigate through society in their everyday lives and reconcile the identities for which they are victimised. Sho and Arin for example discussed their experiences of normalisation:

‘I just put up with it. And I always think it's kind of sad to witness but a trans person knows that it might happen and they just don't respond. You know and they just think well what's the bother, what's the point because you know this isn't a one-off. Yeah, as people we are quite used to being oppressed, I guess we know what is going to happen, we might get rejected from jobs which is illegal, but it could happen and does happen. You know some people get fired for coming out and things. You know we know that we're more likely to get violence, we just know what it's going to be like, so we try not to provoke anything ourselves.’ **Sho, 15, gay, non-binary but leaning towards boy/male.**

‘But I guess it is part of the territory like you are going to have people trolling you and hating you.’ **Arin, 19, bisexual, non-binary demi-girl.**

The navigational processes that participants employ to prevent, normalise, and cope with their status as oppressed people are constantly in the back of their psyche. I highlighted in Chapter 3 that homophobic violence is a systematic and everyday occurrence for LGBT+ people (Stanko and Curry, 1997). Indeed, Yep (2002; 2003) highlights that heteronormative culture and society communicates everyday anti-queer messages, akin to micro-aggressions discussed above. Hate crime was a specific, often extreme form of these daily hostilities propagated by wider structural oppressions. Nevertheless, hate crime is a form of oppression which compliments much of the structural, background violence LGBT+ people experience. Whenever hate crime was discussed during the interviews, it was usually followed by a discussion of homophobia in society, of which hate crime is a symptom. Participants are, for the most part, well aware that they are oppressed by society and that they are raised and live in a society that is hostile and phobic to them. One participant eloquently raised this point arguing that

‘we are brought up in a homophobic society, lots of people are homophobic even subconsciously homophobic and they don’t realise that they are. Lots of gay people are even homophobic.’ **Sunshine. 22, gay, non-binary.**

Society, for my respondents, is a space socially organised by heterosexist and homophobic structures that assiduously other and oppress LGBT+ people. Hate crimes are one extreme in a series of micro-messages delivered to LGBT+ people in order to oppress them.

All of the service workers that I interviewed expressed that many of their experiences and the experiences of the clients they work with are rooted in these structures of oppression.

‘The vast majority of hate crime is driven by social prejudice and cisnormativity/heteronormativity as a mind-set. And that is often why you get people othering other people and making them feel different. But that is the root of everything; it can be as extreme as “I’m going to beat that fucking queer up.” That person has never probably considered why they hate queers. They have been told to hate queers. I mean you can argue the toss about the law but the vast majority of the legal battles we have had to face have been won. That does not mean social equality exists. So, as my role in the organisation when I speak with trustees and I speak with members of the community I am talking about how we now need social equality. We

have got legal equality but the strike of a pen and the strike of a conversation between politicians - those legal protections can be gone.' **Caroline. 54, pansexual, gender queer, trans woman.**

Homophobic and transphobic hate crime was an experience that participants came into contact with sporadically. 'Hate' however was not contained to a singular event, as participants have to negotiate and navigate homophobic and transphobic micro-violence every day. Caroline's quote above demonstrates what the majority of participants over 40 acknowledged. Legal protections and legal equalisation for LGB people have been achieved. Hate crime policies are evidence that LGB people, in England and Wales, are protected and equalised under the law. There are still legal obstacles facing trans people however, such as Gender Recognition laws (see Gender Recognition Act, 2004) that only recognise binary male/female identities. However, structural oppression, violence, victimisation, marginalisation, and inequality are all still prevalent in the lives of all those who participated in this study. Nadal, et al. (2011) calls this the death by a thousand cuts, where LGB youth are cumulatively harmed by micro-aggressions and structural heteronormativity. Although hate *crimes* may be extreme occurrences that do not happen daily to participants, 'hate' that is not criminal is not so randomised and sporadic. Participants experience hate, marginalisation, and oppression that is non-criminal within every day normal activities. This mundane level of hate, which I term background violence is what they are consistently navigating. Again, for participants, hate crime is one extreme experience within a much wider system of oppressive experiences.

I touched on how participants internalise this hostility in Chapter 5, however internalised homophobia and transphobia are a pronounced subtheme that arose when discussing societal homophobia and transphobia. The majority of the participants who appreciate their experiences of structural oppression also highlighted that in addition to normalising and navigating through this, they also internalise much of this hostility. Further, they often

encounter other LGBT+ people who have internalised this homophobia and transphobia and are actively hostile to my participants and other LGBT peers. This in turn shape the way respondents perform and negotiate their identities. I will return to hate in LGBT+ spaces later in this chapter, however Sunshine summarised the internalisation of hate by acknowledging their own transphobia:

‘I think that I have a lot of internalised transphobia because of it. I know something academically but I am not able to live it. Like I am a very big believer that in theory a trans person’s identity is their identity, their gender is their gender, and nothing can define that except their own definition. But I also feel like if I don’t pass, I feel so awful saying it but that if I don’t pass I am not legitimate.’ **Sunshine. 22, gay, non-binary.**

The internalisation of this social hostility, of which hate crime is a contribution, shapes how my participants experience the world and negotiate their identity. As Sunshine highlights, ‘passing’ as either straight or trans is a hugely desirable goal due to cisnormative and heteronormative standards of what it takes to qualify as a man/women. By these standards, men are ‘supposed’ to be masculine, heterosexual, have penises, and sexually desire women; women are ‘supposed’ to be feminine, heterosexual, have vaginas, and sexually desire men. ‘Passing’ stems from these norms of sexuality and gender. Thus the desirability to ‘pass’ as straight and as cisgender is not *just* to prevent future hate crimes and incidents but to also escape societal oppression and assimilate within these social norms. This would manifest by cisgender gay men wanting to present masculine and trans people wanting to be perceived as cisgender. These findings support the idea that appearing straight and not trans is idealised amongst LGBT populations due to heteronormative and hegemonic masculine processes. Sanchez and Vilain (2012) provide evidence that the majority of gay men in their study ideally wished their behaviour was more masculine, desired a masculine partner, and held anti-effeminacy feelings which were linked to negative attitudes about being gay. Further, Bockting, et al. (2013) argue that passing as non-trans for trans people is a hugely desirable goal. Passing means that they would no longer be stigmatised as they would appear

heterosexual and cisgender which are both socially privileged identities and are viewed as socially legitimate. The ability to be perceived as not queer is a huge factor that influences how participants negotiate and navigate their everyday lives.

I described in Chapter 4 that prior to interviewing, Sunshine walked into a room full of cis heterosexual people and immediately panicked, meaning I had to choose a different venue for the interview. This is a prime example of how participants negotiate and internalise these hostilities, forcing them to avoid situations due to psychological stress. These stresses to the psyche are a form of social harm that participants daily negotiate, that make them feel vulnerable in certain situations. Participants often described how their vulnerability to hate influences how they negotiate their sociality in order to escape these social harms. Further, these harms on occasion were described by participants as a trauma to the psyche. I therefore turn to discuss the concept of vulnerability and trauma.

### ***Vulnerability and Trauma***

Whenever participants described the long-term negative impact of their hate experiences, I avoided to the best of my ability medicalising their experiences as this research inquiry is sociologically rather than psychologically grounded. The majority of participants acknowledged that feelings of vulnerability was often dependant on the environment. When participants were around other LGBT+ people in social, youth, and community groups they did not feel vulnerable. In places where there were less LGBT+ people they felt more vulnerable. Vulnerability therefore is a profoundly social experience and shapes how participants socialise and navigate their daily lives. Social structural explanations outline how participants experience vulnerability. Participants are aware of their own oppression, they

know they are more likely to be victimised, and they navigate strategically through the background violence they experience. Arin eloquently summarised what vulnerability meant:

‘Vulnerability is like having a house of cards stacked with the table constantly shaking. It could fall down because something bad could happen at any time and you are always on edge. I don’t feel vulnerable because I can feign confidence very well and I’m very good at acting.’ **Arin, 19, bisexual, non-binary demi-girl.**

Vulnerability is not a static experience; much like identity ‘work’ (Brown and Toyoki, 2013) vulnerability is a performative experience which is worked on and negotiated. Arin’s quote above broadly demonstrates what all participants who discussed vulnerability shared. They were vulnerable structurally but for the most part they did not feel or accept that they were vulnerable. Participants demonstrated their own agency by rejecting presentations and performances of vulnerability. Several times participants stated that they actively chose not to feel or perform vulnerability in defiance of their oppression. Past homophobic, transphobic, and general abusive experience did not in fact increase their vulnerability, rather it made participants more resilient and equipped them with the mental tools to navigate through society in order to avoid conflict.

‘I feel like I am more equipped to be vulnerable, like I have a lot of coping tools. I feel like I am stronger because of my experiences. I think it has allowed me to develop as a person and it has made me develop empathy with others, so instead of feeling victimised I can look at other people and help people.’ **Charlie, 22, pansexual, trans man.**

Despite a wide acknowledgement that LGBT+ people are socially vulnerable because of their stigmatised or oppressed status, participants on the whole actively rejected a vulnerable status and, as Charlie outlines, believed that their experiences had ultimately made them stronger, more resilient, and more able to challenge and oppose the background or structural violence they faced. Vulnerability was therefore not a preventative process that disabled participants from navigating through society. Rather, it influenced positively how respondents coordinated their sociality, prompted them to fight against structures of oppression, and actively help their LGBT peers who had similar experiences. This requires a critical

victimological approach as the concept of vulnerability must be applied very carefully and critically to respondents (Mawby & Walklate, 1994; Walklate, 2007b). Vulnerability, like victim, is synonymous with weakness, being at direct risk of harm, unsafe, and in need of help (Walklate, 2011). Participants emphasised that they felt structurally oppressed but refused to feel vulnerable or weak. I highlight in Chapter 2 that hate crime is predicated on a person's perceived identity and potential vulnerability. Labelling an individual as vulnerable – as an absolute – is problematic as it does not take into account how a person's vulnerability depends on social context. Anyone can be vulnerable under specific circumstances. Further it is difficult to distinguish between vulnerability and prejudice when hate occurs. Stereotypes of protected groups often come from prejudicial attitudes. These stereotypes can frame people incorrectly as vulnerable, such as the stereotype of seeing gay men as weak and disabled people as helpless. Writing on disablist hate crime, Mason-Bish (2013: 17) highlights

‘the distinction between vulnerability, stereotypes, malice and hate are not clear for some campaigners. Nevertheless, they are used to distinguish between types of incidents and whether or not they should be seen as a hate crime. Such is the importance of this confusion that the CPS have moved to provide further guidance, noting that ‘police and prosecutors often focus on the victim being “vulnerable”, an “easy target” and no further thought is given to the issue of hostility. This is wrong.’

Protected groups, specifically disabled groups, have made the case that vulnerability is an infantilising term that frames them as helpless rather than as normal individuals (Barton, 1996). I briefly borrow from these debates around disability, due to their emphasis on identity politics, to help frame my analysis of vulnerability and LGBT+ people.

Being disabled literally means being dis-abled from society; a form of discrimination and oppression which causes social restrictions (Barton, 1996). Therefore, being disabled infers that structural vulnerability is a daily reality. Disability activists contest and reject the term vulnerability as being an inherent quality of disability. Tying vulnerability as an inherent

feature of disability arguably reinforces the oppression of disabled people as weak and feeble individuals. Sparf (2016) argues that defining specific groups as inherently vulnerable, regardless of whether vulnerability is experienced or not, creates misjudgements about those groups. Disabled people are vulnerable because of situational and social processes which disable them from daily life. Similarly, LGBT+ people are not inherently vulnerable as vulnerability is not a prerequisite to being LGBT+. In line with my critical victimological approach, I was therefore cautious when applying the term vulnerable to participants to avoid infantilising and synonymising them as weak.

Indeed, Roulstone and Sadique (2013) argue that vulnerability is often applied uncritically to legal and criminal justice deliberations. Constructing protected groups as vulnerable has arguably weakened the drive to introduce hate provisions and hate crime justice rather than improve them (Roulstone and Sadique, 2013). Further, this construction of vulnerability robs respondents of their agency and autonomy to navigate their identities. My respondents reject their vulnerability status demonstrating they are active agents who work at their identity (Toyoki and Brown, 2013). Without a critical approach to vulnerability this research risked overlooking the resilience that participants displayed. Akin to disability, LGBT or queer is also a political and social identity (Seidman, 2001). The politics of rejecting vulnerability as a prerequisite to oppressed identities, due to its infantilising connotations, enables my participants to demonstrate their resilience and actively fight against the oppression they experience. Although they acknowledge they are *technically* vulnerable, they do not feel vulnerable as they are often just living out their daily lives. However, I go back to the point, whilst respondents did not feel vulnerable they did feel oppressed. The reality of vulnerability was not the same for all respondents further emphasising the appropriateness of a critical victimological perspective.

A significant subtheme was the experience of trauma, a term that a minority of participants used to describe significant long term and/or extreme hate experiences. Participants often framed trauma using medicalised language. Service workers discussed trauma more frequently than any other cohort. Over the years, they had received many referrals from the police, social services, schools, and self-referrals to work closely with traumatised people.

‘I mean we have had victims come in that, having been subject to years and years of abuse and essentiality having nothing short of PTSD. And they are so traumatised that they cannot socialise and they are so traumatised that they can’t get anything. I mean the stories go on and on and on.’ **Caroline. 54, pansexual, gender queer, trans woman.**

Service workers relayed several significant stories about their service users’ experiences of trauma, to me. Ultimately these incidents had a profound effect on service workers as they were often the ones directly supporting traumatised LGBT people. In cases requiring criminal justice responses, service workers would often be the people who emotionally supported victims through legal procedures. Service workers often went to the police with victims in these cases and stayed with them until trial. Karen recounted a particularly brutal attack on one of her service users, where she herself became very emotional during interview.

‘There was another service user who hadn’t been to court yet but they were the victim of a sustained assault by three perpetrators and that was just walking along the street and the person realised that the person with a trans woman. They all basically gave her some verbal grief about being a tranny. You know being a bloke in a dress. And when she tried to defend her identity that was when she started getting punched in the face. And she was knocked to the ground and then she started getting kicked. Then a third perpetrator who was actually a woman, the victim thought was actually trying to help her, but then started to drag her down the street whilst the other two perpetrators carried on kicking her. So, that one was a very powerful incident and we supported them after the incident - they are still suffering from trauma. They have got huge social anxiety. They are afraid to leave the house. The actual perpetrators are all out on remand anyway. And there has been a few incidents where they have been seen in the area and again that is frightening for her. So, her life has been hugely impacted by the incident way beyond the actual physical scars.’ **Karen. 43, pansexual, feminine polarised genderqueer.**

These instances, although rare, are significant and demonstrate the extreme, long-lasting, traumatic impact of hate crime and how this affects a person’s identity. Previous research and

research overviews have highlighted that LGBT people are far more likely to experience inter-personal trauma than their heterosexual counterparts (for an overview see House, et al., 2011). However, experiences that lead to trauma and PTSD are often cited as extreme, such as child sexual abuse, rape, intimate partner violence, and for trans people exploitation in the sex industry (Mizock and Lewis, 2008). There is acknowledgement that less extreme events, outside of rape, war, murder, and sexual exploitation, such as housing, employment, and healthcare discrimination, daily indignities, and family rejection also contribute and cause trauma (Mizock and Lewis, 2008). In my own research, traumatic instances did not have to be extreme in order to result in trauma. Several young people – aged 15 to 18 – noted that due to years of non-acceptance, bullying, and rejection they had developed anxiety, depression, suicidal tendencies, and PTSD. Much of this was attributed to the ‘never ending, every day, never stopping bullying and never really seeing a light at the end of the tunnel’ **Riley. 14, bisexual, genderfluid.**

These respondents used the phraseology of PTSD to explain trauma. Their trauma was a social experience rather than an illness; it was a normal reaction to significantly difficult, unfriendly, and distressing life experiences. Indeed, as Riley outlines, the everyday, never ending brutalisation and exclusion of LGBT+ people contributes a significant injury to the psyche or what Patricia Williams (1991) terms, to describe every day racism, spirit murder. This murder is the death of the self, the eradication of self-worth, self-integrity, self-confidence, and self-wholeness. This murder of the psyche describes the social brutalisation and degradation of LGBT+ people. A medical model of trauma is reinforced by McGarry and Walklate’s (2015) emphasis of trauma as being confined to individuals victimised by war and genocide. This is not the model I wish to promote as respondents in this research experience trauma and traumatic instances outside of genocidal wars. Their experiences of trauma are rooted in psyche injury caused by both extreme hate events and everyday battles. The

everyday battle of existing in homophobic, heteronormative, and cisnormative environments inflicted injury to the psyche resulting in a traumatised experience.

