The policing of learning disablist hate crime:  
* a critical examination of perceptions, experiences and outcomes*

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The thesis is submitted in partial fulfilment of the requirements for the award of the degree of Doctor of Philosophy of the University of Portsmouth.
Declaration

Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

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Abstract

Existing literature suggests that hate crimes are significantly underreported, have a disproportionate impact on the victim and wider communities, and that satisfaction with the police response is generally lower than for comparable non-hate crimes. However, disablist hate crime is a relatively new addition to the academic, political and policing landscape and, consequently, relatively little research that examines the experiences and perceptions of individuals with learning disabilities and the experiences and perceptions of police officers has been forthcoming.

With the intention of addressing this knowledge gap, this thesis aims to critically examine the perceptions and experiences of policing learning disablist hate crime, using the social model of disability as a theoretical framework for understanding this particular problem. The empirical research employs a triangulatory research methodology comprising participant observations of policing practice, semi-structured interviews with serving police officers, and focus groups with individuals with learning disabilities. The qualitative data derived from the research allows for the lived realities and experiences of service providers and service users to be explored. As such, the thesis examines a number of important issues relating to the extent of knowledge and understanding of disablist hate crime, the perceived levels of accessibility and opportunities for engagement between the service users and service providers, the extent of trust and confidence in policing, and the differences between the actual and desired policing outcomes pertaining to both parties.

The research findings illustrate that ‘success’ in the policing of learning disablist hate crime is dependent upon the interaction of a number of variables but the key contribution to knowledge is the central importance of direct policing experiences and indirect policing experiences for both service users and service providers. Respectively, these refer to the knowledge gained from personal experiences and third-party sources. This is presented within a new theoretically informed roadmap of police service provision, which highlights how such experiences are crucial in determining victim status and subsequently shaping the quality of service provision to people with learning disabilities using the principles of the social model of disability.
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<td>ACPO</td>
<td>Association of Chief Police Officers</td>
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<tr>
<td>CJS</td>
<td>Criminal justice system</td>
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<td>CPS</td>
<td>Crown Prosecution Service</td>
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<td>CSEW</td>
<td>Crime Survey of England and Wales</td>
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<td>DPP</td>
<td>Director of Public Prosecutions</td>
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<td>EHRC</td>
<td>Equality and Human Rights Commission</td>
</tr>
<tr>
<td>HMIC</td>
<td>Her Majesty’s Inspectorate of Constabulary</td>
</tr>
<tr>
<td>HMICFRS</td>
<td>Her Majesty’s Inspectorate of Constabulary and Fire &amp; Rescue Service</td>
</tr>
<tr>
<td>IOPC</td>
<td>Independent Office for Police Conduct</td>
</tr>
<tr>
<td>IPCC</td>
<td>Independent Police Complaints Commission</td>
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<tr>
<td>LAGLO</td>
<td>Lesbian and Gay Liaison Officers</td>
</tr>
<tr>
<td>NDM</td>
<td>National Decision Model</td>
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<tr>
<td>NPCC</td>
<td>National Police Chiefs’ Council</td>
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<td>ONS</td>
<td>Office for National Statistics</td>
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<td>PLOD</td>
<td>Police Link Officer for Deaf people</td>
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Introduction

In 2008, former Director of Public Prosecutions (DPP), Sir Ken MacDonald QC claimed that:

“[Disability hate crime]... is a scar on the conscience of the criminal justice system. And all bodies and all institutions involved in the delivery of justice... share the responsibility”.

The reality behind the sentiment of this statement is perhaps unsurprising given that disablist hate crime is relatively new to the criminal justice, political and indeed academic agendas. Having been on the margins of criminological study and criminal justice concerns for many years, in 2007 the deaths of Fiona Pilkington and Francecca Hardwick arguably served as the cause célèbre for this area. The Independent Police Complaints Commission report that followed (IPCC, 2011) – now known as the Independent Office for Police Conduct (IOPC) - highlighted a number of key failings in police procedures and practice, but also drew attention to the responsibility of the wider criminal justice system to responding to disablist hate crime. The recommendations that followed resonated with those from the Stephen Lawrence Inquiry regarding the murder of Stephen Lawrence in 1993; perhaps a demonstration of how little has been learned since then. In 2011, abuse of individuals with learning disabilities made the headlines again, with a BBC Panorama programme exposing the physical and psychological abuse committed by staff at Winterbourne View, a hospital in South Gloucestershire, England. A report by the Transforming Care and Commissioning Steering Group was published in 2014, highlighting five areas for improvement, accompanied by a number of recommendations. Just as the Stephen Lawrence Inquiry recommended openness and accountability (Macpherson, 1999), this report again recommended the need to hold people to account at a national and local level (2014, p.36).

This introductory chapter will explore how hate crime, and more specifically disablist hate crime, came to the fore as a political and criminal justice problem. In doing so, it will explain and further explore the impact of the murder of Stephen Lawrence in 1993 and the deaths of Fiona Pilkington and Francecca Hardwick in 2007. The development of criminal justice policy regarding hate crime will also be explored, alongside the politicisation of victimisation and the significance of the
victims and disability movements of the 1970s and 1980s. This thesis therefore concerns itself with the perceptions and experiences of policing learning disablist hate crime, and the associated interactions between service providers and service users. The last part of this chapter will therefore provide an overview of the structure of this thesis and present the aims and objectives of the research.

**The hate crime journey**

There is a liberal use of the term *hate crime* today by politicians, the media, criminal justice agencies and members of the general public. However, there is a long history of the types of offences that are now referred to as hate crimes, including slavery, lynching, sectarianism and xenophobia towards immigrants. In England and Wales, it is only over the last 20 years that we have come to recognise hate crime as a social and political problem in its own right and deserving of legal and policy responses.

Between 1986 and 1999, the 43 police forces of England and Wales only collected information on racist incidents, defined by the Association of Chief Police Officers (now the National Police Chiefs’ Council (NPCC)) as:

> “any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or any incident which includes an allegation of racial motivation made by any person” (ACPO, 1985).

In 1993, the murder of black teenager Stephen Lawrence in London, England was the catalyst for change and is now recognised as being one of the most significant events in the history of the criminal justice system in the United Kingdom (Giannasi, 2015a). On the evening of 22nd April 1993, Stephen and his friend Duwayne Brooks were subjected to an unprovoked attack by a group of white youths in Eltham, south-east London, England. Whilst Duwayne managed to escape unhurt, Stephen was stabbed twice and died of his injuries shortly after. The attack was initially not identified as racially motivated and details from the account given by Duwayne were not adequately considered (Macpherson, 1999, para. 6.21). Such crucial failings, combined with the lack of organisation in the early hours of the first investigation into Stephen’s death, led to no one being convicted of his murder. His murder was described as an “affront to society” (Macpherson, 1999, para. 1.11) and, whilst a
further examination of the wider impact of Stephen’s murder and the subsequent inquiry by Sir William Macpherson will be provided in Chapter Four, the Stephen Lawrence Inquiry changed the definition of a racist incident.

Following the recommendation made by Macpherson (1999, para. 44.12) the police service adopted the following definition:

“a racist incident is any incident which is perceived to be racist by the victim or any other person.”

Macpherson also recommended that this term must be understood by police to include both crimes and non-crimes, with both reported, recorded and investigated with equal commitment (1999, para. 42.13). Furthermore, he recommended that this new definition of racist incidents should be adopted not only by the police, but by local Government and other relevant agencies. The definition was regarded as being clearer and simpler than the previous (HM Government, 2002) and deliberately removed the discretion previously afforded to the police in determining what does and what does not constitute a racist incident. For recording purposes, the victim, or any other person, does not need to evidence or justify their reasoning as to why an act is defined as a hate crime or incident.

Between 1998 and 2005, there were three editions of the ACPO hate crime manual and the enforcement of legislation designed to address the problem of hate crime, namely the Crime and Disorder Act 1998, later amended by the Crime and Disorder Act 1998, and the Criminal Justice Act 2003 - which saw the introduction of crimes aggravated by hostility towards a (perceived) disability. In 2003, Professor Gus John's report on potential bias within the prosecution process recommended the following:

The CPS through the good offices of the Attorney General should take the lead in establishing a holistic approach, across the Criminal Justice System, to the issues highlighted by this research, not least in respect of the handling of race crimes by the police, the CPS and the Courts.

As a result, a task force was established and in June 2006, it reported that there were varying levels of performance across criminal justice agencies as to how race related crimes were handled and recorded and recommended the development and use of common terminology. In 2007, the Government established what is now referred to
as the Cross-Government Hate Crime Programme and this sought to agree a common definition of hate crime, to provide clarity and accuracy in the reporting and recording of hate crime. As part of this consultation process, it was identified that there was a need to expand the monitored strands covered by hate crime policy beyond race and 21 strands were considered. As agreed by the Association of Chief Police Officers Cabinet in 2007 and later accepted by all criminal justice agencies (Giannasi, 2015b, p. 109), the shared definition of monitored hate crime developed was:

A hate crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race,

or, a person’s religion or perceived religion,

or, a person’s sexual orientation or perceived sexual orientation

or, a person’s disability or perceived disability,

or, against a person who is transgender or perceived to be transgender.

A monitored hate incident therefore follows the same definition as above but refers to any non-crime incident. Theoretically, the existence of a shared definition of hate crime allows criminal justice agencies to be aligned in their understanding of hate crime. As this thesis will later demonstrate, the extent of this understanding is subject to variation.

On 23rd October 2007, Leicestershire Fire and Rescue Service were called to a report of a car on fire near Earl Shilton, England. The two bodies found in the car were later identified as that of Fiona Pilkington and her daughter Francecca Hardwick. Fiona and her family had endured a catalogue of anti-social behavior and made 28 calls to the police between January 2004 to October 2007, the majority of which related to anti-social behavior or assaults. The IPCC (2011) inquiry into their deaths found that there were failings in police procedures and the recognition of repeat victimisation, and that the deaths were due to the stress surrounding their on-going victimisation by local youths. Chapter Four will critically examine the recommendations made by the IPCC and the reports that followed by the Equality and Human Rights Commission (EHRC), but this case highlighted the responsibilities that other
agencies, beyond the police, have in recognizing and responding to cases of disablist hate crime.

The politicisation of victimisation

Alongside the advances in the recognition of hate crime as a political and social issue, over the last 50 years there has also been an increased focus on meeting the needs of both offenders and victims. During the 1960s, 1970s and 1980s, reflecting the broader considerations of radical and critical criminology, there was a growing sensitisation towards the existence and needs of particular groups, specifically those groups of victims deemed ‘vulnerable’, such as victims of domestic and sexual abuse (Dignan, 2005; Walklate, 2016). The development of victimology as a subdiscipline of criminology helps to explain the increased focus on victim’s experiences, compared to mainstream criminology. Radical criminologists like Quinney (1972), for example, drew attention to the structural factors that organise society and the role of the state in the social construction of victims and offenders. This was followed by a widespread use of victimisation surveys by both local and national government, which provided insights into the patterning of criminal victimisation. The data provided by the first British Crime Survey conducted in 1981 (now known as the Crime Survey of England and Wales) was used by left realists, such as Lea and Young (1984), to highlight the disproportionate impact that crime has on the poorest and least privileged areas of society. Furthermore, Jock Young’s (1992) work on the ‘square of crime’ drew attention to the interaction that occurs between offenders, criminal justice agencies, communities and victims in the analysis of crime and the need to pay equal attention to the four elements.

Against the backdrop of wider recognition of victimisation, both within criminology and throughout other social movements that challenged the post-war consensus – such as the civil rights movement and LGBT activism - the disability rights movement took hold in the 1960s within the UK with the work of disabled activists. Hunt’s (1966) edited collection, ‘Stigma: The Experience of Disability’, challenged the perceptions of the ‘suffering’ of individuals with disabilities and highlighted the dominance of able-bodied norms that are forced upon others. In 1970, a key step forward for equality was evidenced with the introduction of the Chronically Sick and
Disabled Person’s Act. This Act focused on improving environmental access for people with disabilities and recognised the need for comprehensive services to support the individual needs of the chronically sick and disabled. Whilst the effectiveness of this legislation is debateable, the movement for anti-discrimination laws had clearly begun. In 1972, Hunt founded the Union of the Physically Impaired Against Segregation (UPIAS), alongside other disability campaigners such as Vik Finkelstein and Maggie Davis. The Union redefined disability as a “restriction of activity caused by contemporary social organisation which takes no or little account of people with physical impairments” (UPIAS, 1975, pp.3-4). This allowed for the development of the social model of disability, with a crucial distinction made between the biological and the social aspects of disability - this model will be explored further in Chapter Two. Despite repeated reluctance of the Conservative Thatcher Government to recognise discrimination against people with disabilities in the 1980s (Barnes, 2010), in 1995, after fourteen attempts the Disability Discrimination Act was eventually passed.

Collectively, these emerging insights into previously hidden forms of disproportionate victimisation served to inform a wave of identity politics, which sought to draw attention to the experiences of minorities, including those with learning disabilities. Jacobs and Potter (1998, p.5) define identity politics as being “politics whereby individuals relate to one another as members of competing groups based on characteristics like race, gender, religion, and sexual orientation. According to the logic of identity politics, it is strategically advantageous to be recognized as disadvantaged and victimised. The greater a group’s victimization, the stronger its moral claim on the larger society.”

In other words, Jacobs and Potter's argue that hate crime has emerged within political agendas due to particular groups achieving recognition of their plight. The very inclusion of disability within the five centrally monitored strands of hate crime - race, religion, sexual orientation, disability and gender identity - in England and Wales in 2007 is therefore a testament to the endeavours of victim and campaign groups. This has been supported by a wider recognition of victims’ experiences and the development of hate crime as a political, social and criminal justice matter. Whilst this thesis will include the collection of service providers’ views, a key
Objective of this research is to involve service users and shed a light on their experiences.

Background to the research

Disablist hate crime is a complex phenomenon and involves unique challenges that do not apply to other strands of monitored hate crime. Such complexities will be discussed in chapter two, however, the available statistics surrounding the number of recorded disablist hate crimes demonstrate the importance of this area of study. In 2010, the former Director of Public Prosecutions (DPP), Keir Starmer, said in a BBC interview, “…we haven’t collectively picked them [disablist hate crimes] up and investigated and prosecuted them in the way we should”. This is still evident when exploring available statistics.

Since 2008, police forces have been required to record and publish data on the five monitored strands of hate crime (race, religion, sexual orientation, disability and gender identity). In the time period 2017/18, there were 7,226 disablist hate crimes recorded by the police (HM Government 2018a, p.14). Whilst this is an increase of 1,668 (30%) recorded cases from 2016/17, this is only 7.8% of the total 94,098 hate crime offences recorded by police. In that same period, there were 754 police referrals of disablist hate crimes for charging, with a conviction rate of 75%. However, only 24.8% of these included an announced and recorded sentence uplift using s.146 of the Criminal Justice Act 2003 (CPS, 2018, p.12). This section of the Criminal Justice Act 2003 allows for an increase in punishment to be administered upon evidence of targeted hostility towards an individual’s disability (or sexual orientation). When comparing the number of disablist hate crime referrals to the 10,472 referrals for racially aggravated hate crimes in the same period, a substantial difference can be seen. The conviction rate for racially aggravated offences is also higher at 85.4%, of which 69.9% involved a sentence uplift – 45.1% than the sentence uplifts applied for disablist hate crimes. Such a considerable rate of attrition, combined with significant levels of underreporting (Smith, Lader, Hoare & Lau, 2012), is a source for concern, not only for victims and advocacy groups, but also for professionals within the criminal justice system. In achieving the aim of this
research outlined at the start of this chapter, this thesis will explore potential explanations for this underreporting and the importance placed on official statistics.

The differences in referrals, prosecutions and use of sentence uplifts arguably supports the notion of a 'hate crime victim hierarchy' (Roulstone & Sadique, 2013, p.28) where, compared to victims of racially or religiously aggravated crimes, disabled victims are less likely to receive justice (Mason-Bish, 2013, p.19). This is further compounded with the combined data from the 2015/16 to 2017/18 Crime Surveys of England and Wales that estimates there were 52,000 disablist hate crimes per year (HM Government, 2018a, p.27) – a difference of 44,774, which suggests that only 13.9% of disablist hate crimes are coming to the attention of the police. Previous research has found that the impact of disablist hate crime for victims, however, is just as damaging, if not more so (Jacobson, 2008; Roulstone, Thomas & Balderston, 2011; Sharp, 2001; Sin, 2013). This hierarchy can also be seen in research publications such as those by the European Commission against Racism and Intolerance (ECRI, 2016), where other strands of hate crime were discussed but not disablist. In addition, the 2016 Hate Crime Action Plan produced by the Conservative government (HM Government, 2016), places only a very small focus on disablist hate crime, compared to those motivated by race, religion and sexual orientation. This is arguably one of the most significant publications as it represents the national, political focus on hate crime and where the emphasis, and consequently resources, will be directed. This report also demonstrates an apparent decrease in the political importance of disablist hate crime. When the term ‘disability’ is searched in the 2009 Labour Government’s action plan on hate crime (HM Government, 2009), 127 matches are found. When the same search is conducted on the 2012 Coalition Government’s action plan (HM Government, 2012), 38 matches are found and only 30 matches are found in the 2016 action plan.

The difference between police recording and victimisation survey reporting may, in part, be due to the police having difficulty in correctly identifying disablist hate crime and the victims (Trickett & Hamilton, 2016). Hamilton and Trickett (2015) have previously highlighted that police officers are fearful of causing offence by asking victims about the presence of a disability. The unique challenges that this type of crime presents will be further explored in Chapter Two. The policing
response to hate crime, however, has been scrutinised by the inquiries that followed causes célèbres, such as the deaths of Stephen Lawrence, and Fiona Pilkington and Francecca Hardwick, but also by various inspectorates. In July 2018, an inspection by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) on the initial police response to hate crime found that there was an inconsistent picture between forces, and sometimes within the forces themselves, as to how such incidents are responded to. Although the inspection found some progress in the encouragement of victims to report their victimisation and improvements in police practice in dealing with this, the progress made was described as being “too slow” (HMICFRS, 2018b, p.6). Three months after this inspection in October 2018, a joint inspection by Her Majesty’s Crown Prosecution Service Inspectorate (HMCPSI) and HMICFRS was published on the handling of disablism hate crime cases. The findings acknowledged that whilst improvements have been made within some aspects of casework, police and prosecutors are still not sufficiently considering the needs of disablism hate crime victims. The provision of reasonable adjustments when giving evidence was highlighted as being a particular cause for concern.

Just as it is argued there is a hierarchy of hate crime, such an approach can also be applied to the disablism hate crime arena itself. The majority of disablism hate crime research focuses on physical disability and there is little focus on learning disability as a central discussion. The term ‘disability’ is often used as an umbrella term, encompassing a variety of disabilities, and it is this lack of recognition, combined with the blurring of mental health and learning disability, that adds to the problem of disablism hate crime. In addition to this, there also appears to be a conflation of vulnerability and hostility (Roulstone, Thomas & Balderston, 2011; Roulstone & Sadique, 2013) and here the complexities surrounding disablism hate crime start to emerge. This thesis explores these convolutions and places learning disablism hate crime at the forefront of the research.
Framing this research

Choosing the research site

The primary research within this thesis is concentrated within Brentmouth Constabulary (fictional name used to maintain anonymity), a medium sized force in the south of England. Following a presentation to the force on the findings of my previous postgraduate research on disablist hate crime, a conversation with one of the Disability Champions revealed a desire from Brentmouth Constabulary to understand more about its response to disablist hate crime. The opportunity to expand on these findings was therefore provided. The primary research site is the city of Brockmore, a densely populated area in the south of England.

Overarching theoretical framework

A theoretical framework is vital in guiding and shaping any doctoral thesis. As Trafford and Leshem (2008, p.79) observe, the theoretical framework of a thesis identifies the intellectual foundation for a gap in knowledge; provides the intellectual boundaries for the research; creates foundations for theoretical frameworks used in data analysis; informs choices throughout the research process; and helps to justify claims that a contribution to knowledge has been made. With this in mind, the theoretical framework that guides this thesis is the social model of disability.

Although discussed in detail in Chapter One, it is important to emphasise the key tenets of this theoretical framework here. Whilst acknowledging the marginalisation and othering of people with disabilities within a given society, the social model of disability highlights the importance of social processes and social policies in the participation and empowerment of people with disabilities (Abberley, 1996; Finkelstein, 2001; Oliver, 1996). There is therefore a difference between the impairment that individuals have and the disablement that is derived from the rigidity of society and social processes to which people with disabilities are routinely exposed. It is these processes, and the disadvantage that results, that excludes people with disabilities from mainstream activities, rather than the impairment itself. In other words, it is the reaction of society, and the organisations therein, that are disabling.
Under this broad umbrella of the social model of disability, broader theories relating to disability, hate crime, and policing are also utilised, and are discussed respectively in Chapters One, Two and Four. Each of these theoretical perspectives impact upon a range of social processes that relate to principles of the social model of disability and that impact upon service provision afforded to victims of learning disablist hate crime.

Research aim and objectives

By utilising the theoretical framework provided by the social model of disability, this thesis explores the police service provision afforded to individuals with learning disabilities within the context of hate crime victimisation. The overriding aim of the research therefore is to critically examine perceptions and experiences in the policing of learning disablist hate crime.

In order to achieve this aim, the following objectives have been identified.

1. To critically examine and synthesise existing theoretical perspectives and wider associated literature from the fields of disability, hate crime and policing.
2. By using amended grounded theory and a mixed methods approach, to explore the perceptions and experiences of individuals with learning disabilities and police officers in relation to the policing of learning disablist hate crime, with a particular focus on service provision.
3. To situate the research findings within existing theoretical frameworks in order to contribute to academic knowledge and understanding of the policing of learning disablist hate crime.

Structure of the thesis

In achieving the research aims and objectives, the thesis will comprise of two parts and an outline of the thesis is provided below.

Part One

John Stuart Mill (1864, p.4) reasonably argues in his essay titled ‘Nature’ that “the first thing to be done with so vague a term is to ascertain precisely what it means.”
In order to understand disablist hate crime, it is therefore important to first understand what is meant by the concept ‘disability’. Chapter One will examine various interpretations and acknowledge the historical, social contexts that surround such explanations. A justification for the use of the term disablist hate crime will also be provided. The central theme of the chapter however is a consideration of relevant theoretical perspectives relating to disability. These include the medical model, principles of normalisation and othering, the biopsychosocial model and the social model of disability. These are important in shaping the thesis’ understanding of disability and justifying the social model of disability as the primary theoretical framework for this thesis.

Disablist hate crime is relatively new to the political, academic and policing lexicon and Chapter Two will explore the meaning and significance of disablist hate crime for each of these arenas and the various attempts to define it. The unique challenges that disablist hate crime presents for victims in reporting their experiences and for practitioners tasked with responding to such incidents will be considered. Whilst the true extent of disablist hate crime and the subsequent impact on victims and communities is difficult to ascertain due to problems with underreporting and misidentification, this chapter will review the state of current knowledge derived from the existing literature base. Particular attention is paid to the view that hate crime is a complex policing problem, and the chapter examines perspectives that frame this crime as a low-level offence that has a disproportionate and arguably unique impact on victims and wider communities; as a process rather than a series of isolated incidents; and that creates a normalisation of victimhood.

Whilst Chapter Two charts the increasing attention and prominence that disablist hate crime has received, Chapter Three will consider the current context of this problem from both a national and local perspective, including the recording and prosecution rates of disablist hate crime. Moreover, this research has taken place against a backdrop of cuts to public spending, political and economic uncertainty, and significant events such as the European Union referendum and high-profile terrorist attacks, and the impact of these on the policing of disablist hate crime will be explored. This chapter also presents and discusses the demographics of the research site and situates hate crime within the broader crime picture. This
provides the necessary context for understanding both the research undertaken, and the theoretical perspectives considered in Chapter Four.

To end part one, Chapter Four will explore the key events within the hate crime ‘journey’ and cross-reference the recommendations that have been made by previous inquires, such as the Macpherson Report and the Equality and Human Rights Commission (EHRC) inquiries into disability-related harassment. As already identified within this introduction, police responses to hate crime more generally and disblist hate crime more specifically have been criticised, with numerous recommendations made. This chapter will provide theoretical explanations of policing, such as the hierarchy of police relevance (Bowling, 1999), police officers as street-level bureaucrats (Lipsky, 1980) and characteristics of police culture (Reiner, 2010; Shearing and Ericson, 1991).

Part Two

Chapter Five explains the methodological approach that underpins the empirical research and the process for analysis of the research findings. The social model of disability provides the theoretical framework for this thesis and has served to inform the research design. A triangulatory approach was employed within this research, consisting of observations and interviews with service providers (police officers) and focus groups with service users (people with learning disabilities), followed by a thematic analysis of the findings from the three research stages. The use of these research methods will be justified and in doing so, an explanation of the ethical issues and how these were overcome will be provided. Furthermore, an amended grounded theory approach was employed during the primary research, whereby themes, and contributions to the development of the theoretical framework, emerged throughout the research process, rather than being applied or assumed from the outset.

Chapters Six, Seven and Eight will examine the findings and analysis of the empirical research, with each chapter focusing on one of three themes identified as being central to the policing of learning disblist hate crime; understanding and perceptions, accessibility and engagement, and confidence and desired outcomes. Each chapter will simultaneously present the relevant findings from both service users
and service providers and the relationship between the three themes will be identified.

Finally, Chapter Nine presents a discussion of the key research findings presented within Chapters Six, Seven and Eight, and situates them within the wider context of the existing literature discussed in Chapters One to Four. More specifically, this chapter presents the contributions to knowledge made by this thesis, in particular the development of a theoretically informed *roadmap of police service provision*. This new model draws together theoretical perspectives relating to normalisation and othering, street-level bureaucrats, hierarchies of relevance, and hate crime and in so doing, emphasises the relevance and importance of applying the principles of the social model of disability in order to form a proper understanding of the experience of policing, and being policed, in the context of learning disablist hate crime. The outcome is a novel perspective on the subject area that advances existing knowledge through an approach to date unseen within the literature.
Part One
Chapter One:

Understanding and Theorising Disability

‘Disability’ is a term that is widely used throughout society, usually without any thought as to what is actually meant or understood by this concept. When exploring the problem of disablist hate crime, it is usually the hate element that attracts much attention of scholars, particularly in distinguishing between hostility and vulnerability (Roulstone & Sadique, 2013; Roulstone, Thomas & Balderston, 2011; Sherry, 2010;). This thesis aims to critically examine the policing of disablist hate crime perpetrated against those with learning disabilities, however before the term ‘disablist hate crime’ can be discussed, the concept of ‘disability’ itself must be understood. As will be demonstrated later in the thesis, the manner by which disability is understood has the potential to shape the manner in which individuals, including police officers, engage with individuals with disabilities.

For the purpose of this chapter, the ontological question is ‘what comprises the concept of disability?’ There are numerous definitions and explanations of disability that will be discussed, the result of which leads to a variety of interpretations and consequently understandings of this term being formed. This opening chapter will start by providing an explanation of how this term has been perceived throughout history, from Ancient Greece to the present day. In order to understand where we are now, we must understand how we came to be at this point. The blurring of learning disability, intellectual disability, mental disability and mental illness will be demonstrated, but also the marginalisation and exclusion that those with disabilities experienced for hundreds of years. Much of the existing literature and theoretical frameworks often refer to physical disability and whilst such knowledge is important and will not be underestimated, this thesis has a prime focus on learning disability. The development of theoretical models of disability- medical, bio-psychosocial and social- will be explored and critically discussed, in addition to the principle of normalisation. This thesis will be routed in the theoretical framework of the social model of disability and in this application, the strengths and limitations of this model will be assessed throughout.
1.1 Historical attitudes towards disability

For hundreds of years, individuals with disabilities have been the subject of segregation, persecution and oppression. In Ancient Greece, two prominent philosophers, Plato and his student Aristotle, present a rhetoric of exclusion and rejection when discussing disability, more than 2000 years ago. In Plato’s ‘Republic’, he sets out his desired society where each individual, with a unique talent, relies on another to meet their needs, as they are “not self-sufficient” (360BC/1993, p.59). Hence, a community emerges. This unifying principle of specialisation, to which Plato refers throughout the text, also defines conditions of exclusion. As Waterfield summarises in his introduction of the translated text, “if each individual is unified by the principle of specialization...that unity must not be compromised by bad poetry” (p.xxii). If one does or cannot cooperate with other and contribute to the welfare of the whole, then they will be excluded. Plato expands on this when he suggests that officials should “find some suitable way of hiding away in some secret and secluded spot...any handicapped children...Otherwise our breed...will become tainted.” (360BC/1993, p.174). Furthermore, those with “a poor physical constitution will be allowed to die, and those with irredeemably rotten minds will be put to death” (p.111). These quotes suggest there was no place in society for those with disabilities, physical or learning.

Aristotle, in his work ‘On the Generation of Animals’ from 350BC, supports Plato’s viewpoint by stating that those with physical differences “depart from nature” (p.81) and are “monstrosities” (350BC/2001, p.79). Furthermore, in ‘Politics’, he states:

“With regard to the choice between abandoning an infant or rearing it, let there be a law that no cripple child should be reared. If...a child is conceived, abortion should be procured before the embryo has acquired life and sensation...” (350BC/1992, p.443).

Furthermore, Aristotle discusses the need for individuals to have fit, healthy bodies and the importance of “rearing young to be in a condition ready for war” (350BC/1992, p.445). Whilst he states that this does not mean all individuals should have the body of an athlete, it does highlight the desire for able bodied individuals with the perception that these are stronger and more advantageous. These quotes
provide clear examples of the negative views held in Ancient Greece towards those with disabilities. Such attitudes are continued in religious texts and later periods in history, but more importantly were influential during the Renaissance period (14th–17th Century) in Europe. This was reflected in a renewed interest in ancient philosophy and challenged religious and superstitious explanations of human behaviour.

Braddock and Parish (2001, p.14) argue that within religious texts, there is a belief demonstrated that disability was a punishment delivered by God. The Romans echoed this view and individuals with learning disabilities living in the Roman Empire were not only maintained by the wealthy for entertainment purposes but also prohibited from marriage (Braddock & Parish, 2001, p.14). Spartan law demonstrates a harsher stance than in Rome, echoing Aristotle, with the law authorising the killing of new-borns who had deformities, regardless of the family they were born into (Stiker, 1999, p.39).

During the medieval period, those with disabilities were once again the subject of persecution and suspicion (Barnes, 1991). Disabilities were believed to be associated with the devil and witchcraft (Marks, 1999, p.28), with the first executions of witches in 1022 (Russell, 1972). Here it should be noted that those executed can be split into two groups; those executed because they were witches; and those who were persecuted for being ‘possessed’. It was within the latter group that those with disabilities, particularly learning disabilities, were placed (Goodey, 2001). Maher and Maher (1982) discuss the notion of ‘Ships of Fools’, introduced by Brant in 1494, where individuals with learning disabilities were cast out to sea. Whilst this was only used as a metaphorical device by Brant, with no evidence of this actually happening (Maher & Maher, 1982), this again demonstrates the disapproval and rejection of these individuals from society. There is a range of research and knowledge on demonology and disability (Digby & Wright, 1996; Goodey, 2001; Goodey & Stainton, 2001; Locke, 1690/2001; Schrag & Divoky, 1975). Whilst it is beyond the remit of this thesis to explore such work in-depth, it should be noted that such thinking provided an alternative to God being the creator of such individuals. This was an explanation which appeared to relieve religious followers of any questioning of God’s virtuosity (Goodey, 2001, p.11). As has been seen thus far,
much of the academic literature discussed appears to make a link between sin and disability (or illness) (Barnes, 1994; Braddock & Parish, 2001; Clay, 1966; Russell, 1980; Marks, 1999), suggesting disability is something one can avoid. This also places the cause of disability on the individual.

In contrast to such persecuting views, it was during the Middle Ages between the 5th and 15th century that institutions emerged across Europe, dedicated to caring for those with disabilities and mental health issues - often labelled as 'lunacy' (Braddock & Parish, 2001, p.20). Such developments can be interpreted in contrasting ways. On the one hand, these demonstrate a compassionate attitude towards those with disabilities, by providing them with needed support and assistance, previously unseen. Alternatively, such practices only confirm the notions of segregation seen in earlier periods with individuals with such individuals viewed differently from others and removed from mainstream society.

An important distinction was made between those with intellectual disabilities and those with mental health issues in 1601, with the introduction of the Poor Law Relief Act (also described as the Old Poor Law). Rushton (1988, p.37) describes how the term idiot was used in reference to those who were unable to perform everyday tasks. Lunatic, however, is seen as a more problematic definition but revolves around terms such as crazy, insane and disordered in the senses (Rushton, 1988, p.37). The Poor Law saw those with disabilities relieved from work and remaining in the community with their families, becoming the objects of charity (Bartlett, 1999, p.81). Those with mental illnesses, however, were housed in poorhouses and incarcerated in prisons (Rushton, 1988), yet both groups of individuals were seen as particular problems to society (Jones, 1955; Scull, 1982).

In 1834, the Poor Law Reform Act demonstrated a development in attitudes towards disability, with welfare and support seen as not distinct from paid work, but as inherently less eligible and desirable than paid work (Harris & Roulstone, 2001, p.8). Here one can see a mirroring of Aristotle’s earlier views; “A condition of unfit for hard work is...undesirable” (350/1992, p.442). Again, negative connotations of disability are displayed. Furthermore, Barnes (2010, p.23) explains that economic conditions meant families were no longer able to support relatives with disabilities,
leading to widespread incarceration of people with disabilities into institutions. Here, institution refers to “long term provision of a highly organised kind of residential basis with the expressed aims of “care”, “treatment” or “custody”” (Jones & Fowles, 1984, p.207). With such individuals often termed “defective” (Barnes, 2010, p.25), such language denotes notions of a social hierarchy and worthlessness, questioning the level of citizenship individuals with disabilities are afforded.

The social hierarchies that emerged during the Poor Law and industrial revolution also gave premise for the eugenics movement; aiming to improve the human race through sterilisation and segregation during World War II (Barnes, 2010, p.26). Support for this Nazi programme was also gained through a focus on the money “wasted in keeping the institutionalised (hence “worthless”) people alive” (Hubbard, 2010, p.113). Hence the extermination campaign was directed towards mentally and physically disabled individuals, particularly those in institutions. Although this was perhaps hidden from the general public, such a programme was well publicised within the Nazi party (Race, 2002, p.32), and culminated in the extermination of nearly 100,000 people with disabilities by the Nazi regime’s 'Final Solution' (Wolfensberger, 1980).

The events and works discussed demonstrate that hostility and prejudice towards individuals with disabilities is not new. Whilst there are blurred boundaries between disability and mental health, already undertones of abnormality, exclusion and segregation can be seen in the literature discussed. As Goodey (1996) summarises, this demonstrates “the difficulty which a particular society has in coping with the consequences of its own integration” (p.109). It is therefore perhaps not surprising that a culture of shaming and animosity has emerged (Aiden & McCarthy, 2014, pp.12-13). The following sections will explore various models that have emerged to understand and explain the term disability.

1.2 Medical Model of Disability

The medical model of disability disputes once dominated popular understandings of disability. With its foundations seen in the Enlightenment period- where scientific, positivistic thinking came to the forefront (see Kant's 1784 work “What is the Enlightenment” and Adorno and Horkheimer (1979) for detailed discussions)-
it is of no surprise that the medical model of disability is deeply rooted in “clinical diagnosis” (Brisenden, 1986, p.173). Here one can see a shift away from the religious and superstitious perceptions of disability, as evidenced in religious texts and prevailing views within the Middle Ages, to viewing disability as an affliction. This positivist perspective therefore situates the ‘problem’ within the individual (Oliver, 1998), with the medical model stressing an individual model of disability. During the 17th and 18th century, the elite doctors treating those from the upper classes were expected to respond to the narratives provided by patients and develop treatments that would restore the body to an equilibrium (Lawrence, 1994, p.12). Throughout the 19th and 20th century, the task of doctors transformed to eliciting information on the objective signs and symptoms of disease and translating this to a definitive diagnosis that linked the disease to specific biological causes (Bury, 2001, p.266). By 1920, the dominant paradigm of disease was one of individual pathology and the development of medical and surgical treatments and procedures from the 1940s served to render the patient as a passive receptor to medical experts (Bury, 2001; Lawrence, 1994).

The medical model of disability therefore views disability as a diagnosis that is linked to an individual’s physical body. The medical facts associated with this determine the form or quality of life for the individual concerned, but also the form of treatment and/or medical intervention to reduce or correct the disability (Brisenden, 1986). Areheart (2008) states that the “physiological condition itself is the problem” (p.186), supported by Hughes and Paterson (1997); “the biological body is the proximate cause of disability and ultimate cause of handicap” (p.328). Thus, any social restrictions that are faced by individuals with disabilities are due to individual "physical dysfunctions” (Hughes & Paterson, 1997, p.328), and it is these “dysfunctions’ that the individual needs to overcome the effects of or find a cure through medical efforts. As can be clearly seen here, disability is not regarded as a group problem, but rather uniquely individual. Furthermore, one can start to see an emphasis on ‘normalcy’ emerging- a concept discussed later in this chapter. In his 2008 text, Areheart discusses the impact of the Americans with Disabilities Act (ADA) and the need to prove difference from others (non-disabled) in society. This echoes the sentiments of the earlier discussion on the Poor Law literature, with a
focus on the need for treatment and rehabilitation. The significance and impact of ‘othering’ will be explored later in this chapter.

Such views towards disability have allowed for a culture to emerge where the medical model is reinforced. With the introduction of specialist doctors, institutions and diagnostic manuals, a medical response to disability becomes normal and conventional. For Schrag and Divoky (1975), the notion that individuals with disabilities “can and should be chemically managed...is the most dangerous extension of authority” (p.106). In addition, the development of the Eugenics movement (the dark side of Positivism), demonstrated during the years of the Nazi Party, is a prime example of such abuse of authority. Furthermore, the common language used allows for this model to continue, with references made to treatment, condition and institution; as seen in 1.1. If a medical model of disability is used, discrimination of individuals with disabilities can be viewed in contrast to other forms of discrimination. Areheart (2008) argues that racial, gender and homophobic discrimination are considered irrational by most, yet discrimination against those with disabilities can be seen as rational due to their own deficiencies. (p.190). The discrimination against the former can be explained through social discrimination, but due to the acceptance of medical interpretations of disability, the latter is often viewed as no more than a medical issue (Jaeger & Bowman, 2005). Mashaw (1994, p.233) for example, argued that public policy should “clearly admit that the disabled are not as able as the able.” The importance of language will therefore be discussed later in the chapter, but here it is important to note that disablist discrimination has unique elements and debates surrounding it.

Throughout the literature discussed in this section, one can also see that the term disability has been used as an umbrella term, yet the dominant focus has been on physical disabilities, with mentions of the body and physical differences. As a result, little attention is given to learning disability. Whilst the medical model can be applied to learning disability- viewed as a deficit in the individual’s pathology that is sought be rectified through programmes which focus on cognition (Nunkoosing, 2011, p.12)- this omission in the literature does highlight how discussions and debates have developed over time. One cannot apply such thinking today without
distinguishing between the variation of disabilities—something this thesis will acknowledge.

The medical model, however, is not without its critics. Oliver (1996) is one of the most notable critics stating “there is no such thing as a medical model, there is instead an individual model of disability of which medicalisation is one significant component.” (p.31). Linton (2010, pp.224-225) is, however, critical of this medicalisation due to the reinforcement of treatment for the person and the condition, rather than any social processes. For Hughes and Paterson (1997), disability is more than just a medical issue; it is “both an experience and discursive construction” (p.329). These two terms, experience and construction are vital for this thesis. In order to gain a full understanding of responses to disablist hate crime, one needs to recognise and appreciate the experiences of service users and service providers, but also how such responses are constructed. This is something the social model of disability places an emphasis on, as will be discussed later in this chapter.

When discussing ‘disability’ there are numerous explanations and perceptions that attempt to understand what this term means, yet one recurring theme evident in the discussion thus far is that of normality. The medical model emphasises the need for an individual with disabilities to be cured so they can become non-disabled, or as close to able and normal as possible. Difference is not tolerable. Yet, the concept of normal is still contested.

1.3 Normality and ‘otherness’

Davis (1997, p.9) states that “we live in a world of norms”. However, the question “what is normal?” is one of the commonly asked questions within social sciences. On a philosophical level, Berger and Luckmann (1966) argue that:

“the world of everyday life is not only taken for granted as reality by... members of society... It is a world that originates in their thoughts and actions, and is maintained as real by these.” (p.33).

In short, we each live our own reality of everyday life that will not be identical to others. In spite of this, we live together and share a common-sense knowledge about reality (Berger & Luckmann, 1966, p.37). Part of this reality is the societal agreement on what is deemed to be ‘normal’ and who is deemed to be ‘normal’.
1.3.1 Normalisation

As Henry and Lanier (1998) demonstrate in their article, crime is a contested concept which draws inferences from sociological, legal, political and moral influences, amongst others. They highlight other influences such as time, social situations and power (Henry & Lanier, 1998). A similar dialogue can therefore be seen with disability. As evidenced in the medical and welfare (such as the Poor Law) explanations of disability, people are defined in their relation to the norm (Williams, 2001, p.136), and confined to be part of the other if they do not meet the hegemonic characteristics.

Oliver (1990, 1991) argues that this ideology of normality emerged with the rise of capitalism and the need for workers to meet physical demands of factory life. Hence, those deeded abnormal are those who fall outside of this. Medical explanations emphasise the need for treatment and rehabilitation in order to return to the normal majority, and the welfare explanations refer to the segregation and exclusion of the abnormal. Oliver (1990, p.4) suggests that for as long as environments consist of social roles that are considered to be ‘normal’, the inability of an individual to live up to these roles will put them in a disadvantaged position. The overarching theme here is the perceived need for the individual to change, rather than the environment.

The principle of normalisation is also worthy of discussion. Parker, Williams and Aldridge (2002) explain how the process of normalisation aimed to create ‘normal’ living conditions for those with disabilities (p.942). It was first discussed by Nirje (1969), who defined the normalization principle as a means to:

“making available to the mentally retarded patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society” (p.181).

It is therefore a question of defining the mean, comparing deviations from the mean and attempting to reduce the difference between those who deviate and the mean (Ravoud & Stiker, 2001, p.494; Nirje, 1994). In the context of this research, the emphasis is on allowing those with disabilities to lead lives which are as similar as possible to those living without a disability. As highlighted by Ravoud and Stiker (2001, p.494), people with disabilities tend to be placed in separate institutions (such as in schools or at work) which aim to help them achieve this norm. If such an
aim cannot be achieved, segregation from society is likely to continue for the rest of their lives.

Wolfensberger is described as having “sociologised” (Parker, Williams & Aldridge, 2002, p.942) Nirje’s normalisation principle, renaming it the ‘Social Role Valorization’. For Wolfensberger, the goal of social role valorisation is to support socially valued roles for people. He states that:

“If a human condition were valued in society, then it would be less likely that people would do bad things to the ‘incumbent’ of such a condition. Instead, the incumbent would be respected...; other people would tend to censure anyone who attempted to harm the person...” (2011, p.436).

Individuals with disabilities are often at risk of being socially devalued, due to the real or perceived impairments they are deemed to have. Being ‘devalued’ can lead to treatment from others that tends to diminish one’s dignity, competence, health, wealth and lifespan (Wolfensberger, 2011, p.436). This has parallels to Perry’s (2001) explanation for the perpetration of hate crime, whereby hate crimes emerge as a response to a perceived threat to the hegemonic society. In relation to the social role valorisation, members of society would condemn such negative treatment, providing some protection for those with disabilities.

From Wolfensberger’s development of the normalisation principle, the influence of labelling theory can be identified. Proffered in 1963 with Howard Becker’s renowned text ‘Outsiders: Studies in the Sociology of Deviance’, the notion of labelling refers to identifying those who live outside of the rules agreed on by society; distinguishing between appropriate and inappropriate behaviour (p.1). At the same time, Erving Goffman’s 1963 publication ‘Stigma: Notes on the Management of Spoiled Identity’ explored how information on specific groups within society is controlled and the consequences of social stigma. In relation to understanding disability, it can be seen here that individuals with disabilities are viewed as outsiders, falling outside of the norm and with a negative stigma attached to their identity. This leads to a “vicious cycle”, as discussed in much of the literature (Chappell, 1997; Gillman, Heyman & Swain, 2000; Goffman, 1961, 1963; Walmsley & Atkinson, 2000), with devalued identities reinforced by poor treatment from individuals and services in society (Chappell, 1997, p.45). Gillman, Heyman and
Swain (2000) criticise the normalisation principle for the emphasis it places on the those with disabilities needing to conform to the norm, ignoring the importance and value of difference and diversity in society. This resonates with the medical model in this regard, again highlighting a separation from mainstream society. The feeling of discomfort is a common reaction to disability, with people uncertain how to act when interacting with someone with a disability (Jaeger & Bowman, 2005, p.21) and focusing upon the deficiency of that individual (Beckett & Buckner, 2012, Barnes & Mercer, 2010). Brittain (2004) supports this and argues that a fear of difference, lack of understanding and an emphasis on the use of societal norms inform the perceptions of people without disabilities towards those with a disability.

Williams (2001) expands on this existence of norms and suggests that:

“If norms are a product of society, and disability is defined as a departure from the norm, then disability is a social construct. If disability is a social construct, changing dominant construct, biomedicine and the practices undertaken in its name will transform or eliminate disability” (p.136)

Here there is a focus on the social surroundings of an individual, with the oppression faced by many people with learning disabilities lying in hostile environments and disabling barriers that society (including politicians, architects, social workers, doctors, police and criminal justice agencies) establishes (Williams, 2001, p.135). Whilst the notion of marginalisation is still evident in Williams’ quote, it is not the sole responsibility of medicine to eliminate disability, but more how society constructs this term. The individual is no longer the source of disability (as earlier suggested by Areheart (2008, p.186)), but the wider society. This reinforces the social model of disability, often academically attributed to Vic Finkelstein in the early 1980s, which emphasises the nature and workings of society, rather than individual attributes. This will be explored later in this chapter.