The impact of psyche injury and experiences of trauma lies in psychological pain and how pain is experienced. In order to understand pain and trauma, it is unhelpful forming a victim hierarchy due to the spectrum of experiences that cause psyche injury. It is inappropriate for my research to conceive of a hierarchy where experiences of war and genocide are superlative and bullying, invalidation, and hostility are lesser. I refer to Ahmed's (2014: 23) concept of pain as involving the attribution of social meaning, 'whilst pain might seem self-evident – we all know our own pain, it burns through us – the experience and indeed recognition of pain *as pain* involves complex forms of association between sensations and other kinds of 'feeling states'.' As Yep (2002; 2003) has outlined, simply existing as LGBT+ in a society that communicates heteronormative 'otherness' towards LGBT+ identities, causes pain. Although circumstances for my participants such as school bullying, hate crime events, and workplace homophobia can improve and can be moved on from, the pains of living in a heteronormative and cisnormative society are not linked to a specific context or event – the pains are linked to their identity – and will remain with them always.

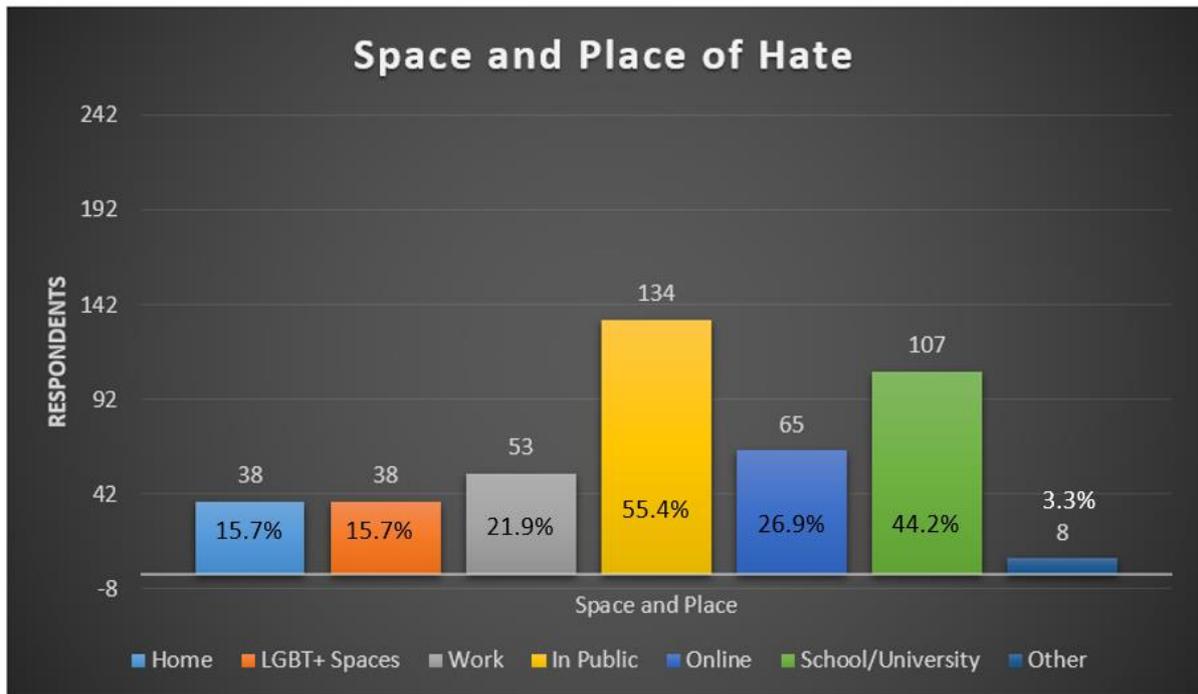
The question then arises over how these traumas and injuries to the psyche require support and interventions. Williams and Heslop (2005) advocate social interventions over medicinal interventions to remedy experiences of trauma. For example, creating spaces where friendships and intimate relationships can form, supporting family members of the traumatised person, and talking therapies. LGBT+ voluntary sector services played a vital role in supporting LGBT+ people experiencing these kinds of traumas. Service workers remarked that whilst they were not professionally trained counsellors they often used counselling skills to talk through traumatic experiences with people, rebuild individual's confidence, support them with self-harm issues and suicide ideation. Service workers were

also the first instance in recognising these issues in the people they support and were vital in referring service users for professional help if they required it. For those who were deemed to be a significant risk to themselves by the services in my sample, the service would regularly check up on these individuals, conduct one-to-ones closely with them, and provide a space where traumatised individuals had an outlet for their feelings. One service worker described that if she was particularly concerned about an individual she would ring them to check up on them several times a day until they had overcome the worst part of feeling depressed or traumatised. Direct support to LGBT+ individuals often came from voluntary services, who provide a vital space for LGBT+ individuals to negotiate and navigate their victimised experiences. I now move to discuss the impact of space and place to the hate crime experience, in more detail.

### *Space and Place*

The fourth key theme running throughout this research was the ‘Space and Place’ hate occurred and the environments my participants traversed. To begin, I will report on data from my quasi-online survey. In order to gauge numerical significance of the spaces where hate occurred, I surveyed 242 queer people and asked whether they experienced hate in the places they were most likely to frequent. I listed the Home, LGBT+ Spaces, Work, In Public, Online, and School/Universities. Whilst this is not an exhaustive list, only 8 respondents listed Other spaces that they experienced hate. The spaces I listed were sufficient in broadly covering the spaces LGBT+ people were most likely to traverse. Other spaces that respondents listed in the ‘Other’ category were: in Church, by their therapist, in hospitals, and nightclubs. Table 6.1 on the following page shows the spaces and places where hate was experienced.

Figure 6.1: The space and place in which hate crime was experienced



**Table 6.1: The space and place in which hate crime was experienced**

As shown by Table 6.1, the most common place for hate crime to occur for respondents was in public which 55.4% of participants stated that they experienced hate victimisation. 44.2% experienced hate crime within educational settings. Although over a quarter of respondents stated that they experience hate online (26.9%) only a minority of participants from interviews described these occurrences. In interviews, hate experiences in the home, in schools, and in LGBT+ spaces were the dominant places that participants described. This is in part, I suspect, due to the personal and intimate nature of these spaces. These personal spaces were perhaps the most important, in terms of describing them to me, for participants. Targeted attacks in public or from strangers online are far less intimate and personal than targeted hate from parents, peer groups within education, or LGBT+ peers. I will therefore focus on the dominant spaces that came through from the semi-structured interviews.

## *Home*

Firstly, hate within the home was discussed the most often, particularly with the young participants. Service workers and people ages 40+ often also reflected on the homophobia that they experienced at home and remarked how their parents had eventually reconciled with their LGBT identities over the years. The majority of participants under 20 were negotiating homophobic and transphobic behaviour from their parents, siblings, carers, and close relatives. A minority of participants did have very positive experiences of their home life. Their parents accepted them as LGBT and they did not experience homophobia, having an overall positive experience within the home. Unfortunately, this was not the norm for the majority of participants. Several participants were not out to their parents for a variety of reasons; mostly they feared the reaction they would receive if they did out themselves. I cannot say for sure that these few participants would experience homophobia or transphobia. However, as stated previously, coming out as queer is a heterosexist concept and is a major source of anxiety and worry for LGBT+ people. Thus, respondents who were not out to their parents recounted their anxieties, worries, and fears noting that they were constantly worried that their parents may find out they are gay.

Homophobia or transphobia from family members was often very difficult to negotiate for participants, as they still loved their family and held familial loyalties to them. Further, the home was a place they lived so were therefore forced to navigate the homophobia and transphobia that was housed in this environment. Reporting family to criminal justice agencies for homophobic or transphobic hate crime was therefore not an option that participants wanted to pursue. Alicia in particular highlighted the difficulties in negotiating home life and homophobia

‘Like often I get some small comments from my family which is very homophobic and I know that they are trying to be offensive but because they are my family I won’t use it, I will just be like oh that’s fine. I think it is worse coming from a family member...I am kind of torn because he is my dad. I have a lot of problems with my dad anyway but a lot of them recently have been related to my sexuality and me coming out. So there has been a lot of arguments recently like there have even been points when I have moved out. Like I have my friend who has let me stay over but I’ve got stuff lined up for the long term. They have got accommodation for homeless people where you pay so much a week. I’ve been looking into that, going into a shelter. The only reason that I am still at home is because my mum got really upset. And after the last time that I moved out I said that we should see how it goes. My mum is okay with my sexuality.’ **Alicia. 18, pansexual, cis woman.**

Alicia’s narrative above was very typical of the under 20-year olds in my sample. She was however the only one that disclosed to me that she had seriously considered moving out and was willing to sleep in homeless shelters to escape her family. The majority of people did however express that they wanted to move out of the home when they were older, in order to escape their familial homophobia and transphobia, to do so however would require stable jobs and the ability to pay rent. Participants under 20 on the whole did not have the material or financial means at the time of interview to move. Participants over 20 reflected on their time in the home, noting that their parents were often casually homophobic or transphobic. The relationship between respondents over 20 and their parents was often described as strained. Although the majority of over 20s had moved out of the home they still avoided discussing their sexuality with parents, with the majority remarking that their LGBT identity was something they did not talk about. The home, rather than being a space of safety, inclusion, and stability was possibly the most intimate environment that respondents were negotiating homophobia and transphobia. Although the home housed much of the hate that participants experienced, the intimate, relational nature of hate crime being perpetrated by family often meant that hate extended beyond the home into public spaces. It was not uncommon for participants to be misgendered in public by their parents for example or for parents to make homophobic comments in public.

‘I have had transphobia from my parents and family are like just using my birth name and ignoring parts of my identity. My sister used to out me in front of other people quite a lot. My mum is quite transphobic because she kinda believes it is just drag basically. She uses my birth name and female pronouns when we are in public and if I get address as Sir or Mr she always corrects them by misgendering me. But she always does it in a not so subtle passive aggressive way. She often takes me to female shops to go shopping and everything like that. With my mum this has been a long standing thing so I tend to just ignore it or I politely correct her but that usually starts an argument’ **Charlie. 22, pansexual, trans man.**

The above quote outlines how difficult it is for my participants to negotiate and navigate hate instances perpetrated by family members as, although these acts are unsubtle and direct, they are also deliberately passive incidents designed to manipulate and invalidate. Again, it was undesirable for participants to pursue a criminal justice response to these due to the intimate environmental and relational context where it occurred. Family orientated hate, for the most part, was a social justice issue as respondents on the whole wished to be accepted by their family. McDermott, et al. (2008) note that LGBT+ people leave home earlier than straight peers due to the difficulties they face living as LGBT+ in an environment which is hostile to them. Little research has been conducted into how LGBT+ people negotiate hostility within the home. The home is an extremely intimate place for most people as it is tied to their sense of self and their sense of identity. Homes can be very inclusive and supportive spaces but also extremely isolating and exclusionary. LGBT+ individuals are more likely to be rendered ‘improper’ for the nuclear family idealised home (Gorman-Murray, 2008). Valentine, et al. (2003) similarly found that the majority of their LGBT+ participants, after coming out, experienced negative reactions from parents who often responded with denial, condemnation, and hostility. It is important to note however that many homes and families are also supportive and accept their children as queer (Valentine, et al., 2003). My findings support the notion that a majority of LGBT people still consistently negotiate homophobia and transphobia within intimate spaces, whilst a minority experience queer affirming processes within the home.

The workplace was another intimate space that 21.9% of survey respondents identified as an environment where they experienced hate. Relatively low compared to the two spaces with the highest experiences of hate (in public = 55.4% and schools/universities = 44.2%) this still accounted for just under a quarter of respondents experiencing workplace hate. Only one interview participant disclosed that he experienced homophobia in the workplace however. For him this was often casual in nature, where people made jokes about his sexuality, imitated a hyperbolic feminized version of him, and asked non-discreet sexual questions about his sex life. For the majority however workplace hate was not a dominant presence in their overall experiences.

Hate within these spaces has arguably changed with time. Service workers reflected that the hatred they experienced had changed. Several remarked that when they first began their work 10-15 years ago, parents, school teachers, youth workers, and professionals had been worried that they were paedophiles who wanted to go into schools, convert children into being gay, and trying to have sexual relations with the young people in their care. The homophobia that they experienced at the time of this research was from homophobic parents who did not want their LGBT+ child associating with LGBT+ charities or from certain schools who would bar access from doing anti-homophobic/transphobic work. They often remarked however that it largely depended upon the area as some schools in the North East were very accepting and often invited service workers in to promote LGBT+ inclusiveness. The picture of school based hate is therefore very mixed. Overall however, all participants in my sample who attended school or interacted with schools lamented that homophobic and transphobic hate was a present reality for LGBT young people. It is for this reason I now turn to look at hate within the school environment.

## *School*

Young people who attended schools and Sixth Forms at the time of interview maintained that the general atmosphere of the school was not LGBT inclusive, which made it difficult for LGBT+ respondents to navigate through hate experiences. This contests recent developments by McCormack and Anderson (2010) and McCormack (2012) who maintain the homophobia within schooling environments is declining to extinction and more recently Morris' (2017) findings of a 'low prevalence of homophobia reported by participants at both their high schools and universities...which were usually characterised as "gay-friendly" spaces.' The majority of my participants came from services and LGBT societies which support LGBT people with a whole host of issues, including experiences of victimisation. It is therefore probable that victimised LGBT+ youth are more likely to seek out the services in my sample, accounting for the higher prevalence of homophobic experiences. However, 44.2% of the survey respondents also identified that they experienced homophobia and transphobia within educational establishments. Based on my findings, it seems unlikely that homophobia is decreasing to extinction and that school environments are typically gay friendly spaces. Participants in my research stated that they had actively tried to encourage teachers to hold assemblies on LGBT issues and discuss LGBT bullying, but that teachers did not view it important, choosing to focus on general bullying rather than specifically tackle LGBT victimisation.

'In school there is a lot of homophobic bullying. I remember once we were in the lunch queue and there was a group of girls behind us and I was stood with my friend. And they kept on repeatedly touching our asses and every time we turned around and told them to stop they told us that we were girls who like girls and that we were supposed to enjoy it. And like when we spoke out about it they didn't get a punishment it was like the school agreed that we were girls that like to be touched by a girl. That we must have enjoyed it and we just wanted to seem like the victim. And like even today in maths people were talking about innuendos like fingering

themselves and everyone turned around to me and was like ‘oh how do you do it’, and like being an all-girls class and being expected to tell someone that. It just makes you shrink. And I don’t think people realise like it made me feel really anxious and really upset but I couldn’t say anything because people would have told me that I was overreacting. And it made me feel quite anxious and upset and it is quite damaging to people and I don’t think people realise it. And they targeted me because I was bi, because they thought that I had slept with another girl and they wanted to know the answer to something.’ **Riley. 14, bisexual, genderfluid**

Riley’s account demonstrates what the majority of young people in my sample were also experiencing. They often faced intrusive questions about their sex life, were forced into stereotypes that they did not belong, and were inappropriately sexually groped as a means to bully and intimidate them; all ways of reinforcing the status of their sexuality as deviant. Furthermore, homophobic and transphobic language was a common occurrence within school contexts contesting the finding of McCormack (2012) and McCormack and Anderson (2010) who argue that homophobia is declining. Service workers similarly noted that the experiences they heard frequently from young people was verbal, homophobic and transphobic remarks about their sexuality and/or gender. Further, it was noted that victimisation often hurt more when a member of staff (teachers) did nothing to challenge or confront it, as the silence of anti-homophobic/transphobic schooling legitimised the homophobia and transphobia that occurred.