1.3.2 Othering

The principle of normalisation and consequent differentiation between normal and abnormal, particularly when distinguishing between people, can be best understood through othering. Dervin (2011, p.187) explains othering as the “objectification of another person or group”, allowing for individuals to construct sameness and difference. Gillespie (2006) argues that this leads to a tendency for people to
differentiate between in-groups and out-groups (or ‘us’ and ‘them’) - see Tajfel (1982) for further discussion on this. Blatt (1987, p.305) defines the ‘other’ as:

"People who look too different, or behave too differently, or who see the world too differently, or whose visions about life itself are not easily appreciated..."

Perry (2001) explored the process of othering and identity construction within the context of hate crime. She argues that this process of othering and notions of difference have been used to justify and construct hierarchies surrounding race, gender, class and sexuality, and although not mentioned specifically, disability can also be included here. Perry argues that such hierarchies reinforce practices of exclusion and marginalisation, as do Murdick, Shore, Chittooran and Gartin (2004). Furthermore, Perry (2001, p.47) suggests that systems of classification force individuals to be grouped into mutually exclusive categories of belonging. Weiss, Proweller and Centrie (1997, p.214) support this view of othering as a process of identity formation, whereby there is a “drawing of boundaries” and “configuring of rings around” categories of difference; one can only belong to only one side of the equation.

The very nature of policing requires such a process to take place, with individuals belonging to either the ‘police’ and the ‘policed’. Charman (2017, p.43) identifies the influence of story-telling between police officers in shaping and maintaining the boundaries of the ‘police’ group, but the necessity to categorise individuals is part of day to day policing. When police officers first respond to an incident, they are required to categorise it as a crime or a non-crime incident, which in turn determines whether an individual is a victim of crime or not. Police officers are therefore responsible for applying the victim status to individuals (Charman, 2019). This will be further explored in the following chapter.

Within the context of learning disability, othering also results in individuals being part of the ‘disabled’ community or the ‘able’ community, with dominance and normality afforded to the latter. Murdick, Shore, Chittooran and Gartin (2004) argue that unconscious prejudice against individuals with disabilities can lead to segregation, isolation and persecution. Such practices were evidenced in the overview of historic events and attitudes provided earlier in this chapter and this
echoes Perry’s (2001) interpretation of the impact of othering. Furthermore, Murdick, Shore, Chittooran and Gartin (2004) argue that this division of a population into two separate groups results in the consideration of individuals with disabilities as a social outcast, or ‘the other’. For Young (2011, p.150), this “oppressive meaning of group difference” means that one group occupies the position of a norm, against which all others, regardless of whether they identify as part of that group or not, are measured. Therefore, some versions of identity are prioritised over others within society. Another impact of othering is that ‘the others’ are seen as one homogenous group. In relation to the othering of disability, Van der Klift and Kunc (1994, p.1) refer to the term “disability spread”, whereby there is a “societal tendency to generalize and make broad inferences about the nature of disability”. Such a perception towards disabilities can mean that individuals do not receive an appropriate response from service providers that meets their individual needs.

Whilst the focus of this chapter is on understanding the concept of disability, it is worth highlighting here the connection between othering and disablist hate crime. Conflict and friction between hegemonic and counterhegemonic individuals or groups can lead to violent and/or abusive endeavours to confirm the dominant position of one group over another – the position of people with no disabilities over those with a disability. Hate motivated offences are a way of policing the boundaries between groups and reiterating to the other of their place outside normality (Perry, 2001, p.55). Such an understanding therefore reinforces the presence of stigma and stereotyping and ultimately exclusion, which Becker (1963) and Goffman (1963) highlighted in their work.

In relation to this, Chappell (1997) has highlighted some concerns with the principle of normalisation and attempts to limit othering. Firstly, she argues that the power relationship between professionals (or service providers) and individuals with disabilities (service users) still remains, with the needs of the latter viewed through the eyes of the former. Secondly, in order to facilitate normalisation, or social role valorisation, and reduce opportunities for othering, individuals with disabilities are encouraged to mix with people who do not have a disability and distance themselves from those who are stigmatised (Chappell, 1997, p.48). However, this has the
potential to reduce the availability of key sources of support, as only other individuals with disabilities will be able to identify and empathise with the realities of day to day life. Whilst attempts are made to improve the lives of individuals with disabilities, it is important that these are conducted with the support and desire from such individuals and do not result, unintentionally, in further exclusion and marginalisation.

As with the medical model, marginalisation and exclusion are again prominent in the literature on normality and othering. The principle of normalisation, whilst attempting to reduce difference and ignoring any possible positive connotations towards disability, does allow for the ‘remedy’ to be found in more than medicine and outside of the individual. For Abberley (1996), scientific knowledge reinforces exclusion and it is this ‘objectivity’ and ‘truth’ that needs to be challenged.

1.4 The Social Model of Disability

However, before the social model of disability can be discussed, the bio-psychosocial model must also be acknowledged; for without this, the placing of this thesis in the theoretical framework of the social model cannot be fully justified. Attributed to Engel (1977), he proposed the bio-psychosocial model as an alternative to the biomedical model of health and as a holistic approach to understanding health and health care. When applied to disability, the bio-psychosocial model views disability as a process, combining individual factors from medicine and psychology, but also with society in how it can be restructured to create an 'ordinary' life for those with disabilities (Nunkoosing, 2011, p.14). However, such an approach still places some emphasis on the individual to change. Medical and welfare definitions of disability largely refer to individuals adapting to fit with the norms of society (Williams, 2001; Davis, 1997); norms argued to be social constructions (Berger & Luckmann, 1966). Such definitions do not acknowledge any changes required by society. The social model, however, argues that individuals are disabled by society through isolation and exclusion (Finkelstein, 2001). There is therefore a need to focus on the nature and workings of society, and the barriers they cause, rather than individual characteristics.
Developed in the 1980s and 1990s, the attributed founder of the social model, Vic Finkelstein (2001, p.2), argues that society is “constructed by people with capabilities for people with capabilities”; society fails to provide appropriate services and adequately ensure the needs of people with disabilities are fully taken into account in its social organisation (Oliver, 1996, p.32). Oliver (1983; 1990; 1991) elaborated on Finkelstein’s work and drew upon a Marxist approach, locating disability within the rise of capitalism – alongside the ideology of normalisation (as mentioned in 1.3.1). For social model theorists, disability is created by the way society isolates and excludes those with impairments from full participation in society, rather than being caused by the impairment itself (Abberley, 1996; Finkelstein, 2001; Oliver, 1996; Porter 2015). Harpur (2012) provides a concise overview of the social model by arguing that it is therefore not the individuals with disabilities that need to change but rather society itself. (p.326). Whilst reiterating the notion of marginalisation discussed in other models, this model places an emphasis on social processes (recognised by the bio-psychosocial model) and social policies to promote participation and empowerment for those with disabilities (Porter, 2015, p.21).

The social model therefore challenges the mainstream answer to the ontological question referred to at the start of the chapter. No longer is disability viewed as a ‘thing’ or a characteristic of an individual, but rather it is viewed as a process that imposes restrictions (Oliver, 1996, p.32). Finkelstein (2001) makes a distinction between disability and impairment. Quoting the Union of Physically Impaired Against Segregation (UPIAS), “disability is something imposed on top of our impairments by the way we are unnecessarily isolated and excluded from full participation in society. Disabled people are therefore an oppressed group in society “(p.1) (UPIAS, 1975). Here, as Oliver defined in 1990 (p.11), impairment is the physical element- lacking part or all of a limb, or having a defective limb, organism or mechanism of the body- whilst disability is the disadvantage or restriction of activity caused by a contemporary social organisation that excludes them from the mainstream of social activities. This exclusion is caused by society taking little or no account of people who have physical impairments – as evidenced in the earlier discussion on normalisation and othering. It is the procedures which have placed
individuals with disabilities outside of ‘normal’ that are questioned by the social model.

In reference back to the discussion in 1.3.2 on separate institutions for those with disabilities, such as in education, the social model asks why the mainstream institutions do not adapt to accommodate people with disabilities. Abberley (1996) responded to this with the argument that a social system which revolves around “taken-for-granted desirability or independence, work and physical normality” does not allow for any exceptions (p.64).

Such processes are often aided through the language that is used to describe and label such a group. The significance of ‘disability’ and ‘impairment’ has already been discussed and it may also have been noted that this thesis uses the term ‘people with disabilities’ rather than ‘disabled person’, as someone’s disability is only part of their identity and does not define them. Secondly, the term disabled has a negative prefix and separates individuals with a disability from the ableist society (Harpur, 2012, p.329). Applying such a label has consequences, not only for how someone with a disability views themselves but how they are treated by others (Rock, 2007, p.29), including the police and other services. Such language is ingrained in society. Individuals with this label have been treated negatively throughout history- from Ancient Greece to the Middle Ages to Nazi Germany- so it should be of no surprise that similar views are still present despite the development of society, particularly with the dominance of the medical model. If language underpins the societal processes that the social model criticises, then such language also needs to be challenged.

Given the emphasis placed by this model on the activities of individuals and organisations in determining the extent of disabling experienced by people with disabilities, the social model of disability is crucial in understanding and shaping the purpose and aims of this thesis. Furthermore, the thesis applies this framework as it uses the term ‘disablist hate crime’ rather than ‘disability hate crime’. The term ‘disability hate crime’ is problematic, for other types of hate crime are referred to by the type of prejudice that causes them, such as racist and homophobic. However, disability is often used rather than disablist (Mason-Bish, 2013, p.21). Arguably, this
places a focus on the disability of the victim rather than the motivating prejudice; positioning blame on the victim and denying a victim status. Combined with the victimisation itself, this can alter the perceptions that people with disabilities have of themselves but also how people will perceive individuals with disabilities. Hence, this thesis will use the term ‘disablist hate crime’ as it is the disablist views of the offender that cause the offending behaviour and subsequent victimisation, not the disability of an individual; it is the disablist views that need addressing, not the characteristics of the victim.

The application of the social model of disability to disablist hate crime is therefore beneficial for both service users (victims) and service providers (police officers). In addition to redirecting the ‘problem’ towards the views of the offender, it also highlights the othering (discussed in 1.3.2) experienced by individuals with disabilities, caused by the policies, processed and practices used within society that are not accessible or appropriate for people with disabilities. The social model of disability is then also beneficial for police officers and police forces as it increases awareness of avoiding such othering and in doing so makes them more attentive in meeting the expectations and desires of victims of disablist hate crime.

Proponents of the social model therefore turn the conventional models of rehabilitation on their heads, arguing that if society changes, disability will disappear (Williams, 2001, p.135). Put simply, if the language, processes and attitudes that are argued to create disability are reformed, then individuals will no longer have a disability, in the sense that their participation and acceptance into society will not be prohibited. Society will then be able to adapt and accommodate all individuals, regardless of their impairments. Whilst this may seem a utopian idea, there is a stark difference between disability and impairment for social model theorists. In this circumstance, an individual will still have, for example, Down’s Syndrome or a missing limb (the impairment), but the marginalised response or negative perceptions from society that restricts the individual’s full participation in society will no longer be there (the disability) (Oliver, 1990). There is little knowledge on whether the actions of police officers are broadening such feelings of marginalisation and ‘disabling’ individuals when they are victims of crime and this thesis will explore such issues.
What is again notable in this discussion is the focus placed on physical disabilities, seemingly ignoring learning disabilities. Porter (2015) makes this point by stating that the social model focuses only on a particular group of those with disabilities, suggesting hierarchies of impairment (p.22). In addition, there is a need to recognise that all individuals with disabilities will not have the same experiences, even if their impairment is the same. Instead, the differences in class, race, gender, ethnicity, sexual orientation, to name but a few, must be acknowledged (Barton, 1993; Crow, 1996; Hearn, 1991; Lloyd, 1992, Mulvany, 2000); also recognising the presence of intersectionality. Furthermore, this thesis will involve individuals with disabilities in this research, providing an opportunity for people with disabilities to be directly involved in the research and deliver findings guided by their experiences. This paradigm of participatory research will be further discussed in the methodology chapter.

As with previous models, there are also criticisms of the social model that should not go undisclosed. Hughes and Paterson (1997) are critical of the separation of impairment and disability, between body and culture, arguing that such terms cannot be completely separated (p.326). In addition, they claim that the social model actually accepts the medical model in its understanding of impairments. That said, it is the cause of the disability that remains central to the social model and the impact this has on an individuals’ lives, and the differentiation between disability and impairment. Hughes and Paterson’s (1997) work is supported by Owens (2015) who argues that the social model ignores the multiplicity of lived experiences of those with disabilities. However, she explains that this is further complicated as if such experiences were explored, this would highlight differences between individuals, reinforcing the individual, or medical, model (p.389). Arendt (2003, p.211) argues that there are three realms to social life- political, social and private- yet the social model only focuses on the political and social, with little attention on the private (Owens, 2015, p.392). This research, however, will enable a discussion of the private experiences of individuals – both service users and service providers.

It is worth highlighting here the blurred boundaries between the medical model of disability and the social model of disability. Whilst the latter presents an opportunity to challenge the perception of disability from an individual to a social
problem and places responsibility for achieving equality on all members of society, it does, in part, still require elements of the medical model in order to function. The medical model views disability as a diagnosis that is linked to an individual's physical body and therefore involves a recognition of difference and othering. The social model of disability also requires this process of othering to recognise when and where amendments are needed within social practices in order to meet the needs of individuals with disabilities. Unlike the medical model, this does not require the normalisation of the individual but rather the norms of society to change. This does demonstrate, however, a shared basis between the medical model, social model and othering with an emphasis on normalisation.

The social and medical models of disability can also be influenced and shaped by external factors. For example, Oliver (2013, p. 1026) claims that arguments made by activists and academics surrounding the social model matter very little while the global economy is operating in “boom mode”, but within a time of austerity things change very quickly and many local authorities only provide services to those whose needs are deemed critical. As such, he was critical of those who underplayed the social model while failing to replace it with something more meaningful or useful and saw such actions as being responsible for the lack of action and progress made during such times. Oliver’s points concerning the effects of austerity is particularly pertinent to this thesis, given that the present research was undertaken entirely during a period of financial cuts across the public sector.

Oliver argued that it was time to “either re-invigorate the social model or replace it with something else” (p.1026) and criticised the tendency to only talk about the social model, rather than implement it into practice. Levitt (2017) responded to this and argued for a multi-factor perspective on disability to incorporate the social and medical model. He argues that that the effects of disability are shaped by a combination of four components - society; the disabling condition; the actions of disabled people; and miscellaneous other factors (such as the age of onset of the disability - and that these components of an active model of disability overlap, with the impact of each varying from person to person. Here the blurred boundaries between the medical and social model can be seen again.
Whilst the boundaries between the social and medical models of disability may be blurred, police responses to disablist hate crime are intended to focus on the reaction of society to the presence of an impairment and do not attempt to fix or treat this impairment. Therefore, notwithstanding the limitations highlighted, the social model does have the capacity to provide an understanding of society’s role in shaping the lives of people with impairments and remains the key aspiration for achieving parity and equality across society. As such, this thesis draws upon the social model as a central theoretical framework accordingly.

1.5 Defining disability

As demonstrated throughout this chapter, disability is not a concept that is easy to define. With competing definitions and understandings, it is important to see how academia has informed and impacted on policy and legislation. How disability is defined will dictate responses to such; how the criminal justice system views disability will determine its responses to disablist hate crime.

Section 6(1) of the Equality Act 2010, which superseded the Disability Discrimination Act 2005, defines disability as:

a) A physical or mental impairment, and

b) The impairment has a substantial and long-term adverse effect on [the] ability to carry out normal day-to-day activities.

It views ‘substantial’ as more than minor and ‘long term’ as 12 months or more. The NHS (NHS Staff Council, 2014) and Brentmouth Constabulary (2016) also use this definition under their obligations to adhere to the Equality Act. What is notable here is the use of the word “impairment”. The relevance of this term was discussed in the previous section, however this does demonstrate some support in legislation and policy for the social model. Here, impairment is also referring to the condition of the individual. Disability is then viewed as the circumstance of having a long term, substantial impairment. Whilst the distinction between the two is not as prominent as with social model theorists, there is still a suggestion that the two are not the same. There is also the mention of ‘normal’ daily activities, however an explanation as to what this means is absent. As mentioned earlier, normal is a contested concept. Walmsley (2001, p.12) states that service providers are bound by normality and the
way in which Government views normality; there is therefore a “neat match” between Government interests and normalisation ideas. In essence, it is through service providers (or through interactions with Brentmouth Constabulary) that the Government will communicate to members of society.

More specifically, a commonly used definition of learning disability is from the 2011 Department of Health White Paper ‘Valuing People: a new strategy for learning disability for the 21st century’. Within this, learning disability is defined as including the presence of:

- A significantly reduced ability to understand new or complex information, to learn new skills (impaired intelligence), with;
- A reduced ability to cope independently (impaired social functioning);
- which started before adulthood, with a lasting effect on development (p. 14).

Similarly, Mencap (2016) define a learning disability as:

“a reduced intellectual ability and difficulty with everyday activities – for example household tasks, socialising or managing money – which affects someone for their whole life”.

This thesis follows the principles of the Mencap definition and the National Police Chiefs’ Council’s definition of disablist hate crime (discussed in Chapter Two), in being broad and non-prescriptive in terms of specifically identifying individually recognised learning disabilities. I have accepted and adopted the position that, in the same way that police officers are not expected to be experts in all forms of learning disability, a broad and general identification of learning disabilities was similarly appropriate. For the purpose of this research, an importance is placed on recognising the existence of a learning disability per se, rather than a clinical diagnosis.

The definitions used by service providers are highly influential in dictating responses. If a medical approach is used, then it is highly likely a restriction of an individual’s participation in society will ensue, until the individual is ‘corrected’ and in line with the able-bodied as far as practical- see 1.2. Until that point, separate institutions and processes are provided for people with disabilities. However, if the definition in-line with the social model is adopted, then individuals with disabilities
will not receive an alternative or marginalising response, but rather one that takes individual needs into consideration, with no responsibility placed on the individual. In the context of policing, if access is correct, then whilst the impairment may still exist, there would be no disability. In using the social model definition of disability, service providers must be sure to not disable their service users through difficulties in accessibility- whether that is in relation to physical access to police stations or police officers, or through negative perceptions of police.

The increase in attention on the social model has led to some changes in policy and legislation. For example, the need for work places to be accessible to those with disabilities (under the Equality Act 2010) and the benefit system available to individuals with disabilities. The latter has been under some scrutiny over recent years, with claims of ‘benefit scrounging’ (Garthwaite, 2011; Morris, 2013). However, with the introduction of these processes, the need for eligibility measures has also emerged. In part this has seen a return to the medical model with individuals having to meet particular criteria in order to receive certain benefits or procedures; again, demonstrating the overlapping nature of the social and medical models.

Whilst this thesis will often discuss the definitions of disability and impairment provided by Oliver (1990), the term disablism hate crime, rather than impairment hate crime, will always be used. This decision was made for the purpose of using language that the police and individuals with disabilities would be most familiar with when conducting the primary research, but also the likely readers of this thesis. Here, disablism refers to the hostile and negative attitudes an individual has towards those with an impairment. Impairment hate crime would place a focus on a characteristic of the victim rather than the attitude of the perpetrator (see earlier discussion). For similar reasons, the term people with learning disabilities will be used throughout the thesis rather than people with impairments. The former is commonly used within criminal justice and although the terminology used by Oliver (1990) will not be adopted, this thesis will not ignore the role of society in disabbling the lives and opportunities of individuals. Specific discussions on this will be presented throughout the thesis accordingly.
1.6 Link to disablist hate crime and this thesis

From the discussions in this first chapter, competing definitions of disability have been explored. It could be argued that just as crime and disability are social constructions, so too is disablist hate crime; the societal definition of disability at a given time will dictate who the victims of disablist hate crime are. If definitions are manipulated depending on the needs of the definer, then there is a constant shift in the understanding of disability [and therefore disablist hate crime] over time (Withers, 2012, p.6). This will then determine the responses of police and other criminal justice agencies.

This thesis utilises the social model of disability as the overarching theoretical framework in order to explore police responses to disablist hate crime. Whilst this is not to undermine the significance of other theories and models that have been discussed, the social model highlights the importance of service providers and the experiences they create for individuals with disabilities. This thesis places a specific focus on the services provided by the criminal justice system, primarily the police, and the experiences of individuals with learning disabilities, or those that work on their behalf, when they use this service. As already identified, Brentmouth Constabulary are adapting the social model into their policies and procedures and this research will explore the extent to which this is demonstrated in day-to-day policing.

Having considered the existing literature and theoretical frameworks surrounding the conceptualisation of disability, it can be seen that there are some gaps in knowledge or topics that are not addressed in the literature. There is a predominant focus on physical rather than learning impairments, throughout the literature. Furthermore, there is no discussion as to whether the type of impairment affects the disability enforced by society, but rather this is seen as a homogenous experience. Although the social model has been applied elsewhere in understanding daily experiences of people with impairments (Harpur, 2012; Hughes & Paterson, 1997; Mulvany, 2000; Porter, 2015; Shakespeare, 2013), to the researcher's knowledge this has not been applied to (learning) disablist hate crime and the wider context of policing that surrounds this problem. The second objective of this research revolves
around exploring the experiences of individuals with learning disabilities and the experiences of criminal justice professionals. Within the theoretical framework of the social model, both groups must be examined in order to see whether service providers are imposing a disability on services users and where this occurs, if indeed it does.

1.7 Concluding comments

Attitudes towards disablist hate crime will be shaped by the issues discussed above and our understanding of the concept of disability. Our understanding, responses, preventions, training and legislation will all depend on how disablist hate crime is defined and conceptualised. Common themes have emerged throughout this chapter, such as marginalisation, the desire to normalise individuals and a hierarchy in citizenship. Topliss (1982, pp.111-112) states that:

“there will always be a line...between the ablebodied majority and a disabled minority whose interests are given less salience in the activities of society as a whole.” (p.66).

If this is the case, it is perhaps not surprising that disablist hate crime, and other forms of hate crime, are a problem in society and it is this the former that the following chapter will now explore.
Chapter Two:

Disablist Hate Crime as a Contemporary Socio-legal Problem

Disablist hate crime and related prejudice is relatively new on the academic, policy and practice landscape and whilst it is not the intention of this chapter to repeat all of the information raised in the introduction here, it is useful to summarise the key points. The 1970s and 1980s were a turning point in relation the sensitisation and recognition of victim groups and movements, such as LGBT activism and the disability rights movement. The 1980s also saw official recognition of racial prejudice in Britain by the Home Office (1981). Following the Brixton Riots in 1981, Lord Scarman’s (1981) report further highlighted problems of racial disadvantage, famously claiming that institutional racism did not exist. In the academic field, it was in this period that victimisation studies emerged as a significant area of study, with the seminal texts by Lea and Young (1984) and Kinsey, Lea & Young (1986) focusing on disadvantaged people and communities. This was supported by the development of victimisation surveys- such as the British Crime Survey (now known as the Crime Survey for England and Wales) in 1981 and the Islington Survey in 1986. Simultaneously, this is also when the social model of disability became prominent and questions were raised about the influences of social processes on the experiences of those with disabilities.

The deaths of Fiona Pilkington and Francecca Hardwick in 2007 drew further attention to what we now call ‘disablist hate crime’. The previous chapter provided a variety of definitions of the term ‘disability’ and the various frameworks that have emerged to further explain this concept. However, such explanations of disablist hate crime are perhaps more practical when they are placed in the context of policy, legislation and policing. Given the development of hate crime as a criminal justice problem (as discussed in the introduction), this chapter will therefore discuss what disablist hate crime means in a policing and legalistic context, focusing on the definitions used, the legislation available and current policies and initiatives that have emerged in response to this problem. The discussion will then move towards explaining why disablist hate crime is a policing problem, and the extent and nature of such victimisation. In doing so, the relevance of disablist hate crime at a national,
force and local level will be explored.

2.1 Understanding Disablist Hate Crime

2.1.1 Conceptualising Disablist Hate Crime: Academic perspectives

In the academic arena, discussions on defining the term ‘disablist hate crime’ are limited. Early definitions of hate crime reflected the centrality of race to the development of this topic, with key texts such as that by Bowling (1998), Jacobs and Potter (1998) and Perry (2001), Here Bowling argues the:

"Conceiving of racial violence...as processes implies an analysis which is dynamic, includes the social relationships between all the actors involved in the process; can capture the continuity across physical violence, threat, intimidation; can capture the dynamic of repeated or systematic victimization; incorporates historical context; and takes account of the social relationships which inform definitions of appropriate and inappropriate behaviour". (1998, p.238)

This places an importance on the development of the prejudiced views, rather than focusing on the particular incident in which this is demonstrated. When applying this approach to disablist hate crime, there is a need to recognise the (low) social status of individuals with learning disabilities and the treatment they receive. Arguably, this approach supports the social model of disability, with an emphasis on the impact of societal processes and relationships over a period of time, rather than a specific act or event within a limited timeframe.

The majority of hate crime literature to date, much of which is derived from North American scholarship, has primarily focused on understanding hate crime as an umbrella term. For example, the work by key authors such as Jacobs and Potter (1998) and Perry (2001) do not focus on specific strands in their explanations. Instead, these texts explore the concept of hate crime itself and the complexities surrounding this term. However, despite such work focusing on the broader context, these definitions do highlight important tenets to understanding hate incidents that enable further understandings of hate crime in relation to monitored strands. For England and Wales, these are the five protected characteristics that police forces are required to report on - race, religion, sexual orientation, disability and gender identity. For example, Barbara Perry’s (2001) conceptual framework is argued to be
one of the most influential in defining hate crime (Chakraborti, 2015; Garland, 2012; Hall, 2013).

The importance of Perry’s work was discussed in the previous chapter regarding the process of ‘othering’ and identity formation, and her subsequent interpretation of hate crime suggests that these are acts of violence and intimidation; acts that are more often than not directed towards groups that have already been ostracised from society (2001, p.10). Such a definition emphasises the dynamics of power and the process of separating those viewed as different from society. Hate crimes are therefore a reaction to the ‘other’ and the threat posed by this group when they attempt to digress from their subordinate position in society. As a result, the victimisation caused by these acts extends far beyond the individual, reaching the wider community that the individual is a part of. Hence, hate crime can be seen as a symbolic act with a large number of victims, direct and indirect. As a result, scholars (Iganski, 2001; Perry, 2015) have referred to hate crimes as message crimes, whereby they emit a warning to members of the victim’s community that they too could be victims of hate crime. Such views, however, contradict Bowling’s earlier understanding of racism and the importance of viewing such victimisation as a continuous process involving a number of events, rather than being one individual act.

Gerstenfeld (2004) and Wolfe and Copeland (1991) arguably support Perry’s work, with an emphasis on the victim’s membership of a minority group. As Wolfe and Copeland suggest:

“Violence directed towards groups of people who generally are not valued by the majority of society, who suffer discrimination in other arenas and who do not have full access to remedy social, political and economic justice” (1991, p.8).

In support of this, Gerstenfeld argues that hate crime is “a criminal act which is motivated, at least in part, by the group affiliation of the victim” (2004, p.9). As with the previous definition, the role and status of the community that an individual is a part of determines the treatment that individual receives from society. As discussed in the previous chapter, people with (learning) disabilities have a history of marginalisation, exclusion and discrimination. Wolfe and Copeland also emphasise
the marginalisation of individuals and their barriers to justice. For people with disabilities, there are a number of barriers to justice that they face (Sin, Hedges, Cook, Mguni & Comber, 2009; Williams, Copestake, Eversley & Strafford, 2008) (as will be discussed later in the chapter). Disablist hate crime is therefore an imitation of this treatment (Mason-Bish, 2013, p.12).

Jacobs and Potter (1998), in their seminal text on hate crime, highlight the complexities surrounding this concept and apply a more critical approach to this concept. In their theoretical model, they suggest that the concept of hate crime can actually include a number of incidents and individuals, with varying levels of prejudice and strength of the casual relationship between criminal behaviour and prejudice (1998, p.23). They arguably suggest that any crime can be a hate crime and any victim can be a hate victim. For them, all individuals have prejudices and the more they are studied the more will be found. Such an approach therefore shows a disparity to the previous definitions by Perry, Wolfe and Copeland, and Gerstenfeld, by illustrating the potentially endless, expansive nature of the problem, depending upon how it is defined and conceptualised. In applying this view of hate crime, the principle goes beyond the boundaries set by the centrally monitored strands and would include crimes against other groups such as those from alternative lifestyles, sex workers, the homeless and hate crimes motivated by misogyny. However, such an approach questions the very existence of hate crime as a specific concept and this has fuelled much debate in a number of publications since (Dixon & Gadd, 2006; Garland & Hodkinson, 2015; Hall, 2013; MacNamara, 2003; Sullivan, 1999). The role and impact of legislation surrounding this concept will be discussed later in this chapter.

These generic perspectives towards hate crime discussed thus far can be applied to disablist hate crime, yet the debate surrounding specific explanations of this concept was a latecomer to academia, compared to racially aggravated hate crimes. In 1991, Barbara Waxman placed a focus on hatred towards those with disabilities, with her article titled ‘Hatred: The unacknowledged dimension in violence against disabled people’. Although based within a North American context, Waxman focuses on the cultural ideology around disability and recognises the risk to this particular group. Wolbring (1994, p.1) expanded on this and stated that people with disabilities were
the most at risk group for abuse and violence, yet “society isn't even aware of the problem”; instead such abuse and violence was “much more commonly accepted and less frequently punished than for the other victims groups”. Whilst such thinking supports Perry’s (2001) definition of hate crime, Sherry (2000) argues that how such abuse is manifested differs from the abuse motivated by hostility towards other strands. Hence, the need to distinguish between hostility and vulnerability, and the difficulties in understanding disablist hate crime arguably became apparent – all of which will be explored later in this chapter.

It was therefore in the 2000s, in the wake of the inquiry into the death of Stephen Lawrence, that the focus on this area increased and the unique nature of disablist hate crime was identified in the literature, from both academic and third-sector perspectives. Mencap’s (1999) ‘Living in Fear’ report was the first on this particular issue, focusing on the daily experiences of individuals with learning disabilities. Disablist hate crime, however, was not discussed in this report because the concept at the time did not exist; this (or crimes aggravated by hostility towards a disability) was introduced in 2003 with the Criminal Justice Act – the importance of this will be discussed later in this chapter. The report exposed high levels of bullying towards individuals with learning disabilities, with 66% of those involved reporting regular bullying (more than once a month) and 32% reporting that this was occurring on a daily or weekly basis (p.4). Further reports and publications by Scope and Disability Now (Quarmby, 2008), Mencap (2010), the Equality and Human Rights Commission (2011; 2012) and Beadle-Brown et al (2014) all report examples of discrimination towards those with learning disabilities and highlight areas of improvement for service providers, particularly in relation to gaining trust and confidence. These reports do explore the experience of hate crime, not just bullying, as the earlier Mencap report examined.

Furthermore, the aforementioned reports highlighted the unique features of disablist hate crime, limiting the use of generic definitions for understanding. As Roulstone, Thomas and Balderston argued in 2011, the motivation behind such incidents is often discussed in relation to the vulnerability of the victim. People with disabilities are often described as easy targets and “vulnerable” (Roulstone & Sadique, 2013, p.27) and such an approach allows the notion of vulnerability to
negate claims of disablist hate crime and the presence of hostility (Roulstone, Thomas & Balderston, 2011, p.361). That said, there are blurred boundaries between vulnerability and hostility and the targeting of an individual, because of a perceived vulnerability due to their disability, may in itself demonstrate a hostility towards the disability. However, a focus on vulnerability has resulted in policies and processes within police services focusing on protecting vulnerable suspects or witnesses (Jacobson, 2008, p.9), masking the deliberate targeting of disablist hate crime victims on account of hostility towards their disability.

A further complication in conceptualising disablist hate crime surrounds the notion of ‘stranger danger’, traditionally used to portray hate offending (Mason, 2005; Ray & Smith, 2001). Yet, for disablist hate crime, the stranger danger is reduced and perpetrators may have a relationship with the victim (Mason-Bish, 2013; Thomas, 2011). The term ‘mate crime’ is sometimes used to describe the hostile acts of individuals who are ‘insiders’ and commit calculated rather than random acts of discrimination (Thomas, 2011, p.108). This term was used in the Serious Case Review into the murder of Gemma Hayter (Warwickshire Safeguarding Adults Partnership (WSAP), 2011). Gemma had severe learning disabilities and was beaten and killed by five people who she considered to be her friends. Within the Serious Case Review into the circumstances surrounding Gemma’s murder, it was stated that Gemma was vulnerable to the risk of abuse (WSAP, 2011, p.3) and involved with “a group of young people who were often the perpetrators of crimes against each other, with these behaviours being normalised and therefore an expected part of their lives” (p. 51). Whilst these individuals were not the perpetrators, it was argued that “people with lifelong disabilities...may be unable to judge when the motivation of a perceived friendship is based on a desire to exploit” (WSAP, 2011, p.51).

In situations where it is perceived friends who are the perpetrators, people with disabilities are less likely to report their victimisation and justify such behaviour; the danger of labelling the victimisation as domestic abuse rather than hate crime is a further challenge. Such descriptions resonate with the cases of Steven Hoskin, Michael Gilbert and Shaowei He that were brought to the foreground in the EHRC report (2011). Within each of these three cases, the perpetrators involved were known to the victims - the spouse (in the case of Shaowei He) and those who had
befriended the victims (in the cases of Steven Hoskin and Michael Gilbert). Thomas (2011 p.109) therefore argues that there is a need to accept that carers, friends and/or relatives of people with disabilities can be, although not exclusively, the perpetrators of disablist hate crime.

The CPS (2016a), in the guidance provided to prosecutors on disablist hate crime, recognise the term ‘mate crime’ and state that this:

“...is used by some disability organisations within the disabled community to raise awareness of the issue. It is not CPS policy to use this term, as it is potentially confusing to people with learning disabilities”.

It is important to note here that this thesis will retain the use of the term hate crime, with reference made to offenders known to the victim, and will also not refer to the newer conceptualisation of ‘mate crime’. With similar arguments surrounding the preferred use of the term ‘disablist’ in Chapter One, this label is also contested (Hamilton & Trickett, 2015, p.209). ‘Mate crime’ arguably places a focus on the individual and emphasises a vulnerability on their part (Roulstone & Sadique, 2013). As discussed in the previous chapter, the use of disablist hate crime (and application of the social model of disability) is advantages for policing, and victims, as it instead places the emphasis on the offender and their behaviour. The use of ‘mate crime’, therefore, only perpetuates the earlier arguments made by Jacobson (2008) and Roulstone and Sadique (2013) whereby the protection of the perceived vulnerability of the victim becomes a priority for police services, rather than the hostile attitudes of the offenders towards an individual’s disability.

The discussions above illustrate that disablist hate crime is still relatively new in the academic arena, particularly in relation to developing an understanding of this concept. With reference back to the discussion on ‘normality’ in chapter one, this discussion arguably suggests that disablist hate crime is outside of the ‘norm’ in the hate crime field. With unique challenges to conceptualisation and understanding, and a lack of academic and political attention compared to hate crimes motivated by race or religion, there is arguably support for the social model of disability and Finkelstein’s suggestion that society, and the processes, services and institutions within, is constructed by people with capabilities, for people with capabilities (2001, p.2). Understandings of and publications on hate crime, not just in the UK but
around the world, have largely focused on other strands of hate crime and discrimination. But as Tyson, Giannasi and Hall (2015, p.33) conclude, disablist hate crime is a “new kid in town”.

2.1.2 Conceptualising Disablist Hate Crime: Practitioners

Understanding the concept of disablist hate crime is further complicated when exploring the professional or practical definition, derived from policy. In this arena, an important source of guidance in defining this term comes from the College of Policing (2014a, p.7), who define ‘hate crime’ and ‘hate incidents’ as:

“any crime or incident where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised”.

The above definition is a working definition; one used by criminal justice agencies, not just the police. Evolving from the definition of racist incidents provided by the Stephen Lawrence Inquiry (Macpherson, 1999, para.44.12), this definition mirrors the intention to be purposefully broad and inclusive by concentrating on perception based reporting, and by drawing upon motivations far less nuanced than hatred. The most striking difference to the earlier academic definitions, although not surprising, is the shift towards a simpler definition more suited to practical policing purposes. The underlying rationale is to encourage the reporting of these incidents by victims, and others, in an attempt to reduce the dark figure that characterises this type of offence. Furthermore, the definition is also intended to reduce the discretion afforded to police officers when responding to such incidents – a source of considerable policing problems within the field of hate crime, as will be discussed later in this thesis.

By deconstructing this definition, one can start to understand the meaning of ‘hate crime’ and its key tenets. The first notable point for discussion is the absence of hate in this definition. Rather the emphasis is placed on hostility and prejudice; two terms which are themselves convoluted. For example, as there is no legal definition of hostility, the Crown Prosecution Service uses the everyday understanding of the word which:

“includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike” (2016, p.2).
Similar to the earlier academic explanations, this practitioner definition is not about hate, *per se*. Instead, hate crime is about prejudice, which is not defined or explained. The College of Policing definition implies that any prejudice on the part of the offender can constitute a hate crime. As Jacobs and Potter (1998, p.23) earlier claimed, offenders (and non-offenders) have many prejudices, so it is therefore important to establish the perimeters of hate crime. The College of Policing definition does not help to determine these boundaries, as it states victims can be from “any identifiable group”. However, following the establishment of the Cross Government Hate Crime Programme in 2007, there was an acceptance of the need to set parameters, but a caution towards denying the presence of other forms of hostility (Giannasi, 2015b, p.109). Hence, the shared definition of the five ‘monitored’ strands of hate crime was established, including hostility or prejudice based on a person’s race or perceived race; or religion or perceived religion or; sexual orientation or perceived orientation or; disability or perceived disability or; against a person who is transgender or who is perceived to be transgender. Disablist hate crime is therefore defined as:

“any criminal offence which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s disability or perceived disability” (College of Policing, 2014, p.4).

Whilst this does provide a boundary for disablist hate crime, the term ‘disability’ is itself an umbrella term for a number of impairments, using Finkelstein’s terminology. For criminal justice practitioners, this can be understood using the definition set by section 6 of the Equality Act 2010, as discussed in the previous chapter, referring to physical or mental impairments that have a substantial and long-term effect on the individual. Again, this itself is very broad and this does bring unique challenges for responding to disablist hate crime, which will be explored later in the chapter. In addition to complexities surrounding disability, there is further complication when focusing on learning disability. Mencap (2016) define learning disability as:

“A learning disability is a reduced intellectual ability and difficulty with everyday activities – for example household tasks, socialising or managing money – which affects someone for their whole life.”
This concept is often discussed alongside mental health issues, which causes a blurring of boundaries between the two. Whilst learning disabilities affect an individual for the whole of their life, mental health issues can affect anyone, at any time, and may be treated. Mind (2015) defines these as “problems that affect the way you think, feel and behave”, demonstrating the range of experiences relating to emotional, psychological or psychiatric distress. The two definitions are not dissimilar, but it is imperative that service providers, including the police, recognise the differences between the two.

Whilst the aforementioned definition has been agreed by the agencies of the criminal justice system, the operational independence of the forty-three police forces of England and Wales means that they are entitled to amend the definition and add to the five categories as their operational needs require. In this regard for example, Brentmouth Constabulary define disablist hate crime as “incidents or offences which are motivated by hostility, prejudice or hatred towards someone’s actual or perceived disability” (2016). This definition presents some disparity to others, with the inclusion of the word ‘hatred’. Furthermore, Brentmouth Constabulary also make a distinction between mate crime and disablist hate crime. The former is defined as:

“the exploitation, abuse or theft from any vulnerable person by those they consider to be their friends. Those that commit such abuse or theft are often referred to as ‘fake friends’” (Brentmouth Constabulary, 2016).

Here, the term ‘vulnerable person’ is used and it is this emphasis which was criticised earlier in this chapter. As Das (2007) argues “to be vulnerable is not the same as to be a victim.” (p.63). Supporting this view, in the foreword to a report by the Association for Real Change (ARC), Giannasi (2013) expressed reservations on adopting this term in policy and practice. He argued that introducing another “nebulous and non-legal term” 2013, p.3) to an already under-recognised, under-reported and under-recorded problem, is not the answer, particularly for law enforcement agencies. This argument further supports the use of the term disablist hate crime over ‘mate crime’. The former emphasises the problematic nature of a perpetrator’s views to police officers whereas the latter, aside from not being a familiar term used within policing, suggests that victims have chosen the ‘wrong
friends’ and puts the victims at risk of being viewed as responsible, in part, for their victimisation. There are therefore arguments from both academic and practitioner perspectives which criticise the use of ‘mate crime’ over disablist hate crime.

The discussions above, combined with those in 2.1.1 on the academic definitions of hate crime, demonstrate the complexities surrounding the conceptualisation of disablist hate crime and the interpretation of this into policy practice. Perhaps the most noteworthy finding of this discussion is that hate crime is not about hate per se, but hostility and prejudice. It is therefore this understanding and distinction between the terms that is needed when examining the existing legislation.

2.1.3 The legislative context

The European Convention on Human Rights, introduced in 1950, states that:

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status [emphasis added].” (Article 14)

Although disability is not mentioned in the stated list, it does come under the term 'other status'. This perhaps reinforces the view that discrimination based on motivators of disability are not considered to be a stand-alone factor, rather they are discussed alongside other motivations. This echoes the perception of disability discussed in the previous chapter, but also questions the severity and importance of discrimination based on an individual’s disability.

One of the most important and relevant examples of criminal legislation in this area is the Criminal Justice Act 2003. This legislation was the first in England and Wales to officially recognise hate crime against people with disabilities, with an amendment of section 146 in 2005. It was then in 2008 that police forces were required to collect and record this strand of hate crime in a standardised manner. Under section 146, an increased tariff on offences was afforded which:

"a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on...
   ii) a disability (or presumed disability) of the victim, or
b) that the offence is motivated (wholly or partly)-...
ii) by hostility towards persons who have a disability or particular disability.”

Whilst providing a recognition of this area, this Act does not make the described behaviour a specific offence, as the Crime and Disorder Act 1998 does for racial and religiously motivated offences. Under sections 29-32 of the Crime and Disorder Act 1998, there are specific offences of racially or religiously aggravated assaults, criminal damage, public order offences and harassment. Whilst such crimes are legislated by Offences Against the Person Act 1861, the Criminal Damage Act 1971, the Public Order Act 1986 and the Protection from Harassment Act 1997, when these are proven to be aggravated by racial or religious hostility, additional penalties are provided by the Crime and Disorder Act 1998. Section 146 of the Criminal Justice Act 2003 only allows for enhanced sentencing, rather than disablist hate crimes being aggravated offences. In 2014, the Law Commission published their review of existing legislation relating to hate offences and recommended that ‘stirring up’ offences were not extended to include disability nor gender identity (p.14). Whilst the Law Commission recognised the desire to equally apply legislation to all monitored strands, a full scale review of enhanced sentencing system was recommended, with concerns raised over the effectiveness of current aggravated offences (p.12). Until such concerns are addressed, the severity with which the law responds to (disablist) hate crimes is questioned.

Some disparities have however been addressed, as seen in relation to murder charges. Schedule 21 of the Criminal Justice Act 2003 originally allowed for the starting point of the calculation of minimum tariffs applied to life sentences for murders motivated by hostility to be doubled, from fifteen years to thirty years. However, this initially only extended to those murders that are motivated by a hostility towards race, religion or sexual orientation. As a result, disablist motivations were excluded from this, meaning that in the murder cases of Steven Hoskin and Brent Martin, this provision was not applied to the sentences. Following the introduction of the Legal Aid, Sentencing and Punishment Act 2012, section 65(9) amended Schedule 21 of the Criminal Justice Act 2003 to also include those murders aggravated by hostility towards disability and gender identity.
The structure of existing legislation (or lack thereof) arguably demonstrates a hate crime hierarchy, with those motivated by a hostility or prejudice relating to disability at the bottom, and those motivated by race or religion at the top (Roulstone & Sadique, 2013, p.28). The differences in responses reinforces a view that victims of disablist hate crime are less likely to receive justice compared to victims of racial, religious or homophobic crimes (Mason-Bish, 2013, p.19). Debatably, in doing so, this denies them a victim status (Walklate, 2011, p.183). Here, one can refer back to the earlier discussion in Chapter One on the language used to refer to hate motivations. Other types of hate crime are referred to by the type of prejudice that causes them, such as racist and homophobic, whereas disability is often used rather than disablist (Mason-Bish, 2013, p.21). This further compounds the hierarchy.

When reflecting on the discussions thus far, a ‘catch 22’ situation appears to unfold. First, as demonstrated in the previous chapter, individuals with disabilities have a long history of discrimination and victimisation. The existence of section 146 of the Criminal Justice Act 2003 does provide some recognition as to the seriousness of such offending and draws attention to the problem of disablist hate crime. However, the legislative focus on this matter is arguably perpetuating the perception that individuals with disabilities are inferior to others and treated differently, as will be demonstrated with reference back to the social model of disability. Although applicable to all strands of hate crime, the presence of the legislation discussed above frames disablist hate crime as a criminal or legal problem, removing any focus on this being a social problem. Secondly, in relation to disablist hate crime, there is also a burden placed on individuals to report hate crime offences and identify as a member of a victimised group, perhaps increasing the marginalisation from society – as evidenced in Chapter One. Thus, this process, alongside the perceived hate crime hierarchy, demonstrates the disablement of an individual. As social model theorists like Oliver (1990, p.11) would argue, here criminal justice responses are only isolating victims of disablist hate crime as they are afforded a lower victim status compared to other hate crime victims (Walklate, 2011). As Piggott claims in her article, the current criminal justice approach therefore ignores disablist hate crime as being a cultural problem (2011, p.29). Therefore, whilst the offender’s
actions may meet the threshold required by s.146, each case is viewed in isolation and there is no acknowledgement of the wider perceptions towards individuals with disabilities and the marginalisation of this group.