Interestingly, despite the majority of participants experiencing homophobia within schools they also noted that there was a perception from teachers and pupils that LGBT equality existed within the school and within wider society. I have highlighted throughout, particularly in Chapter 2, that LGBT+ rights and politics have shifted, changed, and improved over the previous thirty years. According to participants these improvements in rights have created a perception that LGBT+ people are equal and do not experience homophobia or transphobia within schools, despite the vast majority of those sampled still experiencing this. The illusion of equality made it difficult for young people and service workers to challenge anti-LGBT+

victimisation within schools, as homophobia and transphobia were not viewed as legitimate concerns. Indeed, Ruth remarked:

‘I think that it is changing but I think it would be jumping the gun to say that it is changed. Now when I go into school and do any work around homophobia in schools, people think that I am just making an issue out of nothing. Whereas I am only reacting to what I see and the need that I see coming in and clearly for some young people who are LGBT life is okay, but for an awful lots of young people it is not. And it’s really based on the fact that they are LGBT and it impacts of their life at home, at school, and everything that they are in life is impact on because of that and you can’t ignore that. Lots of young LGBT young people who are isolated in school settings because nobody wants to be seen with the gay kids. But then on the other hand we sometimes see a gay lad who has loads and loads of female friends so he is doing fine but they are all only friends with him because he is the gay lad. And I’m not convinced that that is the way to go either but it’s better than you getting the crap kicked out of you every day and he is having a nice life.’ **Ruth. 44, lesbian, cis woman.**

It would be misleading of the data to remark that homophobic hate based victimisation within schools has not improved, however, as stated by Ruth, many young LGBT+ people including young LGBT+ people in this sample were consistently negotiating homophobia within schools, from both peers and staff members. Importantly, what shone through here was the paradox of challenging LGBT+ victimisation. According to my participants, due to the vast improvement in LGBT+ rights, people that they regularly came into contact with perceived homophobia to be a non-issue or a reality LGB people no longer experienced. People within schools did not believe it to be important and, as Ruth says, thought that discussing homophobia was to make an issue out of nothing. This furthered and legitimised homophobic victimisation as nothing was done to challenge or change this. There was some acceptance that transphobia was an issue however. The LGBT+ young people in my sample often discussed these issues with other service users and service workers, choosing to organise their sociality in youth groups, external to their schools, as a safe place to escape daily hostilities. The experience of homophobia and transphobia within schools is therefore a mixed picture. The majority of participants experience hate of some form daily but are denied the agency to

articulate these experiences due to the illusion of equality. However, participants also acknowledge that even in LGBT+ spaces, homophobia and transphobia were not escapable.

### *LGBT+ Spaces*

According to the survey responses 15.7% of hate experiences occurred within LGBT+ spaces. These experiences, relative to the responses to public (55.4%) and educational (44.2%) spaces do not seem significant. However, hate within LGBT+ spaces was a significant subtheme in the interviews. The vast majority of participants disclosed and described hate within LGBT+ spaces, perpetrated by LGBT+ people. It was acknowledged that these spaces often housed racism, sexism, homophobia and transphobia. These spaces often took the form of two contexts. Many people made reference to ‘the scene’ which was a colloquial term to describe sections of city nightlife dedicated to gay clubs and bars. Respondents from the student cohort also referred to hate victimisation within their university LGBT+ student spaces, mainly referencing these societies online pages and events.

Valentine and Skelton (2003) have demonstrated that LGBT+ scenes are paradoxical spaces, as on one hand they provide safety and seclusion from a heteronormative world and enable queer people to experience queer culture and grow in queer identity. On the other hand, they are also spaces where unsafe sex, drug use, risky behaviour that compromises the safety of individuals are also prevalent. Further to this, my research demonstrates that whilst they provide sanctuary from the heteronormativity of mainstream society, they paradoxically house much homophobia, transphobia, sexism and racism directed at LGBT+ people. Much of this can be attributed to the internalised queerphobia that LGBT+ have about themselves and about their peers (Frost and Meyer, 2009) causing them to reject overt displays of

queerness, including femmephobia against femme identified people (Blair and Hoskin, 2015) such as camp gay men.

The majority of trans participants (n = 13) stated that they actively avoided the scene due to the levels of transphobia and sexism they have experienced. Similarly, non-binary participants disclosed that they experienced transphobia in trans places, particularly from older trans people who dismissed non-binary identities as an illegitimate fad. Transphobia against binary trans people seem to be a much more blatant form of discrimination, which made it easier to challenge or avoid. Younger trans people who were non-binary therefore chose to associate with other young people whilst trans people generally avoided the scene in order to minimise their contact with transphobic hate, perpetrated by cis LGB individuals. The voluntary services sampled in this research were vital for LGBT young people to organise their sociality around escaping the high levels of homophobia, transphobia, and racism of mainstream LGBT scenes and spaces. Service users noted that the fetishisation of race was also an issue in LGBT spaces, where stereotypical fetishes of black men having big penises, or anti-blackness as a sexual ‘preference’ was common. Ruth remarked on the queer people of colour she worked with that:

‘on top of all that we have a gay scene which is very racist. And you will either be really really popular because you don’t have a white face or really really unpopular because you don’t have a white face. You know or that people can expect you to be a certain type of person because of the colour of your skin.’ **Ruth. 44, lesbian, cis woman.**

Very few studies have observed this type of victimisation of queer people of colour by white queer people. However, Teunis (2007) and Wilson, et al. (2009) have found that queer people of colour are frequently sexually discriminated against, by being rejected sexually because of their race or fetishised and objectified. Significantly, racist attitudes and problems in LGBT dating, for example, not being attracted to black men as a ‘preference’ can lead to multiple minority stressors for queer people of colour (Balsam, et al., 2011).

Overwhelmingly, students in my research claimed that LGBT+ societies were places that they themselves were regularly excluded and marginalised from and where they witnessed racism, homophobia, and transphobia. In particular, respondents with non-binary and gender fluid identities acknowledged that there was no support for them at universities. LGBT societies which are headed by a committee often had no gender-fluid or non-binary people representing them meaning that participants felt much more vulnerable to inter-community marginalisation. These participants discussed feeling that their LGB peers did not believe them when they identified as gender fluid or non-binary and conflated their identities with cross dressing. This was attributed largely to ignorance and a lack of willingness to learn or engage, which was frustrating for these respondents who were trying to find their place in the LGBT community. It was difficult for these participant to navigate their sociality as they experienced marginalisation and oppression within mainstream society but also in spaces that are premised as being inclusive and accepting. Several times, this was attributed to the context of the North East of England. Jeramiah, originally from London relayed this to me in great detail.

‘I think coming to [North East] was a real eye opener into how big homophobia was. Because like I have experienced some in London. Up here I think it is because I have been spat at and experienced verbal abuse and that had people just come up to me and be very very homophobic. Just seeing the level of homophobia at student union meetings and the level of ingrained homophobia in the LGBT societies. It has made me understand that homophobia is a lot more than a few things coming up here. And it has hugely jaded my view of the LGBT community and the internal homophobia and transphobia. And coming up to [North East] really opened my eyes to the amount of bottom shaming, femme shaming, sex shaming in general within the gay community. And just seeing the amount of slut shaming and the absolutely severe amount of racism in the LGBT societies. That is something that really needs to be addressed. And some of the things that are said on the LGBT society pages are hate crimes. Whether or not they are said by a gay person actually doesn't matter. Because if you turn around to someone and say that their opinions on their own race are not valid that is a hate crime. Basically telling people to wait their own turn. We should get our movement on our society is how it is affecting our most vulnerable member. We should be looking at how well we are supporting them rather than just going oh look we have just got gay marriage in. And like the majority of those people have never had their privilege checked and they really fight against it. And gay men in

particular just hate the femininity and hate themselves and hate women particularly like massively hate women. There is lots of severe misogyny. It is really sad but it is also really horrible because it perpetuates this dialogue of misogyny and sexism and racism. And I think a lot of gay men have it within themselves but they hate themselves and hate women. For them not wanting to be with them if that makes sense because they are gay and because they don't want to be with women. They therefore hate women and yes it is some of the worst misogyny I have seen in the past few years in [North East].” **Jeremiah. 23, gay, cis man.**

Participants are frequently trying to negotiate and navigate the various levels of homophobia, transphobia, and racism in these spaces. This was also evident at major LGBT+ events such as Pride in the North East. Trans participants in particular highlighted that they experienced direct transphobia from their LGB peers at Pride, and occasionally from drag queens at these events who would use transphobic language to demean or invalidate their identities. Participants regularly remarked that transphobia and homophobia perpetrated by LGBT peers in LGBT spaces often hurt more as the spaces that were made to include them actually marginalise them. For them, it meant having little to no escape from homophobia or transphobia in their daily lives. Further, it was far more difficult to report and police as hate crime discourse does little to acknowledge inter-community hate, internalised homophobia or transphobia causing LGBT individuals to hate each other’s queerness, or the internal hostilities LGBT people have towards femininity, queerness, and sexuality. I refer back to Valentine and Skelton’s (2003) theory of LGBT scenes as paradoxical spaces. These spaces, despite having issues of inter-community exclusion and marginalisation, are also semi-sanctuaries that allow participants to socialise and meet other queer people away from heteronormative and cisnormative oppressions that manifest in wider society.

## ***Conclusion***

To summarise, victimisation is a complex social experience rooted in societal structures that oppress LGBT+ people in this sample. I recommend that a critical victimological approach is taken to conceptualise victimisation, particularly when applying the victim label to respondents. Victimisation, whilst not a positive experience could be functional in affirming specific targeted identities. Participants on the whole did not feel like victims – as an integral part of their identity of personhood – but did feel oppressed by social structures and socially victimised by micro-patterns of behaviour, which I have termed ‘background violence’. Equally, although participants acknowledge that they are more at risk to homophobic and transphobic violence, because they were not straight, they rejected or were resistant to notions of vulnerability. A minority of participant’s experience ongoing psyche injury and long-term which they outlined as a trauma or PTSD. I have argued that the pain of trauma is relative to the individual rather than to the event of victimisation. Respondents highlight that there are several places that they experience anti-LGBT+ hate the most. These spaces are the major institutions within society: the home, at school and educational settings, and in LGBT+ spaces. This reflects the structurally endemic nature of hate that participants experience. Respondents navigate through their home life by avoiding conversations related to their sexuality and gender. One navigation method was planning to leave home completely once they had the material and financial means to do so; exiting a space that in theory should be the safest for people to inhabit. Homophobia and transphobia is a daily reality for participants, contesting recent scholarship (McCormack and Anderson, 2010; McCormack, 2012; Morris, 2017) that homophobia is declining or non-existent within school and educational settings. LGBT+ spaces are paradoxical as they are places of inclusion from mainstream heteronormative society whilst housing much homophobia, transphobia, and racism within. Overwhelmingly, voluntary sector services provide safe spaces and queer affirmative places for LGBT+ people to organise their sociality. My respondents navigate through daily

hostilities towards their identity, many of which occur in intimate spaces. These hostilities, towards queer identity, stems from oppressive structural power dynamics and systems. LGBT+ services, run by youth and community workers, are vital spaces for queer people to meet each other and explore their identities in safety. There is a significant need for these services, in terms of supporting LGBT+ people with their daily victimised experiences. Funding and investment into these services is therefore vital to keep this layer of community support active. The next chapter will explore how respondents engage with the criminal justice system and will prioritise data collected from the criminal justice sample cohort.

## Chapter 7

### **Responding to and policing hate**

#### ***Introduction***

This chapter explores, in depth, responses from the Criminal Justice sample cohort. I use data specifically from this cohort to provide an insight into the policing culture and police responses to hate crime that I gained from interviewing members of the criminal justice system. These respondents encompass the police and members of the Crown Prosecution Service. I will use the phrase criminal justice worker as an overarching term for all members of this cohort but will refer to police officers specifically. Although throughout I have preferred to use the acronym LGBT+ to signify lesbian, gay, bisexual, trans and other non-heterosexual/cisgender identities, I will only use LGBT when referring to liaison officers as they are formally titled ‘LGBT Liaison Officers’. (1) *Policing* and criminal justice (2) *responses to hate* were dominant themes in this research. In this chapter I specifically focus on the criminal justice cohort, whilst weaving together data, based on the themes of policing and criminal justice, from all other cohorts. *Responses to hate* was the most significant theme that was especially dominant from the criminal justice cohort. Respondents discussed specific police responses, awareness of LGBT+ issues amongst the police, and support for victimised individuals. I begin by discussing *policing* in order to introduce the different roles of police specific to hate crime, before moving on to discuss *perceptions of police, reporting hate crime, hate conviction and hate crime scrutiny* as important subthemes. I then move to discuss the second major theme *responses to hate* and closely examine its subthemes *support, visibility, and education and impact of hate for criminal justice professionals*. I end this chapter by discussing how working with LGBT+ people and coming into contact with hate

experiences has shaped and affected the lives of criminal justice workers, an overlooked area in hate crime research.

### ***Policing***

So far I have examined hate crime as a social process. I have argued that it is a social issue and a concern for social justice. In this chapter I turn to hate crime within the context of criminal justice. As the gatekeepers or ‘ground troops’ of criminal justice within England and Wales (Joyce, 2011) the police as an organisation within the criminal justice system are often the first formal organisation to come into contact with those who experience hate, both victimisation and perpetration. Ray and Smith (2001) argue that extensive hate crime legislation is not a prerequisite or essential for targeted police units to tackle hate crime. All police forces are structured differently depending on Chief Constable, local authority politics, community needs, and geography. Although policing hate crime is a national standard (College of Policing, 2014b), each force/area can comply or adopt different operational methods and approaches to this, such as Merseyside police force who protect sex workers from hate crimes (Campbell, 2014). The prioritisation of hate crime is dependant on the organisation and structure of individual police forces. It is important to recognise therefore that each police force within England and Wales potentially have different operational approaches to policing hate crime. For example, hate crime protections against sex workers are applied in Merseyside (Campbell, 2014) but not in other police force areas. Similarly, Nottinghamshire police have recently added misogyny to hate crime offences in 2016, the first force to do so. I therefore cannot generalise outside of the North East. In my sample, I interviewed police officers (n=6) who were police constable rank from one police force in the North East. These included police officers with no liaison responsibilities (n=3), police

LGBT liaison officers (n=2) and a community engagement officer (n=1). More information of the overall ranking structure of the police can be found on appendix F.

Of the police officers that I interviewed, 3 were 24-hour response officers who are sent out to a situation where a call had been made, 2 are neighbourhood liaison police officers who are stationed in specific areas of their force boundaries, and 1 is a Community Engagement officer who are non-uniformed constables and have the specific role of liaising with minority communities such as disabled and LGBT groups. In my sample, LGBT liaison officers are police constables who voluntarily take on the role of LGBT liaison, which hold *additional* responsibilities alongside their everyday police constable work. Community Engagement officers are PC's with the *specific* job of liaising with communities and is their full role as a PC. Liaison officers and Engagement Officers are given specific training on LGBT issues in order to break down community barriers. Specifically, this involves responding to crimes involving LGBT people or LGBT issues, offering specific advice to the public, and offering advice internally to non-LGBT liaison police officers within their force or stations who may be dealing with an LGBT related incident. Liaison officers therefore have both an external purpose in liaising with diverse communities and an internal role in liaising with other officers about their specialism, such as race, LGBT etc. For example, PC's who come into contact with LGBT+ people, regardless of whether that case was hate orientated may consult LGBT liaison officers for advice.

The literature on LGBT liaison officers is extremely minimal and mostly applicable to Canadian and Australian contexts (see Dwyer, 2014; Dwyer & Ball, 2014). I have found no study within England and Wales that has yet analysed the effectiveness of these roles for the LGBT+ community. We do know however that the liaison role came about as an attempt to repair the broken relationship between police units and LGBT+ people (Dwyer, 2014; Dwyer and Ball, 2014). Dwyer and Ball (2014) who provide an overview of (GLBTI *sic*) liaison,

found that the liaison role is often perceived by non-liaison police staff as only role to communicate with LGBT+ people. Thus those with this role are perceived as being the only ones with the means to communicate with LGBT+ people. This excludes other forms of engagement which non-liaison staff can be a part of. However, the liaison officers within my sample demonstrated proficient knowledge of LGBT issues, something which non-liaison officers may not have, due to the lack of specific training.

The voluntary element to being an LGBT liaison officer is key to good community development according to a criminal justice worker I interviewed:

‘So, we have a team of LGBT liaison officers and we have tried to include different age ranges to make a role as diverse as possible that role is assigned on a voluntary basis so not all of them are LGBT a lot of them are straight allies. And having the voluntary aspect is key because I would rather have someone that is keen and that is interested and that is that passionate about LGBT issues and is eager to learn and already works with that community anyway. And we have had various different voluntary organisations deliver training tools and work with us. But now we are looking at getting a dedicated trans role because that is our weakest area in relation to knowledge and contacts. So, we really need to improve on that. But I think equality and diversity are the most important things that you need to work with.’ **Gabby, 34, straight, cis woman**

Gabby later went on to highlight that the workplace representation of LGBT people within the police force was very low. She cited official statistics in her interview as she had them printed with her in a folder. She argued that women, BME, and disabled groups were also underrepresented within the police. Her perception was that ‘predominantly you will get 18 to 24, white, male, heterosexual applying and it is about trying to get away from that and developing a positive action for recruiting minority demographics.’ Indeed, according to the College of Policing (2017) datasets, only 1.7% of police officers are BME within the NE police force I sampled, and 29% are women. This is shown in Figures 7.1 and 7.2

	BME	BME proportion	White	White proportion	Not stated
<b>Force area population</b>	77,106	5.4%	1,343,747	94.6%	-
<b>Police officers</b>	56	1.7%	3,161	98.3%	72
<b>PCSOs</b>	5	2.9%	157	97.1%	1
<b>Staff</b>	11	0.9%	1,247	99.1%	90
<b>Specials constables</b>	3	2.0%	148	98.0%	29

**Table 7.1: Ethnic proportion of a NE police force taken from College of Policing (2017)**

Despite the lack of occupational and representative diversity within the force area that I researched, overall there is a positive message coming from the police employees that I sampled. They were and are passionate and active about trying to liaise with LGBT+ communities. The voluntary nature of the LGBT liaison role is of vital importance in order to avoid this role being tokenistic. In other words, allowing any police officers to volunteer for

	Male	Male proportion	Female	Female proportion
<b>Force area population</b>	709,859	49.1%	734,900	50.9%
<b>Police officers</b>	2,337	71.1%	952	28.9%
<b>PCSOs</b>	101	62.3%	61	37.7%
<b>Staff</b>	513	38.1%	835	61.9%
<b>Specials constables</b>	141	78.3%	39	21.7%

**Table 7.2: Gender proportion of a NE police force taken from College of Policing (2017)**

this role who have a passion in LGBT+ issues, in theory, prevents it from being a symbolic gesture with little meaning. It allows for a liaison team with an active drive to liaise with LGBT+ communities rather than the role being assigned to officers who have no interest. Further, the role is voluntary so as to avoid it being relegated to officers who were LGBT+ but did not wish to pursue their policing career around LGBT+ issues. Several officers did however feel that they were approached for the role because of their LGBT+ identity, in order to fill a quota. Additionally, whilst they did enjoy their additional liaison role and felt that it was respected by the colleagues they worked with every day, they did not feel that the role was truly valued within the wider structure of their force. I will return to this later after briefly exploring the effectiveness of the LGBT liaison officer role.

The police liaison officer role was effective in liaising with voluntary sector LGBT+ charities, as all of the service workers in my sample were aware and worked closely alongside liaison teams. However, only a very small minority of participants from other sample cohorts were aware of the police LGBT liaison role. The vast majority of participants are unaware of this specialist role in the police, presenting a challenge to the functionality of this role and undermining the effectiveness of liaison with the police. Participants who have knowledge of liaison officers are those who attend a specific youth group where the officers attend frequently. Most of the youth and community groups sampled are not frequented by LGBT liaison officers, meaning that liaison is selectively targeted to specific groups of LGBT+ people. The effectiveness of how the LGBT liaison roles had translated into LGBT+ communities was therefore an overall mixed picture, as Ruth outlines:

‘I think that bearing in mind that an LGBT liaison role is just an additional part of someone's role you know they don't get any extra pay for it as it is voluntary. The majority of those officers are not LGBT some of them are but that is not a requirement of the role. If a person given that role just doesn't get it then that role will be a waste of time. And over the past 11-12 years that there have been liaison officers there is a frustration but it is within the police structure, people will move on at a very short notice and everything you have put into getting that officer up to speed just

disappears with them. Some people no matter how much you say to them just do not get it. Saying that, over that time, every time there has been one person that is useless at it they have been two that are brilliant at it. Most of them are really bothered about having an equitable access to use the police service for all LGBT people. You know whether they're going to break the law and the police are going to act against them the police are going to act against them fairly. Or whether they have become victimised because of some sort of treatment and that the police are going to respond fairly to them. I won't say that all bits of the system work the same.' **Ruth. 44, lesbian, cis woman.**

Here Ruth is reflecting on 12 years of working in an LGBT+ organisation that works closely with liaison officers. From service worker interviews, it is clear that over the years there have been very successful liaison officers that have overcome barriers and access to LGBT+ communities. It would appear also that voluntary sector services inform liaison officers, informally teaching them about LGBT+ issues, and building connections with them is a heavy investment that is best suited for long term liaison. Moving liaison officers to different locations around the NE disrupts the long term community relationships that could be built and limits the ability of individual liaison officers to build strong, trusting, and cohesive connections within the communities they are liaising with. Additionally, the overall effectiveness and functionality of liaison officers is questionable as, on a wider scale, the majority of participants are unaware of this role. This does not take away from the passion officers conveyed in this research nor how hard they work at building connections and protecting LGBT+ people/communities. The lack of community awareness of the liaison role and the passion liaison officers have over protecting LGBT+ people limits the overall interaction, from LGBT+ people, with this role.

According to criminal justice workers LGBT specialisms are valuable and valued roles, internally within the criminal justice system. LGBT liaison officers remarked that they were often asked to follow up LGBT+ cases and asked for advice by their colleagues. Non-LGBT liaison PC's also demonstrated that they would hand cases over to LGBT liaison officers, or ask for advice from officers with specialist knowledge and experiences. Despite these

positive gains, the legacy of historic persecution of LGBT+ people by the police still sat within the minds of those sampled in the criminal justice cohort.

### ***Perception of Police***

I have called this subtheme the *perception of police*. All participants from the criminal justice cohort highlighted the negative perception of the police by the general public and by the LGBT+ community. They further outlined that the negative perception they received from LGBT+ people was in part rooted in the historic prejudice and persecution of LGBT+ people. This complements Dwyer's (2014) research on LGBT liaison in Australia and Briones-Robinson, et al's (2016) findings that LGBT+ people in the USA are more suspicious, wary, and biased against the police than the general public. The negative perception of the police manifested as viewing them as untrustworthy, institutionally homophobic, and externally prejudiced. This was highlighted as a significant barrier in LGBT+ people seeking criminal justice outcomes. All police officers acknowledged that the historic baggage of previous policing practices had damaged the relationship between LGBT+ communities and the police. Indeed, I highlighted in Chapter 2 the significant persecution of LGBT people at the hands of the police in England and Wales. Zara talked to me about this fractured relationship:

'I definitely think that there is a historic barrier between the LGBT Communities and the police but I think the barrier is mainly the uniform because we are not exactly inconspicuous when we turn up you know we turn up with a massive car and flashing lights. uniform and sometimes we go in 100 miles an hour. I think previously where you identified with certain parts of the LGBT community you were ostracized and that has damaged the relationship between the police and that will take years to repair and I would like to think that I am a person that comes across as a very easy person to talk to but I also understand that not all of my colleagues do and sometimes when you get an experience with one police officer which is bad because they have come at it like they are a bull in a china shop that puts you off contacting the police again where you might get someone like myself or my other colleagues who are better equipped at dealing with that situation. So, I think it is the history of the police and the LGBT community.' **Zara. 35 straight, cis woman.**

All criminal justice workers in this sample were left with the legacy of queer persecution, due to the institutionally prejudiced, sexist, racist, and homophobia within previous policing practices in England and Wales (see Chapter 2). Further, participants from the criminal justice cohort frequently compared the police service to any other public service job, such as catering and hospitality or education, in that, people who came into contact with any service would encounter occasional negative experiences with staff and workers. Negative experiences of certain police officers were acknowledged by criminal justice respondents, but they argued that these experiences would then be generalised to the local police force or indeed generalised across all 43 police forces in England and Wales. Participants also frequently distanced themselves from The Metropolitan (Met) Police force in London, as they maintained that the way the Met force is organised and operates is significantly different to any other police force in England and Wales. Indeed, participants reinforced that the Met could be viewed as an entity separate to other police forces, but were often viewed as the same by the public. Historically, as the first and largest police force in England and Wales, the Met has always operated distinctly to other regional police forces (see Newburn and Reiner, 2012; Newburn, 2017) Overall, respondents stressed that they are trying hard to overcome the historical legacy of police homophobia and are committed to dismantling the legacy of homophobia that their predecessors created.

John expressed his frustration over this lasting legacy on a career he was passionate about:

‘for the communities to understand that as well they are dealing with a new force with new ideas. And people have massive perceptions about the police before they even use the service they might never have used the service. And I think there always is going to be that stigma of the police but I mean you know we are trying every year our committee attends that pride breakfast. But we always need to engage and you know we always need to do better because it is an ongoing thing it is a very organic thing. I mean the Met has their own network but I am surprised that our force has taken so long to get things up and running. But we are getting there. I think there is always room for improvement I think we need to get out there more in the community. And I think we need to install the trust by any means we need feedback for.’ **John. 34, gay cis man.**

It was felt, generally, by all criminal justice respondents that the communities they liaised with had strong mistrusts of the police, rooted in historic prejudices and malpractice. Although officers who were LGBT+ and police liaison staff regularly attended LGBT+ events and visibly showed LGBT+ support, such as rebranding police cars with Rainbow and Trans Pride flag colours, they felt that these attempts to bridge gaps were not promoted enough to translate into the wider community. All participants in the criminal justice cohort acknowledged the huge improvements in policing practice, whilst still noting that representation of LGBT+ people, within their police forces, is minimal. Indeed, the perception of the police as being a machismo, straight, white, and male career path was cited as a barrier to LGBT+ people engaging with police or applying for police related employment. This finding compliments existing research (O'Brien, et al., 2015; Grissom, et al., 2015b) on workplace diversity that shows a lack of visible, representative diversity is a barrier to minority groups, such as BME, LGBT, from wanting participate in that shared (work)space. Increased diversity representation correlates with an increased participant in that sector, such as education and training programmes (see (Grissom, et al., 2015a).

It is not only the historical legacy of racial and homophobic persecution that erects a barrier between minority populations and the police. The lack of diverse representation within the police contributes to the perception that the criminal justice system is an environment where only white, straight men are 'allowed' to work. This sends a message to queer people and women that police culture is one where they will not be included. As discussed in Chapter 6, visible yet mundane micro-aggressions such as these communicate that only straight white men are valued (Nadal, et al., 2007) within policing institutions.

Criminal justice participants maintained that the culture of policing is constantly improving and changing and is currently the best it has ever been in terms of LGBT+ support and acceptance. They discussed that there are still 'dinosaurs' or 'old school' officers within the

police. On the whole however, with reference to John's quote above, the new recruits coming into the police are a different generation from older officers and display a more accepting attitude towards LGBT+ people. This reflects Jones' (2015) findings that 75% of officers feel the police force they work for support them and their LGB identity. To my knowledge no research has yet been conducted on the attitudes of policing staff towards transgender people, the estimated number of trans officers, or the acceptance of trans officers within their police forces. However, Jones (2015) maintains, that Post-Macpherson policing emphasises the softer sides to policing, such as liaising, building relationships, and communicating with communities. Previously the police were guilty of unlawful entrapment of gay men in public spaces (Power, 1993) and repressively persecuting LGBT people, being the State's medium to reinforce queer oppression (Burke, 1994; Buist and Stone, 2014).

Respondents maintained that the machismo and patriarchal culture of policing is still a concern that needs to be remedied. However, they all remarked that homophobia is not an issue they encounter internally within the police force and they do not experience homophobia from straight police officers. The LGBT+ officers that I interviewed said that they were comfortable being out to other police officers. Interestingly, a minority of criminal justice workers told me that they were aware of police officers who were gay but were not out to their colleagues or who came out after many years of worrying they would not be accepted. This reflects Jones (2015) and Jones and Williams' (2013) findings that the majority of LGB police staff have overall positive experiences within their force. However, despite considerable improvements to LGB staff experiences 'instances of homophobic discrimination in training, deployment and promotion are still evident in British policing' (Jones and Williams, 2013: 208). It is probable that because my sampling strategy targeted *out* LGBT+ officers and officers with LGBT specialisms that I only recruited those who were comfortable being open about their sexuality. Officers who are uncomfortable and not out

within policing organisations were not captured in this sample. Criminal justice workers did critique the structure and hierarchy of policing institutions however. They argued that the policing structure did not allow for a greater value to be placed in ‘softer’ forms of policing, such as liaison roles or LGBT specialisms. It was the ranking structure of the police which granted status to officers rather than their skill base. It was perceived by participants that certain skills such as logical and quick thinking in the case of emergencies are valued much more than communication and liaison skills. It is worth highlighting Maddy’s response here, verbatim, as she spoke at length on the hierarchical structure of the police granting status only to senior officers:

‘The hierarchy we have is very rigid; I think that we need to recognise that certain people have specialisms. And that just because that person might be a PC does not mean that they should not be valued as equally as someone in the force who is a chief inspector because what does a chief inspector who is straight know about being gay or the LGBT community, so I think those roles need to be valued a lot more. And it may be that you need to go to the PC because they have operational hands on knowledge that someone else more senior doesn't have. The hierarchy is really rigid and I think it needs to soften and be more fluid. We need to have that flexibility of saying regardless of your level that person is a specialist and be able to look down the ladder. And use that knowledge. I don't think those LGBT roles are as valued I think at the time it was a tick in the box you know it was a way of saying we know we need to do this so we will pick one person from each area. And if you are on duty you are expected to go to certain training but if you are not on duty you are doing it out of your own time. And you don't get any recompense for that. I find it difficult because I value my own time and then to travel along somewhere to do a few hours training and then be told that it is in my own time, I am not a fan of that. As passionate as I am about LGBT issues I feel that we need to have more support.’ **Maddy. 36, gay, cis woman.**

As can be deduced from Maddy’s interview, the skills required to be an effective police liaison officer are very high. The knowledge gained by working closely with marginalised, diverse, and protected communities is knowledge that most senior officers do not have. It seems important to recognise that not every officer is best suited for the liaison role due to the highly complex communities they work with, thus it is important to have a diverse range of officers with different skillsets. Those who do work with these communities, regardless of their rank, could be seen as specialists with specific knowledge around identity, community

dynamics, and LGBT+ issues. Acknowledging the knowledge and skill sets of liaison officers as valuable components to community policing overall, irrespective of rank and title, may allow for greater transmission of this knowledge (as is argued by Dwyer and Ball, 2014) throughout the NE force.

Although in theory liaison roles should be voluntary, Maddy did feel that at the time when she and several other of her colleagues were approached it was specifically because they were LGBT+ and it was a ‘tick in a box.’ She is reflecting here on when she was first assigned this role, therefore it cannot be said whether this practice continues. However, it does emphasise the importance of the role being voluntary so as to avoid the role being tokenistic. Further, the training that LGBT liaison officers are often required to undergo is not subsidised if the officer is off duty. If off duty, liaison officers go to this training unpaid and in their free time. I cannot claim to know of the funding constraints placed on the police or whether, institutionally, they try to the best of their ability to plan training days around the schedules of on duty officers. This research does show however, that having to undergo training in a liaison officers free time, unpaid, negatively affects their morale and does shape their perception of how police forces value their liaison role. Overall there is a passionate commitment to combating LGBT+ hate crime and supporting victimised LGBT+ people. However, participants felt that they are not supported sufficiently, in terms of being given the resources and financial means to fulfil this role. This was a consensus among participant interviews; officers shared in Maddy’s response that *they* needed more support when supporting victimised individuals.

Although impressionistic, respondents claimed that current and on-going austerity measures had significantly reduced LGBT+ support within their forces. The lack of funding provided to policing negatively impacts on the level of support, understanding, and resources at the police’s disposal. Data from Sindall and Sturgis (2013) does suggest that austerity measures

have significantly affected police employment numbers due to lack of funding, which decreases the amount of visible police officers within the public sphere. This decrease in police numbers directly correlates with a general decrease in public confidence of the police (Sindall and Sturgis, 2013). More specifically however Clayton, et al.'s (2016) analysis of hate crime reporting centre's finds that austerity cuts have decreased the support available for LGBT+ people and limited the functionality of third party reporting.

Police officers felt that despite this they had significantly pushed away, institutionally, from old styles of policing where authoritarianism, crime fighting, and arresting people were the main focus (Jones, 2015). It is important to stress however that officers supported LGBT+ people, to the best of their ability, *in spite* of austerity. Police officers reiterated that the supportive nature of the policing role is made significantly more difficult by austerity cuts. The main focus for officers now is a softer side which promotes safeguarding amongst young and vulnerable adults, keeping people safe, consistently and constantly learning from diverse communities, and supporting people through circumstances that have significantly impacted their life. One officer for example reflected that they work in one of the most racially diverse areas in the North East which requires a multi-skilled approach due to many languages, cultures, and customs being shared in this area. The emphasis on softer styles of policing such as safeguarding and community liaison was not translated into wider society and communities. PC's reinforced that the stigma and perception of the police was erroneously biased towards old school styles of policing. John shared his frustration over this with me:

‘people have to remember that we are a new service. I mean the police itself has been around forever but the majority of the people that are coming in are getting younger and younger. but they are also bringing in fresh young ideas and that social acceptance.

The new people we have coming in who are under 20 have never displayed homophobia or racist ideas or anything like that. The idea that, they generally have the idea that we are a new society and you know we need to be progressive. The cops who may be involved in all of the racist and homophobic incidents they are long gone... people have massive perceptions about the police before they even use the

service they might never have used the service. And I think there always is going to be that stigma of the police but I mean you know we are trying every year.’ **John. 34, gay, cis man.**

Promoting new members of the force was one method that the police employed to encourage LGBT+ people to become more involved with the criminal justice system.