When examining Brentmouth Constabulary’s (2015) policy on disability, there is a clear acceptance of the social model of disability (p.3). In adopting this model, there is an inherent contradiction with the work of the Constabulary and its responses to disablist hate crime as a criminal problem. In doing so, the Constabulary is responding to crime, but not necessarily the ‘hate’ element of this. As discussed earlier in the chapter, hate crime is not about hate, but rather hostility and prejudice. A question is then posed as to who should take responsibility for reducing such prejudice. The criminal justice system arguably provides the tools to apply the ‘hate’ label, with the acts of legislation explored earlier, however the nature of policing means that often police simply stop the criminal behaviour reported to them, but this does not necessarily mean stopping, reducing or eliminating any prejudice. The responsibility for this extends far beyond the police forces of England and Wales, although they are often criticised in relation to the numbers of disablist hate crimes (EHRC, 2011; EHRC, 2012; Quarmby, 2008). For the social model (Finkelstein, 2001), and to some extent the bio-psychosocial model (Nunkoosing, 2011), the responsibility lies with the wider society and its members. It is for society to change and adapt to become inclusive for people with disabilities. For the social model in particular, the concepts of Roger Cotterrell’s sociology of law are important here. For Cotterrell (1992, p.61), legislation and the nature of law are part of a “long-term process of negotiations of attitudes and perceptions of interests” placing an emphasis on societal views. In the context of disablist hate crime, Piggott (2011, p.31) claims that cultural representations of disability drive the perceptions, which in turn drives the hate which leads to introduction of legislation. With reference back to Cotterrell’s work, these societal attitudes towards people with disabilities, and in turn disablist hate crime, warrant more focus and attention than are currently afforded.

The above explorations of hate crime as an academic, practical and political concept demonstrate the unique complexities that surround this subject area and the competing explanations that have developed. The social model of disability does
contribute, in part, to the understanding of disablist hate crime yet the contradictions between law, policy and academia present difficulties in attaining a coherent understanding.

2.2 Disablist hate crime as a problem for policing

Although it has been acknowledged that the responsibility for reducing the occurrences of disablist hate crime extends far beyond the police (Balderstone, 2013; Sin, 2013), the police are often described as the ‘gatekeepers’ to the criminal justice system (Newburn, 2011; Ratcliffe, 2002) and therefore have an important role in shaping the experiences of victims. Whilst the policing of disablist hate crime, from a theoretical and practical approach, will be discussed in the following chapter, the relevance of this problem to the police also requires exploration.

2.2.1 The nature of disablist hate crimes

As previously discussed in 2.1.1, disablist hate crimes present unique challenges to service providers in their responses. The very nature of disablist hate crimes differs from other hate crimes, with the notion of ‘mate crime’ and the move away from a perceived stranger danger. Some types of behaviour, such as knowingly moving items out of reach, charging a person with disabilities for 'house-sitting' or making the mobility car their own, may not be considered to be criminal but can have a negative impact on the targeted individual. There is therefore an importance on recording hate incidents, in addition to hate crimes, in order to gain a more holistic understanding of the experiences of individuals with disabilities. As evidenced with Bowling’s (1998) definition of hate crime, the continuous process of victimisation can be just as significant as the individual acts. Perpetrators often have the opportunity to exert control over the victim and do so in order to stop the exposure of their behaviour (Tyson & Hall, 2015, p.81). As evidenced in previous cases such as Fiona Pilkington, Steven Hoskin and Winterbourne View, this can mean that the offending behaviour, and its extent, is not known or discovered until it is too late.

There is often a blurring between anti-social behaviour and disablist hate crime. The Anti-social Behaviour, Crime and Policing Act 2014, under section 2, defines anti-social behaviour as:
a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

b) conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or

c) conduct capable of causing housing-related nuisance or annoyance to any person.

With the use of ambiguous and undefined terminology such as “harassment, alarm or distress” and “nuisance or annoyance”, and by using the everyday definition of hostility, it is perhaps unsurprising that anti-social behaviour and disablist hate crime are often wrongly labelled (Hayden & Nardone, 2012). The terms harassment, bullying and victimisation are often used interchangeably and Perry (2004, p.45) argues that this can mask the “assaults, harassment, criminal damage...many times aggravated by hate- that people with learning disabilities experience on a daily basis”. In some incidents, the necessary threshold needed to constitute a criminal act may not be reached and will instead be viewed as low level incidents. Hollomotz (2013, p.54) describes this as a continuum of violence, whereby the boundaries between daily exclusions, derogatory treatment and violence are not dissimilar.

An alternative understanding of Perry’s argument is that perceptions towards people with disabilities determine how their victimisation is viewed (Sherry, 2010) and the responses that are subsequently provided. In the context of learning disablist hate crime, the accurate identification of a learning disability can often be challenging, with some easily hidden (Jacobson, 2008, p.37). Failure to identify, or for a victim to disclose their disability, results in inappropriate responses from the police, but also impacts upon knowledge surrounding the extent of disablist hate crime. It is not just the hidden nature of some learning disabilities that can be problematic, so too can the blurring of understanding between mental health and learning disability. This was highlighted in the EHRC report in 2011, arguing that such victimisation needed to be recognised, investigated and prosecuted as disablist hate crimes (p.23). Furthermore, it was claimed that a lack of urgency surrounds disability-related victimisation (EHRC, 2011, p.107), reinforcing the hate crime hierarchy.

Furthermore, the national guidance on anti-social behaviour delivered by the Home Office, following the introduction of the Anti-social Behaviour, Crime and Policing
Act 2014, is unhelpful in distinguishing between hate crime and anti-social behaviour. The guidance refers to the use of Community Triggers, where victims of repeat anti-social behaviour can demand that local agencies, such as the police and social housing, review their case. The guidance then argues that anti-social behaviour “may be motivated by hate and relevant bodies may wish to include reports of these incidents in their Community Trigger” (HM Government, 2014, p.7).

Again, the use of the term hate is inconsistent with the legislation surrounding hate crime, but there is also no clear instruction as to how such incidents should be dealt with. To complicate matters further, it is then claimed that:

“incidents of hate crime may manifest themselves in low level forms of anti-social behaviour, which on the surface may appear minor but the impact on the victim and their families may be devastating and life changing” (Home Office, 2014, p.7).

This is an appropriate description of the Pilkington case. Statements such as these provide mixed messages as to how victims should treat their experience and victimisation, only blurring the boundaries between two convoluted concepts. Whilst the two types of behaviour warrant differing and separate responses, so too do victims of disablist hate crime, compared to victims of other types of hate crime. The use of the term vulnerable has already been shown to be problematic, particularly in relation to the emphasis placed on the behaviour of the victims themselves. Perceptions of people with learning disabilities as vulnerable can promote the use of safeguarding and social care measures rather than criminal justice responses (Chakraborti & Garland, 2012; Perry, 2008). Victims of learning disablist hate crime are often advised by those around them to not put themselves in any risky situations and it is therefore of no surprise that avoidance strategies are common (Sin et al, 2009, p.vi). Some third-party reporting sites, such as True Vision, reinforce this by providing general tips on personal safety, such as carrying personal alarms and keeping to well-lit routes (True Vision, 2016a). This may, in part, help to explain the underreporting of disablist hate crime, as discussed in the introduction to this thesis. Furthermore, the diversion of potential victims of disablist hate crime away from the criminal justice system is problematic for police forces, as not only does this impact the accuracy of their recording figures but also limits the opportunities for police officers to engage with individuals with disabilities and
breakdown any barriers between the two groups. Such barriers will be further discussed in the following section.

The use of avoidance strategies and similar responses also adopt an *individual* model of disability, whereby the individual must change (as seen with the medical model of disability (Areheart, 2008; Hughes & Paterson, 1997), in some form, to avoid victimisation. It can therefore be argued that this also reduces the responsibility of wider society in combatting disablist hate crime and promoting the inclusion of individuals with (learning) disabilities; a focus of the social model of disability (Porter, 2015).

The very nature of disablist hate crime therefore involves unique complexities and raises a number of questions around the role of individuals with disabilities in society. Perhaps more importantly for this thesis, it also presents a variety of challenges for the police, particularly in relation to the challenges in identification, and requires a unique response that differs from responses to other types of hate crime.

### 2.2.2 The impact of disablist hate crimes

Partly due to the underreporting of this type of hate crime, research on the impact of such victimisation is not extensive. However, with low recognition levels, Sin et al. (2009, p.vii) argue that the victimisation is often accepted as being part of everyday life. As demonstrated earlier in this chapter when exploring the definitions of disablist hate crime, the motivations behind the behaviours of offenders are based on one’s identity and hence are likely to be reoccurring (Hollomotz, 2013, p.62). This in itself can mean victims change their daily routine for fear of personal safety (as seen in the previous section), with a danger that this then leads to individuals becoming withdrawn (Spalek, 2008, p.25). In addition, as with other hate crime strands, it is not just the direct victim who is affected, but also the victim’s neighbourhood and the wider group that victim is a part of, such as the disabled community (Iganski, 2001). Furthermore, this stigma of social disapproval can be “contagious”, with close family and friends also victimised (Barnes & Mercer, 2010, p.48) because of their connection to an individual with disabilities. This supports the earlier definition from Gerstenfeld (2004, p.9), whereby hate crimes are
motivated “at least in part, by the group affiliation of the victim.”

An understanding of the perpetrators of disablist hate crime is important here and further demonstrates the unique issues surrounding this problem. The notion of ‘mate crime’ was discussed previously, and although this term is not adopted in this research, it does highlight the need to recognise possible offenders. Thomas (2011) explores the impact of personal intrusions that are common with disability related victimisation, for example the ability of offenders to control the living conditions, to dictate when the individual can leave the house or abuse the finances of that individual. Forms of bullying may not be considered a criminal offence, but the suffering experienced by the victim may not be less than that inflicted by offences that are labelled as criminal (Rieter, Bryen & Shachar, 2007, p.373); the cumulative effect is evidenced in the case of Fiona Pilkington. This can not only mean that such behaviours may precede more severe, criminal acts (Thomas, 2011, p.109), but can also reduce the likelihood of victims reporting such abuse, due to the reliance they have on those particular individuals.

If the perpetrator is a carer, or has a close personal relationship with the individual with learning disabilities, they may fear harm or reprisals if they report such behaviour (Hunter, Hodge, Nixon, Parr & Willis, 2007; Joint Committee on Human Rights, 2008; Saxton et al, 2001). Here, disablist hate crime is not only blurred with anti-social behaviour but also demonstrates parallels with domestic abuse. The barriers to reporting domestic abuse caused by perpetrators being partners or spouses are similar to those surrounding disablist abuse. As Saxton et al (2001, p.408) discovered in research exploring abuse from personal assistance providers, individuals with disabilities often weigh up the pros and cons of the relationship that turned abusive, just as women without disabilities do when responding to abuse (Calderbank, 2000). In addition, Sin (2015) argues that there is also a fear of not knowing what will happen next, once the information is provided to the police. Grundy (2011) supports this and argues that individuals with learning disabilities can become embroiled and exploited in organised crime, such as handling stolen goods and drug dealing. Here, the fear of losing a ‘friend’ and the perceived acceptance into a group prevents the individual from reporting their abuse. This is consistent with the wider research on trust and confidence in the police (or lack
and police responses to disablist hate crime (Beadle-Brown et al, 2014; EHRC, 2011; Piggott, 2011; Sharp, 2001; Sin et al, 2009; Williams, Copestake, Eversley and Strafford; 2008). The police have previously been criticised for a lack of communication with individuals with disabilities, missing opportunities for building bridges and causing people with disabilities to feel marginalised by the police (HMCPSI, HMIC & HMI Probation, 2013; Williams & Robinson, 2004), on top of the victimisation already experienced.

Again, it can be argued that the hierarchy of hate crime is apparent once more in relation to experiences of victimisation, with a differential impact felt by victims of disablist hate crime compared to victims of other strands. With the exceptional issues surrounding the familiarity of the perpetrators, the lack of confidence in police responses and the existing perceptions towards individuals with learning disabilities, disablist hate crime can cause an already ostracised group to experience further discrimination. Charman (2019), like Newburn (2011) and Ratcliffe (2002), argues that the police are the gatekeepers to the criminal justice system but, perhaps more importantly, she argues that the police are also the “key definers of victim status” (Charman, 2019, p. 14). Such ostracisation and discrimination is arguably enhanced if police officers do not recognise incidents of disablist hate crime, which in turn prevents the victim status being afforded to such individuals - as argued by Mason-Bish (2013) and Walklate (2011). Consequently, the police recording and organisational understanding of the ‘problem’ of disablist hate crime can be antithetical with the realities and experiences of individuals with disabilities.

It is important to note here the limitations of knowledge surrounding the impact of disablist hate crime. The introduction to this thesis discussed the level of underreporting of disablist hate crimes, with only 13.9% of cases coming to the attention of the police (HM Government, 2018a, p.27). Whilst one possible reason for this may be a lack of trust and confidence in the police (EHRC, 2011; Sin et al, 2009), this may also be due to a lack of awareness on behalf of the victim, alongside that of police officers. Some victims may not even be aware that they have experienced a disablist hate crime and Thomas (2011, p.109) argues that some individuals may see their victimisation as part of everyday life. As such, there is no recognition, on behalf of the victim, that such behaviour is unreasonable, supporting
other existing academic research in this area (Perry, 2004; Sin, 2015; Sin et al, 2009; Sherry, 2003). This results in the impact of such behaviour being unclear, alongside the true extent of disablist hate crime victimisation. Within the primary research, this thesis will further explore the levels of understanding that individuals with learning disabilities have regarding disablist hate crime- see Chapter Six for a discussion on this.

2.2.3 Research informing the thesis

The issues raised throughout this chapter are not new, but the wider acknowledgement of these are. The combination of such interrelated issues is hitherto unexplored in existing literature. The complexities that surround the concept of disablist hate crime echo the findings of a number of research projects and publications, which have also shaped the development of this thesis. Arguably one of the most valuable and important pieces of research is that of the Equality and Human Rights Commission (EHRC). In the follow up to the ‘Hidden in Plain Sight’ report (EHRC, 2011), the 2012 ‘Out in the Open’ report by the EHRC recommended that the police and criminal justice system still needed to make changes in order to improve responses to disablist hate crime, with a view to ultimately reducing the occurrence. Whilst a further explanation of these reports will be discussed in more detail in the following chapter, the recommendations produced focused on gaps in legislation, support and advocacy, accountability and access to justice. The sources used in this chapter which were published after the EHRC reports (such as Hamilton & Trickett, 2015; HM Government, 2016; Mason-Bish, 2013; Porter, 2015; Sin, 2015; Tyson, Giannasi & Hall, 2015) suggest the recommendations still need to be met. The interview questions used within this research to explore views of police officers therefore reflect the issues addressed within this chapter.

Whilst there is a growing field of academic literature on disablist hate crime, there is no existing research that explores these issues within Brentmouth Constabulary, nor that uses the triangulation of research methods employed in this thesis in the current economic and political climate. The operational guidance for police officers on hate crime was released in May 2014 (College of Policing, 2014a) and the Hate Crime Action Plan produced by the Conservative Government (Home Office, 2016)
has since been released, with an update on progress provided in 2018 (HM Government, 2018b). This Action Plan had a visible, decreased focus on disablist hate crime compared to previous action plans. This guidance details the national policing hate crime strategy, which will impact upon service delivery at a local level. The success, or otherwise, of national policy when transformed into local service delivery in the field of disablist hate crime is thus far unknown.

2.3 Concluding comments

Disablist hate crime, although not solely a policing problem, is a complex issue that the police have to respond to. However, with a variety of definitions and understandings from academia and criminal justice agencies, combined with the unique challenges that disablist hate crime produces for victims, this is by no means an easy task. One of the most important aspects of this area is that hate crimes are not about hate and the threshold for disablist victimisation is lower than perhaps expected. In applying the social model of disability to issues raised within this chapter, questions are raised as to the ability of the police and criminal justice system to adapt to the needs of individuals with learning disabilities. The use of avoidance strategies and social care responses to disablist hate crime place an emphasis on the need for the individual with learning disabilities to change, as is advocated by the medical model of disability. However, through a social model lens, such responses are restricting the access to criminal justice responses for victims of learning disablist hate crime and it is this restriction that needs addressing, not the characteristics of the victim. Furthermore, the blurring of hate crime with anti-social behaviour, and the mixed messages this presents to both police and victims, further demonstrates a structural inequality whereby individuals with learning disabilities, when they do receive a criminal justice response, are at risk of being provided an inappropriate response that does not address the true nature of their victimisation, nor meets their needs.

Iganski’s (2001) influential text entitled “Hate Crimes Hurt More” was earlier cited and in this he claims that there are two types of injury received by a victim of hate crime. The first, a psychic injury, refers to the emotional and psychological impact hate crimes have. The second, the in terrorem effect, is the message sent to members
of the victim’s group, with the harm inflicted beyond the individual victim. When applying both of these injuries to victims of disablist hate crime, in considering the unique challenges that victims face, as discussed above, alongside the history of marginalisation, as discussed in Chapter One, it can be reasonably argued that disablist hate crime has a disproportionate impact on victims. For police and other agencies that respond to this victimisation, such knowledge is significant to not only support investigations, but also to inform the services and interventions provided to the victims.

Shah summarises many of the points made in this chapter:

“This lack of awareness and ignorance permeates public opinion too and only serves to exacerbate the difficulty of poor identification and the adequate collection and recording” (2015, pp.125-126).

With poor identification comes ineffective service provision and an ambiguous illustration of the extent of disablist hate crime victimisation. In applying such thinking to this thesis, the appropriate recognition and identification must be made on a national, force and local level. It is to the policing of disablist hate crime and a critical exploration of the theoretical explanations that this thesis now turns, addressing each of the three levels in turn.
Chapter Three:

The Context of Policing Disablist Hate Crime in England and Wales

As is the case with all crime, it is difficult to know the full extent of disablist hate crime victimisation. The issues discussed in Chapter Two suggest, however, that the complexities of establishing a meaningful estimation of the size of the problem are more acute. This chapter will first discuss the national context surrounding the policing of disablist hate crime, followed by a consideration of more local issues pertinent to the research site examined by the empirical research contained within this thesis. It will discuss national and local demographics, formal responses to disablist hate crime and will also consider the implementation of some of the recommendations for improving the reporting of disablist hate crime considered in earlier chapters.

3.1. The national context

3.1.1 Incidence of disablist hate crime

Chapter Two explored the variations in reporting of disablist hate crime, with huge variances between victimisation survey reporting and official statistics. There is a need to ensure that victims, and potential victims, are provided with the necessary support and services. In 2009, Lord Bradley published his review on individuals with learning disabilities in the criminal justice system. Whilst the focus was on offenders with learning disabilities, there were recommendations made that are still relevant to this thesis, primarily in relation to the identification of individuals with learning disabilities and consequent support provided to individuals by their local neighbourhood teams (2009, p.3). According to the Papworth Trust (Smith, 2016, p.36), there are estimated to be 11.9 million people in the United Kingdom who have a disability, with approximately 1.5 million people with a learning disability. Learning disabilities can impact individuals in a variety of ways and to different extents, so it would be impractical to expect criminal justice officials, including police officers, to have a thorough understanding of each variation. However, it is not unreasonable to expect officers to recognise when an individual may need additional support and know where this can be gained. The examples provided in
the previous chapter highlight the consequences of not recognising such requirements and missing opportunities to help such individuals.

Disablist hate crime is underreported across England and Wales, however over the last few years, there have been year on year increases in the number of these crimes recorded by police. In 2011/12, hate crime data collection became part of the Home Office’s Annual Data Requirement Requests. It is therefore from this time period that the hate crime recordings across all five centrally monitored strands are presented in Table 3.1. The statistics presented are for the police forces in England and Wales only, so do not include the recordings made by the Police Service of Northern Ireland (PSNI). The data provided in the table below is retrieved from the following publications – HM Government, 2013a; Creese & Lader, 2014; Corcoran, Lader & Smith, 2015; Corcoran & Smith, 2016; O’Neill, 2017; HM Government, 2018a.
Table 3.1: Annual police recordings of hate crime by strand, in England and Wales

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<tbody>
<tr>
<td><strong>Number of cases recorded by police</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Disability</td>
<td>1,757</td>
<td>1,841</td>
<td>1,985</td>
<td>2,508</td>
<td>3,629</td>
<td>5,558</td>
<td>7,226</td>
</tr>
<tr>
<td><strong>% Increase on previous year (count)</strong></td>
<td>-</td>
<td>4.6% (84)</td>
<td>7.3% (144)</td>
<td>20.9% (523)</td>
<td>30.9% (1,121)</td>
<td>53.2% (1,929)</td>
<td>30% (1,668)</td>
</tr>
<tr>
<td>Race</td>
<td>36,016</td>
<td>35,885</td>
<td>37,484</td>
<td>42,930</td>
<td>49,419</td>
<td>62,685</td>
<td>71,251</td>
</tr>
<tr>
<td><strong>% Increase on previous year (count)</strong></td>
<td>-</td>
<td>-0.4% (-131)</td>
<td>4.5% (1,599)</td>
<td>14.5% (5,446)</td>
<td>15.1% (6,489)</td>
<td>27.0% (13,266)</td>
<td>14% (8,566)</td>
</tr>
<tr>
<td>Religion</td>
<td>1,622</td>
<td>1,575</td>
<td>2,273</td>
<td>3,254</td>
<td>4,400</td>
<td>5,949</td>
<td>8,336</td>
</tr>
<tr>
<td><strong>% Increase on previous year (count)</strong></td>
<td>-</td>
<td>-2.9% (-47)</td>
<td>44.3% (689)</td>
<td>43.2% (981)</td>
<td>35.2% (1,146)</td>
<td>35.2% (1,549)</td>
<td>40% (2,387)</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>4,362</td>
<td>4,267</td>
<td>4,622</td>
<td>5,597</td>
<td>7,194</td>
<td>9,157</td>
<td>11,638</td>
</tr>
<tr>
<td><strong>% Increase on previous year (count)</strong></td>
<td>-</td>
<td>-2.2% (-95)</td>
<td>8.3% (355)</td>
<td>20.2% (969)</td>
<td>28.5% (1,597)</td>
<td>27.3% (1,963)</td>
<td>27% (2,481)</td>
</tr>
<tr>
<td>Transgender</td>
<td>309</td>
<td>361</td>
<td>555</td>
<td>605</td>
<td>858</td>
<td>1,248</td>
<td>1,651</td>
</tr>
<tr>
<td><strong>% Increase on previous year (count)</strong></td>
<td>-</td>
<td>-16.8% (52)</td>
<td>53.7% (194)</td>
<td>9.0% (50)</td>
<td>41.8% (253)</td>
<td>45.5% (390)</td>
<td>32% (403)</td>
</tr>
<tr>
<td><strong>Total number of hate crimes (% change on previous year)</strong></td>
<td>44,066</td>
<td>43,929 (-0.31%)</td>
<td>46,919 (6.80%)</td>
<td>54,894 (16.99%)</td>
<td>65,500 (19.32)</td>
<td>84,597 (29.15)</td>
<td>100,102 (18.33%)</td>
</tr>
</tbody>
</table>
As can be seen from Table 3.1, disablist hate crime has seen a year on year increase on the number of cases and until 2017-2018, the percentage of that increase had increased year on year.

The British Crime Surveys of 2009-2010 and 2010-2011 estimated 65,000 disablist hate crimes occurred (Smith, Lader, Hoare & Lau, 2012, pp.26-27). – a figure that rose to 70,000 in the 2013-2014 survey (Corcoran, Lader & Smith, 2015, p. 1) and dropped to 52,000 in the most recent survey (HM Government, 2018a, p.27). The disparities between the data from victimisation surveys and that from the police are vast. The differences between the time periods were also increasing until 2017-18, with much greater percentage increases from 2014-2015 to 2016-2017. It is, however, important to treat such data with caution. The increase in police recordings do not necessarily mean an increase in incidents of disablist hate crime. As will be discussed later in this chapter, the increases may instead reflect improved trust and confidence in the police, an increased focus on (disablist) hate crime from the media and politicians, or improved understanding, recognition and recording on behalf of criminal justice agencies, particularly the police.

Findings from the Crime Survey for England and Wales and Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Service (2018a) inspection on hate crime also demonstrate the impact of hate crime victimisation. Hate crime victims are more likely to be affected by the victimisation and less satisfied with the police response than victims of crime overall. For example, 51% of hate crime victims were very or fairly satisfied with the handling of the incident, yet this is much lower than the 69% satisfaction levels from victims of crime overall (HM Government, 2018a, p. 27). In addition, hate crime victims are more likely to be dissatisfied than victims of crime overall (25% and 15% respectively). With regards to the impact of such victimisation, hate crime victims are twice as likely to experience fear, anxiety or panic attacks, and difficulty sleeping as a result of their victimisation, compared to other victims of crime and more than twice as likely to lose confidence or feel vulnerable after the incident (40% compared to 18%) (HM Government, 2018a, p.28). The HMICFRS (2018a) inspection found that police forces do not always provide victims with enough information about available support groups or inform them as to the next steps with their case, which can inadvertently reinforce the
feelings of vulnerability and fear.

Whilst this information reiterates the effects of hate crime victimisation, this data is not broken down by strand and does little to understand the victimisation of specific hate crime offences. As discussed in Chapter Two, the victimisation caused by disablist hate crime is fundamentally different to the victimisation caused by racially aggravated offences, particularly in relation to the dependency that some victims of disablist hate crime have on perpetrators.

3.1.2 National responses

A national strategy for England, Wales and Northern Ireland on combating hate crime has been in place since 2014. This has been developed to demonstrate the commitment of national policing to reducing the harm caused by hate crime and increasing the levels of trust and confidence that communities have in their policing teams (College of Policing, 2014b, p.2). The strategy focuses on the following eight areas in order to deliver improvements to police service provision for victims and communities affected by hate crime:

1. Improved investigation and prosecution of hate crime
2. A better understanding of the nature and extent of the hate crime
3. Reducing the under-reporting of hate crime
4. Providing guidance to operational staff
5. Providing leadership to colleagues
6. Improved partnership working
7. Improved services to victims of hate crime
8. Improved training.

The operational guidance provided by the College of Policing (2014a) offers suggestions for the successful implementation of the strategy. The ‘Hate Crime Operational Guidance’ document is the third incarnation of instruction, following ACPO’s ‘Guide to Identifying and Combating Hate Crime’ in 2000 and ‘Hate Crime: Delivering a Quality Service. Good Practice and Tactical Guidance’ in 2005. The guidance offers tactical advice for officers and forces, with an ultimate intent of providing uniformity in the quality of service delivered to hate crime victims and
investigations. In doing so, the minimum standards for response (from the initial response to witness care) are identified, with good practice examples provided to facilitate organisational learning.

Alongside the above, there are a number of national campaigns which aim to increase public awareness and understanding of hate crime more generally but also focus on specific strands. Perhaps one of the most important national initiatives is that of True Vision, a website owned by the National Police Chiefs’ Council (NPCC) and a core element of the Cross Government Hate Crime Programme. True Vision provides information on explaining disablist hate crime (and the other strands) and what individuals can and should do when they are victimised. Crucially, it also acts as a third-party reporting centre, with facilities such as an online reporting form (with reports sent to the relevant police force) and useful contact details of police or third parties. As mentioned in chapter two, True Vision also provides general tips on personal safety, such as carrying personal alarms and keeping to well-lit routes (True Vision, 2016a). These are prime examples of the avoidance strategies that appear to be common for people with disabilities (Sin et al, 2009, p.vi), reinforcing an individual model of disability, whereby it is the victim who needs to change their behaviour in order to prevent future victimisation rather than dealing with the behaviour of the offenders.

For practitioners, such as the police and education institutions, True Vision also hosts a wealth of information on training packages, easy read reporting packs and links to the latest hate crime reports and research. With such information all in one place, individuals and organisations need not look elsewhere for further information. The True Vision app for mobiles and tablets goes further in making information more accessible. However, it is important to note that whilst the potential to reach many people is high, the technical nature of these services can reduce and limit the accessibility for some people with learning disabilities. In the current climate of ensuring value for money and coping with budget and resource restrictions, there appears to be an increase in the use of the internet by agencies to share and communicate information with the public, whether that is via social media or an organisational website. However, as Tyson (2013) found, individuals with learning disabilities may not use the internet and will therefore not be aware of this
information. The Office for National Statistics (ONS, 2017) report on internet users found that 22% of adults with disabilities had never used the internet, with 0.5 million of the 0.9 million adults who had last used the internet over three months ago were disabled. In addition, across all age groups, the proportion of adults who were recent internet users was lower for those that were disabled, than those who were not.

Communication strategies that are ignorant, unconsciously or not, of the challenges faced by some individuals with disabilities is indicative of the social model of disability. Such approaches, that do not offer appropriate alternatives, demonstrate failings of agencies in adapting to the needs of individuals with disabilities and the exclusion of individuals to such information. The closure of police stations and reduced public accessibility limits the opportunity for face to face contact and information sharing to be facilitated, reiterating the notion of marginalisation, as discussed in Chapter One.

Another important campaign in relation to disablism hate crime is that by the Crown Prosecution Service (CPS). In 2014 the CPS released its Disability Hate Crime Action Plan, which outlined improvements for prosecuting disablism hate crime and the experience of disabled victims and witnesses. At the time of writing, this is the only statutory body that has had a specific, national campaign, focused on improving the knowledge, awareness and prosecution of disablism hate crime. Despite a general Hate Crime Strategy that was released in 2014, the CPS state that they recognised “the need for an additional action plan to specifically tackle this type of offending” (2016a, p.1). As a result of this action plan, a mandatory training package was delivered to all CPS prosecutors during 2015/16, with a focus on improving the use of sentence uplifts available with s.146 of the Criminal Justice Act 2003. The following table (Table 3.2) presents the available data on the prosecutions of disablism hate crime by the CPS.
Table 3.2 Annual CPS data on prosecutions of disablist hate crime

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<tbody>
<tr>
<td>Completed prosecutions (count)</td>
<td>640</td>
<td>574</td>
<td>666</td>
<td>941</td>
<td>1,009</td>
<td>752</td>
</tr>
<tr>
<td>Conviction rates (%)</td>
<td>77.2%</td>
<td>81.9%</td>
<td>75.5%</td>
<td>75.1%</td>
<td>79.3%</td>
<td>75.0%</td>
</tr>
<tr>
<td>% Increase/decrease on conviction rates of previous year</td>
<td>-</td>
<td>4.7%</td>
<td>-6.4%</td>
<td>-0.4%</td>
<td>4.2%</td>
<td>-4.3%</td>
</tr>
<tr>
<td>Use of s.146 sentence uplift (%)</td>
<td></td>
<td>5.4%</td>
<td>11.9%</td>
<td>15.5%</td>
<td>24.8%</td>
<td></td>
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</tbody>
</table>

As evidenced in the Table 3.2 above, the prosecution of disablist hate crimes is also increasing, just as the recorded numbers of disablist hate crime was shown to increase in Table 3.1. There are a number of interpretations to be made of this data and this research will explore whether the increase has been recognised by people with disabilities and police workforce within the research site. As will be further discussed in Chapter Four, the organisational response of police to an increase in crime recordings is often to view this as a negative change. However, with disablist hate crime the increase may be positive and reflective of an increased confidence in victims to report their victimisation, recent or historical. The statistics on the CPS area that Brentmouth falls within will be discussed in 3.2.1 below.

This increased focus on disablist hate crime has also been seen in a more recent CPS campaign, ‘#HateCrimeMatters’, focusing on raising awareness and understanding of hate crime more generally, including that which takes place on the internet. ‘Hate Crime Matters’ was a five-day campaign in August 2017, with prominent social
media and online activity, which presented an opportunity to discuss hate crime and focused on a different, specific hate crime-related topic each day. Notably, the last day was devoted entirely to disablist hate crime and providing guidance on removing barriers for victims and witnesses; the only monitored strand to be given a specific focus. This campaign was seen by 21.5 million people (CPS, 2017, p.4).

3.1.3 The political context

The political context within the UK has been unprecedented during the course of this research. On 23rd June 2016, a referendum on the UK’s membership of the European Union (EU) was held, the result of which was that 48% voted to remain and 52% voted to leave the EU. Following this result, the NPCC (2016) released a statement that reported an increase in the reporting and recording of hate crimes across England, Wales and Northern Ireland. In the run-up to the EU referendum, between 16th and 20th June 2016, 3076 hate crimes and incidents were reported to police forces across England, Wales and Northern Ireland, an increase of 915 reports in comparison to the same period the previous year; a 42% increase in reporting hate crime nationally (NPCC, 2016). Data published by the Home Office, and provided by the NPCC, demonstrates that the reason for the national increase in hate crime recordings was due to an increase in racial and religiously motivated hate crimes. The number of aggravated offences recorded demonstrate an increase in June, - in the week that followed the referendum, there was a 46% increase of recorded hate crimes, from the same week period the previous year (1255 in 2015 cases to 1827 in 2016) - with a sharper increase in July - a 58% increase in recorded hate crimes in the fifth week following the referendum (1131 cases in 2015 to 1787 in 2016) (True Vision, 2016b). The number of police recorded racially or religiously aggravated offences in July 2016 was 41% higher than in July 2015. Numbers declined throughout August where recorded numbers returned to levels seen earlier in 2016, although these were still higher than levels in 2015. Whilst no increases in reporting and recording of disablist hate crimes was seen after the referendum, the increased focus on hate crime from politicians, law enforcement and the media is noteworthy.
In addition to this, during the period of March to June 2017 there were four terrorist attacks in London and Manchester in as many months killing 36 people; the Westminster attack (22nd March), the Manchester arena attack (22nd May), the London Bridge attack (3rd June) and the Finsbury Park attack (19th June). As seen after the referendum, spikes in the reporting and recording of hate crime, particularly anti-Muslim hate crimes, were again seen after these attacks, although there was a less significant rise after the Westminster attack. Figure 3.1 provides a visual representation of the number of racially and religiously aggravated offences recorded by 38 police forces from April 2016 to August 2017.

![Graph showing the number of racially or religiously aggravated offences recorded by the police, 38 forces, April 2016 to August 2017](image)

**Figure 3.1: Number of racially or religiously aggravated offences recorded by the police, 38 forces, April 2016 to August 2017 (O’Neill, 2017, p.17)**

The rise in these hate crimes mirrored the findings of research by Hanes and Machin (2014) on the increase in racially and religiously aggravated hate crimes in the wake of the terror attacks in New York on 9th September 2001 and in London on 7th July 2005. Hanes and Machin (2014) argue that the cost of such attacks goes beyond the victims of these atrocities, with hate crimes against Arab and Asian communities rising significantly in the wake of these events (p.263). It is worth noting, however, that the number of recorded hate crimes were at a higher level when the attacks on London Bridge and Finsbury Park occurred, in the wake of the Manchester attack.
Whilst the focus here is not on disablist hate crimes *per se*, hate crime in general has had a renewed focus, both in politics, the media and within criminal justice agencies. The increased tensions between individuals and communities that have followed the major events discussed in this section do also demonstrate an emphasis on difference and intolerance; Mason-Bish and Trickett (2019) argue that this is also a global concern following uncertain politics, media demonization of particular groups and human rights abuses. Within England and Wales, the spikes in hate crime reporting that followed the aforementioned four terrorist attacks were seen in areas unconnected to the locations in which they occurred, as evidenced with the data from 38 forces. However, as a result, the focus of policing is arguably on racially and religiously motivated hate offences, rather than disablist hate crime. At the National Police Chiefs’ Council’s 2017 Hate Crime Conference in Manchester, the NPCC lead for hate crime, Assistant Chief Constable Mark Hamilton, raised concerns that disablist hate crime is taking a back seat to hate crimes motivated by racial and religious hostility and therefore much of the previous work by the CPS and other organisations is now being undone (May 6, 2017). It is important to acknowledge here the notion of intersectionality and the dangers of placing a greater emphasis on just one or two strands. The five monitored strands are not distinct from each other; a black man with learning disabilities can be a victim of racist hate crime, but also a victim of disablist hate crime. If the latter is not explored and investigated, only part of the victimisation is understood and responded to and a hierarchy of hate crime victimisation is once again evidenced.

The view of ACC Hamilton regarding disablist hate crime taking a back seat is perhaps, in part, explained by the changes made to policing, specifically in relation to police budgets and the number of police resources. Since 2010, the number of full-time employed police officers and Police Community Support Officers (PSCOs) has seen a year on year decrease, with 14.8% fewer police officers and 40.1% fewer PCSOs (Hargreaves, Husband & Linehan, 2018). The national reduction of over 21,300 police officers and 6,700 PCSOs will inevitably affect the ability of the organisation to deliver services in the same way, and perhaps lead to the prioritisation of some victimisation over others. Within the same time period, police forces have been required to make large savings and efficiencies. For example, since
2010 Brentmouth Constabulary have had to save £82 million (HMICFRS, 2017, p.13) and it is expected that by 2021 the force will have a shortfall of £23 million (HMICFRS, 2017, p.32). From 2010/11 to 2015/16 there was a £2.2 billion reduction in police funding nationally (Johnston & Politowski, 2016, p.27) and there was a 19% reduction in police funding (from both central government and local funding) in 2018/19 compared to that received in 2010/11 (National Audit Office, 2018, p.4). One element of the primary research for this thesis is to evaluate the potential impact of this cut in resources on service delivery provided to communities. The following table presents the available data from the Home Office on the changing police population. Note that these numbers do not include British Transport Police
This section on the national context surrounding disablism hate crime has therefore evidenced a number of key issues. Recorded numbers of disablism hate crime have been increasing over the last few years (the strand with the largest increase in recordings), with the percentage of successful prosecutions also increasing. This is an important step forward in not only understanding disablism hate crime but also encouraging victims to report their experiences. However as a result of recent events, the focus on tackling and responding to this issue is arguably reducing, which is further compounded by increased pressure on police resources.

Table 3.3: Home Office data on numbers of police officers and PCSOs (Hargreaves, Husband & Linehan, 2018).

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</tr>
</thead>
<tbody>
<tr>
<td>Number of Police Officers</td>
<td>143,734</td>
<td>139,110</td>
<td>134,101</td>
<td>129,584</td>
<td>127,909</td>
<td>126,818</td>
<td>124,066</td>
<td>123,142</td>
<td>122,404</td>
</tr>
<tr>
<td>% Increase / decrease on previous year (count)</td>
<td>-0.03% (-36)</td>
<td>-3.2% (-4,624)</td>
<td>-3.6% (-5,009)</td>
<td>-3.4% (-4,517)</td>
<td>-1.3% (-1,091)</td>
<td>-0.9% (-2,752)</td>
<td>-2.2% (-924)</td>
<td>-0.8% (-738)</td>
<td></td>
</tr>
<tr>
<td>Overall % change of Police Officers</td>
<td>-14.8%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of PCSOs</td>
<td>16,918</td>
<td>15,820</td>
<td>14,393</td>
<td>14,205</td>
<td>13,066</td>
<td>12,331</td>
<td>11,043</td>
<td>10,213</td>
<td>10,139</td>
</tr>
<tr>
<td>% Increase / decrease on previous year (count)</td>
<td>+2.4% (+411)</td>
<td>-6.5% (-1,098)</td>
<td>-9.0% (-1,427)</td>
<td>-1.3% (-188)</td>
<td>-8.0% (-1,139)</td>
<td>-5.6% (-735)</td>
<td>-10.4% (-830)</td>
<td>-7.5% (-74)</td>
<td></td>
</tr>
<tr>
<td>Overall % change of PCSOs</td>
<td>-40.1%</td>
<td></td>
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</table>
3.2. Force context- Brentmouth Constabulary

This research places a specific focus on Brentmouth and it is therefore imperative to understand the context of (disablist) hate crime, and the impact of the changes and events described above, within this region.

3.2.1 Demographics of Brentmouth

In the South of England, the county itself is diverse, with large rural and metropolitan areas. According to the most recent census in 2011, 1,759,700 people live in Brentmouth (Brentmouth County Council, 2013a). The number of individuals that stated their disability or long-term health problem greatly limits their day-to-day activity was 121,122 (Office for National Statistics, 2013). The Adult Services within this county provides over 7,000 people aged 18 to 64 with a long-term service, of which 2,700 have a learning disability and 2000 have a physical disability (Brentmouth County Council, 2016).

From 1st April 2017 to 31st March 2018, there were 204,450 crimes recorded within Brentmouth Constabulary, representing a 26.1% increase (by 53,318 from 151,132) from the previous year. During 1st April 2016 to 31st March 2017, crime had also increased from the previous year when there were 132,564 crimes in 2015/16.

4.2.2 Hate crime in Brentmouth Constabulary

Since the start of this research, the number of reported hate crimes in Brentmouth has increased year on year, as evidenced in Table 3.4 below. From 1st April 2016 to 31st March 2017, 2,196 hate crimes were recorded by Brentmouth Constabulary. This is an increase of 392 hate crimes from the previous year, where 1,804 were recorded. Hate crime therefore represents approximately 1.45% of crimes recorded by the force.
Table 3.4: Hate crime by type within Brentmouth Constabulary.

<table>
<thead>
<tr>
<th>Hate crime strand</th>
<th>2014/15</th>
<th>2015/16</th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability</td>
<td>98</td>
<td>153</td>
<td>141</td>
<td>254</td>
</tr>
<tr>
<td>Faith/religion</td>
<td>99</td>
<td>136</td>
<td>150</td>
<td>174</td>
</tr>
<tr>
<td>Gender identity</td>
<td>33</td>
<td>57</td>
<td>56</td>
<td>78</td>
</tr>
<tr>
<td>Race</td>
<td>1137</td>
<td>1220</td>
<td>1616</td>
<td>1788</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>224</td>
<td>264</td>
<td>295</td>
<td>408</td>
</tr>
<tr>
<td><strong>Total</strong>*</td>
<td><strong>1591</strong></td>
<td><strong>1860</strong></td>
<td><strong>2258</strong></td>
<td><strong>2702</strong></td>
</tr>
</tbody>
</table>

*note that occurrences can meet the classification for more than one hate crime characteristic.

It should be noted that within the data provided in Table 3.4, the hate crime occurrences recorded can meet the classification for more than one hate crime characteristic. Therefore, one incident may be recorded as a disablist hate crime and a religiously aggravated hate crime, meaning this incident would be recorded twice. As such, the data provided should be treated with caution and this does also highlight the importance of the recording process. There is the potential for some disablist hate crimes to not be recorded as such and instead labelled as other types of crime. Hence the need to explore issues surrounding the recognition and identification of disablist hate crime within the force arises.

Table 3.5 below provides data on the prosecutions of hate crime within Brentmouth.
Table 3.5 Hate crime prosecutions in Brentmouth.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of hate crimes referred to CPS</th>
<th>Number of successful prosecutions (%)</th>
<th>Number of disablist hate crimes referred to CPS</th>
<th>Number of successful prosecutions (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/15</td>
<td>441</td>
<td>360 (81.6%)</td>
<td>19</td>
<td>13 (68.4%)</td>
</tr>
<tr>
<td>2015/16</td>
<td>428</td>
<td>373 (87.1%)</td>
<td>37</td>
<td>29 (78.4%)</td>
</tr>
<tr>
<td>2016/17</td>
<td>373</td>
<td>338 (90.6%)</td>
<td>27</td>
<td>25 (92.6%)</td>
</tr>
<tr>
<td>2017/18</td>
<td>426</td>
<td>386 (90.6%)</td>
<td>26</td>
<td>19 (73.1%)</td>
</tr>
</tbody>
</table>

The table above demonstrates that whilst the rate of successful hate crime prosecutions overall has risen and then remained constant since 2016/17, the rate of successful prosecutions for disablist hate crime has since decreased (CPS, 2018). The increase in 2015/16 and 2016/17 may be explained by an increased awareness and knowledge of disablist hate crime following the aforementioned CPS campaign in 2014. However, the successful prosecution rate is now lower than that of 2015/16, whereas the rate for hate crime overall has been maintained. It is worth noting that in 2017/18, the rate of successful prosecutions for racial and religiously aggravated hate crimes increased for the third year running to 92.5% (from a rate of 91.4% in 2016/17, 88.2% in 2015/16 and 83.2% in 2014/15), however successful prosecutions for disablist hate crime fell. This 19.5% fall from 2016/17 arguably supports the view of ACC Hamilton mentioned above.

3.2.3 Brentmouth Constabulary’s response to hate crime

Brentmouth Constabulary has six areas of focus which underpin their stated purpose of making the community in which they serve feel safer. These are:

1. Tackling crime and offending
2. Identifying and protecting those who need our help
3. Track, assess, learn and improve
4. The values in the Code of Ethics
5. Looking after our people
6. Building partnerships that enable a better public service

Whilst all are relevant for responding to disablist hate crime, the second area of focus is of particular interest. As discussed in earlier chapters, the identification and recognition of disablist hate crime has a number of associated complexities. Without identifying incidences of disablist hate crime and the victims, priorities 1, 5 and 6 cannot be met.

Brentmouth Constabulary’s new website is one of the main channels of communication to those it serves, yet there is very little information provided in relation to hate crime. Definitions of hate crime and hate incidents are provided, however the only source of further information is the web-link provided to the True Vision site. Hate crime is mentioned in the ‘Our Commitments’ section (Brentmouth Constabulary, 2019), under Equality and Inclusion, however much more detail on support for victims, how to report such victimisation and police responses is found on the archived website. The latter in particular provides information regarding the Lesbian and Gay Liaison Officers (LAGLOs) and Disability Champions, demonstrating the dedicated and specialised support that is available to hate crime victims.

As discussed above, the force is guided by the College of Policing (2014a) guidance on responding to hate crime. The force’s hate crime policy of 2014 makes direct reference to this guidance and sets out the commitment of the force in responding to hate crime and providing justice for victims. Chapter Three explored the similarities between the recommendations of the Stephen Lawrence Inquiry, the IPCC response to the Pilkington case, the EHRC inquiries and the Medway report. Recommendation 16 of the Stephen Lawrence Inquiry was:

“that all possible steps should be taken by Police Services at a local level in consultation with local Government and other agencies and local communities to encourage reporting of racist incidents and crimes. This should include; the ability to report at locations other than police stations; and the ability to report 24 hours a day” (Macpherson, 1999).
This recommendation is mirrored in the 2014 force policy as it states that the force supports the use of third-party reporting of hate crime and incidents, which will be treated with the same rigour as those reported directly to the police (Brentmouth Constabulary, 2014). In addition to the above, it acknowledges the need for appropriate training for staff, which could include community involvement placements. Such activity would help to facilitate improved relationships between the police and service users, providing an opportunity for engagement and discussions between the two groups.