Institutionally however, the hierarchical structure of the police potentially undermined the value given towards a softer style approach. Respondents maintained that the hierarchical ranking grants status only to officers with senior ranks. Highly skilled and multi-layered roles, such as LGBT liaison and other community specialisms, did not have the same status as a ranking senior officer. To fully combat LGBT hate crime, institutionally, it would appear that officers of LGBT specialisms require more support to complete their jobs efficiently and successfully, whilst being recognised for the skills they have to utilise to conduct softer sides of policing, such as safeguarding, talking, communicating, de-escalating, and supporting victims. All of the existing research on LGBT liaison officers (see Dwyer, 2014; Dwyer and Ball, 2014) focuses on victims being supported to report LGBT hate crime rather than on LGBT liaison officers being supported in delivering their role. For respondents from cohorts outside of the criminal justice cohort, the perception held of the police majorly influences whether to report hate crime or not. The lack of status and support granted to liaison staff shapes how effectively softer sides of policing are promoted and translated within the communities they are liaising with and supporting. Ultimately this shapes LGBT+ involvement with the criminal justice system.

### *Reporting*

The overall reporting of hate crime was discussed by participants from all sample cohorts. From the survey only 4% said that they always reported their experiences of hate crime to the

police. A staggering 71% of respondents stated that they had never reported their hate experiences to the police. Indeed, 4.4% said that they always report hate, 11% only on some occasions. These figures are unsurprising when compared to findings from The Leicester Hate Crime Project (2014) which found that 56% of hate crime victims did not report their experience and only 24% reported to the police. Participants for The Leicester Hate Crime project were sampled across all protected hate strands (race, religion, disability, sexuality, and transgender). My sample was exclusively LGBT+, indicating that LGBT+ people have a higher rate of underreporting than other hate crime strands.

During interview discussions, participants described the reasons for non-reporting was largely due to the general mistrust and negative perception that they had of the police. Most interview respondents reasoned that they would only report their hate experiences if they were extreme in nature, such as physical attacks that would result in hospitalisation. This additionally confirms the findings of The Leicester Hate Crime Project (2014) where the most common reason for reporting a crime was due to its severity. Jeremiah clearly outlined this:

“Interviewer. And would you report any of your experiences to the police?

Jeremiah. No. If I was attacked and hospitalized, then yes. And I do think it is really important to do it but equally I have been on the side of people who report it and have been forced in a courtroom with the person that has attacked and raped them and everything else. And despite saying that they didn't want to do that and you know even doing it on a video link no one believes them. And I have been and held the hand of someone who has basically reported a rape crime whilst they have been in a hospital gown whilst the police have basically said it didn't happen. So, I think it would depend massively on that situation depending on whether or not I would report it to the police.” **Jeremiah. 23, gay, cis man.**

Negative experiences of the police by peers, family, friends, and social acquaintances fuelled a general mistrust of the police. The negative perception of the police, knowledge of the historic legacy of queer persecution, and the negative contact with individual police officers contribute to an overall mistrust and lack of engagement with the police whose main aim is to

protect and support LGBT+ people. Additionally, participants outside of the criminal justice cohort maintained that for non-extreme forms of hate, such as being verbally abused in public (criminal) or parental homophobia (non-criminal depending on the act), they would not wish to pursue a criminal justice pathway as they did not want the perpetrator to carry the stigma of a criminal record. This was the most clearly outlined by Stuart:

‘If I was physically assaulted and knew it was because of that then I would probably report it if there was any doubt that. What's homophobic I probably wouldn't unless like obviously it broke my leg then I would but say if I was just punched me I probably wouldn't? But if someone was to attack me or even heavily verbally and it was to stop me from going about my day then I would report that. I didn't report the guy that was following me just because it's a lot of hassle you know because you can't just brush it off which is just what I wanted to do you would have to go through weeks and weeks and weeks of the courts like and you would have to find out who he was and you know he was a young lad he could change his mind is giving him a criminal record the best solution or is that just going to reinforce his hatred to gay people because they have given him a criminal record.’ **Stuart. 23, gay, cis man.**

The majority of interview respondents had similar sentiments, which prompted me to ask about alternatives to punitive, criminal sentences. Participants responded that they would consider reporting if the perpetrator was to be sent on an LGBT+ training course. I took this response from Stuart and other participants, for perpetrators to be sent on training course, and included it as a scenario into my survey in order to assess whether people would be persuaded to report given this option.

76% of respondents stated that they would be incentivised to report their hate experiences if they knew that the perpetrator would be sent on an LGBT+ awareness training course. The overall lack of faith in reporting to a criminal justice pathway, such as the police, stemmed from respondents seeing very little point or purpose in reporting. Indeed, service workers, users, and students all commented that if they were to report their hate experiences to the police, these experiences occurred so often that they would be would be in contact with the police for a large part of their lives. It is much easier for participants to brush off, manage, and work through experiences of victimisation that are not physically extreme. Further, the

end result of a criminal conviction for the perpetrator was viewed as undesirable and pointless for respondents, as this would not specifically tackle the root cause of why they were victimised; bigotry, prejudice, and ignorance. Overwhelmingly, respondents do not want to pursue prosecution of perpetrators. Those interviewed and surveyed see more purpose in challenging prejudice with education and rehabilitative approaches.

Participants maintained that they would be incentivised to report their hate experiences if the form of justice they received was for the 'greater good'. For instance, they claim that in theory, if the perpetrator was educated on equality and diversity, queer people in the future would not be victimised by the same perpetrator, which would contribute to the greater good of the LGBT community. Thus participants favour rehabilitative and preventative approaches. Such schemes have never been conducted for perpetrators of LGBT+ hate. However, the notion of reporting for the 'greater good' of the LGBT+ community should not be ignored. The reframing of criminal justice as a means to achieve social good for the community is a major incentive to engage LGBT+ people with the criminal justice system. Although such a scheme has never been conducted, Walters and Hoyle (2010) and more specifically Walters (2014) talk extensively about the role of restorative justice in hate crime reparation and resolution. They argue that engendering a feeling of acceptance and difference is the main goal in reforming offenders of hate and preventing future hate crimes occurring, providing wider social justice for victimised individuals. The type of restorative justice they are referring to is victim-offender mediation sessions. The type of training course envisaged by my participants would not take the form of victim-offender mediations, however the overall aim of engendering an acceptance of difference, of wider social justice for the community, seems to be the main incentive for participants to report.

### *Hate conviction and hate crime scrutiny*

The goal for less punitive responses to hate crime was very difficult to reconcile with criminal justice worker respondents who strongly saw the need of a punitive response to hate crime. Criminal justice respondents unsurprisingly promote the prosecution of hate crime. Prosecution is emphasised as an act of denunciation on behalf of the state, whereby the state prosecutes a person because it is unacceptable to be violently homophobic or transphobic within society. Cavadino, et al. (2013: 44) describe denunciation as ‘the idea that punishment does and should demonstrate society’s abhorrence of the offence, and that this somehow justifies the punishment.’ The role of denunciation within hate crime prosecution carries not just a legal infringement but also a moral one. Hate perpetrators have broken the law by committing a crime but they have targeted someone’s sexuality to commit that crime. According to crime and punishment theory, this is an immoral act against the society the state is trying to maintain or build (Joyce, 2017). As with all jurisprudence however, this purpose and intention of the law is not without its critics as there are arguably many intentions of the law (ibid.). However it is very important for criminal justice workers that perpetrators receive a prosecution and the purpose of the law be interpreted in this way. They also feel that an enhanced, punitive sentence was desirable as it was very difficult to get a conviction for hate crime within current criminal justice models; for several reasons. Firstly, according to criminal justice workers, it was a rare instance that hate crime reports actually become a hate crime case and make it to a hate crime conviction. Sharon laments for example

‘It is like a pyramid, there are instances that happen within the community, then there are the instances that are reported, and then there are the number that get to the CPS, and then the number that results in conviction. So it is kind of running all the way through.’ **Sharon. 58, lesbian, cis woman.**

Due to the rarity of getting a hate crime conviction and the low levels of reporting, criminal justice workers are primarily focused upon increasing these and gaining successful convictions. The process of such small numbers of reports – when hate crime is so underreported *per se* – becoming cases that get taken to court begs for further research and attention. Recently however Walters, et al. (2017) highlight that communication across the CJS, particular from police, CPS, and court agencies, is vital. If communication is lost across these key agencies hate crime cases are more likely to be dropped than carried through. My data does highlight however that of the cases that do go to court, the sentence enhancement advised by Section 146 of the Criminal Justice Act (2003) is used as a plea bargain. Walters, et al. (2017: 12) have also found that ‘...a minority of independent barristers suggested that charge bargaining does occur occasionally.’ Service workers for example reflected on some of the hate crime reports that had become cases which they had been involved in. They grieved that the sentence uplift was often used as a negotiation tool by lawyers and barristers, who persuaded perpetrators to plead guilty on the condition that they would drop the hate crime element and thus receive a lesser sentence. The frustration of service workers at these instances was echoed by criminal justice workers, who also expressed their disappointment when hate crime cases that they had worked closely on had been dropped by the CPS. Lindsay conversed during her interview the frustrations of this:

‘Very often the police will put together a very solid file. But then on the day barristers may get their heads together to come to a deal and we unfortunately have never had any power to deal with that. And the scrutiny panels say that that should have never been suggested. The Hate Crime Scrutiny Panels have looked at homophobic and transphobic hate crime as well and see if a deal has been made. Because that should never have happened and that it should have actually gone to trial and the evidence should go to a jury. It shouldn’t be between barristers to decide. You know because a barrister can be with the case for 15 minutes and then decide to drop the hate elements and that is often what happens. And the hate crime is often used as a bargaining tool to drop the element for a guilty plea. And we know that by the time someone has plucked up the courage to contact the police that it has happened many times before. So, it is really important to get a good case together and get a good conviction and to

treat it seriously. So to see a hate crime where the hate element gets dropped at court is very very disappointing. **Lindsay. 42, straight, cis woman.**

It was therefore important to officers that sentencing uplifts was focused on in hate crime cases that made it to court in order to fulfil a criminal justice outcome. More attention needs to be spent however on exploring the level of reports that make their way to the CPS.

It was difficult to balance criminal justice participants' emphasis on punitive prosecutions with the emphasis placed on rehabilitative approaches, by other cohort participants. According to the survey and interview data rehabilitative approaches would incentivise LGBT+ participants to report. It perhaps seems sensible that as hate crimes receive an uplifted sentence (Criminal Justice Act, 2003) when successful, additional rehabilitative sentencing could be incorporated alongside a sentence uplift. As part of a hate perpetrator's uplifted sentence, training on identity and diversity could also be tailored in order to challenge the root prejudices which contribute to the perpetrator's hate behaviour. This, to my knowledge, has never been done before outside of victim-offender mediation sessions. Such a scheme would need further research, piloting, and reviewing. What my data contributes to however is that in theory, participants would be persuaded and incentivised to report their hate crime experiences if they could see some overall benefit or 'greater good' coming from reporting. Currently they do not see this benefit.

The complexities that occur from hate reporting to sentencing require particular scrutiny, which has led to the establishment of Hate Crime Scrutiny Panels (HCSP). Panels comprise voluntary sector workers, CPS prosecutors, and hate crime specialists. There is particular emphasis of paying close attention to hate crime sentencing within the CPS due to the low levels of incidents that get reported and the rarity of these reports making it to the CPS. Although HCSP's are not officialised through any policy, they are practiced in many police force areas such as Wessex, Leeds, Sheffield, and the areas in which I conducted my research.

The members of these panels scrutinise the handling of specific hate cases by the police and the CPS. The main role of HCSP's is to scrutinise hate crime cases, post-sentencing to evaluate if there is anything to learn from the case proceedings or acknowledge whether bad legal practice occurred. Sharon, a criminal justice specialist in this area described to me the rationale behind HCSP's in the North East.

‘Certain areas do them differently in some areas they are just generic hate crime scrutiny panels. In the North East we have a panel specifically around homophobic and transphobic hate crime, a separate one around religious and racial hate crime, and a separate one around disability. So, we have a specific panel of people who come along and look at finalized cases at the prosecutions that have been finalised. They identify areas of good practice and identify where things could be done better. And we take learning from that and that improves the way that hate crime is prosecuted.

Some of the issues that are looked at are identifying whether it is a hate crime. You know has it been identified by the police and or the prosecution and at what point was it identified and what have people missed. What support has been put in place by the victim? For example, one of the issues that have arisen is that just because a gay person may be out in certain parts of their life doesn't mean that they are out to other parts of their lives and to the world. So, if they are then giving evidence in court and the name is published that could have consequences. So, consideration needs to be given. So, somebody needs to have a conversation with the victim to find out what they would like saying in court. That was something that I don't think prosecutors would have thought of if they didn't have someone from the community to point it out. Then they look at whether section 146 has been applied properly. You know have we gotten all of the evidence surrounding that and managed to get an uplift. And then they look at the letters that go to victims and make comments on how they are worded? Some of them are things that prosecutors should have thought of themselves.’ **Sharon. 58, lesbian, cis woman.**

Further, the role of these panels is to bring voluntary sector, hate crime practitioners, queer community figures, and criminal justice workers together. The members of these panels, coming from all different sectors of society, have different knowledge bases and skill sets that they bring to the panel. Sharon also relayed the history of HCSP's to me, which started as an initiative beginning in West Yorkshire where the Chief Crown Prosecutor wanted to learn how to deal with racial hate crime more effectively. According to her, the initiative was tremendously successful resulting in HCSP's being rolled out nationally and was eventually expanded to include other strands of hate crime. The precursory aim behind this was to

communicate with members of diverse communities and learn how to support victimised individuals better during the criminal justice process. It presents a further opportunity to feed back to LGBT+ communities, through community figures (youth and community workers, heads of LGBT+ charities) who sit on HCSP's, what the CPS and the police are implementing to combat hate crime. For example, this could be who the new local police liaison officers are if they have changed locations. The existence of these panels is not well known however as none of my participants outside of service worker and criminal justice cohorts acknowledged HCSP's. They are also not described in the academic literature or covered in official documents. The functionality of HCSP's engaging with the wider LGBT+ community is arguably driven towards involving LGBT+ people within the criminal justice system. Communicating with the community how the CPS and police deal with hate crime does not appear, according to my research, to be very effective due to the lack of community knowledge about these panels. This undermines the theoretical function of the HCSP's as a mechanism to feed back into the community and provide confidence in reporting to the police.

A minority of the criminal justice cohort did however express that the way they conducted their practice had changed because of information gained from HCSP's. Information gained from HCSP's allowed officers to involve and engage LGBT+ people in the criminal justice system and provide more appropriate support, specific to LGBT+ people. For example, participants outlined that the language used when 'summoning' a witness or victim to court was highlighted by the HCSP's and was found to be intimidating. Phrases such as 'you were warned for court' – the official phrase to summon a witness or victimised individual to court – sounded threatening. According to participants, the threatening semiotics of these phrases had resulted in some victimised individuals not attending court for hate crime cases. Again Bourdieu's (1991) concept of linguistic capital is a useful framework here. Victimised individuals do not have access to the linguistic capital employed by criminal justice agencies.

Those who are unfamiliar with criminal proceedings and do not understand the cultural language used by criminal justice agencies can be intimidated and excluded by official jargon. HCSP's noted that the language used when 'summoning' people who were victimised to court needed to be more inclusive.

HCS panels also scrutinise whether a deal has been struck between barristers to drop the hate element in exchange for a guilty plea. CJ respondents remarked that the hate crime sentence uplift was *often* used as a negotiating tool and dropped in court conflicting with Walters et al. (2017) findings that this was *occasionally* used as a negotiating tool. PC's emphasised their disappointment when working on a hate crime case for it to be dropped by barristers who had not been on the case for an extensive period of time. The ease at which hate crime cases can be dropped, when so few reports make it to the CPS, requires a large amount of attention and scrutiny, so that malpractice and unintentional harm is avoided. Further, according to police officers, victim support services have been recommended by HCSP's as being vital for individuals victimised by hate. The police described to me that they regularly refer victims to these services so that they can get the long term support that is sometimes required, which they do not have the capacity to give. The criminal justice cohort discussed extensively how the police respond to those who are victimised by hate. The next key theme I will therefore discuss is the police response to hate crime

### ***Police response to hate***

All criminal justice workers in this research were adamant that the police in the North East take hate crime very seriously and were committed to responding efficiently to hate crime reports. This can be seen by Maddy's narrative:

‘Maddy. I think it is a cultural thing I think the police needs to see the barriers more. Like we need to see more that people normalise to minimise and rationalize it and we need to take it more seriously. And I think that every police force has its own culture and its own way of doing things and the way that they do things affects the community.

Interviewer. And do you think as a police force you take hate crime seriously?