The policy also recognises the impact that hate crime victimisation can have on victims and the need for officers and staff to ensure such incidents or crimes are recorded and investigated properly. Whilst this does demonstrate an acknowledgement of previous recommendations, this research will explore the extent to which this message has reached frontline officers and members of the local community.

3.2.4 Impact of politics

Police and Crime Commissioners are elected individuals with England and Wales who oversee how police respond to crime in the local area and ensure that police forces are effective and efficient. Established in 2012, these replaced the previous Police Authorities. The priorities of the Office of the Police and Crime Commissioner (OPCC) in Brentmouth reflect those of Brentmouth Constabulary; to strengthen partnerships, reduce offending, enable effective and efficient operational policing and to champion community needs by supporting victims and those affected by crime and disorder (Lane, 2017). Although not mentioned specifically in these priorities, the OPCC does recognise the importance of hate crime through its creation of the Pan-Brentmouth Hate Crime Working Group in 2015. This was established in response to concerns raised by an advocacy organisation for people with disabilities and encourages organisations across the county to tackle hate crime (“Hate Crime Working Group”, 2017). The group consists of individuals from a range of organisations, including emergency services, city councils, advocacy groups and academics.

In addition, during National Hate Crime Awareness Week 2017, the PCC invested
£50,000 to help enable the Brentmouth Citizens Advice offices to become third-party reporting centres for hate crime. The PCC suggests that “Having more independent reporting centres across the Brentmouth policing area will help the most vulnerable members of our communities feel more confident to come forward and report these crimes” (“Commissioner invests £50,000 to support reporting of hate crime”, 2017). Whilst the use of third party reporting centres is generally regarded as an example of good practice, the effectiveness of these systems has been debated in the academic literature, with questions raised about the levels of knowledge and understanding those who facilitate these systems have on disablism hate crime (Chakraborti, Garland and Hardy, 2014; Hall, 2013; Roulstone, Thomas & Balderston, 2011, p.353), the actions that follow any reporting (or lack thereof) (Chakraborti, Garland & Hardy, 2014; Clement, Brohan, Sayce, Pool & Thornicroft, 2011) and the levels of awareness that the public have on the existence of these systems (Chakraborti & Hardy, 2015; Dick, 2008).

3.3 The local context- city of Brockmore

The 2011 census found that the population of Brockmore was 205,100 and has the highest population density outside of London (Office for National Statistics, 2012, p.2). Although situated within Brentmouth, Brockmore City Council is responsible for providing the majority of council services to city residents, such as housing and social services, rather than Brentmouth County Council. Only one other city in the county (Copperside) has a similar structure and this further reflects the autonomy and uniqueness of the city.

3.3.1 Demographics of Brockmore

Brockmore is divided into 14 districts, with the largest of district representing just under 10% of the total resident population (Local Government Association, 2017, p.3). Perhaps unsurprisingly, this district also has the highest number of households with dependent children and the highest number of 0-17 year olds living in Brockmore (Local Government Association, 2017, pp.4-5). Interestingly, this district also has the highest number of council-rented properties in the city and the highest number of long term unemployed and individuals who have never worked (Local Government Association, 2017, pp.7-8).
The 2011 Census reported that 84.0% of the city population defined themselves as white British, 4.3% as white other, 6.1% as Asian (the 3rd highest percentage in Brentmouth), 16.0% as non-white British and 2.7% as mixed (the highest in Brentmouth) (Brentmouth County Council, 2013b, p.38). Only 1.8% defined themselves as black and whilst this joint the 3rd highest percentage reported in Brentmouth, this is a very low number given the national figure of 3.3% of the population of those who defined as black in the 2011 census (Office for National Statistics, 2018c).

3.3.2 Hate crime in Brockmore

When exploring the most recent and available data on hate crime within the city, further justification for this research can quite easily be evidenced. Of the total hate crimes to occur in Brentmouth (2,196), 25% of these occur in Brockmore (547). When comparing the data to that of Copperside - a comparable city in Brentmouth with a population of 236,900 in the 2011 census (Copperside City Council, 2011, p,1) - a similar percentage of 26% (574) is found. However, the population of Copperside is greater than that of Brockmore, yet still there are similar levels of hate crime. In addition, Charles Dickens ward has the highest rate per 1,000 in Brockmore for race hate crime by a considerable amount; 5.6 compared to the next highest of 2.7 (Graves, 2016, p.34). It consistently ranks as having the highest levels of most types of crime, including anti-social behaviour (Graves, 2016, p. 17). As discussed in chapter two, the identification and distinctions between hate crime and anti-social behaviour are often blurred, and these figures further justify the focus on this city specifically.
Table 3.6: Numbers of hate crimes recorded by strand 2017/18

<table>
<thead>
<tr>
<th>Hate crime strand</th>
<th>Numbers recorded in Brockmore</th>
<th>Numbers recorded in Copperside</th>
<th>Numbers recorded elsewhere</th>
<th>Total numbers recorded in Brentmouth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability</td>
<td>38</td>
<td>35</td>
<td>175</td>
<td>248</td>
</tr>
<tr>
<td>Race</td>
<td>404</td>
<td>546</td>
<td>857</td>
<td>1807</td>
</tr>
<tr>
<td>Religion</td>
<td>32</td>
<td>28</td>
<td>70</td>
<td>130</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>78</td>
<td>106</td>
<td>224</td>
<td>408</td>
</tr>
<tr>
<td>Transgender</td>
<td>7</td>
<td>14</td>
<td>60</td>
<td>81</td>
</tr>
<tr>
<td>Total</td>
<td>559</td>
<td>729</td>
<td>1386</td>
<td>2674</td>
</tr>
</tbody>
</table>

*Note: crimes can be flagged as more than one hate characteristic.*

It is important to note that the figures presented in the above table relate to those incidents that are classified as crimes and some crimes may be recorded as more than one strand. Information on the number of hate crimes occurring within Brentmouth also requires officers to correctly identify an incident as a hate crime and classify these as such on the recording system used within the force. Whilst these figures reflect the numbers of crimes that have these classifications (or flags) placed upon them, there may be other crimes that have not been correctly identified and classified by police.

The estimated 38 disablist hate crimes therefore represents 6.8% of the hate crimes in Brockmore and just 1.4% of hate crimes recorded in Brentmouth. Whilst these numbers are low and may suggest that there is no problem of disablist hate crime in the area, it is estimated that only 13.9% of disablist hate crimes come to the attention of the police (as discussed in the introduction to this thesis). The dark figure of disablist hate crime derived from the Crime Survey of England and Wales suggests that this is a significantly greater problem than the official statistics would suggest. It is also not clear how many of the 38 recorded disablist hate crimes were *learning* disablist hate crimes.
3.3.3 The response to hate crime within Brockmore

Due to the numbers and location of hate crimes in the city, a Hate Crime Working Group was established in 2017 to meet the operational needs of local policing. The purpose of this group is to provide scrutiny on the responses to hate crime and provide feedback to officers and senior managers when dip samples and other quality control processes are conducted. The group consists of officers from Response and Patrol and Neighbourhoods and employees from the City Council. At the time of writing, this is the only hate crime working group within Brentmouth Constabulary in action that has a specific focus on one location and does not pan the whole force. The positive impact of such a group can arguably already be seen when examining the victim satisfaction levels of hate crime victims in Brockmore, as these have increased since the working group was formed and the satisfaction rate for Brockmore is now higher than the force average - 91% compared to 80% respectively, as of September 2017. It is perhaps also not surprising that the majority of Brentmouth Constabulary's activity during National Hate Crime Awareness week 2017 was concentrated in Brockmore, with local schools, community groups, colleges, university and sports clubs working in partnership with the local officers (“Brockmore officers raising awareness of hate crime”, 2017).

3.3.4 The impact of politics in Brockmore

Prior to 2016, the Hate Crime Service was located within Brockmore City Council and this provided a dedicated service to support hate crime victims once they had reported their victimisation to the police, whether that be through signposting them to other relevant support services or attending court with the victim. At the end of March 2016, the Hate Crime Service (HCS) within Brockmore City Council was cut as part of the Council’s spending review, allowing the City Council to save approximately £100,000 per year (Brockmore City Council, 2015, p.7). This has meant that there is no longer a dedicated hate crime team who assist victims of hate crime in the city. Whilst Victim Support are available to support such victims, the joint response from the police and local Government to hate crime (as recommended by Macpherson in 1999) arguably no longer exists due to the HCS not being replaced.
3.3 Concluding comments

The responses described in this chapter are based upon the known context of disablist hate crime which itself, as this chapter has demonstrated, is substantially incomplete. The national landscape of disablist hate crime represents one that has seen an increase in recorded numbers of such crimes and an increase in the percentage of successful prosecutions. Locally, a similar pattern and trend is evidenced within Brentmouth and this recent progress in responding to disablist hate crime is important. However, as evidenced within this chapter, the problem remains significantly underreported and the progress made remains vulnerable to competing priorities, both nationally and locally, that threaten to undermine and diminish the progress made to date. The following chapter will therefore explore the individual and organisational issues that impact upon the quality of service provision afforded to victims of (learning disablist) hate crime.
Chapter Four:

Policing Learning Disablist Hate Crime

The previous two chapters explored the issues specific to learning disablist hate crime that make understanding, identifying and responding to this problem difficult. The police have been criticised for their responses to a number of hate crime, and disablist hate crime, incidents and this chapter will therefore consider the core elements of these criticisms. In doing so, two key areas will be discussed. Firstly, the chapter will critically examine previous police responses to hate crime more generally, and learning disablist hate crime specifically, focusing on significant events in policing, such as the Stephen Lawrence murder in 1993, and the inquiries into disablist hate crime by the Equality and Human Rights Commission (EHRC) in 2011 and 2012. Secondly, it will provide theoretical frameworks for understanding the shortcomings in policing identified by these inquiries, with a focus on understanding the organisational culture within the police, the processes of decision making and the impact of such decisions. The chapter highlights that there are individual and organisational issues that impact upon the ability to provide a quality of service appropriate to the needs to victims.

4.1 Previous examples of police responses to hate crime

Hate crime has been a policing and political priority since the murder of Stephen Lawrence in 1993. Despite the reaction the Metropolitan Police Service received for its initial response to Stephen's murder, and the application of Macpherson’s report to policing more generally, cases and investigations with similar faults and recommendations have continued to occur. This section will explore the reports and inquiries into significant cases of hate-related victimisation, in order to illustrate some of the potential difficulties in investigating hate crime, and that have parallels with the policing of learning disablist hate crime.

4.1.1 The murder of Stephen Lawrence

This thesis has already acknowledged the importance of the murder of Stephen Lawrence and, in particular the findings of the subsequent inquiry by Sir William Macpherson, to the development of hate crime as a significant political, academic,
policing and social issue. The initial investigation of this case is also a prime example of an inadequate police response to hate crime. However, the failures extended beyond the specific and initial investigation, with inherent organisational failures later identified.

To recap, Stephen's murder was not initially identified as racially motivated and the lack of organisation in the first few hours of the investigation led to no one being convicted of his murder. In early 1997, Stephen’s parents made a formal complaint against the Metropolitan Police Service (MPS) to the Police Complaints Authority. This was led by officers from Kent Police and concluded that no evidence was found to support an allegation of racist conduct by any MPS officer involved in the investigation of Stephen’s death. This was despite many criticisms made of the initial MPS investigation.

In July 1997, following a change from a Conservative to Labour Government, the Stephen Lawrence Inquiry was established by Jack Straw MP, the then Home Secretary. The previous government had declined to make racially motivated crimes a specific offence, arguing instead that such offences could be adequately dealt with by existing criminal law (Hall, 2005, p.53). Furthermore, it had also declined the request of Stephen’s parents for a public inquiry into the failings of the justice system in the response to Stephen’s murder. The Stephen Lawrence Inquiry was split into two parts; part one explored matters arising from the death of Stephen, and part two focused on lessons to be learned when responding to racially motivated crimes. Macpherson concluded that the “investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership of senior officers” (1999, para. 46.1). This demonstrated a disagreement with the Kent Police report that positively commended the initial response to Stephen’s death. A total of 70 recommendations were made, not just in relation to policing, but also for responding to racism in other institutions and organisations. Perhaps most significantly, the first recommendation was that a ministerial priority was to be established for all police forces, “To increase trust and confidence in policing amongst minority ethnic communities” (1999, para. 47.1). Here, the political importance placed on establishing good relationships between the police and community groups (including hate crime victims) is evident. The other 69
recommendations all stemmed from and underpinned this ministerial priority. For example, recommendation 2 called for performance indicators to be introduced, with an overarching aim of eliminating “racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing” (Macpherson, 1999). Recommendation 49 argued that “all police officers, including CID and civilian staff should be trained in racism awareness and valuing cultural diversity”, with recommendation 50 stating that this needed to be conducted regularly at a local level (Macpherson, 1999).

In describing the far-reaching and complex legacies of Lawrence, and in marking the 10th anniversary of the Stephen Lawrence Inquiry, Hall, Grieve and Savage (2009) argued that the Lawrence agenda represents a paradigm shift in policing, with the inquiry itself marking a watershed in the history of British Policing. Moreover, McLaughlin (1999, p.13) described the inquiry report as “the most radical official statement on race, policing and criminal justice ever produced in this country.”

The events, subsequent inquires and recommendations from this case were the catalyst for changes in policy, practice and legislation surrounding hate crime. One such legislative change regarding the double jeopardy rule ultimately saw two successful convictions for Stephen’s murder in 2010. Although related specifically to racially motivated incidents, the recommendations and changes allowed for the profile of hate crimes motivated by other factors, such as religion, gender, sexual orientation and disability, to be raised. The impact of the Inquiry went much further than only dealing with hate crime (Giannasi, 2015b, p.105) and, as demonstrated in the example recommendations above, these can also be applied to the other strands.

4.1.2 IPCC report- Fiona Pilkington and Francecca Hardwick

The case of Fiona Pilkington, and the failings by Leicestershire Police have already been noted, but a further explanation of these reveals that, just as the Stephen Lawrence case was a defining event for racially motivated crimes, the Pilkington case was a defining event for crimes motivated by a hostility or prejudice based on disability. The purpose of this discussion is not to repeat the details of this case, but to highlight the failings in police responses, as identified by the 2011 IPCC report. One such conclusion focused on the level of service the family were provided with
and this was deemed to be “far below what was expected” (IPCC, 2011, p.179). This echoes a conclusion made by Macpherson that the “unsuccessful investigation [into Stephen’s death] piled upon the grief” (1999, para.46.2) for the Lawrence family. The experiences of both families are tantamount to secondary victimisation, exacerbated by the actions of the relevant police force. Leicestershire Police also failed to recognise the case for what it was; a disablist hate crime. Although Leicestershire Police’s hate crime policy did not come into effect until October 2007, there were dedicated hate crime officers available to deal with hate crime incidents since 2004. The hostility to disability as a motivation for the antisocial behaviour experienced by Fiona Pilkington and her children was not investigated (IPCC, 2011, p.125). This has parallels with the actions of the Metropolitan Police service 14 years earlier, who did not recognise the murder of Stephen as racially motivated.

The report also identified that Leicestershire Constabulary did not incorporate the Home Office’s (2005) good practice and tactical guidance on responding to hate crime until 23rd October 2007(2011, p.125); the same day that the bodies of Fiona and Francecca were found. This guidance was a product of Macpherson’s recommendations and the slow and insufficient response to incorporate this guidance demonstrates the continuation of institutional discrimination and failures to deliver a high quality of service to a minority group. More specifically, this meant that hate crime officers were not clear on the referral of cases as disablist hate crimes and the disabilities of Francecca and her brother were not viewed as motivating factors in the incidents reported to them. It is worthy of note that the IPCC argued that it was “unfair to level criticism at any officer” for not referring cases involving the Pilkington family to Hate Crime officers (2011, p.126). Instead, the responsibility is placed on the force itself, for not implementing the 2005 guidance sooner. This appears to mirror similar organisational failures identified by Macpherson in the case of Stephen Lawrence.

The IPCC identified four recommendations for Leicestershire Constabulary, beyond the changes already made after the inquest to Fiona and Francecca’s deaths. The first two recommended changes in the recording procedures of an incident and the extent of information sharing between agencies, whilst the third required a review of the definition of ‘vulnerable’ used by the force. The fourth, and arguably the most
significant, identified a need to provide clear guidance to officers on distinguishing between anti-social behaviour and harassment; the former often consists of incidents that do not amount to criminal behaviour, whereas the latter is a criminal offence. This places an importance on the need to successfully recognise these lower level incidents, including the impact and harm they can have on victims and wider communities, to stop more serious incidents and crimes occurring. Again, parallels can be drawn with the Macpherson report and earlier incidents, rather than crimes, involving the murder suspects not being recognised or dealt with effectively, with the impact of these less serious incidents not being acknowledged (1999, para.45.12; Giannasi, 2015b, p.107).

4.1.3 The EHRC inquiries

Unfortunately, the Pilkington case is not the only example of abuse and victimisation of individuals with disabilities and failures of public authorities, including the police. In 2011, the EHRC published its final report on an 18-month inquiry into disability related harassment in England, Scotland and Wales. Entitled “Hidden in Plain Sight”, the report detailed ten examples of cases involving disability related harassment, all of which were not classified as disblist hate crime by the police forces involved. The victims of these cases died as a result of their victimisation and seven of the victims had learning disabilities. Interestingly, one of the ten cases, relating to the death of Michael Gilbert, was included due to the mental health of the victim, rather than a physical or learning disability. This is noteworthy due to the blurring of boundaries between mental health and learning disabilities, in particular, as discussed in previous Chapter One. It is important to note that the EHRC inquiries focused on the extremes of victimisation and therefore provide an intensified picture of the extent, nature and impact of disblist hate crimes, much different to that provided by the CSEW statistics discussed in the introduction to this thesis. However, the EHRC inquiries do highlight the escalation of offending and, once again, the importance of intervening effectively in incidents before they become crimes.

The EHRC (2011) discussed a number of examples of failures in the police response to events surrounding the deaths of individuals, including not linking individual reports of harassment and assault, victims not being believed, and failing to
recognise an individual’s disability as a motivating factor across a number of incidents. In July 2006, Steven Hoskin was found dead at the bottom of a viaduct, having been tortured for hours prior to his death. He had learning disabilities and his murder followed a series of abusive incidents. Steven had contacted the police on a number of occasions but the 999 calls to his property were not linked and instead treated as individual incidents (EHRC, 2011, p.43). A year later, in 2007, Christopher Foulkes died following an assault by a 15 year old boy. The police had previously been called following a report of attempted forced entry into Christopher’s flat by the boy and some thefts, but there was a recognition by North Wales Police that Christopher had been disbelieved on at least one occasion (EHRC, 2011, p.36). Between 2007 and 2010, David Askew, another individual with learning disabilities, reported 78 incidents to the police, with only one incident recorded as a disablist hate crime. Despite a marker being placed on his address to signify a ‘vulnerable victim’, there was no tracking of the repeat victimisation but rather a failure to recognise his disabilities as a motivating factor in any of the 78 incidents reported (EHRC, 2011, p.24).

Seven core recommendations were made by the Equality and Human Rights Commission following this inquiry, focusing on the recognition of disablist hate crime and the development of good relationships between the police and individuals with disabilities. Recommendation 3 requires the criminal justice system to ensure it is “more accessible and responsive to victims and disabled people and provides effective support to them” (EHRC, 2011, p.167). This resonates with Macpherson’s (1999) 16th recommendation on the need to allow for victims to report their victimization at locations other than a police station. The seventh recommendation of the Commission is also worthy of note as this necessitates that “all frontline staff who may be required to recognise and respond to issues of disability-related harassment have received effective guidance and training” (EHRC, 2011, p.167). As with the previous example, this mirrors recommendation 49 of the Stephen Lawrence Inquiry, as discussed above.

In 2012, the EHRC published their follow up report to that released the previous year. As explained in the Chapter Two, this concluded that many of the recommendations from 2011 still needed to be achieved. The longevity of such
issues is therefore apparent here, not only in relation to fulfilling the requirements of the EHRC, but also in the similarity of these to the recommendations for change identified in the Stephen Lawrence Inquiry.

4.1.4 The 'Living in fear' report

More recently, Beadle-Brown, Richardson, Guest, Malovic, Bradshaw and Himmerich (2014) from the Tizard Centre published ‘Living in Fear: Better Outcomes for people with learning disabilities and autism’. The study employed questionnaires and focus groups with people with learning disabilities, alongside interviews with police officers from Kent Police, enabling nearly 350 individuals to participate in the research. Unlike the EHRC reports, this research provided a localised depiction of police responses and service provision for those with learning disabilities, focusing on the 'ordinary', daily experiences of such individuals. Such an approach is arguably more relevant than the EHRC inquiries for discussions on improving everyday policing, with a greater emphasis placed on small scale, low level incidents, rather than crimes. Of the 255 questionnaire responses from individuals with learning disabilities and autism, 116 disclosed experiences of victimisation with 40% of individuals physically hurt, 49% reported to have been laughed or stared at and 70% were subjected to verbal abuse (2014, p.80). After exploring the responses to these incidents and conducting interviews with police officers, the team identified several recommendations for national and local implementation. Most worthy of note for this thesis is that, once again, police were tasked with improving their level of knowledge and understanding, this time to enable an officer to identify an individual with a learning disability and to be competent in doing so (2014, p.164). Only then can sufficient responses and support be provided to such individuals—elements that were deficient in the cases of Fiona Pilkington and David Askew. On a national level, the report recommended the College of Policing develop National Occupational Standards for police learning to enable officers to respond to victims with learning disabilities and autism. This reinforces the need for all forces, and all officers, to be able to adapt their service provision to suit the needs to the service user.
The examples provided above demonstrate recurring errors and limitations in police responses to hate crimes more generally, and disablist hate crimes specifically. Common themes are problems in recognition and identification of the issue and of the specific needs of victims, and inadequate service provided to these victims and their families. Also evident here is the systemic organisational failure to respond to the recommendations discussed, starkly illustrated by the repeated nature of similar recommendations between 1999 and 2014. This places a crucial importance on explaining patterns of failure and why, despite failures that lead to recommendations for their prevention, those failures still occur again. As Ben Bowling (1998) states, little change was made in terms of policing during the 1980s and 1990s, despite numerous changes in policy and stated commitment by forces to prevent discrimination. It appears that Bowling’s view can also be applied to the earlier 2000s and 2010s, where the pace of change has been similarly limited.

4.2 Theoretical explanations of police decision making

Theoretical explanations for the events described above can be identified by exploring four key, interrelated areas that dominate the policing literature; organisational culture, street level bureaucracies, hierarchy of relevance, and the development of trust and confidence. This chapter will now critically explore these theoretical explanations of decision making, in the context of responding to disablist hate crime. It is important to note here that the explanations discussed are not the only perspectives on why the cases developed as they did; rather they are those deemed most relevant to the aims and objectives of this thesis. Furthermore, it should be recognised that references to decision making made here are derived from the academic literature and connections have been made between four areas of the policing literature; this should therefore not be confused with the National Decision Model (NDN) utilised within policing.

4.2.1 Understanding the organisational culture

There is a plethora of literature on policing cultures (Chan, 1997; Charman, 2017; Crank, 2015; Fielding, 1994; Loftus, 2009; Manning, 1977; Paoline, 2003; Reiner, 1985, 2010; Skolnick, 1996; Waddington; 1986) and consequently a comprehensive consideration is beyond the scope of this thesis. As such, the purpose of this
discussion is to explore literature which is pertinent to understanding the impact of police culture on the policing of hate crime in general, and disablist hate crime in particular. As Peck, Towell and Gulliver (2003) argue, an exploration of organisational culture allows for sense to be made of the organisation in question.

Police culture has been defined as “the occupational beliefs and values that are shared by officers across the country” (Roberg, Crank and Kuykendall, 2000, p.265). Charman (2017, p.15) expands on this by defining organisational culture as being a socially constructed reality, embracing what is “known but mostly unseen within an organisation”. Reiner argues that cultures are:

“...complex ensembles of values, attitudes, symbols, rules, recipes and practices, emerging as people react to the exigencies and situations they confront, interpreted through the cognitive frames and orientations they carry with them from prior experiences” (2010, p.116).

Police culture therefore refers to both positive and negative attributes that permeate an organisation and subsequently influence decision making and action. It provides a patterned understanding that aids officers in dealing with the pressures and strains involved in police work.

In 1966, Jerome Skolnick published his seminal text ‘Justice without Trial’, exploring the Californian police culture through the use of observations and interviews. He identified core elements of the police milieu that, when combined, generate distinctive cognitive and behavioural responses; a “working personality” (Skolnick, 2011, p.39). These elements included danger (with officers described as being suspicious people), authority (whereby the civilians constitute an audience for the police, who must enforce laws on morality and public activities) and pressure for efficiency (in a fast-paced working environment) (Skolnick, 1966, p.41). The combination of these elements places police officers in a unique position and leads them to exhibit signs of solidarity, with an ‘us versus them’ mindset and attitude. Their experiences of dangerous and demanding situations lead them to become suspicious and cynical of non-police personnel, creating an ‘us versus them’ mentality. It is their fellow officers who are the only ones who experience and see the world as they do. Skolnick further argues that officers develop a “perceptual shorthand” (2011, p.42) which allows them to identify (potential) offenders and
quickly respond to the situation they are in, using cues such as language and gestures.

Robert Reiner (1985, 2010) developed Skolnick’s work in the UK and recognised seven core characteristics of police culture; mission - action - cynicism – pessimism; suspicion; isolation/solidarity; police conservativism; machismo; racial prejudice; and pragmatism. These characteristics produce values, norms, and “craft rules” that then inform and guide police conduct (Reiner, 2010, p.117). Reiner argued that police culture is not monolithic nor is it fixed, but it does generate a typical cultural pattern. The responses of officers will vary, he suggests, in line with structural factors which would include organisational division of labour, an officer’s own personality traits, and their personal demographic background. Reiner (2010) also distinguishes between the terms police and policing. The former refers to a social institution which can have different forms dependent on personnel involved and the organisation itself. The latter is defined as a “set of processes with specific social functions” (2010, p.4). If these processes are driving the behaviours and actions of police officers, remaining unchanged over time (as evidenced above), then it is perhaps of no surprise that disablist hate crime, and hate crime in general, is challenging to police. Hate crime is relatively new to the political, academic and policing agenda, with disablist hate crime more so, and arguably does not provide the action-orientated, adrenaline filled context that scholars have previously identified as core to the policing culture (Graef, 1989; Holdaway, 1983; Reiner 2010; Westmarland, 2001).

In addition, police officers are described as being reluctant to embrace innovation or experimentation, due to wanting the least amount of hassle and paperwork (Reiner, 2010, p.132). As demonstrated in Chapter Two, disablist hate crime is an area of policing that is not straightforward and presents unique challenges for responders that other strands do not, such as the perceived vulnerability of the victims. As demonstrated in the EHRC (2011) review of disablist hate crimes, many of the identified cases involved neighbour disputes, name calling and bullying. If Bowling’s understanding of hate crime as a process is applied, the repeated low-level, ill-treatment of individuals with disabilities, which as individual acts may not be criminal, can be considered mundane and not ‘real policing’. As Fielding argued
in 1994 (p.58), the majority of a police officer's time is spent in a social service role—also a finding of more recent research too (Charman, 2017; Lamin & Teboh, 2016; Roberts, 2007).

Janet Chan (1996) furthers the work of Skolnick and Reiner in her research on the New South Wales police in Australia. She recognised the use of ready-made schemas and scripts that assist police officers in their decision making, providing them with an inventory of options and responses available (p.114). Chan (1997, pp.77-79) argued that four types of knowledge provided the foundation for this cultural knowledge; axiomatic knowledge (the rationale for policing); dictionary knowledge (the categorisation of environments and people encountered); directory knowledge (the operational work of police officers, underpinned by dictionary knowledge); and finally, the recipe knowledge (providing recommendations and strategies for coping and responding to tasks). Although texts cited by Reiner, Skolnick and Chan focus on understanding racism in the police, it is this tool-kit and learned common-sense that guides police actions which is of importance here.

Section 4.1 highlighted the common mistakes made by the police in responding to hate crime incidents, with similarities demonstrated in the Stephen Lawrence case, the David Askew case 17 years later and the findings of the Living in Fear report (Beadle-Brown et al, 2014) an additional four years later. Arguably, the repertoire of schemas and the apparent insufficient cultural knowledge guiding police officers has remained the same, despite the suggested recommendations from several inquiries. The police, as an institution, therefore has inadequate corporate memory, evidenced in the similarities between the Macpherson and IPCC reports. Chan (1997) stresses the difficulties in implementing structural and policy changes to create cultural change and Fielding (1994) argues that this cannot be done overnight. The impact of such changes are dependent on the nature of change and the capacity of officers to adapt. In the context of this thesis, this is not to suggest that officers are unwilling to improve responses to disablist hate crime, but rather officers are confined by organisational constraints, such as finite resources and competing priorities.
To further explore the potential cultural influence on the examples of policing earlier discussed, an understanding of the way police culture is exhibited to the public is needed. James Q. Wilson (1968) identified 3 styles of policing: the watchman (with an emphasis on maintaining order); the legalistic (imposing universal standards on all communities) and service (with a focus on public relations and community involvement). Although focused on a North American policing context, Wilson’s styles are not exclusive to America. In the context of many of the disablist hate crime cases reviewed by the EHRC, the relevant police forces arguably had a legalistic response, rather than a service response. Using the cases of David Askew and Steven Hoskin as examples, the wider context of the victimisation, including their disabilities as a motivating factor for this, were not recognised. Instead, the individual cases were viewed in isolation and often seen as singular incidents of anti-social behaviour. Hence the need for individualised response to disablist hate crime victimisation can be seen and the service model applied.

Expanding on Wilson’s policing styles, Grimshaw and Jefferson’s (1987) text suggested that there are three models of policing: the machine model, the subcultural model and the environmental model. The first reiterates the features of Wilson's legalistic style, however the latter two, respectively pay particular attention to the norms and customs of the occupational environment and the impact of the environment itself on police behaviour (pp.9-10). The environmental model argues for the need to recognise the “differentiated public with consequent differential effects on strategies and police behaviour” (Grimshaw & Jefferson, 1987, p.10). Here, an importance is arguably placed on the need to adapt to the various, individual needs of the diverse communities that the police serve. Police responses to the victimisation of one group may not be the appropriate response to the victimisation of another group. This need for attentiveness is evidenced in the recommendations of the IPCC into the deaths of Fiona Pilkington and Francecca Hardwick. The IPCC recommended that Leicestershire Police changed their definition of a ‘vulnerable person’ to “reflect a person’s circumstances as well as them as an individual” (2011, p.178), in order to avoid a similar situation occurring again. A lack of awareness and appreciation of the wider context surrounding an individual’s victimisation is a common theme within the examples provided in 3.1.
The impact this can have on trust and confidence will be discussed later in this chapter.

Whilst Grimshaw and Jefferson (1987) and Wilson (1968) provide explanations of the wider policing styles, the importance of the point of service delivery in determining the experience of the service user is evident from this discussion. Reiner (2010) argues that this is determined by the “rank and file officer” (p.116)- those officers who have a high engagement with members of the public, such as neighbourhood officers and response officers. It is these officers who are the public face of government and force policy and their initial responses, shaped by high levels of discretion that influence decision making, determine the consequent actions and experiences for the service users. This will be further discussed later in the chapter, with particular focus on the work of Michael Lipsky (1980).

Reiner (2010, pp.123-125) identifies seven key groups that police officers encounter during their role, regardless of the policing style adopted- ‘good class villains’, ‘police property’, ‘rubbish’, ‘challengers’, ‘disarmers’, ‘do-gooders’ and ‘politicians’. The most notable for this thesis is that of the ‘disarmers’, defined as being difficult to deal with, as suspects and as victims, but are also described as being “socially vulnerable” (p.125). Arguably, individuals with learning disabilities fall into this category. This is not to suggest that any blame is placed on such individuals, but rather the examples provided above demonstrate the difficulties that police officers have in identifying the needs of such victims and responding to these accordingly. The danger here is that such individuals are seen as a problematic and challenging group, but they are also one that officers do not often have contact or communicate with. This lack of contact prohibits the necessary development of an officer’s communication skills (HMCPSI, HMIC & HMI Probation, 2013, p.15), which also means the schemas (Chan, 1996) and working personalities (Skolnick, 2011) of officers do not change.

Within Chapter One, the notion of ‘othering’ was explored, and this is again relevant here. Dervin (2011) and Gillespie (2006) regard othering as the construction of sameness and difference, which in turn allows for in-groups and out-groups to be formed; the formation of ‘them’ and ‘us’. Lorde (1995, p. 192) refers to there being
a “mythical norm” whereby a normative, dominant, hegemonic form is established by which all other are judged, often unfavourably. For Lorde, this results in there being a recognition of “this is not me” when confronted with an individual that is not part of the dominant group. Within the context of policing learning disablist hate crime, this may provide one explanation as to why police officers have difficulty in communicating with individuals with learning disabilities as they are not ‘one of them’. This then means that there is a danger of falling into the trap of ‘disability spread’, mentioned in Chapter One, whereby there is a tendency to view all individuals of the ‘other’ group as the same Van der Klift & Kunc (1994, p.1). With regards to individuals with learning disabilities, this presents a risk of officers not recognising individual needs nor the surrounding circumstances of such individuals. This failure by police to recognise disablist motivations was highlighted by the EHRC reports in 2011 and 2012.

Whilst there are many explanations and interpretations of police culture, cultures are not monolithic (Chan, 1996; Reiner, 2010). Elements such as individual differences, the location of the officers, their rank and their team all impact on the cultural knowledge of an individual. Therefore the norms and customs of that group of officers are not necessarily the same for others. Hence, an explanation of the impact of police culture on particular events (such as those highlighted above) must acknowledge this. Although there are similarities between the actions of Leicestershire Police, the Metropolitan Police Service and Greater Manchester Police, and the common problems they face due to their shared role, cultures vary between forces. The historical legacies of these forces is one such determinant and Manning (1977, p.142) states that whilst the principles of organisational conduct may be shared, the rationales are “situationally justified”. In the context of this thesis, the culture specific to Brockmore and the police officers that police this area needs to be recognised, explored and understood.

Throughout this discussion, the key texts and works that have been cited date primarily from the late 1960s to the late 1990s. Whilst such work has been used to help understand and provide possible explanations for the recurring recommendations made in relation to responding to hate crime, there are some limitations that are worthy of note. The demands of policing, levels of police officers
and resources, and types of incidents that police respond to have changed since the 1960s-1990s. In relation to hate crime and disablist hate crime more specifically, these had not been formerly recognised as policing issues nor were the terms familiar with police officers, or individuals outside of policing organisations. Previous conceptions of police culture therefore do not account for the challenges of more modern policing.

Policing cultures are however still a field of enquiry and more recent research has both questioned and supported some of the core aspects highlighted by scholars such as Reiner, Skolnick and Chan. Paoline and Terrill’s (2004) work across seven different police agencies found that police officers did not reject the order maintenance role of policing, with a greater acceptance of such ‘softer’ policing activities. This was further supported by McCarthy (2013) and Willis and Mastrofksi (2017), with an emphasis on good communication skills and the ability to work with the community. Such research is in line with Fielding’s (1994) argument that police officers spend the majority of time in a social service role.

As mentioned previously, Reiner (1985, 2010) argued that there were seven core characteristics of police culture - mission- action - cynicism – pessimism; suspicion; isolation/solidarity; police conservatism; machismo; racial prejudice; and pragmatism. However, Charman (2017) argues that there are six culture characteristics for the lower ranks – cynicism, communication, comradeship, code of self-protection, categorisation and compassion – which differ from those presented by Reiner. The characteristic of categorisation is of particular interest to this thesis, supporting the points raised above whereby individuals with learning disabilities are not ‘one of them’ [police officers] and to view ‘the other’ as a homogenous group (Van der Klift & Kunc, 1994). The impact of the under-protection of particular community groups has been explored, specifically regarding the discrimination and marginalisation of such groups (Bowling, 1998; Bowling and Philips, 2003; Rowe, 2014) and procedural justice (which will be further discussed later in this chapter). The revised characteristics of police culture are therefore arguably more aligned with the characteristics and complexities of disablist hate crimes.
This targeted discussion on police culture has included numerous works from key scholars in the field of core policing literature (Chan, 1996, 1997; Grimshaw & Jefferson, 1987; Reiner, 2010; Skolnick, 1996). However, it is evident that an individual’s disability is not a consideration for these explanations of culture and service provision, despite the revised editions of seminal texts (Reiner, 2010; Skolnick, 2011), nor was it intended to be. A focus is placed on those who experience the exercise of police power and discretion in a more traditional police-offender context, rather than the exercise of discretion and power in relation to the service provision afforded to victims. The previous chapters identified the presence of a hate crime hierarchy, with a greater focus placed on race hate crimes than those of a disablist nature. Here the hierarchy can be seen in scholarship, with racism being the focal point for these seminal texts.

4.2.2 The police as street-level bureaucrats

As evidenced in the previous section, an importance is placed on the actions of those officers who have high levels of engagement with members of the public (Reiner, 2010), therefore the decisions of these officers and the impact these have must also be explored. Whereas the previous discussion provided a macro, force level approach, this section provides a micro-level analysis with a specific focus on the actions of individuals.

One of the most influential scholars to have published in this field is Michael Lipsky (1980) and his work on street-level bureaucracies. For Lipsky, a street-level bureaucracy can be defined as an agency whose employers “interact with and have wide discretion over the dispensation of benefit or the allocation of public sanctions” (1980 p.xi). He explores the experiences and actions of employers in such organisations and the police are one such example.

Lipsky identifies five conditions that are experienced by street level bureaucrats; inadequate resources for tasks required to perform; demand for services tends to increase to meet supply; ambiguous and vague goal expectations; difficulties in the measurement of such goals; clients, or service users, tend to be non-voluntary (pp.27-28). The first condition is particularly relevant to this discussion as the focus on available resources echoes research by Grimshaw and Jefferson (1987). They
highlight the demand for ‘call-readiness’ of officers, placing some of their attention on being prepared for the next call that they are asked to respond to. The very need for this demand suggests a lack of available officers but more importantly the reduced focus and attention that victims receive. This can then mean that victims, and their families, do not receive the service that they require; as evidenced in all the above inquiries and reports. The combined organisational failure to not recognise and identify hate incidents correctly, and to not make effective use of the resources available is a common theme in the above examples. Lipsky (1980, p.33) similarly cautions that the provision of additional resources by an organisation should not be viewed as a panacea to the problem in hand, given that, as noted above, demand in public services invariably increases to meet any additional supply. This is particularly significant for disablist hate crime where the dark figure of underreported incidents is significant. Logically then, any relatively negligible increase in resources is likely to be rapidly usurped.

When exploring the amount of resources, this is not solely about the number of available police officers and time constraints, but also the personal resources provided by an officer. Officers may lack training or experience in dealing with a specific problem (Lipsky, 1980, p.31), or, in the words of Skolnick (2011, p.39), their “perceptual shorthand” may not be as effective as that of others; this supports the recommendations of Macpherson, the IPCC and the EHRC in relation to levels of knowledge and understanding when responding to hate crimes and incidents. As the perceived gate-keepers of the criminal justice system, decisions made by individual police officers, especially those of the lower ranks (Lipsky, 1980; Reiner, 2010) are crucial in determining the experience of service users and the consequent responses to their victimisation. This is particularly important in responding to hate crimes, as the motive behind such victimisation must be recognised and recorded by officers. Each encounter with the police, as street-level bureaucrats, represents an instance of policy delivery and extension of state influence for the service user (Lipsky, 1980, pp.3-4). In doing so, they determine the rights and benefits afforded to individuals.

The need to understand the process of an officer’s decision making is therefore imperative. The presence of a hierarchy of relevance will be explored in the
following section, yet the pressures and constraints that officers face can already be seen. With hindsight, decisions made within the above examples are now recognised as poor, however at the time, officers must make quick, on-the-spot, rational judgements on the amount of time and effort given to an incident. Not only is their perceptual shorthand one guiding factor, but the discretion afforded to police officers allows them to make such decisions. The understanding of ‘real police work’ has already been discussed but such thinking is particularly important here. If an officer finds themselves dealing with a situation that is not recognised as being motivated by a hostility towards an individual’s disability (and is instead perhaps viewed as a neighbour dispute or ASB), where they are under pressure to perform other tasks and duties, and where they are preparing to break away for the next emergency response, an officer is likely to develop simplifications in order to cope with demand and resources (Lipsky, 1980, p.18) and become available for the next task. Shearing and Ericson (1991) argue that police officers are “active learners” when making sense of the environment that surrounds them. They use the examples of ‘tropes’, which permit the transfer of knowledge from one situation and context to another, enabling officers to filter the information that needs to be brought to the fore and that which can be left in the background. Such thinking highlights the need for previous knowledge and experience to develop this rule-book and ensure that the perceptual shorthand created is not inappropriate.

Eraut (1994, p.112) highlights the dangers of the introduction of shortcuts that allow for service providers to cope with pressure and constraints, at the expense of the experiences of the service users. Hate crime, as a policing priority, is increasing the demands on the police with requirements for investigations to be reviewed by superior officers, priority to be given to hate crime victims and make a record of the victim’s emotional response to the incident (College of Policing, 2014a, pp.69-70). Whilst these demands on the police may increase over time, the expectations of the service delivered remains the same. However, the complexities surrounding hate crime, for example, mean that in some situations tasks cannot be completed, despite the personal and organisational resources available (Lipsky, 1980). Victims of disablist hate crime may require additional safeguarding and, if a learning disability is present, there may also be a need for easy-read materials to be used when gaining
a report from the victim and the need for an appropriate adult to be present when providing this.

In addition, determining the effectiveness of policing and decision making is difficult to measure, with conflicts apparent between organisational goals and client-centred goals (Lipsky, 1980, p.44). In the context of hate crime, the Government’s Hate Crime Action Plan seeks to increase the reporting and prosecution of hate crimes and this is supported by the Crown Prosecution Service’s action plan for disablist hate crime (2014). However, victims of hate crime, particularly disablist hate crime, often just want their victimisation to stop and do not want to press forward with a prosecution (Beadle-Brown et al, 2014; Sheikh, Pralat, Reed & Sin, 2010). This demonstrates competing desires and expectations of service users and the service providers, where the former are more concerned about processes rather than outcomes. The notion of procedural justice can be applied here which, in the context of policing, Bradford, Hohl, Jackson and MacQueen (2015, p.173) define as being the “quality of interpersonal interaction and decision making of officers”. Of particular importance within procedural justice theory is that when power and authority is exercised via a fair process, this can strengthen the bonds between the power holders (in this case the police), those upon whom authority is being exercised (people with learning disabilities) and the wider community (Bradford et al, 2015). The emphasis is therefore on how decisions are made, rather than the outcomes produced (Waddington, Williams, Wright & Newburn, 2017, p.23). It is therefore important that police officers do take into account the desired outcomes of disablist hate crime victims, in order to strengthen their relationship with this community group.

Skolnick (2011, p.155) and Bowling (1998) both address the difficulties in measuring progress, questioning the reliability of clearance rates as a method of judging the competency of a force and its individual officers. For Bowling (1998, p.315), clear-up rates are “meaningless” and do not reflect the performance of police. In addition, statistics on the numbers of disablist hate crimes occurring should be treated with caution, and any rise in reporting should be seen as positive and an increase in the confidence afforded to the police, rather than a result of ineffective policing.
The disparity between organisational orders and demands of policing, and the execution of these is of particular interest for understanding responses to disablist hate crime. At a force level, the slow implementation of the Home Office guidance (HM Government, 2005) by Leicestershire Constabulary meant that officers were not provided with the appropriate guidance on recognising disablist hate crimes. Hence the service provided to Fiona Pilkington and her family was not a true representation of the relevant national policy surrounding their victimisation. At a local level, whilst policy will, or should, guide an officer’s behaviours and decisions, the reality of this is subjective to each officer. As Shearing and Ericson (1991) argue, police officers are active learners and therefore learn through experience, however, there do appear to be recurring shortcomings when responding to disablist hate crimes.

4.2.3 The hierarchy of relevance

The previous two sections have highlighted possible explanations for the police responses to hate incidents, but there is further value in the work of Grimshaw and Jefferson’s (1987) text. They identified the presences of a ‘hierarchy of relevance’, which has implications not just for day-to-day policing, but also the policing of disablist hate crimes and responses to such incidents.

The three models of policing presented by Grimshaw and Jefferson have previously been noted and these highlight the formal structures (machine model), working practices (subcultural model) and environmental contexts (environmental model) that guide policing. More specifically, these direct attention to the importance of law, work (in relation to the organisational structure and colleague group culture) and the wider community (1987, pp.13-14). Grimshaw and Jefferson’s model for interpreting police work is therefore:

1. That the structure of law in relation to a given task will determine the degree to which other structures have an influence. For example, if a task has a ‘clear-cut’ legal structure that needs to be followed, this will mean the influence of work-related values will be minimal. This will also cut across the management/rank and file officer divide.
2. Tasks involving a permissive legal structure will often be subject to occupational and common-sense values.

3. In such cases where the legal structure is limited, supervision will need to recognise rank and file values if it is to be effective (1987, p.26).

The dominant influence here is the legal structure, with the upholding of the law a responsibility for police. Whilst a number of matters brought to the attention of the police will have a legal relevance, they may not have a police relevance (Grimshaw & Jefferson, 1987, p.91). It is this notion that Bowling (1998), in his application of Grimshaw and Jefferson’s model to the policing of racism, explores. For Bowling, the process of decision making and consequent responses explored by Lipsky (1980) and Skolnick (2011) are determined by the attending officer’s perceptions as to whether the incident is relevant to the police. If there is no clear relevance to the police, the response will be ambiguous and left to common-sense and discretion of the officers involved (Bowling, 1998; Grimshaw & Jefferson, 1980).

Bowling (1998) argues that within this hierarchy of relevance, the ‘good crimes’ (and police relevant) sit at the top. These are criminal offences, with an ‘innocent victim’ that is willing to testify, a real criminal, which leads to a good arrest, likely to result in a conviction (1998, p.247). Towards the opposite end of the hierarchy, the ‘rubbish crimes’ (building on Reiner’s (1985) distinction of key groups that the police encounter) are less likely to be viewed as police relevant and are more ambiguous compared to ‘good crimes’. These involve victims and offenders who are often under police suspicion and are of low social status, where there is a little chance of an arrest and a high chance the victim may withdraw the allegation (Bowling, 1998, p.247). At the very bottom of the hierarchy sit disputes and disturbances. It is with these low-level incidents that disablist hate crimes can often be mistaken for, as evidenced in many of the cases examined in the EHRC reports. In Bowling’s (1998) interviews with police officers in East London, at both rank and file and management level, he found that racist offences were often viewed at the lower end of the hierarchy of relevance. Despite senior managers appearing keen to stress that racial incidents were a force priority, the conceptualisations of such incidents mirror the definitions of ‘rubbish crimes’, receiving less attention than ‘real’ crimes. Bowling also argued that rank and file officers tended to play down
the problem and relevance of racism and that, despite the force prioritisation and changes in policy, this operational practice remained the same (1998, p. 284). This supports Lipsky’s (1980) argument that there are biases in the way police respond to minority groups but reflects Charman’s (2019) work on deserving and undeserving victims. If police officers perceive crimes aggravated by hostility as lower-level offences, or not a police matter at all, this increases the risk of the ‘victim status’ not being afforded and these individuals receiving an inappropriate or unsatisfactory police response.

In applying Bowling’s findings to the examples of disablist hate crime outlined at the start of this chapter, it can be argued that a similar pattern of police behaviour can be seen. In many cases, victims reported their victimisation and these were seen as low-level incidents or, in some cases, disputes and disturbances. Using Bowling’s model, this means that the impact of such victimisation on victims is often overlooked as incidents are placed at the lower end of the hierarchy of police relevance. The historical longevity of this organisational failure is also evidenced, supporting the presence of a culture that maintains this behaviour. Despite numerous recommendations, from several high profile, extreme cases of victimisation, there has been little operational change.

This is also illustrated in what appears to be a persistent failure to recognise and understand the importance of non-crime incidents. In recommendations 12 and 13, Macpherson (1999) identified the importance of the need to report, record and investigate racist non-crimes in the same way as racist crimes. This supports Bowling’s assertion that the impact of non-crime incidents should not be minimised and must be recognised. However, when this principle is applied to disablist hate crime, the cases outlined here clearly demonstrate that recognising the relevance of low level and non-crime incidents has not been adequately transferred nor applied beyond the original focus on race. The implication here reflects both Grimshaw and Jefferson’s (1987) and Bowling’s (1998) contentions that organisational culture is a stronger determinant of police service provision than policy.

For a type of crime that is significantly underreported, such decision making can mean that reports of disablist hate crime are not recognised and/or recorded as this.
This can mean victims are not treated appropriately, which can also have a negative impact on the levels of trust and confidence the individual, and the wider community, have in the police. Just as Bowling tested this thinking in relation to racism in 1998, this thesis aims to do the same with disablist hate crime. At the time of writing, there is no known research that does this.

The social model of disability is significant here. If disablist hate crimes are placed at the bottom of the hierarchy of police relevance, they are therefore afforded minimal police time, effort and attention. The importance of such victimisation is then arguably questioned, which in turns reduces the opportunities for victims of (learning) disablist hate crime to receive justice, whether that be procedural (in having their needs met) or through a successful conviction of the perpetrator. Individuals with disabilities are a marginalised group, both socially and within criminal justice.

**4.2.4 Developing trust and confidence in policing**

Whilst the previous three sections provide theoretical explanations of police action, this discussion will address the impact the presence of a police culture and the decisions made by police officers will have on the levels of trust and confidence afforded to the police by communities. The apparent failure to deliver a good quality of service to victims leads to poor trust and confidence in the service provision made available. Unlike for the public generally and ethnic minorities more specifically (Brown & Quinton, 2012; ONS, 2018a), there is no available data pertaining to trust and confidence in the police amongst people with learning disabilities. However, research by Williams, Copestake, Eversley and Strafford (2008) found that the majority of reporting barriers for victims of disablist hate crime were related to a lack of confidence and the attitudes of others (p.227). Sin et al (2009, p.62) suggested that there is a lack of confidence in the ability of the police to resolve harassment and victimisation. Furthermore, the combined 2015/16 to 2017/18 data from the Crime Survey of England and Wales (HM Government, 2018a, p.28) showed that victims of hate crime were less likely to think the police had treated them fairly or with respect, compared with victims of CSEW crime overall- 67% compared to 81% respectively.
The process of building trust and confidence therefore needs to be understood. Within the research on service provision for those with mental health issues, Brown and Calnan (2012) provide a framework for understanding this trust formation. Although this framework was created within the discipline of health, rather than criminology, its application to disablist hate crime, and to the previous work of Bowling (1998), Lipsky (1980), Skolnick (2011) and Reiner (2010), provides a useful framework for understanding how victims of disablist hate crime develop their trust in police, or why this may not be formed. As evidenced in the Chapter Two, the very nature of disablist hate crime presents obstacles in reporting and recognising the victimisation. Understanding the knowledge bases used to form trust and confidence in the police will help to identify where the quality of service provision is acutely important. The framework emphasises that it is not the police officer or the system that is most important, but rather a connection of the two.

Brown and Calnan (2012) outline three key elements within their framework, acknowledging the private and public experiences of service provision. The first – mediated experiences- focuses on the public and abstract information that individuals engage with (2012, p.37). In the context of disablist hate crime, this is the information made accessible to the public, including victims (or potential victims) of disablist hate crime, on the work of the police. For example, this includes the available statistics on the numbers of reported disablist hate crimes and the numbers of successful prosecutions achieved (including those with s.146 of the Criminal Justice Act 2003 applied). These data present an insight to the effectiveness of an organisation or system in responding to a particular problem and a similar outcome is achieved with the publication of reports such as those by the EHRC (2011, 2012) and Beadle-Brown et al (2014). With the latter, however, such information provides more immediate and personal examples of disablist hate crime, compared to the use of statistics where the proximity (emotionally and geographically) increases or decreases the impact of the experience on the reader (Piippo & Aaltonen, 2008). In addition, the statistics provided in the introduction and Chapter Three (from the police and victimisation surveys) present an abstract understanding of disablist hate crime, in that there is little observable experience gained from the data. In understanding the impact of such knowledge on trust and
confidence of the police and their responses to disablist hate crime, it is also important to recognise the low number of reports that are made to the police. The publication of such data, combined with that from the CPS on gaining prosecutions for these crimes, arguably distorts perceptions of the ability and competence of the criminal justice system in dealing with such incidences. This supports the arguments made by Bowling (1998) and Skolnick (2011) on the inappropriate use of clear up rates to measure police effectiveness in this area.

The second element of Brown and Calnan’s model is the direct, public experiences observed by an individual (p.38). These observations are more influential on levels of trust and confidence than the abstract knowledge gained with the first element. However, as with the mediated experiences, this form of knowledge also focuses on information that can be measured, for example the number of times a victim is visited or updated by the police. It is these and similar measures that are also emphasised in policy documents. For example, the College of Policing (2014a, p.55) operational guidance on hate crime states that on the receipt of a hate crime report, an officer should attend to provide reassurance and if it is not appropriate to do this within an hour, a supervisor should record this on the incident log. In this context, an officer may attend a disablist hate-related incident and follow policy appropriately, asking all of the relevant questions and recording the incident correctly, but may still view the incident as not being police relevant and, using Bowling (1998) and Reiner’s (2010) analysis of a ‘rubbish’ crime. Whilst the police may then feel they have sufficiently responded to a low level, minor incident, the wider impact and context of such incidents may not be addressed. The Leicester Hate Crime Project (Chakraborti, Garland & Hardy, 2014) explored the impact of everyday incidents of name-calling and threatening behaviour and, if each incident is viewed in isolation (as was the case with Fiona Pilkington and David Askew), the gravitas of these is not captured. The social model of disability can be applied here. By not recognising and appreciating the nature and impact of disablist hate crimes, the procedures applied by officers reinforces a disabling process that has the ability to further victimise and isolate the victims of these incidents (Finkelstein, 2001; Oliver, 1996).
This can mean that victims are dissatisfied with the response received from police. The presence and implementation of policy is therefore not a guarantee of victim satisfaction with the outcome, but also does not determine the behaviours of police officers (as evidenced by Bowling’s (1998) work earlier in this chapter). The issues above therefore imply a negative impact on perceptions of trust and confidence amongst victims and wider communities. As a result of the negative perceptions towards disability (as discussed in Chapter One), combined with the lack of police recognition of disabilist hate crime (as discussed in Chapter Two) and the contradiction between organisational and client-centred aims and outcomes (Lipsky, 1980), people with disabilities cannot be certain of the response they will receive if they report their victimisation (Piggott, 2011, p.32). This will be further explored with the primary research involving service users. Here, once again, organisational culture is a significant determinant of police service provision.

The third and final element of the model outlines the most concrete source of knowledge for determining levels of trust and confidence in service provision. Whilst experiences can be understood by their public and private elements, the latter enables an exploration of factors that cannot be measured but have the greatest influence (Brown & Calnan, 2012, p.39). Interactive, private experiences relate to the contact that individuals, or service users, have with service providers. It is only through such engagements between the two that the levels of competency of professionals are exposed (Brown & Calnan, 2012, p.39). For example, rather than focusing on the implementation of policy by a police officer, the emphasis is on the empathy demonstrated by the officers, through body language, verbal communication or other actions. This demonstrates levels of competency that cannot be recorded or measured by organisations and are not generalizable to all service users. Instead, these are individualised responses.

Skolnick’s (2011) work on the working personality of police officers is therefore of importance with the behavioural responses of officers being key contributors to forming trusting relationships between the police and the community they serve. Support for this model can also be found with the earlier work by Lipsky (1980, p.13,) whereby he argues that police officers (and other street-level bureaucrats) determine the “amount and quality [emphasis added] of benefits...provided by their
The actions of officers at the very first encounter with a service user can shape and determine the overall experience they have with that particular organisation. More recently, research by Beadle-Brown et al (2014) highlighted the importance of the personality of criminal justice service providers, with one participant (a paid carer) stating that “if that person isn’t a sensitive personality…training helps a lot…with some individuals it’s not going to make any difference” (p.43). This reinforces the views of Lipsky and Bowling; regardless of any official processes, whether that is in relation to training or the implementation of policy, the onus is on the individual involved to produce a positive experience for service users.

There are, however, some limitations that are placed on police officers, which can prohibit the positive outcomes of these private experiences. The previously discussed points of the demand for call readiness (Grimshaw & Jefferson, 1989) and the lack of resources made available to or possessed by police officers (Lipsky, 1980) present restrictions for the service users and providers. More recently, the cuts in police resources have increased the demand and pressures on police officers, across England and Wales (HMICFRS, 2017). Kearns and Muir (2019, p.2) argue that the police now need to be data-driven in order to meet such demands, with their decision making and processes informed by the acquisition and analysis of digitised data sources. In practice, if the use of availability and use of data determines whether officers will investigate or ‘screen out’ jobs, then the complexities and challenges surrounding the underreporting of disablist hate crime (discussed in Chapter Two) may make this area susceptible to being regarded as not warranting a police response. This then, potentially, reduces the chance of victims of disablist hate crime being afforded a victim status, as previously highlighted in this thesis.

Trust and confidence in the police to respond appropriately and effectively to cases of disablist hate crime is therefore essential for increasing reporting of this problem. Without such, victims will either not receive the support they require, or they will not report to the police if they are victimised again. Brown and Calnan (2012, p.42) also argue that if the direct experiences (public and private) interact in a positive manner, the influence of any previous, negative experiences in the formation of trust reduces. Each element of this framework has been applied to one or more of the agencies’
examples outlined at the start of this chapter. Whilst this framework originated from research within gynaecological oncology (Brown, 2009), the application to disablist hate crime reinforces the importance of the *individual* in effective service provision, rather than the *system*.

4.3 Concluding comments

The explanations of police practice offered within this chapter are not the only explanations, but rather the most pertinent in the context of disablist hate crime. Through the cases of Stephen Lawrence and Fiona Pilkington, the EHRC reports on severe forms of disablist hate crime and within the research on service provision experiences of individuals with learning disabilities, there are recurring problems surrounding the correct recognition and identification of hate crime. Perhaps more importantly, the apparent organisational failure to implement recommendations and change police practice is also evident. The organisational practices and procedures arguably provide support for the social model of disability. The provision of a quality of service or an *equality* of service to people from minority groups, such as those with (learning) disabilities, is often not achieved. The social model places an importance of the social policies and processes to promote participation and empowerment for those with disabilities (Porter, 2015, p.21). In the context of experiencing and reporting victimisation, the operational practices of policing restrict this participation and empowerment, failing to recognise the disablist motivation and the impact of such (repeat) victimisation. The feelings of exclusion for this marginalised group can then be enhanced. Abberley (1996) argued that social institutions revolve around notions of *normality* and taken-for-granted independence and hence do not adapt in the service provision afforded to service users. The same argument can be applied here with policing as the social institution; the policing responses outlined at the start of this chapter did not acknowledge the specific needs of the victims with disabilities and did not adapt their responses to fit these. Despite the organisational failure to change, it is important that this does not lead to requests for individuals with disabilities to change and adapt to the workings and nature of policing.
Whilst national aims and policies may be in place to reduce disablist hate crime, the experience of outcomes of such policies, by a victim, is determined through their engagement with a police officer. The quality of service is dependent on the individual providing such service. Whilst it is perhaps easy to argue that the responsibility lies solely with the police to ‘solve’ the problem of disablist hate crime, this is an over-simplified and narrow-minded response. The evidence presented in this chapter demonstrates the complex process of police responses and service provision, indicating that the gaps between what should happen (policy) and what does happen (service delivery) are perhaps inevitable. The theoretical issues surrounding street-level bureaucrats highlight the power of the rank and file officers and their role in determining service provision through the use of discretion that is afforded to them. With this in mind, the thesis now turns to the empirical research that was conducted on the policing of learning disablist hate crime.
Part Two
Chapter Five:

Methodology

This chapter will explain the methodological approach utilised within the primary research of this thesis. The research employs a triangulatory approach in order to meet the aim and objectives and the rationale for this will be explained throughout this chapter. The justification for the three research methods utilised will be provided and discussed alongside how access to participants was gained and the wider ethical considerations that surround this research.

5.1 Research design

As this thesis explores the complex nature of disablist hate crime and the police responses to it, from the perspectives of both service users and service providers, it was necessary to have a methodology that emphasises and allows for the experiences of service users and service providers to be obtained. Blumer (1969) argues that there are a six basic requirements involved in empirical research: 1) to confront the social context available for observation and analysis; 2) to gather necessary data from that context; 3) to discover relations between categories of data; 4) to formulate propositions about those relations; 5) to weave and organise such propositions into a theoretical framework; 6) to analyse this framework in a manner that can be understood by others outside of empirical context. The methodological approach that underpins this research is therefore appropriate for exploring the experiences, actions, thoughts and perceptions of the research participants involved.

To recap, by utilising the theoretical framework provided by the social model of disability, this thesis explores the police service provision afforded to individuals with learning disabilities within the context of hate crime victimisation. The overriding aim of the research is to critically examine perceptions and experiences in the policing of learning disablist hate crime.
The objectives for this research are therefore:

1. To critically examine and synthesise existing theoretical perspectives and wider associated literature from the fields of disability, hate crime and policing.

2. By using amended grounded theory and a mixed methods approach, to explore the perceptions and experiences of individuals with learning disabilities and police officers in relation to the policing of learning disablist hate crime, with a particular focus on service provision.

3. To situate the research findings within existing theoretical frameworks in order to contribute to academic knowledge and understanding of the policing of learning disablist hate crime.

This thesis employs a qualitative approach throughout the primary research. Whilst criminological research often involves quantitative approaches, Higgins (2009, p.26) argues that qualitative research allows researchers to “use the language [emphasis added] of the subject to provide the understanding and not the quantity of the subjects [emphasis added]”. Therefore, a more humanistic and phenomenological approach is used in this research, focusing on the study of lived, conscious experience - as evidenced in work by Husserl (1927/2014; 1913/1970) and Sartre (1946/1948; 1947/1957). Husserl (1913/1970, p.252) argues that we should “go back to the ‘things themselves’”, meaning that a focus should be placed on immediate experiences of phenomena, rather than allow for such experiences to be taken for granted. Such thinking and exploration require an element of reflectiveness and it is through this reflection that individuals become conscious of their subjective experiences. For humanistic theorists such as Maslow (1968) and Rogers (1959), the focus of research is therefore not to obtain objective reality, but rather to explore the subjective realities, understanding and perceptions that individuals have of the world and social problems. In addition, this research employs an inductive research design, as evidenced with the work of Chicago School scholars in the 1920s-1950s - such as Cresseey (1932), Shaw (1930), Sutherland (1937) and Thrasher (1922). The research does not aim to test the theoretical models discussed in previous chapters, but rather to situate meaning within given
contexts and explore knowledge on how individuals (or groups) make sense of the world they live in and their experiences.

This relates to Weber’s (1949) use of verstehen or meaningful action, whereby there is a need to understand subjective meaning that individuals attach to their actions. Weber (1947, p.88) viewed human behaviour as actions “when and in so far as the acting individual attaches a subjective meaning to it.” The focus here is therefore on the meaning of behaviour, rather than the form it takes. Within the context of this research, such an approach is necessary to understand disablist hate crime. Whilst available statistics provide us with an estimate of the number of reported cases (see Chapter Four for discussions on this), such data does not explore individual perceptions, experiences and levels of understanding of disablist hate crime; therefore, our understanding of the variance between police recording and victimisation surveys does not progress.

The above echoes the grounded theory approach of Glaser and Strauss (1967), whereby research is not simply an empirical verification of logically derived theories; instead the development of theory is one of the primary research objectives. These theories account for patterns of behaviour and social processes that are pertinent and, possibly, problematic for those involved (Strauss, 1987, p.34). ‘Pure’ grounded theory minimises the role of reviewed theoretical literature on producing a priori research question by advocating this review until after data collection. Glaser (1998) argues that this allows researchers to avoid entering fieldwork with preconceived ideas, which may influence the direction research takes. As Noaks and Wincup (2004, p.123) explain, “this inductive method is particularly useful for those … who are typically seeking to analyse the natural setting.”

This has, however, invited some criticism from scholars regarding the researcher’s ability to ignore knowledge of existing theory. Bulmer (1979) and Layder (1998), for example, are critical of this approach and the assumption that Glaser and Strauss make of the researcher as a tabula rasa. Furthermore, earlier work from Glaser contradicts his aforementioned position on the role of the literature review. In 1978 he recommends the need for theoretical sensitivity and argues “it is necessary for
the grounded theorist to know many theoretical codes in order to be sensitive to rendering explicitly the subtleties of the relationships in his data” (p.72).

Dey (1993, p.63) argues that there is a “difference between an empty head and an open mind”, with the latter demonstrating a sensitivity as to what may emerge from the research. For modern grounded theorists, methods should consist of flexible strategies for collecting and analysing data. As Charmaz (2012, p.128) explains, the “inductive logic” gained from existing knowledge and research should provide the starting point for inquires, rather than the firm formation of research design. As a Principal Lecturer in Criminology and with previous research experience surrounding disablist hate crime, it was impossible for my existing knowledge to not influence this research and to ignore the findings of my MSc research. I did, however, ensure to be open-minded in the data collection stages, with no pre-conceived criteria for the observations and a flexible interview schedule that allowed participants to elaborate on the issues they raised. During the analysis stage, no pre-decided matrix was used; instead the themes emerged through the analysis, through coding, re-coding and categorisation and a research objective is to advance, rather than develop, theory. This doctoral research therefore employs an alternative version of grounded theory, outlined by Dey and Charmaz, which is akin to that used by Grimshaw and Jefferson (1987) in their seminal text, avoiding the criticisms of Bulmer and Layder.

5.2 Research methods

The previous four chapters have explored the historical social, political and legislative context that surrounds disablist hate crime and police responses to this problem; meeting the first requirement of Blumer’s for empirical research. The second requirement states that necessary data must be gathered (Blumer, 1969) and a triangulatory approach was deemed most appropriate to supplement the analysis of existing knowledge (and to meet the research objectives outlined previously). Participant observations, semi-structured interviews and focus groups formed the methodological approach involving the collection of qualitative data from police officers plus individuals with learning disabilities. Each of the three methods will now be explained, including details on how access to and consent of
participants was gained. As such, the key ethical considerations associated with each stage are incorporated into the discussion.

5.2.1 Stage 1 - Participant observations of service providers

Whilst one purpose of the first stage of the research was to identify potential participants for stage two, the primary purpose was to gain a developed understanding of policing practice. As Goffman (1961) explains:

“any group of persons ... develop a life of their own that becomes meaningful, reasonable and normal once you get close to it, and ... a good way to learn about these worlds is to submit oneself in the company of the members ...”

(p.ix-x)

Following the approach taken by key academics such as Manning (1977), Skolnick (1966), Holdaway (1983) and Young (1991), in order to fully understand police practices and possible reasons for them (including police culture, working environments and day-to-day activities), I needed to gain first-hand experience of this myself. As an academic researcher with no experience of the practicalities associated with policing, it was essential to see the world from the view of as those being researched. In Weber's (1949) terms, this method of verstehen or understanding helps to grasp the meanings attached to the behaviours exhibited by police officers, with an emphasis on making use of qualitative data and inferences to understand the realities constructed by such individuals (Munch, 1957). In addition, I was also able to hear what was being said between officers and controllers, see how officers prepared for the incidents to which they were dispatched to and observe the types of incidents they deal with, from responding to grade 1 emergencies to the administrative tasks involved in policing. The aim of the observations was therefore to gain experiences of day-to-day policing, with the interviews providing an opportunity to explore this further with individuals.

From 2016 to 2018, overt observations of policing and police officers were conducted. Access to staff within Brentmouth Constabulary was gained following face-to-face meetings with relevant members of the Constabulary, including the Chief Constable and the Deputy Chief Constable at the time. An authorisation letter from the Constabulary was then gained, providing a formal acknowledgement that the research was approved by the relevant board within the Constabulary. The
observations with policing teams were initially organised via a point of contact within the Constabulary, with a snowball strategy employed when individual connections were made. Totalling a period of 230 hours (via a mixture of 30 early, late and night shifts) a variety of teams were observed, including Response and Patrol (R&P), Neighbourhood Policing Teams (NPT), Safeguarding and the Control Room (CWUN).

Due to the very nature of policing, the participant observations were unstructured and I attended all incidents that the attached officer was called to, unless instructed otherwise by said officer. I also did not have specific targets or an observation schedule of key things to observe, therefore, observations of the natural environment were achieved, rather than a staged portrayal of policing.

Within this stage, I consequently took on an “observer-as-participant” role. As defined by Gold (1958, p.221), this involved participating in some situations and interacting with members of the given social setting (police officers), where those members are aware of the researcher’s status as a researcher. However, unlike the participant-as-observer role where the researcher fully participates in situations, the observer-as-participant role has limited opportunities for genuine participation due to the legalities surrounding operational policing. Researchers in this role observer the group’s activities which allows for insights into how things work (in this case what day-to-day policing involves) and announce their reasons for being present and gain informed consent to do (Miller, 2014, p.144). In addition, a “peripheral membership” was assumed whilst conducting the observations, defined by Angrosino (2007 p.55) as when researchers observe and interact closely with the research participants, but do not participate in activities that constitute the core of group membership. Whilst I spent a significant amount of time with the police officers (in eight to ten hour shifts), I did not engage with those activities reserved for police officers (for example interviewing members of the public or conducting any searches or property or of the person). It was, however, important that I was not rejected by the officers and that they felt comfortable with the observations. The officers observed gave the impression of accepting my presence as a researcher, evidenced by their openness of discussion, involving me in non-policing activities (such as being invited to join them when eating) and in their social conversations. I
was also repeatedly invited back and none of the officers in any of the observed teams appeared to deliberately avoid me or object to my presence.

Establishing and maintaining a rapport is key when working with hard to reach groups or closed groups, such as police officers. Lofland and Lofland (1995) suggest that researchers need to behave with a demeanour that will “keep the information flowing (p.55). In doing so, scholars (Lofland & Lofland, 1995; Gagne, 2004) argue that “acceptable incompetence” can play an important role here, whereby researchers do not always indicate an immediate understanding of what participants are explaining, but rather act as if information is completely new so to elicit greater detail from them; they become the teacher. This must however be managed very carefully as, in some instances, a certain level of knowledge allows for rapport to be built and maintained. A balance must therefore be struck between demonstrating enough competence to be accepted, but also to keep the flow of data going. The success of participant observations therefore depends as much upon the cooperation of the group studied as on the ability of the researcher to garner their support (Gagne, 2004, p.103). Thus, determining whether opportunities for observations remained open or became closed. In this research, they remained open and additional opportunities arose, such as the opportunity to interview a police trainer (discussed below).

The majority of observations were undertaken over a two-year period, with teams visited more than once. Despite some scepticism and wariness of me as an outsider at the start of the data collection, officers became used to me being there, from briefing until handover, to the extent that I eventually felt that I had become ‘invisible’ to them. As mentioned above, the demonstration of competence can help to build rapport and trust. The more observations completed, the more familiar I became with how to act in situations, particularly those with the propensity for violence, and understood the terminology used, the more relaxed officers appeared to be in my presence. At the end of each observation, notes were made detailing the incidents and salient points that emerged from the day’s activities. Due to the nature of the activities observed, it was not always appropriate or possible to make notes during the observations. Given the need to establish and maintain a rapport with officers, the decision was taken to record events out of sight of officers at the
conclusion of the shift. The types of incidents observed and details surrounding these were recorded, alongside my own reflections, thoughts and comments made by police officers.

As with all research methods, there are some limitations to participant observations that must be addressed. Gold (1958, p. 221) argues that there is a danger the researcher may over-identify with those they observe and consequently start to lose their research perspective by "going native"; a particular concern when research is being conducted with police officers (Reiner & Newburn, 2008). Evidently the need to avoid this was great and this was, in part, why the thirty observations were staggered over a two-year period. In addition, overt observations have also been criticised for observer bias, where participants change their behaviour because they are being observed. As Angrosino (2007, p.61) explains, this can be reduced by not asking participants to do anything outside of the norm and it is hoped that in time the researcher’s presence will no longer be noticed; participants will simply go about their business as usual. This appeared to be the case with my observations.

The very nature of observational research also means that it is subjective and researchers may interpret behaviours and events differently from how they were intended by participants. Positivist concerns on the reliability of observations, particularly those of an unstructured nature, are often presented when criticising observational methods of research with a key issue surrounding the degree to which two or more observers would interpret observed behaviour in the same way. It was hoped within this research that by utilising observations alongside the interviews and the focus groups, the impact of this would be limited, with the interpretations then confirmed or adjusted. Furthermore, Jupp (1989) argues that it is not just about what the researcher interprets, but how far the observation data can then be used. Participant observations can give insights into meanings and actions, but they cannot show how these have been shaped. The latter can, however, be explored through interviews with officers.

5.2.2 Stage 2 - Semi-structured interviews with service providers

To further develop on the data collected from stage one, semi-structured interviews were conducted with ten officers; one female and nine males. These were of differing
ranks and roles (from a Chief Officer to a Police Community Support Officer), working within a variety of teams (Response and Patrol, Neighbourhood Policing, Control Room, Training, Deaf Access). The interviewees were therefore as follows: a Neighbourhood Inspector, a Police Community Support Officer, a Response and Patrol (R&P) Acting Sergeant, a Response and Patrol (R&P) Sergeant, a Response and Patrol (R&P) Police Constable, a Senior Officer, a Police Link Officer for Deaf people, a Chief Officer, a Control Room Inspector and a police trainer. Whilst Chapter Four highlighted the prominence of rank and file officers (Bowling, 1998; Lipsky, 1980; Reiner, 2010) in service delivery, the interest of this thesis in connecting policy to practice necessitated the involvement of other ranks within this research process.

The observations allowed me to become familiar with Brentmouth Constabulary and to identify the roles and responsibilities of individuals and teams within the organisation. As such, it enabled me to decide who else would be appropriate to participate in the semi-structured interviews. Following a number of observations, four officers expressed willingness to contribute further to the research and once I had gained an understanding as to who would be most appropriate to be interviewed, I approached four of these officers. The other six were specifically chosen due to the roles they had within the teams identified above and were provided details of the research via their police colleagues (who were either participants themselves or the nominated gatekeeper within the organisation) and opted in to the research by contacting me. All interview participants were therefore targeted using purposive sampling. An opportunity for the participants to ask questions about the research was provided before the interview commenced and consent forms were then signed. Each individual was provided with an invitation letter and information sheet, enabling for informed consent to be obtained.

The interviews were semi-structured in nature to allow the interview to develop according to the participant’s answers. Whilst it was important that for each interview the topics specified on the interview schedule were asked, the questions were not necessarily asked in the same order (Patton, 1987; Bryman, 2015). This helped to ensure that conversations flowed and some prompt and follow up questions were also included, if the answers required. All interviews were
conducted face-to-face, allowing for a greater opportunity to illicit responses but also build a rapport with the interviewees, more so than can be achieved with questionnaires and telephone interviews (Hagan, 2014). Interviews took place at the police stations to which the participants were attached and lasted between 45 and 80 minutes. Consent was also gained to audio record the interviews using a Dictaphone, with the digital recordings saved on a password protected computer and the original files on the Dictaphone deleted.

The content of the interview schedule developed from the emerging themes identified in the reviewed literature, but also the gaps in this existing knowledge. The schedule was also shaped by the findings from the observations. Whilst the observations allowed for me to see how little police officers engage with cases of disablist hate crime (more on this will be discussed in Chapters 7 and 8), they did not allow for me to fully explore the levels of understanding and experience that officers had in dealing with this type of offence. The interviews were therefore framed around the following areas:

- The role of and skills involved in being a police officer
- The understanding of disablist hate crime
- The responses to disablist hate crime
- The impact of responses to disablist hate crime
- The training provided to police officers on hate crime

An advantage of using semi-structured interviews is that the schedules can be amended as the research develops. Scholars such as Lee (1999), Lee, Mitchell & Sablynski (1999) and Van Maanen (1979) argue that qualitative research should be flexible and reflexive, responding to the demands of immediate research situations. The interview with the police trainer required slightly different questions and further explored the development and design of training programmes for police officers, both new and current.

There are some limitations of using interviews as a research method that need to be acknowledged here. Determining the legitimacy of the responses given by participants is a challenge for interviewers (Johnson, 2004), particularly if they feel their responses will be scrutinised or they think they must tell the interviewer what
they want to hear. In this instance, an interview can become more of a performance, rather than an honest account of the interviewee, hence the need for the rich observational data to cross check and validate the findings from the interviews, and vice versa. The purpose of the interviews was made very clear to all participants and all interviews were conducted in police stations or offices, so that participants were in a location familiar to them. Throughout the interviews, I was conscious of demonstrating a balanced and unbiased view, so not to influence or put off participants when they expressed their opinions. Whilst the use of recording equipment is often treated with resistance and suspicion by criminal justice practitioners (Noaks & Wincup, 2004), all interviews were audio recorded with consent gained from the participants beforehand. Due to the nature of their work, police officers are more used than most to the presence of recording devices (Charman, 2017; Reiner, 1992). The ethical considerations surrounding the recording and conducting of these interviews will be further discussed in 5.3.

5.2.3 Stage 3 - Focus groups with service users

The final stage of the research involved four focus groups with people with learning disabilities. Whereas the previous two stages focused on obtaining the views of the police (service providers), the aim of these sessions was to gain the views of service users. In total 51 people were involved in these sessions (see table 5.1 for breakdown).

Table 5.1 Number of participants in focus groups

<table>
<thead>
<tr>
<th>Focus group session</th>
<th>Number of people with learning disabilities involved</th>
<th>Number of support workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11 = 6 males, 5 females</td>
<td>6 (female)</td>
</tr>
<tr>
<td>2</td>
<td>12 = 6 males, 6 females</td>
<td>2 (female)</td>
</tr>
<tr>
<td>3</td>
<td>10 = 6 males, 4 females</td>
<td>3 (female)</td>
</tr>
<tr>
<td>4</td>
<td>5 = 3 males, 2 females</td>
<td>2 (female)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>38 = 21 males, 17 females</strong></td>
<td><strong>13 (female)</strong></td>
</tr>
</tbody>
</table>
5.2.3.1 Need for inclusive, participatory research

As discussed in the introduction, much of the existing literature on disablist hate crime focuses on physical disability, from the perspective of non-disabled authors. A key element of this research therefore was to involve people with learning disabilities and provide the opportunity for them to share their views and experiences, putting this at the forefront of the research. Whilst recurring issues and barriers for those with learning disabilities have been identified in earlier chapters, such an approach allows for the perceptions of a group, which has previously had their voice muted (as evidenced in Chapter One), to be accessed (Barbour, 2007; Zarb, 1992). Whilst policies can dictate what should happen, and service providers can make an assessment on what they think happens, the actual experiences of the service users may highlight some disparities between the varying viewpoints.

There is, however, much debate within academia as to how research should be conducted with people with learning disabilities, particularly surrounding participatory and emancipatory research. Pure participatory research involves individuals with disabilities being co-researchers, rather than subjects, and increases their involvement and influence in the structure and development of the research (Kiernan, 1999; Maguire, 1987; Zarb 1992). Emancipatory research however involves the empowerment of people with disabilities and how research can help to facilitate this process. As Zarb (1992, p.128) explains,

"simply increasing participation and involvement will never by itself constitute emancipatory research unless and until it is disabled people themselves who are controlling the research and deciding who should be involved and how."

So, whilst participatory research can be seen as a prerequisite to emancipatory research, much more is needed, beyond research, in order to fully empower individuals with disabilities.

Whilst I do not have a disability, I wanted to avoid, as far as practicable, this research being seen as purporting to represent the views of individuals with disabilities, without giving an open and accessible platform in which to do so. I was also mindful of not perpetuating the position of the medical model of disability, which has been criticised in Chapter One for imposing the label of disability on individuals. Within
this stage of the research, participants self-defined as having a learning disability. It was only in the late 1980s that individuals with learning disabilities started to become respondents in research (see Flynn, 1986) and it was important to not revert this progress, nor to revert back to views that are no longer deemed to be appropriate. The focus groups therefore followed some key elements of the participatory model.

There was a need for easy-read materials to be produced, alongside the text-based invitation letter, information sheet and consent form. A number of sources were explored that provide guidance on how to produce easy-read materials, namely Mencap's (2002) ‘Am I making myself clear?’ document. Once draft versions of the materials were produced, these were sent to a learning disability charitable organisation who reviewed and provided feedback on their suitability. This was an important process within the research to ensure that the participation of individuals with learning disabilities did not result in feelings of marginalisation or exclusion, through the research not being accessible.

5.2.3.2 Recruitment and gaining consent

As Robson (1993, p.32) highlights, there are concerns within research as to whether participants, particularly with learning disabilities, can rationally, freely and knowingly give informed consent. Just because an individual has a learning disability does not mean that they do not have the capacity to provide consent, but it is important to be aware of this. Focus group participants were recruited through their engagement with disability groups within the research site. Using purposive sampling, emails were sent to local disability groups within the research site, providing details of the research and inviting them to take part, with information sheets and invitation letters attached. These were all third sector organisations that provide support and independent advocacy, with regular, often weekly, activities also organised for people with learning disabilities. Three separate organisations responded to the email and one of the three organisation provided access to two separate disability groups. Upon further discussion with the organisers of these groups, particularly surrounding the ethics and practicalities of being involved in the research (a more detailed discussion on ethical issues is provided later in this
chapter), they provided approval to act as gatekeepers to individuals with learning disabilities.

By asking the gatekeepers to invite suitable participants, this, in part, negated the concern surrounding consent as it was expected that they would not pass this information on to someone who does not have the capacity to understand it. The gatekeepers also know the needs of the individuals they engage with and were therefore best placed to pass information of this research on to potential participants. This meant that at the focus groups, only those who were happy to take part were present, whilst other members of the disability group either did not attend or were engaged with another activity whilst the session took place. It is acknowledged, however, that given the points raised in Chapter Two concerning carers as potential perpetrators of disablist hate crime (Thomas, 2011), an unknowable risk existed that gatekeepers might not pass on information to participants for this very reason. I had, however, no reason to believe that this had occurred, but the possibility cannot be eliminated. The broad principle adopted concerning the accepted definition of learning disability, explained in Chapter One, was extended within the empirical research where the presence of a learning disability was accepted at face value by virtue of membership of the disability groups involved. Therefore, specific details regarding the learning disabilities of the 38 individuals involved in these focus groups was not collected.

5.2.3.3 Conducting the focus groups

Focus groups were chosen for this stage rather than individual interviews, as participants are more likely to share opinions in the presence of others who they perceive to be similar to them and are therefore encouraged and supported by this group dynamic (Barbour, 2007; Kaehne & O’Connell, 2010; Llewellyn, 2009). They offer an environment in which individuals with learning disabilities feel supported when sharing their experiences (Barbour, 2007, p.743) and but also where the power imbalance between the researcher and the researched is reduced, with the former not part of the majority. The focus groups took place at locations and times that were familiar to the participants, with each session incorporated into a regular meeting of the disability group involved. Furthermore, Morgan (1997, p.29) states
“focus groups are useful when it comes to investigating what participants think about, but they excel at uncovering why participants think as they do.” The elements what and why are crucial to this thesis in order to gain an understanding of the perceptions held by individuals with learning disabilities towards police responses, but also the reasons behind such thinking. Whilst it is recognised that individuals with learning disabilities can also be offenders, the focus of this research exclusively concerns those most likely to engage with the police as victims of disablism hate crime, or as voluntary service users more broadly.

It was made clear at the start of the focus group (and to the gatekeeper when organising the sessions) that there was no expectation for individuals to talk about their experiences, instead their perceptions on topics were just as important. The opportunity for participants, including any support workers that were present, to ask questions that they may have regarding the research and their involvement was provided. Verbal consent from all participants to audio record the session was given for three of the four focus groups. With regards to the other focus group, the location of the session was not conducive to recording the discussions and instead I had to rely on making notes whilst the participants were talking. In order to assist with the note-taking, I drew a diagram of where participants were siting round the table (labelled A, B, C and so forth) and made notes on the comments made by participants. The main limitation of this was that at times I had to be selective in the quotes recorded and, when conducting the analysis on all four focus groups, I was only able to return to the data recorded by myself as no transcript of the whole focus group was available to reanalyse. With this particular focus group, I did ensure that I took copious notes as I knew I would not have a transcript or recording to refer back to. I also made notes during and after the session, some of which referred to non-verbal behaviours. As a result (and will be discussed later in this chapter) I was still able to gain as much information from this focus group as the others when completing the analysis. On average, each of the focus groups lasted for 45 minutes. As mentioned above, these took place within the scheduled meeting times for each disability group and there were other activities planned after or before these discussions.
Although there are some concerns that having support workers present when involving individuals with learning disabilities in research can influence their responses, the role of support workers during these focus groups was minimal. Whilst they did provide their own views on some of the topics discussed, it was clear that they were speaking for themselves rather than on behalf of the individuals with learning disabilities. They did not appear to restrict nor discourage the expressions of opinion; instead they only provided some background information about what was being said.

To further enhance the accessibility of this research and support the participatory model of research, the participants led the discussions and dictated the topics covered in the focus groups. My role was therefore one of a facilitator rather than an interviewer. As Kiernan (1992) identifies, it was important that the individuals with learning disabilities identified and raised the topics that were pertinent to them, rather than making assumptions as to what these would be. Each focus group began with an introduction from myself as to my background and the research, followed by the question “what do you know about hate crime?” which started the discussions.

As with the previous research methods, there are also limitations with using focus groups. There is always the possibility that participants are simply saying what they think the researcher wants to hear and, in this case, the presence of their peers may have a negative rather than positive impact on reducing this. As Smithson (2000, p.113) highlights, the fear of peer group disapproval can exacerbate this issue. The opinions and viewpoints that are heard may therefore be a result of dominant voices from one or two individuals within the group and not necessarily the truth for all. It is therefore important to treat focus groups, and the data that arises from these, not as naturally occurring discussions but as discussions that occur in specific and controlled environments (Smithson, 2000, p.05). As Wilson (1997, p.218) argues, whilst “we will never know what respondents might have revealed in the ‘privacy’ of an in-depth interview ... we do know what they were prepared to elaborate and defend in the company of their peers. The value of this research method is therefore still evident for this thesis, given the research aims and objectives.
5.2.4 Triangulation between the three methods

For the purpose of this qualitative research, triangulation refers to the use of multiple methods to develop a comprehensive and robust understanding of a particular phenomenon (Patton, 1999). As discussed individually with each of the chosen methods, they all have limitations that needed to be considered. However, it was anticipated that through triangulation the weaknesses of the individual methods would be minimised and instead they complement and supplement each other; the use of three research methods was therefore imperative. A further benefit of triangulating research methods relates to increased reliability and validity of the findings that result. Whilst the empirical research is situated within one constabulary, the grouping of forces by HMICFRS along the lines of comparable demographic, social and economic characteristics means that the potential for wider reliability, validity and generalisability is further extended.

The observations allowed for an understanding and experience of day-to-day policing to be gained. In turn, this not only enabled the identification of suitable participants for further observations and semi-structured interviews, but also allowed for non-verbal and behavioural cues to be observed. The interviews therefore helped to cross-check whether the findings from the observations were repeated or contradicted when such topics were explored in the more formal setting of an interview. As participants were asked direct questions about their roles, experiences and opinions in the interviews, this inevitably means that the research becomes dependent on the dialogue used by participants, which could be distorted or exaggerated. The findings from the observations therefore helps to reduce the impact of this. Whilst the focus groups involved a different group of individuals, this allowed for police responses to disablist hate crime to be explored from an alternative perspective and, more importantly, gave individuals with disabilities the opportunity to be involved in the research and have their voices heard. Such a methodological approach also supports Blumer's (1969) third and fourth requirements of empirical research; to discover relations between categories of data (in this case, data from the three stages of research); and to formulate propositions about those relations. The latter will be demonstrated in the three findings chapters that follow this chapter.
Here it is worth providing a reflective account of the methodological choices made and the implications of these on the thesis. Throughout the observations, it was anticipated that police responses to disabling hate crimes would be observed however that did not happen (as will be further discussed in relation to Figure 5.1 later in this chapter). Whilst at first this may seem problematic, the observations allowed me to have a better understanding of the realities of policing in this regard and helped me understand the levels of knowledge subsequently displayed by police officers. This was then further explored within the semi-structured interviews with officers. As such, the fact that no disabling hate crimes were observed did not mean that the observations were not worth doing. Conversely, had I seen a number of incidents of disabling hate crime, given the numbers recorded to the police annually, it would have been an inaccurate representation of normal day to day policing. Had I been taken to all the hate-related calls that came in then I would have gained a distorted perception of the day-to-day realities of policing. The discussions emanating from the semi-structured interviews and focus groups are therefore rooted within the realities of everyday policing, of which disabling hate crime is a very small part.

It is also worth highlighting that the primary research was conducted with a backdrop of reduced numbers of police officers and resources, with a demand placed on police officers to respond to incidents that were not criminal activity. Had the research been conducted prior to 2011, (when numbers of police officers started to reduce – see Figure 3.3), the findings of this research with regards to police visibility and engagement with community members may perhaps have been different.

5.3 Wider ethical considerations

5.3.1 Confidentiality and anonymity

It was recognised that individuals from both sets of participants may not be inclined to take part if they thought they would be identified in the research or their participation in the research was made public. With regards to all participants involved, I ensured their anonymity (the protection of the participants’ identities) and confidentiality (the safeguarding of information obtained throughout the
research) by not providing or sharing the names of such individuals, or the organisations they belong to. This was made clear at the start of the research to all. With regards to the police officers involved, the names of their stations were replaced with a number and only the area of policing in which they work (for example Neighbourhoods or Response and Patrol) are stated. I was conscious to check with each interviewee my suggested description of them, to ensure that they were happy with it. It was also explained to both sets of participants (interviews and focus groups) that should they provide consent, verbatim quotes would be used but these are not identifiable to anyone else. Any observed situations discussed later in this thesis have, as far as practicable, been removed of all identifying features. Pseudonyms have been given to participants involved in the focus groups rather than numbers as this can make their stories more relatable and impactful. The names of the organisations have not been revealed.

5.3.2 Risks to researcher

There are inherent risks associated with being attached to the police during the observational stage of the research. These relate to exposure to the day-to-day uncertainties and situations of conflict that necessarily underpin much police work. The very nature of policing means that I was likely to encounter and experience situations that may be categorized as extraordinary, in the sense that they are outside of what one might expect as a part of normal day-to-day life. Situations such as the aftermaths of a suicide and interventions in domestic incidents were amongst those observed.

Brentmouth Constabulary's policy relating to external observers required a risk assessment to be conducted. I was obliged to follow the instructions relating to issues of safety given by police officers whilst in their company and where extraordinary situations did occur, I made incident-specific decisions concerning the appropriate action to take in order to manage any potential physical and/or emotional risk. This involved the wearing of protective clothing and withdrawing from volatile or difficult situations, but at all times I followed the advice and instruction given by the officers I was with. I was made aware of the availability of
counselling and support services both within Brentmouth Constabulary and the University of Portsmouth.

Upon taking part in the observations, there was also the risk that I could be required to act as a witness in court, within the context of any criminal proceedings or in an investigation pertaining to police conduct. I was fully aware of this risk and would not have chosen to undertake this type of research if I was not willing to act as such. This issue, however, has not arisen.

With regards to the focus groups, there was a risk that I would be placed in a difficult situation should a participant disclose any victimisation that they have not reported to the police. Individuals were not asked to disclose details of any victimisation they may have experienced and instead a focus was placed on the perceptions they have of service providers. Where participants did start to share their experiences, it was made clear that they should only do this if they were comfortable in doing so. As part of the conversations, I ensured that individuals were aware of the relevant details for the police or third-party reporting centres and the presence of the support workers meant they were on hand to support any individual, should they become emotionally distressed or upset. Fortunately, this did not occur in any of the focus groups.