Maddy. Yes, yes I think we do definitely it's always seen as a big thing and I think if you are dealing with a hate crime you always want to do the best job not because we have to but because we see it as a big thing and we want to help that person.’ **Maddy. 36, gay, cis woman.**

Respondents expressed that this was a general feeling with the police forces in the North East as a whole. Officers in this sample maintained that their response in the first instance is always victim focused with the intention to safeguard, protect, and support victimised individuals. This focus stems from a need to help and support people. Criminalising perpetrators is a symptom of wanting to help people rather than the driving force behind responding to hate crime. Thus, the police response in the first instance is focused on safeguarding victimised individuals; conviction it seems is a secondary aim. However, it has been long argued (see Chakraborti, 2009) that as hate crime victimisation occurs as a social process that should be considered in the context of a range of social relations and factors, so should the policing of hate crime. As the policing of hate crime focuses, usually, as a response to the event of hate. ‘However, the police, together with other criminal justice agencies, tend to recognize and respond to incidents and not this ongoing social process’ (Chakraborti, 2009: 123).

All participants acknowledged that there are still issues in the approaches they take and that as officers they have improved but are not perfect. Despite the emphasis placed on the police to take hate crime seriously by criminal justice participants in this sample, 60% of respondents from the survey did not think that the police viewed LGBT+ hate crime as a serious issue.

The disparity between the emphasis placed by police and the lack of belief by LGBT+ people that the police take hate crime seriously suggests the negative perception surrounding the police. How the police deal with hate crime appears not to have been translated to LGBT+ people and the wider LGBT+ community. Police officers did emphasise that as they are first point of contact or the first link in a long chain of criminal justice agencies, it is vitally important for them to respond and speak appropriately to individuals who are victimised by LGBT+ hate crime. This is in line with the NPHCS (College of Policing, 2014b) aims of building trust with communities, as a way of overcoming reporting barriers and increasing communication with LGBT+ people. If LGBT+ individuals have one negative experience, participants maintained that this would prevent LGBT+ people from contacting them again. Overall, participants acknowledged that LGBT+ people did have a lack of faith in their responses and their service and highlighted several ways they could and should be improving on this.

### ***Support, Visibility, and Education***

Predominantly, officers highlighted that their weakest area of supporting the LGBT+ community was supporting trans individuals. According to participants, the steps taken to recruit trans people into the police workforce is minimal, meaning that trans people have no visible representation within the police. The support and understanding that the police have towards trans people and the trans community, in relation to knowledge and forming regular contacts, is also weak. One participant relayed to me that implementation of a dedicated trans role or liaison officer was under discussion. The rationale behind this was to break down the community and liaison barriers highlighted throughout this chapter. This is in line with the person-centred and community-focused approach adopted by the police in order to

adequately support members of those communities. Although Jones (2015) gives an indication that LGB police officers on the whole feel accepted and supported as LGB police officers no research, to my knowledge, has been conducted on trans policing or trans police officers. USA studies such as Wolf and Cokely (2007) infer that police conduct is generally negative towards trans people and that police response to trans incidents is overwhelmingly inadequate. Further, trans people are often re-victimised by police officials, causing trans people to interact less with the criminal justice system and heightening the overall reluctance to report experiences of victimisation (Wolff and Cokely, 2007). Future research examining trans police officers, the representation of trans people within the police, and the support they receive, pertinent to England and Wales is needed. Overwhelmingly however, criminal justice workers reflected that their capacity to promote a positive image of themselves was limited, due to such heavy work schedules. Lindsay described this to me:

‘as an organisation [police] we are guilty of not promoting ourselves enough because we are so busy dealing with what is in the here and now and incidents, so it’s difficult to promote ourselves and we are guilty of not promoting ourselves efficiently. You know we design leaflets and give them out at pride and then people just drop them on the floor or put them in the bin and people don’t read them. So I think there are a lot of creative ways that we need to come up with to engage with people. We have started taking to Twitter and Facebook and I guess that is largely dependent on whether people follow or like us and again putting things in the right place appropriately because often when we try to look cool it doesn’t always work out haha.’ **Lindsay, 42, straight, cis woman.**

Criminal justice workers remarked that the area of criminal justice they needed to improve on the most was the need to promote and make visible positive police support. This was cited by participants as the key to increasing LGBT+ engagement and liaison. By promoting the support that they give towards LGBT+ people and by promoting a positive police image of LGBT+ liaison, the police felt that they could break down historic barriers. The importance of this lies not just with supporting the individuals who are directly victimised by hate crime, but the wider community. Building contacts that are visible for other queer people to see, such as working closely with trans and LGB youth and community groups, is a desirable goal

for criminal justice workers. All criminal justice workers in this sample therefore emphasised their commitment to making visible their roles by attending Pride events, having a visible presence at LGBT+ memorial vigils, attend training events within the community, and adopting LGBT+ iconography such as donning police vehicles with Trans and LGBT+ pride flag colours.

I highlighted in the previous sections of this chapter that LGBT+ people do not report, or feel they cannot report, less extreme acts of hate, as in part, they do not feel that their experiences qualify as criminal victimisation. Respondents in the criminal justice sample maintained that regardless of the legal severity of the incident that they treat all incidents seriously. One officer used the example of burglary and littering. Allegorically, she outlined that a neighbour throwing litter in a person's garden every day or leaving things outside their house because they are LGBT can be just as negatively impactful on a person's sense of safety and on their psyche as being burgled. In terms of safeguarding and support, the police are led by how much support the individual who has been victimised needs. They therefore embrace a less hierarchical view of hate crime where, for example, verbal harassment is treated just as seriously as physical abuse. Officers promoted Anti-Social Behaviour (ASB) models as a way to treat hate crimes such as verbal harassment. It is worth repeating a quote from Zara, verbatim, as she discussed many of the emotional complexities underpinning anti-social behaviour.

‘Just because it has not met the threshold to be a crime does not mean that it is anti-social behaviour. Anti-social behaviour is just as impactful as crime because unlike crime you may be the victim of a burglary once which is devastating and to think of someone in your house with your belongings is awful. But you may be a victim of anti-social behaviour every single day of your life. I mean you can see in the media and the high profile cases like the Pilkington case which was handled very, very badly but hopefully touch wood we have never had a situation like that because we know we have mechanisms that can handle that. What we do have in Newcastle specifically is a multi-agency panel so if I identify someone as a risk of anti-social behaviour and I identify that risk as being high and that may be because the effect is huge or the ability to cope with those circumstances is difficult because of other circumstances

that is going on in their life, mental health, disability. And I feel that they are at risk of becoming more of a victim further to antisocial behaviour or crime or just not being able to cope or harming themselves we refer into a multi-agency panel which meets every fortnight. On the panel are social services, housing, the police, the council, and adult services and we sit around and discuss who is the most at risk and who is the best person or agency to give support to a person and keep them safe. Not reporting it should not be because you are scared of the police. If you are not offended by something, then you don't need to tell us. But if you are thinking that you don't want to be at the bus stop at 10 o'clock every morning because of an incident that happened and you are changing your life then you need to tell us because that is an impact on your life and it might not be a crime but it is anti-social behaviour and it is not right.'

**Zara, 35, straight, cis woman.**

Promoting the notion that victimised individuals can ring the police for behaviour that does not meet a criminal threshold but does constitute anti-social behaviour is a unique perspective and requires future research. Officers such as Zara stress that they would like to encourage the idea that anti-social behaviour, such as calling someone names in the streets or harassing someone within the community, is just as impactful and people who experience these should contact the police. She outlines that crimes such as burglary may only be experienced once, causing distress to the individual who has been victimised, whereas the harms associated with everyday anti-social behaviour can be cumulative. A key example linking hate crime and anti-social behaviour, outlined by the above quote is the case of Fiona Pilkington in 2007. Fiona Pilkington was the mother of Francecca Hardwick, a young woman with profound learning difficulties who experienced years of abuse, name-calling, and objects being thrown at their house. The anti-social behaviour that they experienced everyday ultimately left both mother and daughter fearing to leave their house. After years of this abuse and many failed police responses and acknowledgement, Fiona took her daughter in her car to a layby, set the car on fire with both herself and daughter inside, killing them both (Walker, 2011). Zara refers to the Pilkington case as an example of the harms associated with police neglect of individuals who are victimised, in particular, the daily harassment and abuse that may not meet the threshold for a hate crime but is anti-social behaviour. ASB, from Zara's perspective can be emotionally and mentally damaging to the individual who experiences it.

An inquest was launched into the Fiona Pilkington case two years later in 2009 with the aim of scrutinising closely the failed responses of the police to take disablist abuse seriously. The jury ruled the police neglect and overall police failings contributed to their deaths (Independent Police Complaints Commission, 2009). The disablist targeting of Fiona Pilkington's daughter, Francecca Hardwick for her disability resulted in Fiona taking both her and her daughter's life. The cumulative victimisation they experienced was both anti-social and hate orientated, bridging the fissure between ASB and hate crime. It is clear from my research that anti-social behaviour *incidents* are just as serious, in terms of their emotional impact, as direct criminal victimisation. As Zara highlights, ASB is an operational means that the police can use to respond to those who are targeted and harassed, through non-violent victimisation, such as dropping litter in somebody's garden in a sustained attempt to harass and inconvenience them, because of their protected identity.

There are concerns that policies such as ASBOs have increased the flow of young people into the criminal justice system rather than preventing anti-social behaviour (Millie, 2013). I am not suggesting therefore that ASBOs be reframed to incorporate hate crime. Rather, based on my data that ASB be a framework with which the police can utilise to safeguard people and, as highlighted by the above interview, be used to assess as part of a multi-agency panel, who is at risk of ASB, and what the most suitable response is. Some individuals of hate may be better supported by social services, the council, housing, or adult services than by the police. Utilising ASB frameworks as an operational means to police hate incidents and assess who is the most at risk of harm can assist in delivering the correct agency to safeguard and protect individuals. I suggest that hate crime paradigms incorporate anti-social behaviour into its victimological theorising, as a means of bridging LGBT+ hate experience and police operational responses. As an example Donoghue (2013) advocates for risk assessment practises to emphasise how at risk or how impacted a person victimised by ASB is, in order

to broaden the scope of professional responses. In other words risk assessments allow professionals to determine how at risk or how vulnerable individuals are to experiencing ASB. They also assess whether individuals made vulnerable by hate, as outlined by Zara's interview, will harm themselves. This is in line with Chakraborti and Garland's (2012) reframing of hate crime through the lens of vulnerability rather than specific identity strands. Assessing hate through this lens allows individuals who are victimised because of a non-protected characteristic, such as goths and homeless people, to receive support and recognition for their victimisation based on their risk. Linking these frameworks may in practice allow the police to target individuals who are victimised by acts of hate that do not meet the requirements for a crime.

The criminal justice workers in this sample took the approach that hate incidents constitute anti-social behaviour and engaged with different agencies across social sectors. However, this approach was not understood or made clear to diverse communities who are at risk of hate. This reinforces the need for a positive police image to be translated into LGBT+ communities, as highlighted throughout this chapter.

Hate scholarship may usefully explore ASB as a framework with which to conceptualise hate in order to include criminal justice pathways into this remit. A cross agency approach, as highlighted by the previous quote, helps triage an individual for safeguarding in order for the most appropriate support and victim focused infrastructure to be put in place. This approach is person centred as it does not take into account whether an act of hate meets the threshold of a crime. It is focused specifically on the negative, psyche injuries and impact to the person. Whether a victimised individual has changed aspects of their life or sociality because of those experiences should also be taken into account. It cannot be certain whether an ASB framework is effective in doing due to the scarcity of research that has been conducted within hate disciplines. It is however an approach that could be effective in encompassing

behaviours that are not criminal but are harmful. As a final theme within the criminal justice cohort I will highlight the impact hate crime had on criminal justice workers. The majority of participants highlight the emotional, personal, and professional impact coming into contact with hate had on them.

### *Impact of hate for criminal justice professionals*

Participants described the emotional attachments that they developed when liaising with LGBT+ communities and more profoundly, the emotional labour that they invested in cases or incidents involving LGBT+ victimisation. Participants lamented that working with LGBT+ people who are victimised by hate, creates a whole host of emotions ranging from anger, sadness, upset, empathy, and a drive to help. The rationale or driving force for LGBT liaison officers and PC's with LGBT+ identities to protect and support LGBT+ people stemmed from the emotional labour hate crime carried. Emotions such as those highlighted above were the impetus for supporting LGBT+ people. Officers balanced a very careful line between supporting people professionally and yet sympathising with them emotionally. The capacity of being a police officer creates parameters by which respondents had to act professionally and maintain a therapeutic yet official relationship with victimised LGBT+ people. However, as respondents were either LGBT+ themselves or built up connections over extensive periods of time with LGBT+ communities, they themselves had an emotional pull towards victims and towards supporting people.

‘even though it is professional, I think it is also personal so if someone does report an LGBT hate crime to me I do get angry and upset. And I probably want to do a little bit more for them. It makes me feel like I want to do more for them and improve that person's life as a result. And I want to give them a cuddle and wrap them up and say we will sort it. I think I was a little naive coming into the job thinking it's 2016 there's no homophobia. But it does matter, it does exist and being in this role has made me see it. I do think society is more accepting that is my personal view.’ **John. 34, gay cis man.**

Johns narrative here is typical of criminal justice workers who come into contact with anti-LGBT+ hate crime. The emotional implications that hate crime has on a personal level arguably improves the professional support respondents give to victimised individuals. As John says, they want to do a little bit more for the individual in securing the case and providing adequate safeguarding measures to support LGBT+ people. This personal dimension enhances the professional practice of officers.

‘I think since this job my life is so much richer in just opening my mind to stuff I think that I am a better parent for sure. I think once you become a parent you see how much gender stereotyping is out there.’ **Lindsay, 42, straight, cis woman.**

‘I think that I have become much wider in my views and a lot less judgemental because you see so many different people with so many differing opinions on how they view themselves and how they view others so I guess more accepting of difference and I am more determined to open people's minds more. I guess that is the way that we improve by just being open and I guess of having more police officers that are willing to say ‘I am gay and it doesn't matter.’’ **Maddy, 36, gay, cis woman.**

All respondents in the criminal justice sample remarked that they had become better educated because of their roles working with the LGBT+ community. Coming into contact with hate experiences and working with diverse populations has enriched their professional practice and their private lives. Although anger, pain, and upset are negative emotions, these feelings are what drive professionals to deliver a good service to LGBT+ people and develop a commitment to overcoming historical and current barriers between LGBT+ people and criminal justice agencies. It is important to acknowledge the emotional dimensions of police work here in order to bridge the communities I have discussed. It would appear that the majority of participants who are not criminal justice workers construct an ‘us’ and ‘them’ situation between the LGBT+ community and the police. Contrary to this, the police in my sample also experience the emotional impact of hate through the people that they come into contact with. Further, working with LGBT+ people allows them to feel a connection or affinity with LGBT+ communities.

## *Conclusion*

In conclusion, respondents from the criminal justice cohort consistently negotiate their approach to liaising and policing within LGBT+ communities. This chapter contributes to our understanding of why LGBT+ hate crime is underreported and offers solutions to overcoming this. It identifies how community networks are used to liaise with LGBT+ figure heads, such as youth and community workers, and explores further ways of bridging police agencies with LGBT+ communities. It is suggested that criminal justice workers can promote a positive message of themselves to the community. I argue that by doing this, the negative perception that participants have towards the police may change. Indeed, I found that the prejudice and discrimination towards LGBT+ people, perpetrated by previous forces, has left a lasting legacy with which contemporary police officers must now negotiate and navigate. This legacy continues to shape negative perceptions of the police, a legacy that contributes to an overall reluctance in reporting or engaging with criminal justice pathways. I found that participants outside of the criminal justice cohort are reluctant to become involved in the criminal justice system. These participants would not become involved in criminal justice pathways unless their experiences of victimisation were extreme. Overwhelmingly, criminal justice workers feel that the police in their force take hate crime very seriously and are dedicated to providing an equal and efficient service for LGBT+ people. Police officers feel that their policing practice is victim-led, with safeguarding and victim support prioritised. Survey participants show overwhelming mistrust of the police and do not seek a criminal justice response to their hate experiences. Respondents are more willing to report their experiences if the purpose of their report achieve some 'greater good' for the LGBT+ community. One suggestion to incentivise reporting is to ensure perpetrators are made to attend an LGBT+ diversity training course as part of their sentence. Participants preferred this

option rather than punitive sentencing as it offers a level of greater good for the community. Criminal justice workers however maintained that punitive and enhanced sentencing was required in order for the state to denounce anti-LGBT+ hate crimes. There is clearly a disconnect of needs and beliefs between these two groups. This disconnect may also be a barrier to bridging these two cohorts.