5.3.3 Reputational issues

Explorations of the perceptions and experiences of policing have the potential to expose strengths and weaknesses for organisations, which in the case of the latter in particular could present a reputational risk for the police force involved. It has been stressed to all participants involved in this research that the findings and views expressed are solely that of myself and not necessarily others involved in the research. Care has been taken to report the findings in a fair, balanced and constructive, yet critical manner.

5.3.4 Sensitive nature of the research topic

Disablist hate crime is characterised by political sensitivity, due in considerable part to a number of overtly critical independent inspections and reviews by external organisations (some of which have been discussed in earlier chapters). It is also
something that is widely underreported and ‘normal’ for some individuals to experience on a daily basis. Having previously completed postgraduate research in a closely related field which involved focus groups with individuals with learning disabilities, I was fully cognisant of the importance of being fair, balanced and constructive, yet remaining appropriately critical in line with the expectations of PhD level research. It was therefore important that I engaged with individuals with learning disabilities in a manner that was not only appreciative of their needs but also the sensitivities surrounding this topic area.

Given the above, my approach to conducting this research was within the regulatory frameworks set by the University and the discipline of Criminology. The ethical procedures outlined during ethical review were followed and no complaints were made about my conduct or the research.

5.4 Framing the research findings

The following four chapters will present the findings, analysis and discussion of the empirical data obtained through the three stages of the primary research. Rather than present the findings from each stage of the research, the findings will be presented thematically, allowing for a more holistic consideration of the research outcomes.

5.4.1 The process of data analysis

The process of analysis was guided by the principles of the alternative grounded theory outlined earlier in this chapter. The data were not analysed with the use of a matrix or checklist, nor were the data compared to previous research on disablist hate crime during such analysis - this will take place in later chapters. The inductive logic of the amended grounded theory utilised within this research therefore enabled the patterns within the data to be identified. The transcripts from the interviews and focus groups, and the notes from the observations were analysed together. Figure 5.1 shows the types of incidents that were observed whilst with the police.
It can be seen from Figure 5.1 that the majority of incidents observed were domestic incidents (13 in total), followed by eight safeguarding visits and eight concerns for welfare. Whilst two hate incidents were observed, these were both racially aggravated and no disablist hate incidents were observed.
Once the transcripts for each of the interviews were completed, these were read, and notes made in the margin for each transcript regarding key points that were raised. The margin notes were then grouped into themes and colour coded, which were then grouped together and then re-coded. The codes across the ten interviews were then analysed and organised into overarching themes. A similar process was undertaken for each of the focus groups and the observation notes, with the initial codes made and then recoded to reflect the key topics discussed across the focus groups and observations. Table 5.2 therefore displays the final codes and overarching themes identified for each stage of the research.

The information contained within tables 5.2 and 5.3 below represent, firstly, the final codes and overarching themes identified for each stage of the research, and secondly, the sub-themes subsequently derived. These therefore comprise the wider issues for discussion for the next three chapters but are tabulated here to illustrate the breadth of issues identified through the methodological approaches employed.
<table>
<thead>
<tr>
<th>Stage of research</th>
<th>Key themes</th>
</tr>
</thead>
</table>
| Participant observations of policing | • Decision making and discretion  
  • Demands placed on the police  
  • Community engagement  
  • The perceived status of hate crime as a problem  
  • The (low) number of hate crime cases observed  
  • The role of policy  |
| Interviews with police | • Changing nature of policing  
  • Management of public expectations  
  • Lack of training on hate crime  
  • Importance of good communication and adaptability  
  • Influencers of police priorities  
  • Multi-agency working within non-CJS organisations  
  • Application of the ‘disability’ label  
  • Lack of experience of responding to disablist hate crime  
  • Lack of knowledge  
  • Reduced opportunities for community engagement  
  • Influence of individual officers  
  • Impact of change in leadership  
  • Role of policy  
  • Reactionary policing  
  • Barriers to justice for people with learning disabilities |
| Focus groups with people with learning disabilities | • Lack of understanding of hate crime  
  • Low usage of the internet  
  • Influence of TV on expectations of the police  
  • Appropriateness of communication and communication strategies  
  • Low police visibility  
  • Want to see police on foot  
  • Familiarity with police  
  • Use of avoidance strategies  
  • High tolerance of victimisation  
  • Perception of the police uniform, police stations and CJS  
  • Perception of a positive outcome |
5.4.2 Identification of three overarching themes

It can be seen from Table 5.2 that there is some overlap with the themes identified within the research. The second stage of the analysis involved identifying the overarching themes across the three stages and therefore allowing for comparisons to be drawn between views of service providers and views of service users. As outlined above, the process of reviewing the codes, recoding and then grouping these into categories was once again completed. The results from this research can be categorised into three key themes:

1. Understanding and perception
2. Accessibility and engagement
3. Confidence and desired outcomes

These themes contain a number of sub-themes within them (see Table 5.3 below) whereby the meaning and relevance of such themes may differ when applied to service users and service providers.
<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Sub-themes within thematic area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding and perception</td>
<td>o Knowledge of disablist hate crime</td>
</tr>
<tr>
<td></td>
<td>o Service users’ knowledge</td>
</tr>
<tr>
<td></td>
<td>o Police officers’ knowledge</td>
</tr>
<tr>
<td></td>
<td>o Status of hate crime as a policing priority</td>
</tr>
<tr>
<td></td>
<td>o Prioritisation of priorities</td>
</tr>
<tr>
<td></td>
<td>o Presence of a hate crime hierarchy</td>
</tr>
<tr>
<td></td>
<td>o Impact on responses</td>
</tr>
<tr>
<td></td>
<td>o Police officers’ knowledge of people with disabilities within their community</td>
</tr>
<tr>
<td></td>
<td>o Police officers’ knowledge of learning disabilities</td>
</tr>
<tr>
<td></td>
<td>o Perceptions of people of learning disabilities towards the police</td>
</tr>
<tr>
<td></td>
<td>o Perceptions of the uniform</td>
</tr>
<tr>
<td></td>
<td>o Expectations of policing and the influence of television</td>
</tr>
<tr>
<td></td>
<td>o Influence of previous experiences of service provision</td>
</tr>
<tr>
<td>Accessibility and engagement</td>
<td>o Accessibility of the police</td>
</tr>
<tr>
<td></td>
<td>o Visibility of the police</td>
</tr>
<tr>
<td></td>
<td>o Access to reporting mechanisms and information</td>
</tr>
<tr>
<td></td>
<td>o Accessibility of the learning disability community</td>
</tr>
<tr>
<td></td>
<td>o Opportunities for police engagement with people with learning disabilities</td>
</tr>
<tr>
<td></td>
<td>o Communication and adaptability</td>
</tr>
<tr>
<td></td>
<td>o Familiarity and engagement</td>
</tr>
<tr>
<td>Confidence and desired outcomes</td>
<td>o Confidence of police officers in communicating with people with learning disabilities</td>
</tr>
<tr>
<td></td>
<td>o Personal resources held by individual officers</td>
</tr>
<tr>
<td></td>
<td>o Individual experiences of officers</td>
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<tr>
<td></td>
<td>o Confidence provided by and within police training</td>
</tr>
<tr>
<td></td>
<td>o Expectations of people with learning disabilities in the police</td>
</tr>
<tr>
<td></td>
<td>o Competing desired outcomes</td>
</tr>
<tr>
<td></td>
<td>o Desired outcomes for the police</td>
</tr>
<tr>
<td></td>
<td>o Desired outcomes for people with learning disabilities</td>
</tr>
<tr>
<td></td>
<td>o Impact of competing desired outcomes</td>
</tr>
</tbody>
</table>
In conducting the primary data collection and analysis after the exploration of existing literature and knowledge (presented in Part One of the thesis), this reflects the principles of the amended grounded theory which scholars such as Charmaz (2012) and Grimshaw and Jefferson (1987) embrace. In allowing key themes to naturally emerge through the process of data analysis, rather than seeking for predetermined themes, this reflected the position of Dey (1993, p.63), with an “open mind” kept throughout the analysis.

Reflecting upon the process of using amended grounded theory within the analysis, this was in line with its broader adoption within the empirical research and the unstructured or semi-structured nature of the three research methods employed. There were some challenges involved with keeping an open mind when initially analysing the three sets of data, particularly in not allowing the analysis of a previous set influence the analysis of another. Whilst this can help to start the analysis, it was important to not just repeat and look for the same themes in each of data sets. However, this was overcome by having a time period between the analysis of the data from the observations, interviews and focus groups so that the analysis of one was not fresh in my mind when analysing another. The use of amended grounded theory during the empirical research and analysis was particularly beneficial for the focus groups, as these discussions were not informed by the data gained from the observations and interviews. It was important to not assume that the issues and topics raised by police officers were also those most important to individuals with learning disabilities and within the analysis this meant that the “inductive logic” (Charmaz, 2012, p.128) gained from existing knowledge was only the starting point for the analysis, not the determinant.

As mentioned earlier, the use of the above themes in the presentation of the research findings will enable the cross comparison of findings from the three stages of research. This therefore allows for police responses to disablist hate crime to be more holistically considered. As will be discussed in the following chapters, there are variances and contradictions within the two groups of participants in their evidence and interpretation of the main themes. The structure of this analysis and discussion enables the consideration of both inter and intra-level matters.
Before moving to the next chapter, there are a number of points that must be acknowledged and explained. Firstly, the individuals involved in the focus groups have been given pseudonyms, rather than being labelled as ‘participant 1’ or ‘participant A’. As explained earlier in this thesis, the desire to gain an understanding of the lived realities of those with learning disabilities has influenced the approach taken within stage 3 of the research, but this remains influential through the analysis and discussion stages. Referring to the individuals via the use of a name, rather than a label, helps to avoid the experiences and perceptions becoming dehumanised and allows for the research to be more relatable and impactful. The same has been applied to the support workers involved and where quoted, ‘SW’ is placed after the pseudonym provided. Whilst obtaining the views of the police was also an objective for this research, such participants work within a hierarchical organisation whereby titles are commonly applied to individuals, which are then referred to on a daily basis. It is these familiar titles that are used within this research (instead of any pseudonyms), without making the individuals identifiable.

Secondly, the forthcoming discussions will refer to the extent to which particular themes and positions were identified within the research. Therefore, when using ‘majority’ or ‘minority’ within discussions, the strength of this will be indicated, for example ‘strong majority’ or ‘slight majority’.

5.5 Concluding comments

This chapter has outlined and explained the methodological approach utilised within this research. Ultimately, the methods outlined above were determined to be the most appropriate in order to successfully meet the aim and facilitate the objectives of the research. The forthcoming three chapters present the analysis of the overarching findings and whilst some reference will be made to relevant literature, the key discussion of how the thesis advances existing literature will take place within the final chapter (Chapter Nine). This will also explore the links and relationships between the emerging key themes and the impact of such findings. As explained by McLeod (2001), grounded theory aims to generate a plausible theory of the phenomena studied (police responses to disablist hate crime); theory which is grounded and evidenced within the research data. Therefore, the research
analysis will culminate in the development of appropriate models that seek to conceptualise the phenomena uncovered by this research, in relation to the existing literature that has already been explored—meeting Blumer’s (1969) fifth and sixth requirement of empirical research.
Chapter Six:

Findings and Analysis 1 - Understanding and Perception

The first theme identified within the research data was that of understanding and perception. When discussing both of these terms, it will be made clear where and how the two terms were evidenced, but also what the meaning and importance is for service users (people with learning disabilities) and service providers (the police) in exploring police responses to disablist hate crime. Throughout this chapter, the understanding of disablist hate crime within the police and people with learning disabilities will be critically examined, alongside the perceptions that both groups have of each other. The status of disablist hate crime as a policing problem will also be explored and the influence of previous experiences will be argued to be a key determinant in the relationship between the police and individuals with learning disabilities. The structure of this chapter is therefore as follows:

Table 6.1 Sub-themes to be discussed

<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Sub-themes within thematic area</th>
</tr>
</thead>
</table>
| Understanding and perception | 6.1 Knowledge of disablist hate crime  
  Service users’ knowledge  
  Police officers’ knowledge  
  6.2 Status of hate crime as a policing priority  
  Prioritisation of priorities  
  Presence of a hate crime hierarchy  
  Impact on responses  
  6.3 Police officers’ knowledge of people with disabilities within their community  
  Police officers’ knowledge of learning disabilities  
  6.4 Perceptions of people of learning disabilities towards the police  
  Perceptions of the uniform  
  Expectations of policing and the influence of television  
  6.5 Influence of previous experiences of service provision |
6.1 Level of knowledge surrounding disablist hate crime

6.1.1 Service users’ knowledge of disablist hate crime

Through the engagement with people with learning disabilities in the four focus groups, the understanding of the term ‘hate crime’ was not well understood. When participants were asked about the meaning of the term, the 11 participants in focus group 1 did not know what the term meant and could not provide a definition. After a definition was provided to them, Paul interpreted this to refer to the following situation:

“when people abuse you and physically hurt you”.

A similar situation emerged in focus group 4, as the five participants stated that they had not heard the term before and no definition or explanation could be provided. When an explanation was explained to them, one participant summarised that such incidents are when someone is “hurting you” (Peter, focus group 4).

In focus group 3, the most thorough explanations of hate crime were provided by three individuals with learning disabilities who had previously worked with the police and a local theatre group on raising awareness of disablist hate crime. In focus group 2, there was a greater level of recognition of hate crime than groups 1 and 4, but this was again referred to as physical assaults and “people holding you to the ground” (Michael, focus group 2), with no mention of crimes involving verbal abuse or lower level forms of offending. Given the issues identified around underreporting of disablist hate crime in Chapter Two, such interpretations of this behaviour suggest that there is a lack of awareness of the threshold of disablist victimisation and the types of behaviour that can be involved. Here the perceived threshold for unacceptable behaviour is arguably met with the use of physical violence, excluding those that involve lower level forms of offending.

To expand on this, Anne, a participant of focus group 3, defined hate crime as:

“someone being horrible to you or being a bully” and stated that people “have to speak to someone straight away”.

Whilst there is some recognition here that hate crime is not acceptable and such behaviours should be reported to someone, the use of the term “bully” arguably
down plays the seriousness of hate crime and such victimisation (Perry, 2004). As Hayden and Nardone (2012) argue, disablist hate crime and anti-social behaviour are often mistakenly labelled (as evidenced in the Pilkington case) and by referring to hate crime as an example of bullying is further evidence of this. This supports the discussion above whereby there is a perceived acceptance of low-level victimisation, reinforcing Sin et al’s (2009) argument that such victimisation is regarded as part of everyday life and becomes normalised.

If individuals with learning disabilities do not understand what constitutes a disablist hate crime, there is the potential for such incidences to not be recognised as such and either not reported, or to be reported as another crime type and any police responses that follow may be inappropriate or insufficient. To further demonstrate the misinterpretation and prevalence of disablist hate crime, data relating to Brentmouth Constabulary was accessed from True Vision, an online information and reporting centre. This covered the period 1st January 2016 to 31st December 2016, where the data collection and the observations of policing commenced. Of the 146 incidents within Brentmouth Constabulary’s vicinity that were reported to True Vision by members of the public, 68 were found to not be related to any hate crime or hate incident at all, suggesting a lack of public knowledge and awareness in recognising and identifying hate crime. Reports relating to the alleged defamation of character, paid service disputes, criminal damage, theft and verbal abuse of traffic wardens are just some examples of the types of incidents included within this 68. Only 10 of the remaining 78 were recorded as disablist hate crimes, primarily revolving around the use of defamatory language (in person and online).

6.1.2 Police officers’ knowledge of disablist hate crime

The level of knowledge demonstrated by police officers on disablist hate crime varied across the police officers interviewed. Whilst all interviewees had heard of the terms hate crime and disability hate crime, they were less familiar with the term disablist hate crime. As argued in Chapter One, the propensity to refer to such as incidents as disability hate crime places the focus on a characteristic of the victim, rather than on the disablist attitudes motivating the perpetrator. Therefore, the
issue or problem that needs overcoming is perceived as being within the victim, rather than the perpetrator. However, despite the lack of awareness of the term, disablist hate crime will still be used throughout this analysis, in line with the rest of the thesis.

When explaining their understanding of disablist hate crime, the majority of officers tended to provide examples of a disabled victim, rather than examples of disablist hate crime victimisation. Four officers gave comprehensive definitions of disablist hate crime; a control room Inspector, a Neighbourhood Inspector, a Senior Officer and a police link officer for deaf people (PLOD) – referred to in this research as a Deaf Access officer. Three officers (the Senior Officer and the control room and Neighbourhood Inspectors) had previously worked or were currently involved in leading specific work on responding to hate crime, as illustrated by the following:

 JT: And, do you feel that the roles that you’ve had over the last few years, that your understanding of hate crime and your awareness of it, is now greater?

Control room Inspector: I don’t think it would be anywhere near, no. I think my understanding of it has come from being involved in it directly.

These officers had a better understanding of disablist hate crime but also an oversight on the challenges in responding to such crimes effectively. They had more specific knowledge on the strategic and policy direction of the force.

Their engagement in dealing with hate crime as part of their previous roles arguably plays a part in this, however it is important to note that officers from both Neighbourhoods and Response and Patrol lacked clarity in their definitions of hate crime and disablist hate crime more specifically. Eight of the ten interviewees stated that they had not engaged with or responded to a case of disablist hate crime for a number of years and throughout the observations of policing (230 hours over a 24 month period), there were no incidences of disablist hate crime observed. As a Response and Patrol (R&P) Police Sergeant acknowledged in their interview:

“I’m not saying it’s not happening, just I haven’t personally dealt with one, neither have I supervised one”.

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One officer from Response and Patrol also stated that:

“we don’t deal with it enough on a daily basis to be anywhere near experts…...and I don’t think we get the training”.

Furthermore, within some of the teams observed, there was also a clear denial made at the start of my observations that I would see anything disablist hate crime-related whilst with them. This demonstrates the rarity of disablist hate crime within the overall policing context, as already highlighted with the observations.

As discussed in Chapter Two, it is important for both service users and service providers to understand the concept of hate crime and be able to recognise and identify behaviours as such. Without this understanding and incorrect labelling, disablist hate crime can often be confused with lower level anti-social behaviour, bullying and neighbour disputes, which in turn impacts on the response that individuals receive from the police. Whilst not a direct finding from this research, the HMICFRS (2018b) inspection on hate crime found that hate crime victims want police officers and staff to be better at identifying and recording hate crime. Increasing the level of understanding of police officers and staff on hate crime not only benefits the victims and the appropriateness of the responses they receive but can also help to identify the true nature and extent of disablist hate crime. As identified in Chapter Three, hate crime overall is underreported and disablist hate crime is the second most underreported strand, behind hate crimes motivated by hostility towards a person’s gender identity. The impact of such underreporting will also be referred to later in this chapter.

6.2 Status of hate crime as a policing priority

Much of the academic literature and documents from criminal justice agencies explored in the first part of this thesis agreed on the need to take hate crime offending seriously and the importance of prioritising hate crime victims, due to the disproportionate impact of such victimisation (HM Government, 2018a; Hollomotz, 2013; Iganski, 2001). The College of Policing’s (2014a, p.69) guidance on hate crime states that hate crimes should be treated “as a priority incident”. Throughout the observations and interviews with service providers, however, the interpretation of
hate crime as a policing priority varied between officers, but also between the observation and interview data.

6.2.1 Prioritising priorities

Within the interviews, all officers recognised the severity of disablist hate crime, and hate crime in general, with a majority of officers stating that such crimes were a priority for the force. Unsurprisingly, the most senior officer within the interview participants (a Chief Officer) was one of these, who stated:

"Yes, it is, it [hate crime] has a strategic lead, it has a tactical lead, and then there's a plan that is underneath that, which is trying to develop then our service delivery around it".

This illustrates the strategic direction given by the Chief Officer Group in prioritising responses to hate crime. This mirrors the instructions provided by the College of Policing Operational Guidance (2014a) that hate crime victims are a priority and should be responded to within one hour. However, four officers were more cautious in their responses and queried the extent to which this was the case. Interestingly, all four officers were either from Response and Patrol (a R&P Police Sergeant, a R&P Acting Police Sergeant and a R&P Police Constable) or involved in managing the initial response to incidents (an Inspector from the control room). Whilst none of the four questioned the impact or importance of disablist hate crime, two officers stated that there were other priorities which were “hotter” and “bigger” than hate crime. The Control Room Inspector stated that “I think there will probably be bigger priorities for this organisation than hate crime”, with the R&P Police Sergeant providing examples of these;

“More recently we have moved away from that [hate crime] and we’ve gone into modern day slavery, child sex exploitation, so they’re kind of hotter topics”.

The views given by the officers, from the Chief Officer Group and to those on the frontline of responding, implies that hate crime, and by consequence disablist hate crime, is regarded as a priority at all levels of the organisation, but the views of the frontline officers clearly demonstrate that hate crime is just one of many competing priorities and not necessarily the most important one. This is further compounded when placed with the context of the observations for this research and the lack of disablist hate crime incidents observed. The Control Room Inspector described hate
crime as a “hot potato”, suggesting that despite its importance, there is a reluctance from officers in leading on the responses to this problem. This arguably reflects observations by Bowling (1998) whereby his interviews with police officers in East London found that racist incidents were viewed as being ‘grievous’, liable to complaints and subject to scrutiny as a result of the historical legacy of police failures in this area – see Chapter Four.

For the officers from Neighbourhoods and Response and Patrol, there is a process by which the priorities set by the Chief Officer Group are themselves prioritised against competing demands for service. This also raises questions about the ability of the organisation to deliver effective action against its priorities, with resources being pulled in a number of directions simultaneously. This regrouping of policing priorities therefore demonstrates the importance of *interpretation* by individual officers. As discussed in Chapter Four, police officers can be regarded as street-level bureaucrats with high levels of discretion (Lipsky, 1980) and the responding officer - or the rank and file officer in the words of Reiner (2010) - determines the delivery of policy, and consequently the experience of service provision that victims receive. The views of the Chief Officer support that of Grimshaw and Jefferson (1987) who argued that the gap between policy and practice is smaller for tasks that are more administrative in nature, than those that are practical. Therefore, the work of the Chief Officer, which primarily involves strategic development and resulting policy, involves far less discretion than the frontline response to victims of crime. With a variation in the interpretation of policing priorities evidenced within the interview sample, this indicates that regardless of any official processes and direction given by the Chief Officers Group, the onus is on the frontline officers to assimilate and implement this. They determine how policies are translated (or are not translated) into action (Savage, 2007, p.128).

Two other officers acknowledged the underreporting of disablist hate crime and the impact that has on policing priorities. For example, the R&P Police Constable explained that:

> “as and when it’s reported, I’d like to think we jump all over it”.


This suggests that disablist hate crime becomes a priority when it is reported but is not constantly regarded as this. This also evidences the reactive, rather than proactive, nature of policing, demonstrated in the management of policing priorities above. The Acting Police Sergeant raised the following in their interview:

“It comes down to the fact that we would concentrate on this as a problem if there was something to support it was a problem. I’m not saying, and that probably sounds like I’m saying that it isn’t out there, I know it’s completely out there, I think that we need to come back with a business case that says this is what we’ve got, this is how we’re going to move forward, to make sure we’ve got the right figure, we are going to talk to this organisation, this organisation, this organisation, and they are going to have a reporting mechanism like this, or we’re going to have an anonymous reporting mechanism online. We’re then going to do this, this and this. This will then provide us with statistics”.

Whilst they were aware of the underreporting of disablist hate crime, the focus here is on the need to have an evidence base to justify hate crime, or specific areas of hate crime, being an area of increased focus for police. This was also seen within the interview with the Neighbourhood Inspector:

“The reporting of hate crime especially in the learning disability community is unknown and very much misunderstood, and very much tolerated. Therefore, without saying it’s not a police issue, it’s not a police issue.”

Chapter Three discussed the underreporting of disablist hate crime, with police statistics presenting an alternative picture to crime victimisation surveys, such as the Crime Survey for England and Wales. This implies that the prioritisation of some topics within policing, such as disablist hate crime, is guided by volume rather than other measures, such as the impact caused by the victimisation of certain crime types. Although hate crime victims are disproportionately impacted by their victimisation compared to other crime victims, this does not appear to be the determinant in setting police priorities in this area. Such a view is also expressed in the academic literature as Novis (2013, p.118) explains that disability campaign groups are told repeatedly that as there is little evidence of disablist hate crime being a problem, the police do not respond to it. This seems to be at odds with the prioritisation of other “hotter topics” (R&P Police Sergeant) where volume may be similarly low (at least in official terms) but greater emphasis is placed on the harm caused to victims in determining policing priority status.
6.2.2 Presence of a hate crime hierarchy

The impact of underreporting on the allocation of police resources and priorities has a further impact on the perception of disablist hate crime between officers. The Senior Officer perceived that hate crimes aggravated by hostility based on race or LGBT issues were better understood compared to disablist hate crime:

“I think nationally, they’ve been the type of hate crimes that have either been reported the most, and therefore the numbers look big in comparison, or they’re the hate crimes that have got national attention through different media stories.”

Here the importance of volume is evident. This view was also echoed by the Deaf Access officer who perceived there to be a greater focus on racially aggravated hate crime over any other strand and stated that “there’s this kind of inequality within inequality...” The Control Room Inspector also suggested that events over the last couple of years has meant that:

“the focus has been on race and religion, because of the background in relation to terrorism.”

Although hate crime is a priority, the practicalities of this have already shown that other priorities take precedence. Within the subject of hate crime itself, it appears that there is once again a prioritisation process, whereby hate crimes relating to race, religion or sexual orientation are prioritised over disablist hate crime. The R&P Police Sergeant further evidenced this:

“under the umbrella of hate crime, certainly for me the first thing that pops up is race/religion, then homophobic, and then disability.”

Thus, the arguments made earlier in Chapter Two and Chapter Three that there is a hierarchy of hate crime (EHRC, 2011; Mason-Bish, 2013; Roulstone & Sadique, 2013) are supported here. One possible explanation for this could be due to the difference in legislative status between racist and disablist hate crimes, with the former a specific offence but the latter only granted enhanced sentencing. This difference, combined with the greater number of reported cases of racist hate crimes compared to disablist hate crimes, may actually encourage police officers to focus on race over other strands, reinforcing this hierarchy, whilst simultaneously rendering it understandable. This is further compounded by the EU referendum of
2016 and the terrorist events of 2017 (Westminster Bridge, Manchester Arena, London Bridge, Finsbury Park). The shift in focus, which the NPCC Lead for hate crime, Assistant Chief Constable Hamilton, viewed as a re-orienting of policing priorities in favour of racially and religiously aggravated hate crime, consequently placed other strands (including disablist hate crime) in an un-intentional but direct competition for police resources.

6.2.3 Prioritisation and the impact on responses

Whilst 6.1 and 6.2 present the perceived views of police officers gained through the semi-structured interviews, the observations revealed further details of police officers’ attitudes towards the problem of disablist hate crime. As mentioned in 6.1.2, at times there were denials from policing teams that there would be any disablist hate crime incidents to observe. At the start of the observations, officers used to ask what the doctoral research was about and a common response to the description provided was that they do not deal with many hate crime incidents. As one PCSO stated during an observation, disablist hate crime is “just not that common”. This echoes the comments made within the interviews about the volume of a particular crime determining its status as a ‘problem’, rather than the impact or nature of such offending.

The observations only involved two hate crime incidents, both of which were racially aggravated, which perhaps supports the view of the officers that hate crime is not a recurring problem. However, as evidenced in one observation, such issues are present, and it is the communication between the police and the community that is problematic. During an observation with a neighbourhood team, officers visited an Asian family who had been racially abused and received threats of violent behaviour. Whilst they had mentioned this to the housing office, they had not reported any of the incidents to police. When travelling back to the police station, the police officer discussed the challenges involved with dealing with such behaviour and stated that this was largely because the Asian community "sticks together", meaning experiences of victimisation are shared and discussed within the community, but not with the police. Such a response is similar to those discussed in Chapter Two (2.2.1), regarding the avoidance of criminal justice responses to
disablist hate crime victimisation, and to a comment made by the Neighbourhood Inspector in their interview:

“A lot of the crime that happens within the community of disability is dealt with in-house or tolerated because it’s the norm.”

This suggests that there are similarities between hate crime victims, in spite of the motivating hostility, regarding the threshold for which a police response is seen as being necessary. Furthermore, the contention that some forms of hate crime, such as disablist hate crime, are not particularly common is misplaced. This can be evidenced by various victims’ surveys (Chakraborti, Garland & Hardy, 2014; HM Government 2018a) that clearly illustrate that there are far more incidents occurring than come to the attention of the police, and where resolutions may not necessarily involve the criminal justice system.

A common discussion point with frontline officers about disablist hate crime cases was in relation to the perceived enhanced scrutiny by supervising officers and impact of this. It is force practice that all hate crimes are reviewed by the Sergeant but also by a Chief Inspector, to ensure that the appropriate response has been given. Within the very first observation with a R&P team, one police officer explained that they were more likely to remain with a job that involved an aggravated offence and ensure that the investigation is fully completed, more so than they were any other type of offence. This echoes a comment made by the R&P Police Constable from the interviews, in relation to disablist hate crime:

“I feel like I probably do more, just because I feel...I think that on the moral compass, I feel that if you’re targeting that, you’re worse than someone who’s targeting someone who hasn’t got a disability or a vulnerability”.

The Deaf Access officer stated that there was a

“willingness to almost go a bit above and beyond and take time and patience”

when dealing with people with disabilities. Furthermore, in the interview with the PCSO, they stated that when dealing with someone with a learning disability they “could be there an hour and a half, but so what?”. The implication here is that officers have a desire to do more for victims of disablist hate crime. Although they perceive that they are providing an enhanced service for such victims, the service provision is more akin to an appropriate service, rather than an enhanced service. This does
however demonstrate an acknowledgement that achieving the same level of service for victims does not mean they should receive the same service, but rather different approaches will be required for different people. As Hall notes,

“...the focus on hate crime [is] not about preferential treatment, but about the importance of treating people equally rather than treating them the same...the focus on hate crime, then is about ensuring that there is equity and fairness in protection from victimisation – that is, that basic human rights are protected- but with a recognition that this has to be achieved in different ways, for different people, who have different needs” (2013, p.189).

The emphasis on equality-based service provision has its roots in the damage in trust and confidence caused by a lack of appreciation and understanding of the disproportionate impact of racist hate crime on black and minority ethnic communities. Macpherson (1999, para.45:24) was unequivocal in his insistence that “"Colour-blind" policing must be outlawed” and that the police must deliver a service which recognises the different experiences, perceptions and needs of a diverse society. This included the need to redress the failure of the police to recognise and appreciate the impact of lower level incidents that collectively had resulted in a failure to provide either quality or equality of service. Macpherson stated the following in his report:

“The consistent message given to us was that the police and other agencies did not or would not realise the impact of less serious, non-crime incidents upon their minority ethnic communities. Their collective experience was of senior officer adopting fine policies and using fine words, but of indifference on the ground at junior officer level. The actions or inactions of officers in relation to racist incidents were clearly a most potent factor in damaging public confidence in the police service.” (1999, para.45:11).

The indifference at junior officer level was found to be determinant in the quality of responses to racist incidents and an influencing factor on public confidence in the police. The evidence from this research suggests that the indifference identified by Macpherson is effectively reversed. Instead, the findings from section 6.2.1 suggest that indifference has been replaced by problems associated with demand and competition for resources, reflected in the frustration expressed by some participants that their ability to provide a level of service that they recognise as being appropriate is fundamentally hindered by external constraints. As disablist hate crime is not officially voluminous, other issues are regarded as higher priorities
by this study’s participants. The Morris Report (2004) into the recruitment and retention of BAME officers into the Metropolitan Police Service found that “the policy is right; it is the approach and application that needs to be reviewed”. Here, it is not the guidance provided by the College of Policing that needs to change but rather its effective implementation is dependent upon officers having the resources and the inclination to act in accordance with its direction. As the R&P Acting Police Sergeant explained,

“unless you’ve got the people and the resources that can back that up [policies], actually it’s kind of not worth the paper it’s written on”.

This, in part, reflects the summations of both Grimshaw and Jefferson’s (1987) and Bowling (1998) whereby the attitudes of officers is the key determinant of service provision, as discussed in Chapter Four, rather than the number or nature of policies in place.

6.3 Police officers’ knowledge of people with disabilities within their community

Just as there are variations in the level of knowledge police officers have of disablist hate crime, there were also variations surrounding the knowledge of people with disabilities within the community they police, and whose responsibility it was to have this knowledge. It is perhaps useful to clarify here what is meant by ‘Neighbourhood teams’ and ‘Response and Patrol’. Neighbourhood teams work closely with local communities and aim to provide citizens with access to local policing services through a named point of contact. This allows for opportunities for community members to exert influence over policing priorities in their neighbourhood and helps police officers to communicate and feedback to communities on what is being done in their area (Newburn, 2008, p.104). Response and Patrol, on the other hand, respond to 999 calls and provide a 24-hour service. Tilley (2008, p.373) argues that there is nothing strategic about response policing as they deal with issues as they arise, on a case-by-case basis.

The R&P Acting Police Sergeant and Police Constable both suggested that neighbourhood teams would have better knowledge of the people with disabilities within the community than R&P and argued that:
“we don’t go to those [community groups] very often, especially not in our job role, unless we get a 999” (R&P Acting Police Sergeant).

When asked about how much they knew of this group within their community, the Police Constable replied, “I don’t think I do, to be honest”. In contrast, the PCSO demonstrated a good understanding of the locations of disability groups within the community, identifying a number of groups across a variety of beats. It is worth noting here that there was only one incident observed where police officers engaged with individuals with disabilities. This incident revolved around the selling of drugs between two friends, one of which was an amputee. Furthermore, during the observations there were only three incidents observed of police officers engaging with community meetings and community events – one community meeting on public health matters, one school assembly on racism and one visit to a local community centre. These engagements with community events were all observed whilst with officers and PCSOs from neighbourhood teams.

Although generalisations are difficult to derive from this limited sample, such findings allude to a relevant issue that can be found within the existing literature (Mclean & Hillier, 2011; Newburn, 2008) and is therefore worth tentatively raising as potentially relevant here. The implication contained within the comments above is that hate crime expertise and experience is differentially located within the organisation. It is perhaps to be expected that Neighbourhood officers would be more familiar with their communities given the inherent nature of their role, compared with that of Response and Patrol. Nevertheless, there are some potentially important implications that arise including, for example, the extent to which knowledge is shared between policing teams, whose responsibility it is to ‘know’ different communities, and the implications that might subsequently arise from ill-informed contact during an initial response to an incident. Illustrating this, the PCSO stated that:

“If the first person [responding officer] does a bum job, then they’re [the victim] never going to phone the police again”.

To enhance knowledge of disablist hate crime, the need to map the community was raised within five of the interviews (with the Neighbourhood Inspector, PCSO, Chief
Officer, R&P Sergeant and Senior Officer) and the challenges in doing this discussed. The Senior Officer stated the following in their interview:

“I’d say disability, and especially learning disability, is probably harder for us to understand and map...where they live in our communities, and whether they live in supported accommodation or on their own”.

The Neighbourhood Inspector expanded on this and argued an alternative position in that the individuals with disabilities are

“...not hard to reach in the slightest, we might be crap at communicating with them.”

Combined with the knowledge demonstrated by the PCSO referred to above, this similarly reflects the localisation of knowledge within the Neighbourhood teams regarding the specific communities they serve.

The notion of intersectionality – that people inevitably have multiple identities - was also raised within the interview with the R&P Police Sergeant who challenged the suggestion that the people with disabilities should be specifically focused upon as a distinct group.

“I may speak out of turn now – I don’t see any specific drive to target the disabled community, because I think the disabled community is broken up into other communities, and those communities are being engaged with.”

This highlights the prominence of characteristics such as race and religion, and location of residence, with people with disabilities located through their association with these other demographics. This implies that their disabilities are a secondary characteristic and also suggests a lack of understanding and recognition of the unique needs that people with learning disabilities have. If there is a reliance on locating individuals with learning disabilities through other social or community groups, this will prohibit police officers from engaging with those who do not associate with these other demographics. As previously discussed in this thesis, victimisation of disablist hate crime can lead to victims using avoidance strategies and becoming withdrawn (Spalek, 2008), highlighting the potential dangers of assuming people with learning disabilities will be present in other forums. Indeed, those most in need may be precisely those who are not present elsewhere.
6.3.1 Police officers’ knowledge of learning disabilities

In order to respond appropriately to disablist hate crime, officers must not only understand the issue of hate crime but also the specific needs of the victims. There was a variation in the understanding of learning disabilities demonstrated between the officers, with some distinction made between learning disability and mental health. For example, the Senior Officer explained that:

“for me, LD [learning disability] will be around somebody who has a learning disability, which could tend to mean that it brings their learning age down a bit, or they struggle to understand or engage at that sort of level of age they are, or ability they should be as an adult, where mental health for me, it's more a crisis of the brain due to medical and mental health issues”.

The Deaf Access officer discussed the lack of knowledge within the community regarding learning disability and assumptions made about deaf individuals. He recalled the following example:

“I can think of a specific family where the daughter who’s now in her 30s who’s profoundly deaf, parents both hearing, and I remember the first time I went and met her … according to mum, daughter had a learning disability because her English wasn't very good, not the fact that she’s a profoundly deaf sign language user and of course mum and dad didn’t know sign language, and you think, what?”

The Deaf Access officer also acknowledged the links between learning disabilities and mental health, due to the isolation that can be created by both and acknowledged the difficulties faced in distinguishing the correct needs of an individual. It is also important to recognise the background of the Deaf Access officer and the Senior Officer. The latter disclosed that they have a familial association with learning disabilities and the former has worked with the deaf community for a number of years surrounding the accessibility of the police force. Together, then these two officers possess personal resources unlikely to be present in the wider policing population, derived not from training but from personal, lived experience. If more officers had had experience of responding to disablist hate crimes within their policing role, it is likely that the importance placed on any experience in engaging with individuals with disabilities (gained from outside their policing role) would be less.
In contrast, and reflecting a position arguably more reflective of wider policing, the R&P Acting Police Sergeant explained that:

“We’re not medical practitioners so I cannot turn around and say to someone, whether it’s the way that someone is coming across to me and presenting to me is because of their mental health or because they suffer from a disability.”

In response to being asked to distinguish between learning disability and mental health, the Neighbourhood Inspector commented that police officers “don’t have the capability to do that” and further added that:

“Professional policing, forgive me, is Jack of all trades, master of none”.

As evidenced in the observations (see Figure 5.1), police officers are required to perform such a varied and complex range of unpredictable tasks (Waddington, 1986) that, as acknowledged by Lipsky (1980) and discussed in Chapter Three, the creation of short cuts and simplifications is inevitable, and considerations of disability are not exempt from this process.

Quotes such as these imply variations in confidence levels in the ability to identify and engage with someone with a learning disability – an issue to be further discussed in Chapter Eight. However, when analysing the interview with the police trainer, the emphasis is placed on the everyday skills of the police officer.

“We train people how to identify indicators of perhaps [emphasis added] learning disabilities and to conduct that needs assessment...but ultimately it relies on their communication skills and perhaps also their, sort of, common sense”

If the identification of learning disabilities relies on the experience, confidence and common sense of individual officers, inconsistencies in responses become highly likely. Psychological research suggests that if people have a greater amount of contact with disabled people, they demonstrate more favourable attitudes than people who have less contact (Hein, Grumm & Fingerle, 2011, p.510). However, with a low volume of disablist hate crimes coming to the attention of the police, the opportunity for officers to enhance their knowledge through experience is necessarily limited and, within the context of the social model of disability, there is a risk that the service provision afforded to individuals with learning disabilities will itself be disabling and exclusionary.
6.4 Perceptions of people with learning disabilities towards the police

The individuals with learning disabilities involved in this research raised similar issues throughout the four focus groups regarding their views towards the police. Namely, the perceptions of the uniform, expectations of policing and the influence of TV on such expectations.

6.4.1 The perceptions of the police uniform

The presence of the police uniform was discussed in all four focus groups, with varying interpretations by the participants. The majority of participants in focus group one regarded the uniform in a negative manner, with one participant describing the police uniform as “so intimidating” (Louise, focus group 1) and another as “scary and not friendly” (Peter, focus group 1). It was for reasons such as this that 4 of the 5 participants in focus group four stated that they would want to speak to police officers in plain clothes, rather than in uniform. This view was also shared by Stephen (focus group 3) who explained that the uniform “makes you feel as though you have done something wrong”. The feelings of guilt and accountability were discussed in focus groups 3 and 4, with some participants stating that they would run away from police because of this.

Despite the uniform being viewed negatively in all focus groups, participants stated that that they would want to see more police officers out on foot patrol and be in uniform when doing so. It was stated in all focus groups that participants feel safer when they see officers out on patrol as the police “will stop things from happening” (David, focus group 4). Some participants in focus group 3 described the uniform as being “professional” and “official” and Susan (focus group 2) explained that there are times when the police need to be in uniform as:

“if they turn up at your door saying they’re police, you wouldn’t know if they’re lying or not. I wouldn’t let them in...”

These findings suggest that there is a dual perception of the police within the participants of the research- conferred in previous research (Tyson, 2013). Whilst the participants stated that they felt safer when they saw a police officer in uniform, they also disclosed that they felt a discomfort and reluctance in talking to the police because of the uniform. The perception of the uniform is therefore situational and
dependent on the nature of the engagement with police officers. The impact of this on levels of engagement between those with learning disabilities and the police will be explored in the following chapter.

6.4.2 Expectations of policing and the influence of television

Within the focus groups, the perceived actions that are available to police officers in dealing with offenders were simplistic and did not acknowledge the wider challenges of policing. When participants were asked about police responses to hypothetical scenarios of victimisation, a common response focused on arresting the perpetrators. Peter (focus group 1) stated that he would “want them to be arrested” and Jane (focus group 4) explained that she was:

“comfortable that they’ll [the police] be able to deal with the dodgy people”.

The impact of previous experiences on such expectations will be discussed in 6.5 below, however such comments do imply that there is an expectation police will be able to provide a positive outcome.

A possible explanation for such perceptions can be found in one of the most surprising findings of this research; the clear influence of television programmes on the expectations of people with learning disabilities. In each of the focus groups, television shows were referred to. In three of the focus groups, the long running, but now ended, popular television programme ‘The Bill’ was mentioned by participants. When participants were asked what they thought of the police, David (focus group 4) described them as being “like in The Bill” and are there to “stop the people pinching cars and that”. Similar conversations took place in focus groups 1 and 2, with Paul (focus group 1) explaining that the police in their town are also “there to arrest people”. In focus group 3, Starsky and Hutch was referenced rather than The Bill. Stephen (focus group 3) stated that he thought the police should “always get the bad guys like Starsky and Hutch”. Whilst the number of individuals with learning disabilities involved in this research is not representative of the wider population, it is notable that such conversations happened in all four focus groups.

Here it should also be noted that the two television programmes mentioned are not new, but instead there is a longevity to their influence. Research by Dowler (2002)
and Reiner (2008, 2010) have explored the influence of the media and television on public perceptions of police and levels of confidence in their effectiveness and the same can be seen with this research. Crime dramas on the television often focus on the offenders being brought to justice and crimes being solved at the end of the programmes, with the police portrayed as the good guys (Reiner, 2010). Two of the interviews with service providers (the PCSO and Senior Officer) also mentioned the influence of television and the challenges in managing the expectations that this creates. The Senior Officer stated that:

“people that we speak to with LD, through the different roadshows and events we put on, watch a lot of police programmes on the telly, but a lot of them are based around the police locking people up, and doing that sort of criminal justicy bit in custody, so sometimes the perception is, we’re only there to lock people up, and not to maybe deal with victims.”

The perception that police officers place a greater focus on offenders rather than victims, and will always bring offenders to justice, sets unrealistic expectations for people with learning disabilities which can present a barrier to the willingness of such individuals to communicate and engage with police. This research therefore suggests that the views of Reiner and Dowler from more than 10 years ago are still evident today.

6.5. Previous experiences of service provision

Within the focus groups, there were both positive and negative experiences of the police disclosed within the discussions. Within focus group 3 in particular, the descriptions of police officers were largely positive and involved words such as “helpful”, “friendly” and “good listeners”. Although the dual perception of the uniform was still present (as discussed in 6.4.1), the group had the most favourable attitudes towards the police and this could be explained by their previous engagements with local officers. The group had participated in a number of police-run events such as open days and roadshows, and three individuals has previously worked with the police and a local theatre group on raising awareness of disablist hate crime. One of these individuals was also a cleaner at the local police station and spoke with police officers and staff on a regular basis.
Within all four groups, it was discovered that local neighbourhood officers (police constables and PCSOs) used to attend the disability groups but their attendance had ceased in 18 months prior to the focus groups taking place. With the number of police officers and resources reduced within the force (as discussed in chapter 4) this is perhaps not surprising. However, when support workers within the groups reminded participants about these visits (if they had not remembered themselves), the reactions were overwhelmingly positive, with stories recalled such as playing table tennis with the officers and being on first name terms with them. Specific officers were named and described as being “friendly” and “kind” and in some cases, when participants were asked who they would report any victimisation to, those officers were named. There appears here to be a difference in attitudes towards ‘the police’ and ‘their police’ (the officers individuals with learning disabilities are familiar with). This finding contradicts that of Walker et al (1972) and their work on diffuse and specific attitudes. They found that specific attitudes towards individual officers involved lower levels of approval of police actions than the diffuse attitudes towards the police institution as a whole. Whilst their work did not focus on the views of people with learning disabilities specifically, the participants involved in this research demonstrated the opposite to Walker et al’s findings. It is the police institution that received negative comments, whereas specific officers were described in a positive manner.

There were, however, two participants within the focus groups who did describe negative previous experiences with the police. Paul (focus group 1) disclosed that he had been assaulted eight years ago after becoming locked outside of his home in the early hours of the morning. He described being approached by three people and called a paedophile. One male subsequently went on to hold his arms behind his back, causing his little finger to break in the process, and after being thrown to the floor he was then kicked in the head. Paul did report his assault to the police, but due to not being able to give a description of the offenders and a subsequent lack of evidence, no-one was arrested. For Paul, the police did not do what he expected, nor did they fulfil the image of a police officer that is seen within crime dramas on the television. He stated that”

“I don’t trust them now because of my experience with them”
and when participants were asked what they would want to see police officers do in the future, he replied with:

“Listen to what I say and also... do the things I would like them to do...”

This reiterates the disconnect between his expectations and the realities of policing.

Within focus group 2, Susan also stated that she had engaged with the police previously although did not wish to provide any details as to what this related to. However, she did explain that the she “was petrified” when she first walked into a police station and that it “scares” her when she sees police officers. As a result, she explained that she would not feel comfortable in talking to a police officer.

The findings here suggest that any previous experience of policing will influence the perceptions that people with learning disabilities have towards the police. Brown and Calnan (2012, p.42) argue that previous, negative experiences are key in the formation of trust (or lack thereof) towards police officers and whilst issues of trust and confidence will be further explored in Chapter Seven and Chapter Eight, it is important to recognise this influence here on perceptions. When Paul and Susan recalled their experiences, ‘the police’ were described as being untrustworthy and intimidating rather than specific officers being named. Given the positive comments provided when describing the local police officers who were known to the individuals with learning disabilities, it appears that it is the faceless police organisation that attracts the negative comments, as opposed to the individual officers.

6.6 Concluding comments

From the presentation and discussion of the findings in this chapter, the overarching conclusion is that the knowledge and understanding of disablist hate crime vary both within and between police officers and within and between people with learning disabilities.

It was mentioned in the introduction to this thesis that the existence of a shared definition of hate crime allows criminal justice agencies to be aligned in their understanding of hate crime, however this research has found that even within one
organisation the understanding of learning disablist hate crime differs. This is significant for two reasons.

First, the service provision afforded to victims of such crimes will vary between officers as the ability to identify and respond to these incidents will differ from officer to officer, as evidenced in this research through the wide variation in understanding displayed by officers. The police are often referred to as the gatekeepers to the criminal justice system (Newburn, 2011; Ratcliffe, 2002) and as such play an important role in determining how the criminal justice system will respond to an incident of disablist hate crime. If police officers are not able to correctly identify disablist hate crimes, the enhanced service that should be given to victims (College of Policing, 2014a, p. 69) will not be provided - or any service if they are not recognised as victims (Charman, 2019) - and such offences may be mistakenly identified as other issues, such as neighbour disputes, domestic incidents or anti-social behaviour. Such responses do not subscribe to the principles of the social model of disability but rather have the potential to increase the disablement, marginalisation and exclusion experienced by individuals with disabilities.

Second, an unintended outcome of having officers who do have an understanding of disablist hate crime derived from previous internal and external experiences, is the danger that these remain as ‘pockets of knowledge’ within the organisation and such specialist knowledge becomes localised rather than normalised. The risk here is that levels and standards of service provision will vary within the organisation, leading to inconsistency in the experience of service users. The ability to deliver a service dictated by the needs of the individual, as acknowledged by the Stephen Lawrence Inquiry, then becomes more uncertain. The ability to deliver the local policing plan in relation to this particular community necessarily becomes more complicated as a result.

With regards to the knowledge of hate crime demonstrated by individuals with learning disabilities, those individuals who provided the most thorough explanations of hate crime were people who had worked previously with the police and a local theatre group on raising awareness of disablist hate crime. A similar
pattern clearly emerges here whereby the extent of understanding is guided by previous experience in actively collaborating with the police.

It is clear that there are therefore four key factors that are significant in determining the levels of understanding and perceptions of disablist hate crime. Firstly, the influence of individual experiences is evident, for both service users and service providers, in shaping knowledge of disablist hate crime and perceptions of policing. For service users, poor experiences with policing in the past can lead to the creation of negative attitudes towards the police. For service providers, those who have worked with, or have personal experience of, learning disability issues demonstrated greater confidence in understanding the complexities surrounding learning disablist hate crime. Despite an emphasis in policing policy on the importance of hate crime more generally and disablist hate crime more specifically, it remains on the periphery of the policing and relatively low down in officers’ priorities. This thesis has highlighted the everyday demands on policing and the rarity of disablist hate crimes coming to the attention of the police. This is mediated by the extent of professional and personal knowledge, through internal and external experience, and whilst this may make officers more confident in dealing with disablist hate crime, it does not mean they will automatically afford it more significance.

Secondly, there is a general perception amongst police officers whereby racially and religiously aggravated offences are subject to greater focus and prioritisation than disablist hate crimes. This is reflective of both national and local hate crime prioritisation, echoing the literature relating to hierarchies of police relevance. Consequently, there are clear implications for equality in service provision and ensuring parity across hate crime strands and policing according to individual needs.

Thirdly, the impact of underreporting of disablist hate crime creates something of a ‘catch-22’ whereby disablist hate crime is prioritised less than racially and religiously aggravated offences because they are less in volume, and they are less in volume because they are not prioritised. A subsequent outcome of this cyclical relationship is that police officers are less likely to gain experience in responding to
people with learning disabilities and/or learning disablist hate crime. The importance of engagement will be explored in the next chapter.

Finally, although the issue of demand on available police resources is not new, the evidence within this research suggests that more traditional concerns about finite resources have been compounded by the contemporary realities of some of the most significant cuts to police finances in their history. The chapter has therefore outlined the effects and implications of these four issues on both service users and service providers separately. As will be discussed in the following chapter, there are however clear implications for the relationship between service users and service providers.
Chapter Seven:

Findings and Analysis 2 - Accessibility and Engagement

The previous chapter identified a number of issues that impact on the levels of understanding surrounding disablism hate crime and on the perceptions of both people with learning disabilities and police officers. The implications of these on the opportunities to develop and improve the relationship between the police and those with learning disabilities are also evident within this research. As such, the second theme identified within this research was accessibility and engagement. Although closely linked to the first theme, as will be demonstrated in this chapter, there are a number of significant variables that determine how accessible the police are for people with learning disabilities and vice versa. The opportunities for engagement are therefore multifaceted, but vulnerable in terms of ensuring both accessibility and engagement. The structure of this chapter is evidenced in Table 7.1 below.

Table 7.1 Sub-themes to be discussed

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<th>Thematic area</th>
<th>Sub-themes within thematic area</th>
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<tr>
<td>Accessibility and understanding</td>
<td>7.1 Accessibility of the police</td>
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<td>Familiarity and engagement</td>
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7.1 Accessibility of the police

In order for police to respond to incidents of disablism hate crime, information regarding such an incident must come to the attention of the police. The police must therefore be accessible to the victims and help facilitate this process, acknowledging the unique needs of individuals with learning disabilities as they do so. Of course,
this is the same for all victims of crime and Pound (1917, pp.165-166) reinforces this necessity of “appealing to individuals to set the law in motion...For laws will not enforce themselves”. In other words, the police rely on the public to tell them what is happening, in order for any investigative and legislative processes to start. As Reiner (2010, p.139) agrees, “effective police work is possible only on the basis of public consent and cooperation.” Without such communication and sharing of information, this process is unlikely to begin. For Pound (1917, p.167) one must therefore study:

“...how to ensure that someone will have a motive for invoking the machinery of law to enforce his rule in the face of the opposing interests of others in infringing it.”

More than one hundred years later such focus of study is still required, given the levels of underreporting with disablist hate crime. Within the focus groups, the accessibility of the police was, in part, discussed directly, but mainly this was indirectly acknowledged through discussions on police visibility, their working shift patterns and access to reporting mechanisms and information, revealing some issues specific to victims with learning disabilities.

7.1.1 Visibility of the police

The police have previously been criticised for their lack of visible presence during key times of the day (HMIC, 2011; ONS, 2015) and the individuals in the focus groups shared similar views regarding police visibility. When the groups discussed the last occasion they had seen a police officer, a common statement was that this was “a long time ago”. Other comments made by focus group participants highlighted the importance of this visibility in relation to their feelings of personal safety and wider feelings of reassurance, closely linked to levels of confidence - which will be discussed in chapter Eight. A number of these issues have already been discussed in Chapter Six, however, the wishes expressed by individuals with learning disabilities below further demonstrate the importance of reassurance, which they felt could be achieved through police visibility.

“because it will stop all the crime, it would if there was more police officers”

(Susan, focus group 2)
“want to see them at night...especially Friday and Saturday when drunkards about” (Katie, focus group 1)

“I want to see police officers on foot” (Anne, focus group 3)

“...If you see ‘em you can ask them to sort it out now and fast” (Michael, focus group 3)

As evidenced within Chapter Six, it appears that individuals with learning disabilities have a dual perception of police officers; they find the uniform scary and intimidating but, despite this, they want to see police officers (in uniform) patrolling. Michael’s and Susan’s quotes arguably provide an explanation for this, with police officers regarded as being the solution to stopping crime and immediately sorting any problems that may occur. This is however, a simplistic understanding of policing demonstrated in that crime is stopped by police officers simply being on the beat and being visible. Such misconceptions and unrealistic expectations of what police can do may be explained by the influence of television programmes discussed in Chapter Six. As Reiner (2010, p.189) explains, within television programmes:

“Crime is portrayed as a serious threat, certainly to the property and person of individual victims, but often extending to the social order per se. However, the forces of law and order can and do regularly contain it”.

The quote from Susan particularly demonstrates this perception that the police can succeed in stopping crime with an increased level of visibility. The influence of television is also evident within Peter’s response (below) to his support worker’s comment that the police are not seen “walking around so much anymore”. He stated:

“I’ve seen them and watched them on the telly and that”.

Whilst the previous chapter explored the influence of television on the perceptions that people with learning disabilities have of the police, here it can be seen that there is perhaps a lack of distinction between the police officers that are viewed on the television and the police officers that police their local community. Such distorted expectations raise important questions of how to manage expectations. This is difficult in relation to the general public, let alone those who have learning disabilities. Chermak and Weiss (2005) state that there is a great divide between public expectations of policing and the realities about what the police can accomplish, in part due to them being the most visible criminal justice agency and the expectation that they will work within the public interest. Reiner (2010) argues
that crime prevention as the *raison d’être* of policing remains the dominant representation of policing in the media, perhaps explaining the views of Susan and Michael above.

Within focus group 2, some of the participants reported seeing a police officer the previous year when they attended another disability group event, but had not seen one since. As mentioned in Chapter Six, officers used to attend all four of the disability groups on a regular basis, however their attendance had decreased significantly over the last 18 months. Support workers within the focus groups were most vocal about this and reported the following.

“we used to have a local officer come here on a Wednesday and they’d talk about football and this and that with them, but they stopped attending and you don’t even see them around the area anymore” (Claire, SW, focus group 1)

“Didn’t work because they were all on day shifts... They don’t do AMs and PMs. They all do am or they all do pm, so we couldn’t get anyone here” (Beth, SW, focus group 2)

“Doesn’t come in as often as much anymore ... it used to be once a month I reckon, but we haven’t seen him for a while. I think he kept popping in when we were out” (Hayley, SW, focus group 4)

The very nature of policing can here be seen to have a negative impact on the relationship with disability groups, with officers constrained by their shift patterns and frequent turnover of officers from one role to the next. The views of the support worker in focus group 1 are in contrast to information received from the PCSO on their shift patterns:

“... is a rolling monthly shift pattern, so we could have a weekend off, work five days, have the next weekend off, then we’d be on three mids which would be one to ten, and then two off, and so on. And then the latest we would work as NPT would be about midnight”.

However, the views gained from the focus groups are perhaps an unintended consequence of the cuts to policing budgets and resources.

Within the interviews, six of the officers stated that the changing nature of their roles and the increased demand has impacted on the opportunities for the potential to be visible within their community. For example:
“when we’re lucky enough to get the time to generally patrol, whether it be on foot, on a bike, or in a vehicle.... It’s getting more difficult because of the amount of workload we have” (PCSOS)

“... they [Neighbourhoods officers] used to go and have a cup of tea with a group of individuals who’ve got some sort of disability or some sort of vulnerability, I don’t think it happens very often now because they haven’t got the time, they’re constantly being deployed elsewhere, they’re even helping us with response, they’ll call up and say are there any neighbourhood teams in this area, can you do this?... We rarely get time to engage after that [initial emergency call], which is, I suppose, why it’s so important to get off on the right foot in the first place” (R&P Police Officer)

Within these quotes, the consequences of needing to prioritise activities are clearly evident, with comments such as “when we’re lucky enough” and “used to go and have a cup of tea”. During one observation with a Neighbourhood team, it was disclosed that approximately 35% of the force’s hate crime incidents occur in their beat, yet the number of officers and PCSOs working there is the similar to other areas within the force. Whilst this was primarily involving racially and religiously aggravated offences, rather than disablist hate crimes, this increased demand on resources impacts their responses to other crime types and incidents. Officers are forced to withdraw their contact with community groups and this provides further evidence of disablist hate crime not being a priority for officers on the frontline. This is also evident in the following quotes:

“the problem is we are on such a treadmill of demand that we don’t have the time and the space to provide the service we could or should” (Neighbourhood Inspector)

“...as much as we want to help everyone and everything, we cannot take on all of these other things. We’re stretched as it is as an organisation, we’re underfunded.” (R&P Acting Police Sergeant)

The demand on policing and reduction in available resources results in a reduction of time allocated to proactively patrol and visit local community groups, often hitting those most in need the hardest. Chapter Three discussed the cuts to police budgets and the decrease in the number of police officers over the last ten years and the frustrations of both police officers and disability groups is evident.

Furthermore, given the lack of understanding of disabled communities of some police officers (discussed in the previous chapter), the above quotes provide one explanation for the low levels of understanding. With limited opportunities to
enhance this knowledge comes a lack of subject expertise and the more this occurs, the greater the deficit in knowledge. The requirement of officers to be call-ready (Grimshaw & Jefferson, 1987) is reinforced here and the negative perception of this between officers is clearly evidenced. In particular, the quotes from the Neighbourhood Inspector and the R&P Acting Police Sergeant underpin the previous discussions on the need to prioritise policing matters.

7.1.2 Access to reporting mechanisms and information

To use a more literal interpretation of ‘accessibility’, access to police stations and to information must be granted to individuals with learning disabilities in an appropriate manner. There is a legal requirement for reasonable adjustments to be made to police stations (and other public places) under s.20 of the Equality Act 2010. This relates to the provision of information and to the physical access to buildings or services. However, such adjustments are just one aspect of ensuring accessibility and are perhaps not the most important.

Previous research has raised concerns about people with learning disabilities, entering police stations and being intimidated by the environment. Gendle and Woodhams’ (2005) research involved interviews with police sergeants, who showed concern that people with learning disabilities should even come to a police station at all. Sheikh, Pralat, Reed and Sin (2010) found in their research for Mencap that it is upsetting enough for people with learning disabilities when they are a victim of crime and to combine this with entering a location that is impersonal and unfamiliar only increases this distress. Within the focus group participants, very few had been into a police station and therefore many did not know what to expect when they arrived. Such thoughts were demonstrated within focus group 2 as when Susan recalled the experience of being in a police station, she stated, “I was petrified”. Furthermore, Lucy (focus group 2) stated:

“It was scary....because you don’t know what you’re going to say to them or what you’re going to do”.

The views expressed by Susan and Lucy support the work of Bull (1995), who argued that police stations are unusual to most people, yet alone to those with learning disabilities who may find additional difficulty in adapting to such unfamiliar
situations. With the numbers of police officers reducing, and therefore also the level of police visibility, it is imperative that alternative access to the police is provided, in order to enhance the relationship between police officers and individuals with learning disabilities. Not only had few been into a police station, but participants in only two of the focus groups knew where their local police station was. Whilst participants in focus groups 1 and 3 did know the location, those in focus groups 2 and 4 were not sure where the nearest station was located. In focus group 4 the support workers were also not sure following the closure of their local police station. Recent closures arguably amplify already difficult situations with regards to police accessibility. There is a need evidenced here for police stations, and the police more generally, to be both physically and psychologically accessible. Whilst there is duty for police stations to tackle the former, it is the latter that still needs addressing. Brentmouth Constabulary, like many other forces in light of financial cuts, have sought to make economies through the closure and/or sale of police property. This has resulted in the widespread closure of police stations in favour of larger Police Investigation Centres (Brentmouth Constabulary, 2018). Whilst traditional police stations have been historically and geographically located at the heart of communities, conversely these centres are located in out-of-town sites to accommodate their size and to utilise space unavailable within dense urban areas. Therefore, individuals with disabilities are disproportionately impacted by such isolated locations.

In 2012, HMIC (p.47) reported that austerity would result in the number of police stations likely falling by 14% (a closure of 179 stations), from 1,291 police stations in 2009/10 to 1,112 by 2014/15. In 2018, an investigation by The Sunday Times, through the use of Freedom of Information requests, found that 606 police stations have closed since 2010, with the number of front counters also reducing (Ungoed-Thomas, Harper & Shveda, 2018, p.6). With a decline in the number of police access points available to the public, combined with low police visibility, the accessibility of the police to people with learning disabilities (and the public in general) is increasingly limited. As one of the support workers explained:

“I had to go up there [to the police station] to take some evidence up and I stood there for 25 minutes before they answered the bell. Terrible.” (Freya, SW, focus group 1)
This scenario highlights the potential problems in accessing the police even where physical sites remain partially open to the public, but function without a front desk. Collectively then, this emphasises some of the problems relating to the widespread closure of public facing police property, be it wholly or in part. The opportunities to report any victimisation to, and indeed engage with, the police are therefore necessarily reduced. Modern attempts to mitigate this are routed within the use of online provision, rather than traditional face-to-face engagement. However, the assumption that this main route of communication is accessible for all members of the community is defective. Research has found that people with learning disabilities do not like using the telephone and have a preference for face-to-face engagement (Mencap, n.d.; Sheikh et al, 2010; Sin, 2015).

Therefore, the closure of physical sites has forced a shift in methods of communication between the police and the public. Chapter Three discussed the increasing reliability of police on the Internet to communicate with members of the community and ensure that necessary information is passed on to relevant groups or individuals. However, crucially, the majority of people with learning disabilities involved in this research do not have access to or use the internet. Of the 38 people involved in the focus groups, only 12 (32%) were internet users and for 9 of the 12, the most common usage was for listening to music. Table 7.2 below shows the breakdown of internet usage across each of the focus groups.

Table 7.2 Internet users within the focus groups

<table>
<thead>
<tr>
<th>Focus group</th>
<th>Number of participants</th>
<th>Number with access to the internet (%)</th>
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<tbody>
<tr>
<td>1</td>
<td>11</td>
<td>4 (36%)</td>
</tr>
<tr>
<td>2</td>
<td>12</td>
<td>5 (42%)</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
<td>3 (30%)</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>0 (0%)</td>
</tr>
</tbody>
</table>
The limited internet usage found within this research is not surprising. Ofcom (2017, p.20) found that 94% of non-disabled consumers had access to the internet, compared to 79% for consumers with disabilities. This means that in 2016 one fifth of consumers were not online and more likely than the population as a whole to face exclusion issues as a result of this. In relation to people with learning disabilities in particular, Ofcom found that 70% had a smartphone (compared to 80% of non-disabled people), 69% had a personal computer or laptop (compared to 84% of non-disabled people) and 85% had internet access (compared to 94% of non-disabled people). This reflects the sentiment expressed by members of the focus groups concerning limited use of the internet. It is worth noting, however, that whilst there may be access to the internet, this does not mean that the services and information provided through the internet are accessible.

The low level of internet usage demonstrates a need for public services like the police to be cautious in the ways that they communicate with their local communities and the opportunities provided for reporting victimisation. Whilst there is an assumption that the internet can help reduce the impact of closing physical sites and allows for cheap communication with the public, this is not always true for people with learning disabilities. Initiatives like True Vision may therefore not be as accessible to particular communities as hoped and the information available to help raise awareness and understanding of hate crime is not reaching those who perhaps need it most.

This analysis on the accessibility of police officers individually and service provision more generally raises a number of key points. If both the perceived and actual accessibility of the police is limited, or inaccurate or distorted, not only does this reinforce some of the negative perceptions that were discussed in Chapter Six, but it also reduces the opportunities that individuals with learning disabilities have to engage with the police. This subsequently impacts on the trust and confidence that they have in the police. There is an importance of having an accurate as possible evidence base on the extent of disablist hate crime, particularly given the impact this has on the prioritisation of this as a policing issue. In order to increase levels of reporting, the police must therefore encourage such reporting by being accessible
to the learning disability community and not assume that what works for the general public will work for people with learning disabilities.

7.2 Accessibility of the learning disability community

In order to foster good relationships between the police and learning disability community, both groups must be accessible to each other and facilitate a reciprocal relationship. The research data gained from the observations and interviews in particular provided an insight into the perceived difficulties in accessing those with learning disabilities.

Chapter Six discussed the localisation of specific knowledge of people with learning disabilities within Neighbourhood teams. In revisiting, and expanding on, comments made by the Neighbourhood Inspector, they locate the problem of accessibility and engagement within the police, however there is a suggestion that police officers more generally view people with disabilities are being hard to reach. The Neighbourhood Inspector stated:

“we [the police] will talk about trying to get in contact with hard to reach communities, but that is the most derogatory term you can possibly come up with..”

If police officers view this community in this way, it places the fault and barriers to access within the learning disability community, rather than within the practices of the force. This was also evidenced within the interview with the Chief Officer when they said:

“how do we, kind of, almost break into particular communities really effectively, so that, you know, when the time comes, if they want to report, or when they experience a crime to then, if they want to... And, there’s no compulsion on reporting to the police, of course, it’s a matter for people, we just want to make it as easy, and trouble free, and as sensitive as it needs to be when they do.”

The use of the phrase “to break into particular communities” suggests that previous strategies used to access this particular group, such as the development of third-party reporting centres have not worked, and barriers are still to be overcome. The language used here also fails to acknowledge that it may be the police who need to be broken into, rather than the learning disability community.
Such views suggest that problems surrounding accessibility and engagement between the learning disability community and the police are caused by the inaccessibility of those with learning disabilities, rather than the inaccessibility of the police. Subsequently, it is perceived that the former need to change, rather than the latter adapting their service provision accordingly. As Abberley (1996, p.64) argued, a social system or organisation which revolves around “taken-for-granted desirability or independence, work and physical normality” does not allow for any exceptions, as is the case here with people with learning disabilities. In keeping with Oliver (1996) and Finkelstein’s (2001) arguments, there is a need for innovative and creative strategies which adequately ensure the needs of people with learning disabilities are considered, in order to improve the relationship between them and the police. The significance of the social model here will be further discussed in Chapter Nine.

In order to achieve this, specific knowledge of the needs and experiences of people with learning disabilities is required and as already evidenced, the opportunities to develop this within policing are limited. However, it could be argued that it is not a case of reinventing the wheel but instead making the most of current communications and connections with this community, such as through Independent Advisory Groups.

7.3 Opportunities for police engagement with people with learning disabilities

Within the observations of policing, there were no examples of specific, targeted engagement with the learning disability community, demonstrating a lack of the needed innovation discussed above. No individuals with known learning disabilities were involved in any of the observations of day-to-day policing and on only one occasion did the police respond to incidents involving individuals with known disabilities (in this case physical disabilities). During the observations with the Neighbourhood teams, the location of a number of community groups and hubs were pointed out whilst driving and walking around the beat, but there were only two occasions when these were accessed - attending a community multi-agency
meeting on public health issues within the local area and a visit to a local community centre.

One comment made by a member of the public at the public health meeting was in asking the police to “re-establish themselves in the community and as part of the community”. Such a comment was particularly interesting, given the difficulties expressed in “breaking into the communities” by the Chief Officer. The potential issues that arise from this include the perception from the community that the police are not attempting to do this already and perhaps a lack of awareness within the community as to how stretched the police are. However, this comment does reiterate a desire for greater police interaction and it may be that the police do not have the specific knowledge as to how best to achieve this, as discussed earlier. Combined with the reduced police presence at each of the disability groups involved in the focus groups, this further evidences the lack of, and difficulties of, the engagement between the two groups. It is however not only the opportunity and frequency such engagements that is important, but also the quality of such engagement. From this research, there were found to be two main factors that determined this; communication and familiarity.

7.3.1 Communication and adaptability

Within the focus groups, there were some concerns raised regarding the appropriateness of the communication between the police and individuals with learning disabilities. The negative experience discussed by Peter (focus group 1) in the previous chapter is again referred to here, as he was particularly critical of the ability of the police to communicate effectively, stating that the police are:

“not very understanding to us people with a learning disability” (Peter, focus group 1)

A support worker from the same group as Peter stated that the police need to acknowledge the following:

“...people with learning disabilities have...their memory and their perception is different. So, the police will talk to them today, they’ll call them in tomorrow and it’s totally different. You also find, from other people’s point of view, they will use words that they clearly do not understand and if we’re with them
supporting them, it is quite difficult for us to intervene and put it into smaller words that they do understand.” (Tina, SW, focus group 1)

When discussing with focus group participants how they would want the police to engage with them, Lucy (focus group 2) replied:

“With respect...if they don’t know we have a disability, they need to talk calm to us”.

And Grace (focus group 4) asked for the police to “speak nicely to us”.

Freya, (support worker from focus group 1) suggested a possible solution with regards to managing expectations of people with learning disabilities, particularly in situations when such expectations cannot be met. It was argued that the police are not expected to always meet expectations, but they should always:

“explain why they can’t do things...make sure the person they’re speaking to actually understands what’s been said and why they can’t do it so that they can have some form of closure. Can say that they have tried but have the reason for why”. (Freya, SW, focus group 1).

These findings allow for some tentative observations to be made with regards to the necessity in managing public expectations. If the force cannot increase the amount of available resources to meet current expectations, one alternative is therefore to adjust the expectations in order to meet the available resources. This then acts as a mitigation for the lack of resources and the prioritising of social issues. Such an approach can also be viewed as a logical response to the changing nature of policing.

Given the limited knowledge that police have of learning disabilities, such descriptions are perhaps not surprising. However, they do highlight the need for police officers to be able to quickly identify any additional needs someone may have and react to these accordingly. Furthermore, Brown and Calnan (2012) argue that in hearing the views of others’ experiences - in this case of their engagement with police - this can influence levels of trust and confidence. Whilst issues of trust and confidence will be discussed in more depth in the following chapter, it is important to note here the significance of the views expressed by Peter and the support workers and the potential impact they can have in discouraging others to report their victimisation to the police. It is therefore not just the television that plays a key role in shaping perceptions. The very occurrence of the focus groups allowed for
participants to gain information from each other and share their perceptions of the police with each other, whether they were positive or negative. This can mean, as was demonstrated in some discussions, that individuals shared their negative experiences of the police and these were then bolstered by others in the group, creating a negative feedback cycle. The methodological implications of this have previously been discussed in Chapter Five but it is worth highlighting once more here that focus groups always present a risk of not revealing respondents’ true thoughts on a subject matter (Wilson, 1997). However, the group setting can help people to participate by exploring their views on a subject matter (Barbour, 2007; Freeman, 2006; Kitzinger 1995) and encourages open dialogue that might not be maximised through alternative methodologies.

One of the interviewees also raised concerns with the use of available reporting mechanisms for victims of disablist hate crime:

“...our reporting mechanisms...for disability hate crime is the same mechanism that we use for everything else, so we don’t have a set way that if you suffer from a disability and you feel that you’re a victim of hate crime that we can then take that in and then deal with it from the start as a disability hate crime and deal with it, it’s the same mechanism as if you called 999 to someone urinating in the street. Do you see what I mean?” (R&P Acting Police Sergeant).

Whilst there is a recognition by the officer here that individual needs of victims need to be accommodated within police responses, this suggests that the organisation does not recognise individual needs of certain members of the community, but instead assumes that everyone can equally use 999 or the telephone to invoke services, or the machinery of law if using Pound’s (1917) terminology. There was, however, no alternative suggestion made by the Acting Police Sergeant, perhaps due to a lack of specialist knowledge of the needs of individuals with learning disabilities, as discussed in the previous chapter. There is also an implication here that disablist hate crime victims should be treated differently from other victims, which would create a hierarchy of victimisation.

Within the observations and interviews with police officers there was minimal mention of any easy-read materials that can be used when an individual with learning disabilities reports a hate crime. Whilst current communication methods
were questioned, there were some positive comments provided by the support workers in the improvements that have been made. For example:

“things are improving.... the language they use, the time they take to speak to people, they come in pairs and bounce off each other” (Emily, SW, focus group 3)

This echoed a comment made by the Chief Officer:

“Yes, I think...we’re on different stages of the same journey...For me, it’s part and parcel of the same thing, but I think it’s recognising that, particularly with racial hate crime, that path, if you like, and the consciousness that’s improved over time, that we’re, kind of, further back here with disablist hate crime, and how we then push it on.”

Here it is implied that the force is moving in the right direction but, when compared to race hate crime, the understanding of disablist hate crime is still in need of development. Whilst on the one hand this suggest there is a hierarchy of hate crime, whereby there is better understanding of some monitored strands than others, on the other hand, it is reassuring to see that disablist hate crime is viewed as being on the same journey as race hate crime. This journey, however, may have been interrupted by national events that have refocused political and policing attention on issues relating to racially and religiously motivated offending.

7.3.2 Familiarity and engagement

As evidenced in the points raised in 6.4, it is clear that an underlying issue for individuals with learning disabilities in engaging with the police is the lack of familiarity with officers and with the process of criminal justice itself. Given the insight already gained on their perceptions of police officers and police stations, it was perhaps not surprising that Jane (focus group 4) stated:

“I would ask a family member...I would ask them to help me”

The majority of participants in the focus groups were in agreement with this view and explained the first person they would speak to about any victimisation experienced would be a family member or support worker from the disability group. This was evident across each of the focus groups; six of eleven participants (focus group 1), eight of twelve (focus group 2), seven of ten (focus group 3) and five of five (focus group 4). Of the fourteen who agreed with this in focus groups 1 and 2, for
the most part the first point of contact would be the housing manager of their supported living residence, rather than a family member or friend. This echoes research by Mind (2007), Sin et al (2009), and Sheikh et al (2010) who found that people with learning disabilities tend to tell support workers, social workers, health care professionals and housing officers about any victimisation rather than the police. This differs from research with other disability groups such as those who are visually impaired, who have a tendency to tell a family member or friend about their experiences, with only 4% of respondents telling the police (Action for Blind People, 2008).

Within their interview the Neighbourhood Inspector stated the following:

“A lot of the crime that happens within the community of disability is dealt with in-house or tolerated because it’s the norm, so you get a lot of scenarios where care institutions are providing significant support to their community that they’re employed to cater for, and they don’t report anything to us unless it’s an assault of physical nature, a rape, an indecency, then we go and deal with it and we deal with that crime type.”

It is therefore not surprising that the Inspector holds this view, given the tendency of people with learning disabilities to disclose details of victimisation to those they have regular contact with, rather than the police. However, the impact of this is the distorted view that the police have of disablist hate crime as a policing problem. If individuals with learning disabilities are not engaging with the police and instead turning to others to report their victimisation, which is not passed on to the police, the true extent and nature of disablist hate crime is not known by police. Whilst the focus group participants in this research were not asked directly about their own victimisation, the participants did demonstrate a lack of knowledge on disablist hate crime. Consequently, such findings imply that there is the potential for underreporting within the focus group participants. As already evidenced in Chapter Six, this underreporting can in turn mean that policing resources are directed elsewhere and opportunities for engagement between the two groups are further limited.

That said, the research findings suggest that whilst disablist hate crime is perhaps underreported to the police, this does not mean that it is not reported at all. Instead, it appears as though social workers, housing officers and support workers are acting
as a surrogate for the police, which places a responsibility on such professionals to act upon the information they receive. Whilst the police are often regarded as the gatekeepers to the criminal justice system, it is evident that there is an extra hurdle to be overcome beforehand.

Within the service providers involved in this research, familiarity was also found as being an important factor in supporting their engagement with individuals with learning disabilities. For example, as discussed in 6.3, those officers who had greater experience of communicating with individuals with learning disabilities had more confidence in understanding the needs of people with learning disabilities and in communicating with them. Issues of confidence will be discussed in the following chapter however a common discussion point in the observations and interviews was on the perceived missed opportunities within the training programme to develop this confidence through familiarity. This would help increase the opportunities for engagement between officers and the learning disability community. In seven of the ten interviews, the lack of training on disablist hate crime was discussed and within five of these seven interviews, it was suggested that the involvement of people with learning disabilities would help to make the training more useful and personal. Some of the comments made by officers are outlined below:

“It needs to be more impactive, so we need to get some of our victims of crime in; we need to get some learning from where things have gone wrong... contextualise rather than spout out another bit of legislation, actually contextualise that into, this person was a victim of crime and take them through their journey and how they felt they were dealt with. Get officers to ask questions, ask questions, it might make them think, well, actually, yeah, I’ve been that officer who’s turned up, half talking on the radio, half looking at his phone, not really that interested and then left, and that was the impact I had on them.” (R&P Police Sergeant)

“...use our training days to go and do things like this and maybe get involved with, like I said, getting people in to talk to us about how they want to be dealt with... I think that would be more impactive than just reading a PowerPoint around how to deal with someone.” (R&P Acting Police Sergeant)

“I’m not sure that we have any hate crime related people coming in, we do have some speakers coming in. Again, it’s a...whereas we’d like to, we just simply don’t have the time to do it” (Police Trainer)
Recommendation 50 of the Macpherson (1999) report stated that:

“That police training and practical experience in the field of racism awareness and valuing cultural diversity should regularly be conducted at local level. And that it should be recognised that local minority ethnic communities should be involved in such training and experience.”

Whilst the focus here is on enhancing racism awareness, the quotes from police officers above suggest that the same practice can be applied to enhance knowledge of people with learning disabilities and disablist hate crime. As Azah (2009, p.187) argues:

“We should also be listening to, and taking seriously, the views of communities whose voices are often hard to hear, or who might sometimes have views that we might not want to hear….and in so doing take advantage of the intelligence available to them from within communities.”

Since 2009, the involvement of ethnic minorities in shaping policing practice through IAGs, training and other forms of engagement has become common place. However, it is questionable the extent to which the same can be said for people with learning disabilities, as evidenced by some of the comments expressed by participants in relation to ‘breaking into communities’. The principles outlined by Azah (2009) could, and should, apply to other minority communities, including those with learning disabilities. Whilst the levels of familiarity between this community and the police are currently limited, the greater involvement of people with learning disabilities, and/or their representatives, in an advisory capacity should help to facilitate engagement, and in turn enhance opportunities to improve familiarity and knowledge between service users and service providers.

7.4 Concluding comments

From the presentation and discussion of the findings in this chapter, the overarching conclusions are, firstly, that low levels of reporting impact upon the volume of disablist hate crime that officers are required to respond to, which in turn affects the accumulation of specific and relevant policing experience, and secondly, that the closing of police properties disproportionately affects people with learning disabilities because alternative avenues for accessing the police, particularly through online services and other written documentation, represent particular accessibility challenges often taken for granted by other users.
The low levels of reporting and recording are in part explained by the lack of knowledge on disablist hate crime and officers within this research expressed the need for evidence of disablist hate crime as being a problem in order to justify this as a policing priority. In addition, the underreporting and perceived rarity of disablist hate crime means that police officers are not frequently responding to such incidents or, indeed, dealing with these incidents at all. Within this research only two incidents involving racially aggravated hate crimes were observed and no observations related to disablist hate crime or involved individuals with learning disabilities. The opportunity to gain experience and knowledge is therefore minimal.

The economic context surrounding policing has resulted in the closure of police stations and/or stations becoming closed to the public. Participants in two focus groups did not know where their nearest police station was following the closure of their local station. Of the individuals with learning disabilities involved in this research, only 32% had internet access, meaning the use of the internet to counteract the impact of closing police stations is not appropriate for this particular group. Increased police visibility on foot patrol was also desired by this group as this then allows for face-to-face interactions, and such a request is amplified by the reduced access that the closure of police front desks presents. The often-stated claim that communities are ‘hard to reach’ is therefore effectively reversed in the eyes of people with learning disabilities.

There are therefore three key issues that need to be considered in relation to the accessibility and engagement between service users and services providers. Firstly, the cuts to police budgets and resources impacts on the accessibility of the police, but it is arguably the limited knowledge that police officers have of disablist hate crime and the needs of the victims which makes this problematic. The subsequent reduced and limited opportunities for police officers to proactively patrol and engage with their community, rather than being reactive, results in limited opportunities for the police to learn more about the learning disability community, and vice versa.
Secondly, as emphasised above, caution needs to be applied to the use of the internet as a communication tool. Less than half of the individuals with learning disabilities involved in this research have access to the internet and, combined with the closure of police stations, access to reporting mechanisms is significantly reduced for this community. Without an acknowledgement of the particular needs of individuals with disabilities, such approaches mirror the constraints and concerns identified within the social model of disability.

Thirdly, there is a clear desire from both service users and service providers for greater engagement between these two groups. The training environment provides an opportunity to facilitate this, however such opportunities are not being taken. There are frustrations from both police officers and individuals with learning disabilities as to the limited contact that they have with each other, often as a result of the increasing demands placed on police officers because of austerity. The social model of disability can however help to frame the more positive aspects of this engagement. As noted in Chapter One, a greater awareness of the needs and expectations of individuals with learning disabilities would help police officers be more confident when responding to such incidents.

Whilst issues around accessibility and engagement have been discussed separately from levels of understanding and perceptions, it is clear that the former can have a great impact on determining the latter. At this stage it is perhaps worth revisiting two statements from the conclusions of the Stephen Lawrence Inquiry that resonate with a number of the themes in this chapter. The first is:

"First and foremost and fundamentally we believe that there must be a change so that there is genuine partnership between the police and all sections of the community. This cannot be achieved by the police alone. The onus is upon them to start the process." (Macpherson, 1999, para. 46.40)

The emphasis here related to the establishment of partnerships between the police and minority ethnic groups. Whilst considerable progress has been made in this particular area since the Stephen Lawrence Inquiry, this research suggest that the importance attached to the principle of police community partnerships remains pertinent for the learning disability community.

The second statement from the Inquiry echoes the first by stating that:
“We hope and expect that implementation of our Recommendations will ensure that the opportunity for radical thinking and root and branch action is seized... We also hope that as Police Services reach out to local communities their approach will not be rejected. The gap between Police Services and local communities may seem to be great, but early steps welcomed and encouraged by both sides will surely lead to confidence and co-operation. This may then be the start of the beginning of change.” (Macpherson, 1999, para. 46.42).

The spirit within which Macpherson outlined the hopes of the Inquiry team in this regard are mirrored within this research. It is evident that the police aspire to reach out to the learning disability community in the same way that those communities are clear that any such approaches would not be rejected. The joint aspiration for closing the gap between the police and the community already exists, although hindered by external factors less likely to have been at the forefront of Macpherson’s thinking but that are evident in contemporary policing. So here, the issues in hand relate to constraints other than the type of internal institutional faults highlighted by the Stephen Lawrence Inquiry.
Chapter Eight:

Findings and Analysis 3 - Confidence and Desired Outcomes

The final theme identified within the research findings was confidence and desired outcomes. Throughout this chapter it will be evident that there are connections with some of the discussions presented in Chapters Six and Seven, but there are a number of significant elements that influence the confidence that police officers have in speaking to people with learning disabilities and that people with learning disabilities have in the responses of the police. The key discussion points of this chapter are outlined in Table 8.1 below.

Table 8.1 Sub-themes to be discussed

<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Sub-themes within thematic area</th>
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<td>Confidence and desired outcomes</td>
<td>8.1 Confidence of police officers in communicating with people with learning disabilities</td>
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<td>Personal resources held by individual officers</td>
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<td>Individual experiences of officers</td>
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<td></td>
<td>Confidence provided by and within police training</td>
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<td>8.2 Expectations of people with learning disabilities in the police</td>
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<td>8.3 Competing desired outcomes</td>
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<td></td>
<td>Desired outcomes for the police</td>
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<td></td>
<td>Desired outcomes for people with learning disabilities</td>
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<td></td>
<td>Impact of competing desired outcomes</td>
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8.1 Confidence of police officers in communicating with people with learning disabilities

Where Chapter Six discussed the lack of understanding that some officers have in recognising learning disabilities and the needs of such individuals, and Chapter Seven discussed the minimal opportunities for engagement, it is also important to
recognise the level of confidence that officers have in how they communicate with this group. This research found that there is a variation in the level of confidence that officers have in engaging with people with learning disabilities, ranging from feelings of intimidation to those of familiarity. The R&P Acting Police Sergeant, the Senior Officer and the Control Room Inspector all demonstrated strong feelings of confidence when engaging with this particular community group.

“Completely comfortable. For me personally, completely comfortable. It won’t be everyone’s cup of tea, and the reason being is because people feel it’s an awkward situation. I know that I can walk into that situation, I assess, I don’t need to necessarily say to them, but you ascertain very quickly from someone how they want to talk to you... So, I feel confident, I know that there are barriers there and I know that that’s potentially because every situation is different and it is difficult potentially sometimes for people that haven’t had any exposure to people with disabilities” (R&P Acting Police Sergeant).

“I think there will be a confidence issue around how people engage with people with learning disabilities, if they’re not used to meeting or talking to people with learning disabilities... So, me personally,... I’ve been [a] young carer,... so it seems a bit normal really, in relation to how to do it.” (Senior Officer)

“Interestingly, I did work with people with learning disabilities before I came in the job, but only voluntary, ’cause you know, I was at university forever... But, I think a lot of that is me. I’m not afraid to talk to people, and try and get on their level... I would say, that’s a lot about me, as opposed to me having learned that through understanding the role, I think I would just, you know, it’s the northern [in me], you see, I’ll talk to anybody.” (Control Room Inspector).

It is clear from these quotes that these officers feel that their confidence is due to having previous experiences in engaging with people with learning disabilities and/or due to them being confident people who can talk to anyone.

The R&P Police Constable, however, was more equivocal in their response and highlighted the influence of the need to be ready to move very quickly from one incident to the next, stating that:

“I do and I don’t. Sometimes I feel comfortable that I know what I’m doing... So, it’s a really funny job where, you know, if you’ve dealt with two jobs involving vulnerable victims or anyone with autism or any other sort of learning difficulty, if you dealt with something two days later, I think I’d be fine, but we have so many gaps in between these different jobs, it’s very easy to forget this job because you’re already thinking about something else. You know, that’s what I sort of find, I think.”
Whilst the Neighbourhood Inspector did not comment on the pressures involved in their role, they did admit to feelings of discomfort in the form of being more self-conscious of their behaviour when engaging with people with learning disabilities. For example:

“I am very much more self-conscious that I will make an effort to engage, to listen. I think the worst attribute...we are supposed to be some of the best communicators that are out there. Ironic, really. I laugh at that. I don’t know that we actually are, and we don’t listen enough.”

The R&P Police Sergeant, however, went further than expressing discomfort and heightened self-awareness and instead used the term “intimidating” to reflect their anxiety, as indicated by the following quote:

“I find it really intimidating, and I don’t know if I should say that, but I find people with disabilities quite intimidating, because they’re unpredictable... People I’ve dealt with with autism for instance, sometimes they can go from very placid to extreme violence and then back to being placid, and I find that quite unnerving... Down syndrome I don’t know a lot about admittedly.”

This marks a clear difference between the earlier views of police officers and completes the spectrum of anxiety felt by those who may have to respond to incidents involving people with learning disabilities. It is worth mentioning here, however, that the perceptions of the general public towards disability tend to be negative (Beckett & Buckner, 2012, Barnes & Mercer, 2010; Brittain, 2004; Jaeger & Bowman, 2005) and police officers are themselves members of the public. The quotes mentioned above demonstrate some of the inherent complexities that have the potential to shape confidence levels in engaging with people with learning disabilities. Although not referring to their own confidence levels, the Chief Officer provided the following view:

“I think that the more you are aware of, conscious of, and think through your particular response to a particular victim, whoever that is, regardless of what their need, you then are more in tune around that that individual person’s needs are.”

From the quotes provided, the ability to be more conscious and in tune with the needs of an individual is varied between the officers involved in this research. Such a variance in confidence levels appears to be collectively underpinned by two
prominent themes: personal resources and individual experience. This chapter will now further explore both themes.

8.1.1 Personal resources held by individual officers

For the purpose of this thesis, personal resources refer to the within-person capacities that are “generally linked to resiliency and refer to individuals’ sense of their ability to control and impact upon their environment successfully” (Hobfoll, Johnson, Ennis, & Jackson, 2003, p.632). Of the ten interviews, seven officers discussed issues of confidence specifically, as evidenced with the quotes provided above. Within these there are a number of themes discussed (see Table 8.2) that fall within this category of personal resources and consequently influence the confidence levels of officers.

Table 8.2 Themes impacting upon personal resources of police officers

<table>
<thead>
<tr>
<th>Identified issues</th>
<th>Overarching themes</th>
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<tr>
<td>Varying levels of comfort; “awkward situations”</td>
<td>The themes identified therefore refer to an officer's ability to cope with:</td>
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<tr>
<td>Ambiguity of situations; workload pressures; infrequency of incidents</td>
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<tr>
<td>“self-conscious”; inability to communicate properly</td>
<td>Unpredictability</td>
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<tr>
<td>“intimidating” situations; “unpredictable”; threat of violence; “unnerving”</td>
<td>Intimidation/threats</td>
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<tr>
<td>Importance of experience; perceived normality of situations</td>
<td>Workload pressures</td>
</tr>
<tr>
<td>Importance of personality; importance of experience</td>
<td>Ambiguous situations</td>
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<td>Heightened awareness; conscientiousness</td>
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The importance of personal resources to street level bureaucrats is similarly highlighted by Lipsky (1980). He argues that some street level bureaucrats, such as police officers, lack the personal resources to conduct their work. This may be due to being undertrained or inexperienced and such issues will be further explored later in this chapter.

However, Lipsky (1980, p.31) also notes that:

“street level bureaucrats often experience their jobs in terms of inadequate personal resources, even when part of that inadequacy is attributable to the nature of the job rather than rooted in some personal failure”.