Anti-social behaviour models are potentially an operational framework that can bridge acts of hate that constitute a criminal offence and acts of hate that do not meet the crime threshold. I suggest that it may be useful for hate crime scholarship to include ASB models into its theorising. Overall, criminal justice workers who were LGBT+ had an emotional reaction when dealing with LGBT+ hate crime incidents, often making them want to provide additional support in these circumstances. Workers who were not LGBT+ but nevertheless had spent time building connections by liaising with community organisations and individuals similarly experienced emotions such as anger, sadness, pain which drove them to better support individuals in a professional capacity. Overwhelmingly, respondents from the criminal justice cohort research were committed to dismantling anti-LGBT+ hate crime and supporting individuals throughout all stages of the criminal justice system.

## Chapter 8

### **Conclusion**

*'I did not take the bullet personally for the same simple reason that I had been shot for the same reason the young black man had been killed in that Mississippi town in*

*the 1960's. It was the same reason that sent millions of Jews to the death chambers, that triggered the Tutsi massacre in Rwanda in 1994, the killing of thousands of Bosnians in 1995 in the Srebrenica region, or the hundreds of Palestinian minors in Gaza in January 2009. My history is only a fragment of a longer history of racism and hatred. I am one detail in the continuum of racial othering, of dehumanizing those who are of another colour, belief or culture. So how could I take it personally?'*

Khosravi (2010: 83-4) reflecting on being shot in the face in a racist hate attack.

## ***Introduction***

This research set out to examine the community layered approaches to hate crime. What emerges is the personal impact of hate crime experiences, how hate services offer support to victimised individuals, and what the response – both criminal justice and community driven – is to hate crime. Using a qualitative driven mixed methods approach, I sampled LGBT+ people from student groups, voluntary sector services, and criminal justice organisations in order to achieve a community layered understanding of this. This research sought to explore the personal experiences of hate with a view to bridge criminal justice policies and practises with areas related to social justice. For example, exploring how victimised individuals are best supported through their experiences. I premised this research on the sociality of hate by exploring how LGBT+ people negotiate their hate experiences and organise, socially, around these experiences. I further examined the social and criminal justice organisations who respond to hate and explored how LGBT+ people utilise these services. The core argument running throughout this thesis places anti-LGBT+ hate as a daily experience for participants who negotiate and navigate it within the primary institutions of society. Participants employ daily negotiation and navigational tools to reconcile their identities with their hate experiences.

## *Dominant Themes and Findings*

In my attempt to understand the sociality of hate crime, this research finds that LGBT+ people have broad definitions of hate crime and negotiate their experiences within their everyday environments. It is clear that pathways and services across LGBT+ communities are significant to LGBT+ people. Voluntary sector services are well utilised by LGBT+ people, admittedly for a variety of issues including socialising, making friends, sexual health, mental health, and general support and wellbeing. However, they are often the primary social pathway LGBT+ people use to discuss their hate experiences. Overwhelmingly LGBT+ people do not officially report their experiences to the police, despite a positive shift in policing practice towards queer communities. Further, themes of social harm and everyday violence are discussed far more regularly by participants than extreme acts of hate crime.

### *Hate and hate crime*

I have explored two dimensions of hate crime. Firstly, I have examined hate crime as an operational paradigm, employed by criminal justice agencies. I have troubled the notion that hate crime is exclusively situated within criminal and legislative frameworks. I have found that whilst hate can be a criminal act it is also an everyday process that LGBT+ people negotiate and navigate. In response to this, criminal justice pathways are helpful if hate is viewed as belonging to criminal and legislative frameworks. However, hate that does not meet the threshold to be a crime requires a community based and social justice response; in turn necessitating the examination of structures of oppression. Secondly, I advocate that academic research focused on this area continue to examine the structural oppressions of those who belong to protected communities. In line with this, the parameters of victimisation

are expanded in this research in order to make space for and acknowledge the structural, social, and societal violence, which provides the foundation for hate crime to flourish. Hate has been discussed therefore in both criminal and non-criminal contexts. Bullying, intimidation, verbal abuse, and physical abuse are the most common types of behaviour that participants identified as hate crime. Staggeringly, 70% of respondents reported that they had experienced a hate crime. I observed that hate experiences often led LGBT+ people to self-police their identities and manage their queerness in discreet ways, as a preventative strategy to avoid anti-queer hate. Although hate crime is acknowledged as an offence premised on or aggravated by specific identities, respondents maintained that they would only report extreme, usually physical, instances of hate to criminal justice agencies. To remain inclusive of participants' personal definitions and interpretations of hate crime I have used the term 'hate' or 'hate experiences' throughout to recognise the non-criminal behaviour that is aggravated by a person's identity. By doing so I do not reinforce official definitions of hate crime yet I prioritise how participants perceived and self-defined their own experiences.

### *Identity and hate*

Identities such as age, gender, and of course sexuality play a huge factor in how LGBT+ people organise and negotiate their sociality. Further, the spatiality of hate crime, in terms of the environments LGBT+ frequent, is important to how participants negotiate and navigate their identities. Young people for example negotiate hate within the home and at school. LGBT+ people who were 40+ negotiate it within the workplace and in public spaces. Participants over 40+ tend to negotiate the hate experiences that they experienced historically within the social spaces that they navigate contemporarily. Deep appreciation of how hate crime is experienced across the life course emerge from interviews, especially with those

aged 40+. Interviews with participants over 40 reveal the social, cultural, and legal changes to LGBT+ people over the decades. These histories are important in establishing the sociality of hate for participants as the majority of people over 40 were indelibly marked by the historic overt, structural, and judicial prejudice and discrimination of LGBT+ people. Older participants for example still could not hold hands with their partners in public and negotiated their experiences with a lived history of oppression.

Younger participants had more access to LGBT+ services as they are more readily available *now* in comparison to when participants over 40 were young people. Younger participants have lower levels of agency to fully articulate their identities. As a result, these participants are often denied the legitimacy of their hate experiences towards their identities. To date it seems that hate crime is an adult centric concept where young people are unable to apply their experiences, as they are often silenced by being told they are too young to know what their gender or sexuality is. Young people therefore utilise voluntary sector services and spaces for forming social connections with other queer young people, with whom they share similar experiences. Participants in this sample also share racial experiences and privileges as all but one participant was white. I am unable to make any claims of how racism and anti-queerness intersect, based on the population of my sample. Respondents remarked that their whiteness allows them privileges of being shielded from many types of anti-queer hate, where people of colour may not be protected/shielded. Sexuality, gender, and age are thus intersectional identities that I explored.

Shared queer identity contributes to the vicarious and community victimisation of fellow queer people. For example, the shooting in Orlando on June 12<sup>th</sup> 2016 emotionally marked the participants that I interviewed post-Orlando. No participant in this study was directly victimised by Omar Mateen in his mass shooting. This event however contributed to what Spalek (2006) terms spirit injury. I have adapted this concept to the term psyche injury and

contributed, victimologically, to the understanding that shared identity is a conduit for victimisation. Hate is an everyday process, rooted in the structural oppression of LGBT+ people that contributes to the overall injury to the psyches of LGBT+ people. This injury is the emotional pain that comes from the brutalisation and marginalisation of queer identity, through everyday process and micro-aggressions. A lack of self-worth, internalised homophobia/transphobia, self-hate, and emotional trauma are all symptoms of psyche injury. This structural oppression and psyche injury is felt by participants in many ways, through their shared identity as queer people.

In the case of Orlando, respondents were angry, upset, confused, and harmed through their shared queer identity with the direct victims. I have used Iganski's (2001) seminal model of hate crime victimisation to argue that the impact of this event ripples beyond geographical location to victimise my participants and indeed myself as a queer person/researcher. I argue that those with a shared identity experience victimisation vicariously. Further, people who support those with victimised experiences are more likely to take on the victimisation of the person they support.

I found that LGBT+ service workers shared in the victimisation of the LGBT+ people they supported. Service workers, within the remits of social and criminal justice, offer support for LGBT+ people on a daily basis and provide a space for them to discuss their victimisation. The emotional impact of working and listening daily to the victimised experiences of people, with whom they share an identity, can vicariously victimise workers. Workers therefore employ their own methods, such as distancing themselves emotionally, reminding themselves of professional boundaries, and talking to other colleagues, to prevent psyche injury. Although hate research is often victim focused, it is primarily focused around the direct victim of hate. I advocate based on this research that close attention be paid to individuals who support those that are victimised by hate. Vicarious victimisation can be experienced by

workers who share the identity that is victimised and who are supporting victimised individuals with this identity. As these workers can experience victimisation, vicariously through their shared identity, it is imperative to support those who are working with victimised people.

Overall it was particularly difficult for respondents to articulate their experiences of hate and victimisation, as, using a Bourdeuisian analysis, they do not have the linguistic capital to fully articulate the emotional and victimological dimensions of their experiences. This lack of capital restricted how they framed their experiences. It also challenged how I framed their experiences, in this research.

#### *Expanding hate victimisation: acknowledging structural oppression*

Throughout this thesis I have remained critical of the ‘victim’ label for several reasons. Firstly, it is inappropriate to apply such loaded labels to people who may reject or conceptualise their experience differently. Secondly, the majority of respondents reject this label, claiming that they are *technically* victims but do not feel like victims. Much focus is given to hate crime ‘victims’, however throughout this thesis I have avoided using the term victim. Throughout I have described my respondents as victimised individuals, to note their victimised experiences whilst not ascribing a label to their person or identity which they may reject. It is not surprising therefore that I advocate widening the parameters of victimisation, within hate crime discourse, by adopting a radical structuralist perspective where structural oppression and marginalisation have been included into typologies of victimisation. In practice this means that acts of hate that do not meet official thresholds of crime are given recognition as a symptom of a broader social issue. The critical victimological perspective

that I have also maintained has allowed me to remain reflexive on the victimological terminology that is used to conceptualise victimisation and oppression.

It is commonly assumed that experiences of victimisation are harmful per se. I found that the identities of my respondents influence whether victimisation plays a functional role in their lives. If a participant's victimisation affirmed an identity that they held, this experience could ultimately prove positive. For example, a trans gay man experiencing homophobia can be interpreted as the perpetrator validating their identity as a gay man; they have 'passed' as a gay man rather than as a trans person or a woman 'trying' to be a man. This is a very specific cohort of people and cannot be expanded to all respondents within this sample. However, future research on the functionality of hate crime and victimisation would help better understand the sociality of hate and identity formation.

Overwhelmingly, the most common form of non-criminal victimisation manifested as 'othering', marginalisation, invalidation, and micro-aggressions. The parameters of these experiences are rooted in structural and societal oppression, contributing to the social experience of vulnerability and trauma. I have briefly explored the use of trauma in this thesis as a de-medicalised typology which conceptualises the long-term emotional pain of hate victimisation. I argue that trauma is a social experience that is relative to each individual. Those who were traumatised in this research undergo significant, long term, mentally strenuous damage which contributed to an emotionally painful experience. Adapting Spalek's (2006) 'spirit injury' I conceptualise the brutalisation and social degradation of my respondents, psyche injury, in order to explain their trauma. Trauma was a useful framework to conceptualise pain and victimisation, as service workers, although not trained counsellors, had to employ counselling techniques in order to support traumatised and victimised people in their care. As a method of supporting these individuals, trauma informed theory needs

further scrutiny and critique so that academic theory and practitioner based interventions can be bridged.

I began this chapter with a quote from Shahram Khosravi, a refugee who in 1991 was shot in the face whilst living in Sweden, during a racist hate attack (Khosravi, 2010). Shahram received a letter from his attacker, dubbed ‘The Laser Man’, from prison. In the letter he asked Shahram not to take the attack personally as it was ‘simply’ a demonstration of anti-refugee protest. Shahram’s reflection is so powerful I felt the need to include it in this closing chapter. How could Shahram take the attack personally? The attack wasn’t about him as *Shahram*, it was about his colour, his race, and his refugee status. Paradoxically, it was everything about him and at the same time not about him; it was what he represented. His attack was only one tiny part of a very long structure of racist violence. There was nothing special about it and it was not unique. It was just another hate crime added to the cocktail of racism that society is structured on. So how could he take it personally? Similarly, the experiences of the participants that I have outlined in this thesis are only one fragment in a structure that violently oppresses them. Of course, I am not denying or underestimating the weight of these experiences. Indeed, the reality of these experiences for my participants carry a significant impact on their lives. The stories relayed and discussed throughout this thesis are a small snapshot in a wider tapestry of queer oppression.

### *Space and Place*

I specifically examined the spaces and places where respondents were victimised, in order to explicitly understand how participants, navigate, socially, their hate experiences. Again, identity is integral to these experiences as younger participants (under 18) usually have to navigate hate within more intimate environments such as school or at the home. Participants

who are older usually negotiate them within the workplace or in public. 55% of respondent's experience hate in public, 44% in school, and 27% online. These are the three most prominent spaces where participants are victimised according to survey data. However, interview data highlights that the home is the most dominant space where participants were victimised, as the majority of participants, including those over 40 reflected on their victimisation within the home. Young respondents navigate and negotiate their identities with their victimisation within the home. Family members are often the main perpetrators of hate victimisation towards respondents. My findings support the notion that a majority of LGBT+ people still consistently negotiate homophobia and transphobia within intimate spaces. The adult-centricism of hate crime frameworks currently overlook young people as experiencing hate victimisation in these spaces. My research offers a bridge in this gap; I advocate for the voices of young people to be incorporated with hate crime research. I found that as young people do not have access to criminal justice pathways, they utilise youth and community workers to seek support for their experiences. This is particularly pronounced as young people often experience hate from their intimate connections and so cannot find support around their identity in these spaces. LGBT+ services and spaces are therefore vital to allow LGBT+ young people to socialise and seek support.

My findings suggest that schools are places where a significantly high proportion of LGBT+ people experience hate victimisation and 'bullying'. I have begun to demonstrate the theoretical chasm between bullying and hate crime and acknowledge that hate crime frameworks exclude young people. Having acknowledged other research conducted within British schools by McCormack and Anderson (2010), McCormack (2012), and most recently Morris (2017) who find that homophobia is no longer prevalent within educational environments, my research finds that it is indeed prevalent. The school environment for the majority of my participants is a non-inclusive and 'gay unfriendly' space. I also advise

caution when examining these studies, due to the insularity and theoretical interdependence of each other, specifically with regards to their androcentric focus on male sexuality and ‘inclusive’ masculinity. Respondents frequently negotiate heteronormative environments which in turn shape their experiences of marginalisation and otherness. Although I advocate that LGBT+ services are vital to supporting LGBT people, larger LGBT+ spaces such as ‘scenes’, online spaces, and university societies are also rife with heteronormative assumptions and attitudes.

Overwhelmingly, LGBT+ people felt that they regularly observed or experienced racism, sexism, homophobia, and transphobia from other LGBT+ people within LGBT+ spaces. In terms of the emotionality of these events, I found that hate victimisation, perpetrated by the LGBT+ peers of LGBT+ people, hurt more than when perpetrated by straight people. This shapes how people navigate their sociality through society, meaning that youth and community services are heavily utilised for the purpose of meeting other queer people, as they are queer affirming places that offer support. Student societies and gay scenes, despite being frequented by participants, are places that exclude and oppress. Youth and community services are regulated by youth and community workers. Drawing on youth work practice they are able to provide a queer affirmative space for LGBT+ to navigate. These services are, on the whole, vital in providing an autonomous queer space and an alternative to criminal justice services. My findings point towards the need for intercommunity support around dismantling and challenging homophobia, racism, and sexism within the LGBT+ community, be focused on. Challenging intercommunity homophobia, through community ‘gatekeepers’ such as youth workers, allows LGBT+ spaces to be queer affirmative rather than exclusionary. Creating these spaces may provide stronger community connections, which LGBT+ people can utilise, for support towards their non-criminal victimisation. It seems sensible to prioritise this as the majority of participants choose not to follow a criminal justice pathway.

### *Policing and interacting with the criminal justice system*

I found that contact with the police and the criminal justice system for hate experiences is minimal as participants prefer community and social networks such as youth and community services to negotiate their experiences. In part, the historic prejudices and persecution of LGBT+ people by the criminal justice system has had a lasting legacy that remains within the psyche of LGBT+ respondents. Overwhelmingly participants have a negative perception of the police, in part due to this historic legacy, which contributed to the lack of engagement with criminal justice agencies. The voluntary LGBT liaison officer role is a radical step in having dedicated officers who make contact with LGBT+ communities and take up LGBT+ crime related instances. However, the functionality of these roles is questionable as the majority of respondents are unaware of these dedicated officers. LGBT liaison officers are effective when combined with LGBT+ services as the majority of service workers knew of liaison officers and worked closely with them.

This research has bias towards the North East meaning that its claims cannot be generalised to liaison officers and services in other parts of England and Wales. Future research, focusing exclusively on the functionality and effectiveness of LGBT liaison roles is likely to provide a much wider scope to understand the overall effectiveness of these roles. A key aim behind the liaison role is to increase reporting among LGBT+ people. In order to encourage and involve more LGBT+ people within the criminal justice system, this research points to suggest that the police promote a positive image of themselves to LGBT+ community organisations, making visible their successes in LGBT+ policing. As the negative perception of police was a major contributor for non-involvement with the criminal justice system, it is important to overcome and change LGBT+ people's perception of the police.

My research finds participants would only report and become involved with criminal justice pathways if they experience a physical attack. 70% of respondents had never reported their experiences of hate with only 4% of respondents maintaining that they would always report. It seems there is little incentive from criminal justice agencies that encourages reporting. When presented with the option that in theory, their perpetrator would be sent on an LGBT+ training course, as a form of greater good, 76% of respondents said that they would report. It is useful for criminal justice agencies to explore alternatives to punitive sentences, such as rehabilitative and preventative approaches like the LGBT+ training course which has been suggested. Such a course would incur practical costs, such as funding for staff training and facilitation by a trained professional. If such a course were to be implemented it would require professionals who had undergone mediation training and diversity and awareness training. Training would also most likely include experience in delivering restorative methods of justice, such as victim-offender mediation (see Walters, 2014). This type of course would most likely be funded by the police and crime commissioner, in order for it to be regionally specific to local criminal justice agencies. However, the economic costs of delivering an LGBT+ awareness course are undetermined at this stage, in this piece research. As the costs of allocating staff to design, deliver, and promote such as course, are unclear, it would be sensible to firstly design a pilot scheme in order to gauge the overall costings, appropriateness, and staffing availability. What is clear from this research however, is that LGBT+ people need to feel incentivised to report their experience. Promoting the notion that reporting their experience is for the greater good of the LGBT+ community seems to incentivise individuals to become involved in the CJS. This supports The Leicester Hate Crime Project's (2014: 63-4) findings where participants felt 'that a restorative justice and/or a mediation element should feature in the punishment given to hate crime offenders.'

Despite 60% of respondents feeling that the police do not take hate crime seriously, all respondents who are members of the criminal justice system feel that the police are proactive in dealing with hate crime. Further, LGB officers that I interviewed feel that they are included in their force area and supported. Indeed, liaison officers, despite not having high status in terms of the overall ranking structure of the police, play a vital part in supporting diverse communities and relaying their knowledge to other officers who would come into contact with members of these communities. LGBT+ inclusion within the police workforce could be promoted as an affirmative recruiting strategy. Specifically recruiting LGBT+ people into the police workforce would heighten the queer representation of the police and arguably promote a diverse criminal justice system; a justice system that welcomes LGBT+ people.

Anti-social behaviour models of policing may well be a useful framework to bridge the gap between hate experiences that do not meet the technical threshold of a crime but are no doubt harmful to the individual experiencing it. ASB presents a useful typology that can be used to influence and shape police practice. ASB allows scholars and practitioners to bridge harmful targeted non-criminal and criminal behaviour within a hate crime framework. Whilst this thesis has focused specifically on LGBT people, and justifiably so, given Groombridge's (1999) analysis of the overall neglect of queer people, ASB typologies and frameworks can be expanded across all hate crime strands. ASB is therefore not exclusive to LGBT+ people but inclusive of all diverse groups subject to hate.

Comparative to other service workers, criminal justice workers similarly experienced the victimisation of the people they were supporting, vicariously, particularly if they themselves were LGBT. Working around LGBT+ issues, specifically LGBT+ victimisation broadened the views and perspectives of workers who learned much from the people they were supporting. The emotional aspect to this area of criminal justice enhanced the professionalism

of workers as they acknowledged that they were willing to give more support to victimised people and do their best to succeed in the prosecution of perpetrators. Overwhelmingly, workers in this sample were affirmative in their commitment to challenging hate crime and were open that as a network of organisations, they were not always successful in giving justice to everyone. This openness from respondents was overall positive, as they were also clear in their message that as professionals working in criminal justice they were always willing to learn and improve their practice. This message of police openness, if translated to the wider community, could increase the overall involvement of LGBT+ people.

### ***Comments on the limitations of this research***

Whilst this study has empirically explored the sociality of hate and examined the community ties and networks which LGBT+ people utilise, I must acknowledge the limitations of this study. Firstly, the communities, groups, and respondents sampled in this research are contained within the North East of England. I cannot claim generalisability outside of those sampled in this research. The nature of this qualitatively driven mixed methodology is designed to represent the standpointisms and positionalities of those who participated in this research. I acknowledge the structural, societal oppressions which oppress and shape the lives of respondents, however I also acknowledge at intermitted points that researching LGBT+ people is a very complex process. Whilst I cannot lay claim to different positionalities and standpoints outside those of my participants, I have used examples such as the Orlando shooting to demonstrate how structural homophobia plays a significant part when affecting all LGBT+ people. This study however is designed to give a snapshot to the views of those who have taken part in this research.

Secondly, given the organic, exploratory, and ‘messy’ nature of this research I acknowledge that it is focused on all aspects of LGBT+ hate crime, thus its parameters are broad. More specifically, I have attempted to explore the sociality of hate across communities. What a community is and who belongs in it is very difficult to define. I have defined the LGBT+ ‘community’ through the sample cohorts that were included in this research. This limits other LGBT+ spaces such as school groups, activity groups, social gatherings etc. from being involved in this research. However, given the specific research questions that this inquiry set out to answer, I have been very selective in the data I have utilised here. My research has thrown up further areas of scrutiny that deserve full exploration. I will therefore provide future research questions that I would like to explore.

### ***Future Pathways***

Future development emerging out of this inquiry will seek to bridge the scholarly gap between young people and hate crime further, by incorporating young people within future criminological research. Ethically this presents many challenges. Most recently I have drawn on ethical quandaries that arose from this research and published from those obstacles (Pickles, 2017). I wish to continue to reflect on these quandaries and publish further on the ethical safeguards put in place to include young people in my research. Additionally, there is much data I was unable to include in the empirical chapters of this thesis, such as observations on policing culture. Beyond this I wish to strengthen the relationships I have maintained with the police and with youth services and bridge these two into partnership more frequently. Having gained funding from an EMoTICON bid, I have already conducted research, premised on my thesis which was aimed at exploring digital pathways in reporting hate crime. This research has already allowed me to bridge youth services and police officers

together, in focus groups. This additional research advances the initial line of inquiry presented in this thesis by exploring how young LGBT+ people interact with the police and investigating what pathways of reporting are accessible for young people to report their experiences of victimisation (see Gatehouse et al., 2018).

Long term, I aim to utilise this research as a foundation to form other research projects relating to sexuality and justice. One of my less dominant findings was that the police had an emerging LGBT+ network for staff to liaise with and gain support from if they identified as LGBT+ or required information. It is important to explore how police workplaces facilitate LGBT+ networks and incorporate LGBT+ support amongst its employees. It will be interesting to examine how police officers dealing with victimised LGBT+ individuals receive internal support from their workplace.

Further research into vicarious victimisation of youth and community workers is also needed to determine how service workers receive adequate support to combat their vicarious experiences of victimisation. Despite these limitations and the further questions that are raised by this research, the key findings make an important contribution. They suggest the structural foundations for which hate crime is propagated and advocate for community based approaches. They have bridged the narratives of three cohorts by exposing the differential and multifaceted experiences of hate, from both community and criminal justice perspectives. My findings demonstrate the importance of a community layered response to hate by combining voluntary sector organisations with criminal justice agencies. It is clear from my findings that young people experience hate within the major institutions of society – in the home and educational settings – but are denied validation by current hate crime frameworks. The research sheds light on this unexplored area of hate crime and advocates for the further inclusion of young people in future hate research. Ultimately, this research has provided fertile ground with which I will continue to contribute to the area of hate studies.



## **Appendices**

## **Appendix A – Information Sheet**

### **WHO AM I?**

My name is James Pickles and I'm the researcher for this project.

### **YOUR INVITATION!**

I want to invite you to take part in this research study. Please read through this information sheet before you decide whether to take part. Feel free to ask or email any questions if you need any clarification or further information. You are free to withdraw your consent at any time.

### **WHAT IS THIS RESEARCH?**

- This study is part of a PhD research project.
- It aims to explore experiences of hate crime or hate victimisation by LGBT people. It will look at how people deal with their experiences of hate crime after initial instances of hate (such as harassment, abuse, bullying, or violence etc.).
- You do not have to have reported your experiences to take part in this study
- Personal stories and experiences gained from participant's interviews will be used as data. The nature of this research is to highlight personal stories of identity and hate crime by shedding light on how LGBT people experience hate post-victimisation.
- Data gathered in this study will be used as findings for a doctoral level thesis. The findings may also be used in future publications.

### **WHAT WILL YOU HAVE TO DO?**

- You are agreeing to be interviewed and audio-recorded by the researcher for approximately 1-2 hours. Any information provided will be kept strictly confidential. Information will be anonymised so that you will not be identifiable in any documentation.
- If you wish to withdraw your consent before this study ends all information and data you have given will be destroyed. You will not be asked to discuss anything you do not wish to. If there is anything you do not wish to discuss you are free to tell the researcher and the interview will be moved on.

You will be asked to sign a consent form before you take part in this study to show that you have agreed to take part.

### **FURTHER CONTACTS:**

For queries about this study please contact the researcher at ([james.pickles@northumbria.ac.uk](mailto:james.pickles@northumbria.ac.uk)).  
Tel: 07882746629

If you have any further concerns and do not wish to speak to the researcher, please contact the supervisory team. The supervisory team overseeing this research are Dr Pam Davies ([pamela.davies@northumbria.ac.uk](mailto:pamela.davies@northumbria.ac.uk)) and Dr Matthew Jones ([matthew.jones@northumbria.ac.uk](mailto:matthew.jones@northumbria.ac.uk))

## Appendix B – Consent Form

Faculty of Arts, Design and Social Sciences – Research Ethics Framework  
Participant Consent Form

To be completed by both participant and researcher before research commences

Name of project

**Intersecting Victim Identities and Hierarchies of Vulnerability in LGBT Hate Victims**

This project is looking at hate victimisation and how people feel about their experiences post victimisation. You may be asked to discuss personal information that may or may not include harassment, assault, bullying, abuse, and your own definition of victimisation relating to your identities. You do not have to disclose anything that you are not happy telling me (the researcher) or that you find distressing/triggering. Any information given is in complete confidence and anonymity will be provided.

By consenting to participate you are acknowledging that you have been informed about the nature of this research and what the interview will cover.

Organisation(s) initiating research

Northumbria University

Researcher's name

James Pickles

Research Organisation

Participant's name

I consent to take part in this project.

I have had the project explained to me by the researcher and been given an information sheet. I have read and understand the purpose of the study. I am willing to participate.

I understand and am happy that the discussions I will be involved in will be recorded on a Dictaphone and notes will be taken. I understand I can withdraw my consent at any time, without giving a reason and without prejudice.

I know that my name and details will be kept confidential and will not appear in any data output. Any devices and personal information will be kept secure and confidential. They will be kept by the researcher until the end of the project. Data will be destroyed in line with Northumbria University's retention policy. Data will also be destroyed should participants withdraw their consent to partake in this study.

Anonymised summaries and transcripts will be produced from the discussions to be used in the

project report and in other publications. Participants will not be identified in the project report or in other publications based on this project. Copies of any reports or publications will be available on request to participants.

I confirm that I have been supplied with and have read and understood an Information Sheet for the research project and have had time to decide whether or not I want to participate.

My consent is conditional upon Northumbria University adhering to the legal principles of the Data Protection Act (1998).

**Signature of Participant (even if below 18 years old)**

Date

**Signature of Parent/Guardian/Representative/Service Worker  
(if participant is under 18 years old)**

Date

I confirm that I have explained the nature of this study and provided an information sheet to the above participant. I have given ample to answer any questions concerning this project. I have taken necessary precautions to ensure the safety and protection of the above participant.

**Signature of Researcher/Staff Member**

Date

Any queries regarding Ethics Forms can be directed to Charlotte Bilby, Faculty Ethics Director, as outlined on the Research Information form

## **Appendix C – Service Worker Discussion Form**

### **Service Worker Discussion Form**

I as the service worker understand the full nature of this research. I have been given an information sheet and understand the aims and rationale for this research.

I understand that participants under 18 are being recruited to be involved in this study. I have discussed the participation of young people (under 18's) from my services with the researcher and we have assessed each person on a case by case basis.

I understand that involvement of this research is of voluntary nature and both I and the participants can withdraw consent from this research at any time. It has been made clear that the data (if any) I have provided for this research will be destroyed upon withdrawal of the study.

I have discussed participation with the young person in question and I have made it clear to them that their participation is purely voluntary. They have been informed of their right to withdraw and assessed on their suitability to participate.

I consider the young person to be suitable to participate and be interviewed for the purposes of this research.

**Name:**

**Position:**

**Address:**

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**Name of young person:**

**Signature:**

---

**Date:**

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## Appendix D – Easy-read Information Sheet

# This Research

- I'm looking at people's experiences with homophobia/transphobia and hate towards their identity.
- This is about you and your story. What is hatred and phobia?
- If you have experienced harassment, verbal comments, abuse, bullying, violence, or any prejudiced activity towards you because of your identity - you may have experienced hatred or phobia.
- I'm going to ask you to think back to these experiences and explain how this made you feel and how you feel about it now.



## What do I have to do?

- All you have to do is agree to be interviewed for about an hour. It will be recorded.
- Don't worry though because you will be kept anonymous and we'll think of a different name to replace yours.
- If you don't want to talk about anything that upsets you – you don't have to.
- You're in control of the chat we have 😊



## **Appendix E – Example Interview Schedule**

### **Interview Schedule for recipients of hate crime**

**Can you tell me a little bit about yourself?**

**What's a typical day in your life like?**

**How are you involved in the LGBT community?**

**What is your identity?**

- **What does your identity mean to you?**
- **What are the most important parts about your identity?**
- **Are there any parts of your identity you don't like certain people knowing?**

**How do you define hate crime?**

- **Further questions may need to be adapted to suit this definition (i.e. may feel harassment but not define as hate crime)**

**How have you experienced hate crime because of your L/G/B/T identity?**

**How did this affect you at the time?**

- **How did this make you feel?**

**Do you still experience hate crime?**

**How has this affected you since your experiences of hate crime?**

- **Do you see yourself as a victim?**
- **How has this impacted your L/G/B/T identity?**

**How do you think your ethnic, age, religious, (or gender) identity impacted on your hate experience?**

**Have you ever experienced any crime that wasn't hate related?**

- **What do you think the difference is between hate crime and non-hate crime?**
- **Would you feel differently if you experienced non-hate crime?**

**Has your identity within public spaces changed because of your experiences?**

- **How?**
- **Do you do anything to prevent yourself from experiencing hate crime again?**

**Do you feel marginalised from certain places within Newcastle?**

- **How? If not – why?**

**What does vulnerability mean to you?**

**Do you feel more vulnerable since your experiences with hate crime?**

**How did you respond when you first realised you experienced hate crime?**

**Did you report your experience of hate crime?**

- **If yes: how did you feel you were treated?**
- **If no: why did you not report it?**

**What are your experiences generally of the police when dealing with LGBT issues?**

**How do you think the police can improve on LGBT issues?**

- **Hate crime?**
- **Would you be willing to work with the police on LGBT hate crime?**

**What do you think would help reduce hate crime based on your experiences?**

**What support do you think needs to be offered to LGBT victims?**

**Would you be willing to participate in restorative justice of hate crime?**

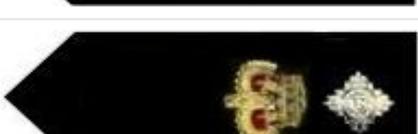
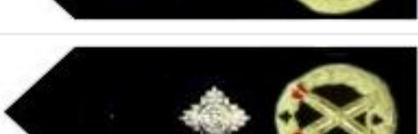
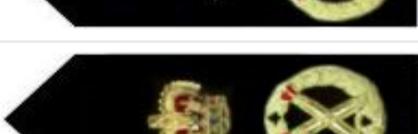
**Would you be willing to talk to perpetrators of LGBT hate crime whom you haven't experienced previously?**

**Overall how do you think your experiences of hate crime have affected how you socialise and act in society?**

**Is there anything else you would like to discuss relating to our conversation?**

## Appendix F – UK Police Rank Structure

### UK Police Rank Structure

	Police Constable
	Sergeant
	Inspector
	Chief Inspector
	Superintendent
	Chief Superintendent
	Assistant Chief Constable
	Deputy Chief Constable
	Chief Constable

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