This means that whilst officers may perceive any shortcomings in their service delivery as a result of individual faults, as the Neighbourhood Inspector alludes to above, such shortcomings may actually be unavoidable due to the very nature of policing, the nature of disablist hate crime, and the ambiguity that surrounds it. As highlighted by the R&P Police Constable, the situations involving people with learning disabilities can vary considerably due to the very nature of disability and this is something that officers have no control over. Furthermore, the infrequency with which officers are required to respond as compared to the volume of other day-to-day business as dictated by external demand, also has a significant influence. The Police Trainer stated:

“...so you obviously have response and patrol officers who may have been on the beat for eight, nine years, but they’ve not interviewed a suspect for eight, nine years because of the, sort of, the limit of their role is so narrow.”

Grimshaw and Jefferson (1987) identified the need for police officers to quickly adapt from one situation to the next, regardless of the differing needs of individuals. This can be seen when reflecting on the types on incidents that were observed in any one shift. For example, during one observation of a late shift (from 5pm to 3am) officers dealt with the following incidents:

- two missing people (one adult and one child)
- two domestic incidents
  - an argument between exes which resulted in a threat to kill being made
  - an argument between partners in the street
- one drug related burglary
• one obstruction in the road
• one suicide

When observing a day shift (from 9am to 7pm) officers dealt with these incidents:

• Three domestic incidents
  o a verbal argument between partners
  o a verbal and physical argument between a mother and daughter
  o criminal damage and intimidation between partners
• assisting an ambulance team where threats to self-harm were made
• two traffic offences
• theft

The demands of these incidents differ significantly, from dealing with drivers who are carrying their passengers in a dangerous manner to correctly locating the family of the individual who took her own life by jumping from the top of an eleven-storey car park. The examples of incidents provided above were typical of the daily activities of the police officers observed. One issue that stood out throughout the observational research was just how few of these incidents involved people with learning disabilities. It should therefore not be surprising that there is a lack of confidence in communicating with people with learning disabilities, given the obvious lack of opportunity to do so during routine activities of a working day.

Lipsky (1980, p.31) also highlights the importance of the stress under which street level bureaucrats work and the impact that this can have on an individual’s performance. The most recent ‘Demand, Capacity and Welfare’ (Police Federation, 2019) survey of 18,000 police officers in England and Wales found that 44% of respondents viewed their job as very or extremely stressful – a larger proportion than in the 2016 survey (39%). Feelings of stress and anxiety were experienced by 79% of officers within the previous 12 months, with 94% of those affected saying the difficulties were caused or made worse by their job. The identified issues outlined in Table 8.2 can all be considered sources of stress and anxiety and therefore relevant to this aspect of personal resource management. In particular Lipsky (1980) identifies a number of issues that are also replicated within this research.
One such example of a shared stressor is the nervousness around the *unpredictability* of situations, particularly those involving the potential for violence. The R&P Police Sergeant reflected on their previous experience and described such situations as “unnerving” and “intimidating”, with the Chief Officer alluding to a need for heightened awareness. This is closely related to the *perceived demeanour* of an individual; another stressor identified by Lipsky and this research. For Lipsky (1980), the ability to read an individual’s demeanour will allow officers to predict what the likelihood of a hostile and threatening situation unfolding will be. Whilst the Senior Officer disclosed their familiarity in doing this and the normality of engaging with people with learning disabilities, the R&P Police Sergeant displayed lower levels of confidence to do this and stated that they did not possess much knowledge about specific disabilities, enhancing their feelings of intimidation. Those without this knowledge are therefore more likely to be apprehensive, but those with this knowledge, such as the Senior Officer and Control Room Inspector, are more likely to cope with these situations and did therefore display higher levels of confidence.

Another stressor identified by Lipsky (1980, p.32) relates to the wider context surrounding the work of street-level bureaucrats and argues this often increases levels of debilitating stress. Whilst this is not something that was mentioned by the officers involved in this research directly, the high workload and related pressures was discussed by officers. As explored in Chapter Six, officers reported the difficulties in dealing with competing organisational priorities and the coping strategy of prioritising these. In relation to this, Lipsky (1980) also states that a further, but arguably less significant, stressor is the level of *scrutiny* that officers feel they are under by authorities or “those whose negative evaluations might be harmful” (p.32), such as senior officers and managers. Although not referred to specifically by officers involved in this research, the Chief Officer made the following comment in their interview when discussing hate crime:

“*Is it an area of priority? Yes, it is, it has a strategic lead, it has a tactical lead, and then there’s a plan that is underneath that, which is trying to develop then our service delivery around it.*”
An assumption can therefore be made that lower ranking officers would be aware of the tactical and strategic leads in this area and the scrutiny under which the policing of hate crime takes place from lower and middle management, in the form of supervisors and line managers. Furthermore, when revisiting the quote from the Neighbourhood Inspector (repeated below), one interpretation of the quote may be that, as a middle-lower manager, the Inspector is being critical of their staff.

“I am very much more self-conscious that I will make an effort to engage, to listen. I think the worst attribute...we are supposed to be some of the best communicators that are out there. Ironic, really. I laugh at that. I don’t know that we actually are, and we don’t listen enough” (Neighbourhoods Inspector).

This represents one example of an area where the quality of police performance and service delivery in relation to disablist hate crime is questioned by a supervisor.

Although not acknowledged by Lipsky, this research has identified a further factor that influences levels of confidence on an individual basis – personality. The R&P Acting Police Sergeant and the Control Room Inspector both highlighted the perceived influence of their own personalities in how they speak and engage with people with learning disabilities, and other members of the public. The Control Room Inspector in particular was very clear that they felt this was not something developed through their police work, but rather a characteristic that has always been present. Whilst a greater discussion on personality traits and those most likely attracted to police-related employment is beyond the scope of this research, the impact of individual personalities on dealing with the overarching themes identified in Table 8.2 is worthy of exploration in future research.

The R&P Police Constable noted above that dealing with people with learning disabilities is a relatively rare occurrence. Mirroring this, the observations undertaken for this research did not yield any direct observations of these types of incidents. As such this analysis is drawn solely from the findings of the interviews with police officers. However, one analogous incident occurred within the observations that is worthy of note here.

During a shift with a Response and Patrol team, officers were tasked with attending an address regarding the theft of a handbag. When officers were discussing this matter with the Police Sergeant at the station, another officer commented that they
recognised the name of the victim and believed she was deaf. One of the attending officers searched the computer system for an available Police Link Officer for Deaf people (PLOD) but due to illness, training, rest days and current commitments, there were no PLODs available. A conversation was then had between the two attending officers, who each had little experience of engaging with people from the deaf community, on how best to communicate with the victim, including writing things down if necessary. Whilst it later transpired that there had been a misidentification and the victim was not deaf, this does demonstrate a number of similar features identified in Table 8.2 above, such as the impact of ambiguous and unpredictable situations, but also the desired reliance on the presence of an expert (in this case, the PLOD).

There is therefore the potential for a number of stressful situations to occur within policing and there are some officers who are able to manage these better than other officers, due to the personal resources inherent within them, which will impact on the confidence of officers to differing degrees. These varying degrees are themselves influenced by experience, training and the very nature of disablist hate crime; the influence of the former will now be explored.

8.1.2 Individual experiences of officers

The personal resources inherent within police officers are closely associated with the experiences that an officer has in engaging with people with learning disabilities. As evidenced in the quotes above, the responses from the R&P officers in particular highlight the influence of previous experience on shaping their confidence levels. Chapter Four (4.2.1. and 4.2.2.) discussed the development of perceptual shortcuts that aid officers when responding to incidents (Lipsky, 1980; Shearing & Ericson, 1991; Skolnick, 2011) and Shearing and Ericson (1991) highlight the importance of experience in officers developing this toolkit, which they argue officers “use to get them through the business of police work” (p.500). This experience however can come in two forms. The internal experience gained from within their policing role was evidenced with officers discussing their previous, negative experience in dealing with people with autism, the large gaps between attending jobs involving individuals with learning disabilities and the need to always be mindful and
prepared for the next job that they will be sent to. On the other hand, the external experience obtained prior to joining the police were also disclosed by officers. For example, the experience of a family member having learning disabilities and the experience of completing voluntary work with individuals with learning disabilities.

The internal experience of officers (or lack thereof) in engaging with people with learning disabilities is shown to have a negative impact on the confidence levels of the officers in this research. This lack of experience can, in part, be explained by factors that have already been discussed in this thesis. Chapters Two and Three explored the underreporting of disablist hate crime and officers involved in this research commented on the lack of disablist hate crime incidents that they have personally dealt with. The underreporting of disablist hate crime results in limited opportunities for officers to attend such incidents, meaning the subsequent opportunity to learn and enhance their confidence in this area is constrained (and their toolkit (Shearing & Ericson, 1991)). This then places a reliance on the training that is provided to police officers to instil confidence and this will be discussed in further detail later in the chapter. Furthermore, as explained by the R&P Police Constable, when officers do attend incidents such as disablist hate crimes, they are thinking ahead to the next job they are tasked to attend and therefore not able to provide their full attention to the current situation and individuals involved. This demand for call-readiness, as described by Grimshaw and Jefferson (1987), appears to still be a characteristic of policing.

The comments regarding the external experience of officers echoes a finding from the Living in Fear report (Beadle-Brown et al, 2014, p.110) explored in Chapter Three. Within this report, police officers reported that they apply knowledge they have learnt elsewhere to their police work, rather than knowledge they have learnt through training and experience within the police. The two officers who discussed external experience (the Senior Officer and the Control Room Inspector) were two of the officers who gave comprehensive definitions of disablist hate crime, discussed in Chapter Six (6.1.2).

It is therefore dependent on the internal and/or external experiences that an officer has, which in turn determines some of the personal resources that are inherent
within the officer, as to how confident an officer is when engaging with a person with learning disabilities. There is therefore the potential for people with learning disabilities to receive differential responses, should they engage with the police.

Chapters Six and Seven have previously emphasised the impact that individual officers have in determining service provision and this further reinforces this finding. Hence, this research endorses the previous literature discussed in Chapter Four (Bowling, 1998; Lipsky, 1980; Reiner, 2010; Skolnick, 2011) whereby the quality of service provided by police is determined by the individual officers, or street-level bureaucrats. Skolnick (2011), for example, acknowledges the impact on one’s perceptual shorthand if experience in that area is lacking, recognising the connection between experience (internal or external) and personal resources. Lipsky (1980) expands on this and argues that the decisions made by officers are influenced by their perceptions of the incident. Therefore, it can reasonably be assumed that the greater confidence an officer has in dealing with an incident, the better that response will be. Alongside gaining first-hand experience, the training offered to police officers and staff plays an important role in developing confidence.

8.1.3 Confidence provided by and within police training

Within their interview, the Chief Officer discussed the importance of training in instilling confidence in officers to respond to incidents and stated the following:

“So, it’s a bit almost the other side of the coin, around trying to give community members the confidence to report, actually, at the same time, we need to give our people the confidence to be aware of it, be open to it, and be able to respond to it when it’s reported.”

The use of the phrase “we need to give our people the confidence” implies that the organisation should provide officers with the skills necessary to inspire such confidence. However, the Police Trainer stated:

“...there’s no specific training on communication... We train people how to identify indicators of perhaps learning disabilities and to conduct that needs assessment and as part of that needs assessment, if it is apparent that they do require an intermediary, somebody to help with their reading and writing, that we don’t do anything evidential until then, but ultimately it relies on their communication skills and perhaps also their, sort of, common sense and compassion as well and dealing with people in crisis situations who have learning disabilities.”
The last part of this quote is of particular importance as this reiterates the reliance on individual officers and the inherent personal resources they have available to them. The mention of compassion is of particular note, as this was also included in Charman’s (2017) six characteristics of police culture, reflecting a move towards more social work-related activities, such as safeguarding, rather than combative activities, such as fighting crime. This therefore suggests that the training provided to officers does not help to instil confidence in engaging with people with learning disabilities. This was reinforced by the PCSO below:

So yeah, we almost consider ourselves portable social workers, in a uniform, trying to do the best from my own working knowledge. Some of the stuff we get trained on is all well and good, but we've never had social services training, it's life skills, learning from the incidents you've dealt with as you go, and people that you've got help to, through different people”.

A further implication here is the reference to police being “portable social workers”. Given the issues raised in Chapter Four of this thesis, the policing of disablist hate crime, in some contexts, may not be regarded as ‘real police work’ but more of a social care function. This perception reiterates Brodeur’s (1983) work where it is suggested that policing has two tasks - ‘high policing’ (intelligence-related activities reliant on human and technological actions) and ‘low policing’ (the more mundane day-to-day policing activities such as maintaining order and community engagement). Millie (2013, p.150) further develops the latter and argues that ‘wide policing’ is more appropriate, given the number of policing styles that are now involved in policing and the diverse and complex incidents that these are applied to. He advocates for ‘narrow policing’ (whereby the police are viewed as one organisation within a network of organisations who are responsible for social control, rather than the only organisation) and argues that this would help to clarify the role of police officers. Such clarification of police work would arguably make the response to incidents less ambiguous, however given the reduction in funding for police and other public and third sector organisations, this would appear to be aspirational. This reinforces the arguments of more recent literature on the characteristics of police culture and the acceptance of social order maintenance as part of everyday policing (Charman, 2017; McCarthy, 2013; Paoline & Terrill, 2004; Willis & Mastrofksi, 2017), discussed in Chapter Four.
Furthermore, in contrast to their earlier quote, the Chief Officer highlighted the expectation that some values would be inherent within the people that they employ:

“I mean, generally, we do recruit people who are good communicators, who work well with others, who are really good at trying to draw alongside people and respond to people in their crises. ... I think, sometimes, that’s because of their natural willingness and ability to communicate to people, and understand people on a different level, you know, kid one minute, older person the next. But, that’s in spite of, probably, the lack of training that they get, or the lack of awareness that they specifically get around the disabled community, for example.”

The latter part of the quote does acknowledge the limitations of the training provided however it is worth noting the importance placed on communication for successful police work in general. That said, the demands of communicating with an individual with learning disabilities will be fundamentally different from other service users, which when coupled with the relative rarity with which officers come into contact with this group of individuals, may serve to exacerbate the communication problem.

Whilst there is a lack of confidence gained from the training provided, there also appears to be a lack of confidence in the training itself. Training was viewed as being abstract and lacking impact, as explained by the R&P Police Constable below:

“I think sometimes a lot of our training is very much, right, I’ve read that bit, now I’m going to read it out to you and you’ve got to listen to it... One of the big lecturers that we had here [at University] ... it was a Polish lady who came and talked to us and told us about...she was a Jew during World War II, and we didn’t need it for our degree, but it was just so impactive because she’s telling you about stuff that she’s witnessed and she’s seen, and I think if we had someone with any sort of vulnerability or disability who would come and talk to us and tell us about what they’ve gone through, how they’d like us to act them or how they’d like us to...that would be good.”

Criticisms regarding the use of e-learning and passive learning environments were also provided, for example by the R&P Police Sergeant:

“Yes, so some of it is to do with e-learning ... They’re not interactive e-learning, they are PowerPoint slides that you have to click on. The quality of delivered training, so that’s where you attend and sit in front of someone, is repetitive, it hasn’t really moved on in the time I’ve been going, you still sit back and listen, every now and again you’ll get given one bit of paper and told to go out in groups and write down something, and then you come back everyone falls asleep while everyone else presents.”
It was also perceived that good practice in some areas is not replicated and applied to others. The Neighbourhood Inspector stated:

“*We did a level of training some years ago for the control room and they were trained in vulnerability, what is vulnerability and they were provided some guidance on assessing behaviour and risk assessment and identifying probability, and in the neighbourhood course we did some element of what is vulnerability and identifying it, but actually specific focusing on individuals with any level of focus around whether it’s any element of the hate crime categories, we spend time training people to be LAGLOs, so that they can engage with the lesbian, gay and bi community …, but we don’t really do an awful lot with the other categories.*”

Furthermore, the R&P Police Constable provided the following example of good practice and why this stood out from other sessions:

“*…it was a chief inspector and she had gone off and found out about this information and she’d been talking to other people. She was the one that…that was a training day, she was fantastic, it was only about 20 or 30 minutes, but the way she told us about dementia and how people register information who have dementia or how dementia works, it just made it really easy to understand… but a lot of the time it’s very much they read from a book, they then tell us and it’s not the same as reading the book…”*

Here, the apparent low level of confidence that officers tend to have in the training provided resonates with the discussion in Chapter 8 (8.3.2) on the missed opportunities within training to facilitate engagement with people with learning disabilities. The delivery of training is just as important as the content provided. As evidenced in the quote by the R&P Police Constable, those involved in the training can have a considerable influence on those undertaking the training. The Police Trainer also recognised this and stated:

“*My main worry when people leave training is that you tell them how they should do it and then they go onto shift and they speak to people who have been doing it for years and who might have a slightly tarnished attitude towards some people, some locations, you know, some post addresses and so on and that might then change their attitudes.*”

Here the experience and personal resources of others has the potential to influence attitudes and knowledge held by police officers that are young in service. As Shearing and Ericson (1991) argue, the use of police stories shared between officers can influence the thinking of others and the behaviours exhibited when they come across a similar situation. The values and working practices of the instructors, tutors
or those longer in service can be passed down to newer officers and these may be more in line with personal and organisational cultural values, than the content and desires of policy instruction.

As previously mentioned, Recommendation 50 of the Stephen Lawrence Inquiry states that:

"the police training and practical experience in the field of racism awareness and valuing cultural diversity should regularly be conducted at local level" (Macpherson, 1999)

This recommendation can be broadened wider than racism awareness to include awareness of other diversity strands, such as disability. However, it is important to consider the impact of training with a critical awareness. First, Clements and Jones (2009) argue that within recommendations such as this, there is an assumption that training is the sole method of achieving an objective. The Police Trainer disclosed that

"the College of Policing sets the learning outcomes, which there are approximately 7000... it's a trade off, what can we put in and what do we need to put in, what's really important to put in?"

The training provided to police officers can therefore not be expected to deliver all the information there is to know about all the topics that need to be covered. The process of prioritisation is again evidenced as part of this decision making, with instructions from senior management as to how training should be shaped. For example:

"...and we just get told, you know, it comes down from on high, you will have this person coming in, I mean, we've just been told that the force chaplain is going to come in half an hour on every ST one group and where are we going to get that half an hour from?"

Secondly, due to the underreporting of disablist hate crime, if training was provided on how to engage with people with learning disabilities, there is the potential for the impact and learning of this to be lost. With long periods of time between attending incidents involving people with learning disabilities, the opportunity to build on learning and experience is limited for officers.
Thirdly, the varied nature of disablist hate crime and situations involving people with learning disabilities is so vast that any training provided will not be applicable to all circumstances and therefore a reliance is still placed on how the individual officers themselves respond. Collectively, the combination of these three issues ensure that even were training to be more comprehensive than it currently is, its effectiveness would necessarily be limited.

It is also important to note that in the interviews a minority of officers made reference to policy as a guide to decision making and responding to incidents. As expected, the Chief Officer made reference to the Police and Crime Plan of the Police and Crime Commissioner within the first few minutes of their interview. Three other officers did also comment on policy but were less specific when doing so. For example, the R&P Acting Police Sergeant explained:

“I think because we go to so few incidences, maybe we’re not as au fait with what policy documents are around there.”

The R&P Police Constable mirrored such thinking and stated:

“I’m sure there is some policy, I’m just not aware what it is today.”

Aside from that mentioned by the Chief Officer, the only specific mention of any relevant policy was made by the Control Room Inspector, who has experience of working within the area of hate crime and with people with learning disabilities. The Control Room Inspector made the following comment in relation to the Victim’s Code:

“[we’re] guided by the Victim Code now, so that is set in stone, and I can’t reel if off, off the top of my head...strictly speaking, any victim of hate crime in Brentmouth Constabulary should know about the Victim Code, or the officer should know, and should obviously put those provisions in place.” (Control Room Inspector).

In addition to the observations about policy reflected above, it is also worth noting the limitations of policy identified within the wider literature. Indeed it is quite clear that the effectiveness of policy, regardless of its content and propriety, is necessarily limited in terms of delivering intended outcomes because of the complexities and variables within police work. For example, Lipsky (1980, p.15) argues that the work of street-level bureaucrats involves complex tasks that are “too complicated to be
reduced to programmatic formats”. Bowling (1998) states that little change has been made within policing, particularly during the 1980s and 1990s, despite numerous additions and developments in policy.

8.2 Expectations of people with learning disabilities in the police

Within the focus groups with people with learning disabilities, the conversations and topics discussed were led by the participants themselves. Whilst perceived levels of confidence in the police were not explicitly raised within the discussions, a number of relevant points emerged from the conversations that took place.

The significance of the expectations that people with learning disabilities have of police officers should not be understated. Chapter Six (6.4) explored some of the factors that shape expectations of the police, primarily the influence of television programmes. A common expectation found across the focus group participants was that the police will bring offenders to justice, regardless of the circumstances surrounding any offending. However, as evidenced in the conversations with Paul (focus group 1) and Susan (focus group 2), negative previous experiences, particularly when expectations are not met, can have a significant influence on the actions of that individual in the future. There becomes a disparity between what is expected to happen and what actually happens, and it is this discrepancy that can affect levels of confidence.

The presence of such expectations arguably influences the levels of confidence that people with learning disabilities have in the police. Firstly, there is the potential for confidence levels to be high, due to the expectation that the actions of the police will match those seen on the television. The longer such expectations remain, supported by the positive comments made about specific, local officers, confidence levels are likely to be maintained. However, whilst these unrealistic outlooks remain, there is always the risk that confidence levels reduce when individuals do engage with police officers and do not receive the service provision they desired. In Paul’s (focus group 1) case, this has resulted in him no longer trusting the police. The presence of unfeasible expectations is therefore a double-edged sword, as it offers both benefits and liabilities at the same time.
As previously discussed, it was the *faceless* police organisation that attracted negative comments from people with learning disabilities, rather than individual officers being referred to in negative ways. The influence on levels of trust and confidence in the police is therefore two-fold, based on *‘direct policing experiences’* and *‘indirect policing experiences’*. Using a similar approach to that which Brown and Calnan (2012) developed to understand service provision for those with mental health issues within the discipline of health, (see Chapter Three), the importance of direct (private) and indirect (public) policing experiences is reinforced within this research.

With regards to the *‘direct policing experiences’*, this focuses on the knowledge that an individual obtains through their own, direct experience of policing in response to a personal matter. Within this research, *Paul* (focus group 1) and *Susan* (focus group 2) can be placed within this category and were the only participants within the focus groups who had called the police following an incident of victimisation. The *‘indirect policing experiences’*, on the other hand, refer to the knowledge received from third parties regarding their individual experiences and the information made publicly available, through channels such as active patrolling that publicise the work and priorities of the police. The visits by local police officers to disability groups (as discussed in each of the focus groups) is one such example of *‘indirect policing experiences’*; officers are not responding to any victimisation but instead engaging with members of their local community. Furthermore, the information regarding policing within the local community that is provided on force websites is another example of this. However, it is worth highlighting here that information placed online has a limited impact for people with learning disabilities - as explored in Chapter Seven.

Both *‘direct policing experiences’* and *‘indirect policing experiences’* can influence perceptions of the police and subsequently the levels of trust and confidence that individuals have. A further application and development of Brown and Calnan’s model, incorporating the wider findings of this thesis, will be presented and discussed in the following, final chapter.
8.3 Competing desired outcomes

Within this research, it was found that there are competing perspectives between service providers and service users as to what desired outcomes look like. Whereas the service providers placed importance on measurable outcomes consistent with other policing activities, the service users placed less emphasis on this, preferring to concentrate on issues traditionally not measured by the police as key indicators of performance.

8.3.1 Desired outcomes for the police

The evidence from the research considered below demonstrates that there is an attempt by police officers to actively rationalise and frame disablist hate crime as a ‘real police problem’, comparable to the events that comprise their dominant workload. It is evident from the research that the police struggle to place disablist hate crime in the world of policing. They therefore seek to draw parallels with ‘proper crime’, in order to justify the response that is required by the organisation. Chapter Six (6.1.2) discussed the general lack of knowledge that police officers have of disablist hate crime and the common perception that it is not something that police officers respond to very often. This may, in part, explain why officers are forced to reconcile disablist hate crime both as a force priority and as a rare policing event.

For example, when observing a dedicated Safeguarding team, the following comment was made at the start of the shift:

“You won’t see any of that here” (Officer from Safeguarding team)

It is therefore not surprising that within the interviews and observations with the police officers, the need for greater evidence regarding the problem of disablist hate crime, and the extent of this problem, was raised by participants. For example, the R&P Acting Police Sergeant stated:

“If you can get something out of this research that comes back to people and turn around and say actually, do you know what, we’ve spoken to people, we’ve got the statistics, I think recommendations for you as an organisation could be this....this is how we do it, you know, these are the numbers, we can implement that stuff before we get.”
Here the implication is that without evidence to quantify disablist hate crime as a voluminous occurrence, then its position on the hierarchy of police relevance will remain questionable. Its position is likely to be artificially raised up this hierarchy by extraordinary policing events such as a HMIC inspection, as reflected by the Control Room Inspector:

“But when we get wind that HMIC are going to be doing a hate crime inspection, you can bet your life that we’ll be all over it”.

The Neighbourhood Inspector expanded upon the importance of viewing disablist hate crime as a ‘real policing problem’ by stating that:

“...cops respond, we are built to respond, we are designed to respond, we are culturally embedded to respond... But if people and organisations don’t tell us what’s going on in the first place, it’s chicken and egg, because with the demand and volume coming in, the amount of people that are shouting, we’ve got to deal with that, and because resources are getting finer and finer and finer, and the volume we’ve got to be able to deal with that, our focus therefore ends up looking at the one who shouts loudest.”

Again, the need for evidence to demonstrate the seriousness, volume and relevance of this particular problem to the police is clearly stated.

The Senior Officer considered the positioning of disablist hate crime as a policing problem more broadly. Reflecting the long-standing position that the police respond to the problems held to be important by wider society, they stated:

“I think it would be improving the social understanding of some of the issues that people with learning disabilities, in particular, face in life, and therefore the impact that that can have on them, wider, if we could solve or improve that picture, I think everything else around it would slowly start to improve as well”.

These findings reflect some elements of Bowling’s (1998) hierarchy of relevance in terms of the extent to which police officers recognised and referred to disablist hate crime as a ‘proper’ policing problem. Bowling argues that when a problem is moved from the lived experience of the victim into the antithetical milieu of a police organisation, the victimisation is stripped of its meaning and context. Mirroring the work of Bowling (1998) and Reiner (1985) as to what police officers view as a ‘rubbish crime’, here disablist hate crime has the potential to share some of the same characteristics; for example, ambiguity, disputed police relevance, little chance of a positive police outcome (such as an arrest or charging of a perpetrator). However,
within this research there is a demonstration that the police officers involved would like to offer the appropriate service provision, but are clearly constrained by organisational resources, personal resources and experience, as considered in the first half of this chapter.

8.3.2 Desired outcomes for people with learning disabilities

The findings from the focus groups with people with learning disabilities documented a series of responses greatly at odds with those considered important by the police. When participants were asked their preferences and desires for future interactions with the police, the following responses were obtained.

“Listen to what I say and also...do the things I would like them to do...” (Paul, focus group 1)

“by understanding me” (Louise, focus group 1)

“[speak to them] with respect...if they don’t know we have a disability, they need to talk calm to us”. (Lucy, focus group 2)

“Speak nicely to us” (Grace, focus group 4)

Whereas the four quotes above focused on improving the communication with the police, the following two focused on the presence and visibility of police officers:

“walk around still and see if people are okay still” (Richard, focus group 3)

“see more police...can stop things from happening” (Peter, focus group 4)

Here the importance of ‘softer’, interpersonal skills, that are less easy to quantify and measure, is emphasised. The notions of empathy, courtesy and politeness take priority over organisational measures of police success. Whilst Lipsky (1980) explained that the ability to read an individual’s demeanour was important in predicting the likelihood of hostile and threatening situations, here the same principle applies not to hostility but to successful engagement and appropriate service provision. The personal resources inherent in officers is not just important for the officers’ confidence in engaging with, but also for instilling confidence within, people with learning disabilities.
8.3.3 The impact of competing desired outcomes

The findings here show that the potential improvements in service provision for disablist hate crime victims are viewed differently by service users and service providers. Whilst service users place an emphasis on issues that are harder to empirically quantify, the service providers focused on traditional measures of police work (i.e. volume crime). The potential implications relate predominantly to the growth of trust and confidence, as a precursor to increased reporting, which in turn would help to meet the desired outcomes.

In other words, both groups must seek to better engage with each other in order for either to gain the outcomes they seek. In order for the police to see an increased number of disablist hate crimes being reported, and therefore gain the evidence that this is a legitimate policing problem, service users need to have confidence that the police can, and will, engage with them in the ways that they wish. Failure to do this could have the opposite, unintended consequence of people not reporting their victimisation and instead suffering in silence, in the mistaken belief that the police cannot, or will not, help them. The risk is that this then becomes a self-fulfilling prophecy. As Bayley (1994) argued over 20 years ago, police officers need to be responsive to the information provided to them by the community, rather than conduct practices that they think the community want. In his work on crime prevention, he argues that there are four elements to crime prevention – consultation, adaptation, mobilisation and problem solving - of which consultation and adaptation are prominent here in the development of trust and confidence.

8.4 Concluding comments

This chapter has examined the issues of confidence and outcomes from both the perspectives of police officers and individuals with learning disabilities. The overarching conclusion from the presentation and discussion of the findings in this chapter is that there is a tendency for police officers to focus and prioritise measurable outcomes in incidents of disablist hate crime. Conversely, people with learning disabilities tend to focus and prioritise outcomes that are more difficult to measure, such as empathy and appropriate communication.
The desired outcomes for police officers and for individuals with learning disabilities are contrasting and this therefore results in ‘success’ of policing being viewed in different, opposing, terms. For individuals with learning disabilities, the desired changes to policing revolved around the quality and nature of communication between them and the police officers. The police, on the other hand, were influenced by abstract organisational outcomes such as increased reporting and recording of disablist hate crime. The significance of these paradoxical outcomes is that each side has a fundamental misunderstanding of the intentions and requirements of the other. The building of trust and confidence is therefore inevitably hindered by this misunderstanding.

Furthermore, this chapter has concentrated on the key factors that determine the confidence of officers in communicating with people with learning disabilities: the personal resources inherent within officers; the experiences of officers; and the confidence provided by and within the training provided. It is clear that there is no uniformity in determining confidence levels as this a deeply individualised process. Subsequently, the delivery of service provision to individuals with learning disabilities is also dependent on the individual officers in determining both the ‘direct policing experiences’ and ‘indirect policing experiences’. These experiences influence the confidence levels afforded to the police and the double-edged sword of unfeasible expectations was explored.

It is clear that there are considerable benefits to be gained from enhanced engagement and understanding between the two groups, to not only increase trust and confidence but to also increase the likelihood of successful outcomes. Collectively, the issues raised within this chapter reflect potential, discrete barriers that limit the ability of Brentmouth Constabulary to enact policies and practices that would enable them to meet the principles of the social model of disability. The following, final chapter will therefore bring together and discuss the findings of this research in relation to the existing literature discussed in Part One.
Chapter Nine: Discussion and conclusions

This final chapter will discuss the contribution of this research to the advancement of the literature concerning disability, hate crime, and policing previously discussed in the thesis, and to the theoretical framework (the social model of disability) utilised throughout the course of this research. In doing so, a new model, underpinned and informed by these theoretical perspectives and entitled the *roadmap of police service provision*, is presented and discussed as the key contribution to knowledge made by this thesis.

To do this, the chapter will first revisit the issues that led to the initial 'scar' claim. This is important for subsequently situating the findings of this research within the broader context of the complex problems associated with the policing of disabllist hate crime. The implications for improving practice will be presented and justified. This will be done by collectively drawing together the key findings from the previous three chapters and conceptualising them in this new model of understanding. The discussion will then address the new knowledge derived from the research that help to shed light on the complex issues in hand. Having done so the chapter will then consider the implications of developing a new conceptual understanding for academia.

9.1 Why a focus on learning disabllist hate crime is important

The importance of having a specific focus on learning disabllist hate crime has been emphasised throughout the chapters of this thesis. By exploring this problem through the lens of the social model of disability, the importance of service providers being adaptable, approachable and able to meet the needs of individuals with learning disabilities has been emphasised. To summarise some of these key issues, Chapter Two identified that (learning) disabllist hate crimes involve a number of unique complexities that are not present with other strands of hate crime, and these require, necessitate and justify a specific focus. For example, the blurred boundaries between disabllist hate crime and anti-social behaviour, the move away from the notion of a 'stranger danger' to that of 'mate crime’, and the challenges in
communicating with people with learning disabilities specifically are issues not found elsewhere within hate crime.

Similarly, Chapters Two and Three also recognised the central and perennial problem of underreporting. Whilst 7,226 disablist hate crimes were recorded by the police in 2017/18, the Crime Survey of England and Wales (CSEW) estimated that 52,000 occur each year (HM Government, 2018a). The uncertainty created by this picture is further compounded by the inability to disaggregate the data between those disablist hate crimes that involve physical disabilities and those that involve learning disabilities. Regardless, the available statistics suggest that marginally over 1 in 10 disablist hate crimes come to the attention of the police. In comparison to racially aggravated hate crime during the same time period, 71,251 incidents were recorded by the police but the CSEW estimated this number to be 101,000 (HM Government, 2018a), meaning 7 in 10 racially aggravated offences come to the attention of the police. When contrasted with the recorded crime figures for crime overall, where 5,723,182 incidents were recorded by the police and the CSEW recorded 10,720,000 incidents (ONS, 2018b), this ratio of 5 in every 10 is still notably greater than the ratio for disablist hate crime.

This attrition is further evidenced in the conviction rates for disablist hate crimes and the limited use of enhanced sentencing through s.146 of the Criminal Justice Act 2003. Of the 7,226 disablist hate crime cases recorded by the police, only 754 (10.4%) were referred to the CPS for charging. Whilst 75% of these resulted in a conviction, only 24.8% involved a sentence uplift (CPS, 2018). Such figures raise questions about the ability of the police to correctly identify such incidents and gather the evidence needed for a successful prosecution.

Consequently, the police responses to learning disablist hate crimes have been criticised through the inquiries that followed causes célèbres such as the deaths of Fiona Pilkington and Francecca Hardwick, and David Askew. Chapter Four explored the recurring failures of the police to meet the needs of individuals with learning disabilities, but also the challenges and complexities in doing so. Although some progress has been made, the repeatedly similar nature of the recommendations from inspectorate reports and other inquiries suggests that there is a lack of
organisational learning and corporate memory when it comes to not repeating the errors of the past.

Whilst there is an underlying expectation for members of the community to have an understanding of the nature of their victimisation in order to recognise and report their experiences, this research has demonstrated that there is confusion and misunderstanding of these terms amongst sections of the community. This lack of clarity concerning definitional elements of disablist hate crime is mirrored within professional bodies too, where similar gaps in understanding are also present. The potential risk here is that neither those experiencing disablist hate crime, nor those within the organisation charged with responding to it, will properly recognise the existence of an offence. The College of Policing (2014a, p.2) operational guidance states that having a widespread understanding of the common, shared definition of monitored hate crime would help to provide an accurate picture of the extent of hate crime, enabling intelligence-led responses. For the majority of participants involved in this research, both service users and service providers, such understanding has not been achieved.

Collectively, these issues highlight the importance of having a specific focus on learning disablist hate crime and justifies the rationale for this thesis. They are also fundamental in shaping the overarching aim of this research which was to critically examine the policing of disablist hate crimes committed against those with learning disabilities.

9.2 Contributions to knowledge and fresh insights of the research problem

The purpose of the rest of this chapter is to explain the contributions to, and advancements, in knowledge that this research has made. In doing so, it will also highlight how such knowledge can be applied to the context of policing disablist hate crime. First, it is important to revisit the key themes revealed by the research and to examine the ways in which each relates to the other. To demonstrate how this advances existing knowledge, the discussion will be situated at appropriate points within what is currently known within the individual fields of policing, hate crime and disability and how the synthesising of these areas develops the social model of
disability. This is particularly evident with the development of a theoretically informed *roadmap of police service provision*.

### 9.2.1 Thematic relationships in the policing of learning disablist hate crime

As presented in the previous three chapters, the findings from this empirical research can be grouped within three key themes – *understanding and perception; accessibility and engagement; and confidence and desired outcomes*. Figure 9.1 provides a visual representation of these and highlights some of the overlaps between the three themes.

**Figure 9.1 Three overarching research themes**

As depicted in the Venn-diagram above, the three themes overlap with each other and in so doing, two key issues emerge that represent additions to the existing knowledge base.

*Key issue one*

The first contribution to knowledge is that *police officers’ knowledge, experience, and personality traits correlate with levels of confidence in both engaging with people with learning disabilities and responding to related hate crime incidents.*
The outcomes of the issue of experience are not uniform and vary on the basis of personal resources. The influence of an officer’s level of knowledge, previous experience (both internal and external), and personality on their confidence to respond to a learning disablist hate crime is clear throughout this research. Those officers who had previous experience of engaging with people with learning disabilities, had previously worked within the area of hate crime and/or described themselves as outgoing demonstrated higher levels of confidence and understanding. As such, this research supports and advances work within the policing literature but also that on hate crime and othering.

Throughout this research, a number of references have been made back to Lipsky’s (1980) work on the role and decision making of individuals working in public services. Within the context of policing learning disablist hate crime, Lipsky’s work not only helps to understand some of the key findings but is also furthered by this research.

In Chapter Four, the five conditions that Lipsky (1980, pp.27-28) argues are experienced by street level bureaucrats were outlined, one of which was that there are “inadequate resources for tasks required to perform”. This research has found that these resources are not just physical, such as the number of officers available, but also personal. In Chapter Eight, a number of stressors identified by Lipsky (1980, pp.31-32) were applied to the research findings in relation to the personal resources held by officers involved. This thesis adds the issue of personality to those originally proffered, which was shown to be a key determinant in the levels of confidence exhibited by police officers when dealing with individuals with learning disabilities.

In triangulating the work of Lipsky with that of Skolnick (1966) and Shearing and Ericson (1991), the importance of an officer’s knowledge and experience can be further understood. Skolnick (1966) and Shearing and Ericson (1991) argue that when police officers attend an incident, their previous experiences and knowledge of similar incidents determine how they process the information and the perceptual shortcuts they create to aid them in such decision-making. The development and appropriateness of this has been shown within the findings from this thesis to be dependent on the personal resources (previous experience, knowledge and
personality) of a police officer, highlighting a previously unidentified link between Lipsky (1980), Skolnick (1966) and Shearing and Ericson (1991). Whilst none specifically discussed the work of the others, this thesis has identified that a collective consideration of all three is beneficial in explaining the research findings. If an officer does not have any previous experience of engaging with an individual with learning disabilities, knowledge of the needs of such individuals and/or feels intimidated or self-conscious in such events, their perceptual shorthand is likely to be inappropriate. However, for those officers who have positive previous experiences, knowledge of how their service delivery may need to be adapted and are not unnerved by this, are likely to have more appropriate methods in assessing situations and making suitable decisions whereby they are confident in doing so. The same thinking can be applied to incidents of learning disablist hate crime and the confidence in recognising and responding to these appropriately.

The significance of this contribution to, and advancement of, knowledge becomes more apparent when exploring the application of a victim status of those who have been victimised by a learning disablist hate crime. Police officers are gatekeepers to the criminal justice system (Charman, 2019; Newburn, 2011; Ratcliffe, 2002) but they are also the ones who have the ability to define and apply victim status (Charman, 2019). To start, police officers must recognise and identify incidents of learning disablist hate crime correctly and require an understanding of the nature of such victimisation in order to do so. If this is not held, incidents are not identified and recorded correctly, resulting in the victim status not being applied. The service user's direct policing experience is therefore one of othering – or the “drawing of boundaries” (Weiss, Proweller & Centrie, 2017, p.214). Victims are consequently excluded and marginalised from accessing criminal justice support. Although other sources of support are available to people with learning disabilities, access to justice can only be achieved through the police. Whilst links have been identified between hate crimes and othering previously (Perry, 2001), the synthesis made between othering, learning disablist hate crime and key policing literature are new. When placed under the umbrella of the social model of disability, the appropriateness of police service provision afforded to individuals with learning disabilities is therefore dependent on the individual officer involved. Whilst police forces, like
Brentmouth Constabulary, may subscribe to the social model of disability, the actuality of this is only evident at the point of service delivery.

*Key issue two*

The second key issue to emerge when viewing the three themes presented in the Venn diagram (Figure 9.1) is that *the perceptions that people with learning disabilities have of policing and that police officers have of individuals with learning disabilities are shaped by a complex interplay of direct (i.e. engaging personally with the police) and indirect (e.g. through the stories of others; media representations) policing experiences, with the latter often leading to unrealistic and/or erroneous expectations.*

*Direct* and *indirect policing experiences* are the key determinants in the levels of trust and confidence that are afforded to the police. Likewise, these also help to determine the level of confidence that officers have in themselves to respond appropriately to people with learning disabilities, as discussed in the previous section. The significance of this finding, in addition to others derived from the research, will be considered in due course through the presentation below of a theoretically informed *roadmap of police service provision* (Figure 9.2). However, contributions to, and advances in, knowledge can again be identified here.

One of the most significant yet unexpected findings from this research is the influence of television on the perceptions that people with learning disabilities have towards the police; one example of an *indirect policing experience*. Much research has been conducted on the influence of the media more generally on public opinions towards the police (Dowler, 2002; Fitzgerald et al, 2002; Jackson et al, 2012; McLaughlin, 2006; O'Sullivan, 2005; Reiner, 2008; Skogan, 1990; Surette, 1998; Waddington et al, 2017). Reiner's (2010) work also focused on the influence of television more specifically, with differentiations made between factual and fictional images of policing. It is the latter that are most significant within this research. Reiner (2010, p.187) argues that one of the structural characteristics of television crime shows was that:
“the law enforcers almost invariably solved or foiled the crime(s) usually through the expertise of remarkable skill, daring, and increasingly scientific expertise”.

As discussed in Chapter Six, comments made by individuals with learning disabilities in the focus groups related to this and it was not how the police solve the crime that was important to this group, but rather the success in doing so.

A common theme within Reiner’s (2010) work and that of other scholars identified above is that the focus on ‘public perceptions’ that relate to the general public, rather than a section of it that has specific identifiable needs. There is, however, little known about the influence of television on the perceptions held by individuals with learning disabilities and this thesis adds to this understanding. At the time of writing, there is no known research that focuses primarily on the influence of fictional crime programmes on perceptions held by individuals with learning disabilities towards the police, but nevertheless this research has identified these as being of significant importance. The indirect policing experiences will shape the expectations of direct policing experiences with blurred boundaries between fictional and non-fictional representations of policing for people with learning disabilities. This echoes research by Sanders, Creaton, Bird and Weber (1996) who found that witnesses with learning disabilities were disappointed if a judge did not wear a wig in court, as they did not look like the judges they had seen on television.

The present research mirrors the principles identified here whereby television representations of policing are recognised as ‘fact’ and shape conceptions of reality and set unrealistic and erroneous expectations. It is also worth mentioning here that the responsibility in shaping the views and expectations held by individuals with learning disabilities towards the police is not solitary. Carers, support workers, the media, the police, schools and local authorities can all shape the indirect policing experiences of individuals with learning disabilities and help to rationalise the expectations of the police. This is in line with the argument made throughout this thesis that responsibility for addressing the problem of disablist hate crime is not the sole preserve of the police.

The connection to Lipsky’s work is again evidenced here. Another condition that Lipsky (1980, pp.27-28) argued is experienced by street level bureaucrats was that
goals are ambiguous and vague. This thesis has demonstrated that the desired outcomes of both service users and service providers are in many instances significantly different from each other, but are also influenced by previous experience, and levels of knowledge and understanding. This research has also shown that each side has a fundamental misunderstanding of the intentions and requirements of the other, which impacts how direct policing experiences are viewed by both parties. As such, Lipsky’s argument that goals are ambiguous and difficult to measure is of relevance within the context of policing learning disablist hate crime.

9.2.2 A theoretically informed roadmap of police service provision

In Chapter Five (5.1), it was noted that this thesis did not aim to test the theoretical models discussed in previous chapters but rather to situate meaning within given contexts and explore knowledge on how individuals (or groups) make sense of the world they live in and their experiences. The key findings of this primary research have already been shown to be interconnected and the interplay between the three themes, in terms of practical implications for the policing of disablist hate crime, can be illustrated by a theoretically informed roadmap of police service provision (Figure 9.2 below). The model illustrates that the policing of disablist hate crime, and the ‘realities’ that result for the actors therein, are socially constructed and are influenced and determined by a range of variables relating to the experiences of both service providers and service users.

This model demonstrates the connections between the key findings of this research and the role these play for police officers and individuals with learning disabilities within the context of policing learning disablist hate crime. This research suggests that the process outlined within this model needs to be followed, at each stage, for the policing of learning disablist hate crime to be improved, primarily at the point of contact between service users and service providers. Matassa and Newburn (2002, p.42) argue, that “tackling hate crime effectively requires more than the creation of structures” and this model is mindful of this position. This part of the chapter will take the reader through the model and in doing so, demonstrate the theoretical framework that underpins it and how this is advanced through the model.
There are six key stages of the model (numbered in Figure 9.2), which are informed by, and generate, other factors (lettered in the model).

**Figure 9.2** A theoretically informed *roadmap of police service provision*
The process outlined in Figure 9.2 is applicable to both service users and service providers. Within Chapter 1, Hughes and Paterson (1997, p.329) were quoted for their view of disability; “it is both an experience and discursive construction.” The theoretically informed roadmap of police service provision recognises the experiences of individuals but also the construction of the perceptions of others.

1. Initial understanding and perception from direct or indirect policing experiences

The initial understanding and perceptions (stage 1) that individuals with learning disabilities have of the police and vice versa comes from two sources – direct policing experiences (factor A) and indirect policing experiences (factor B). As mentioned earlier in this chapter, the former relates to the personal experiences that individuals have whereas the latter encompasses details shared by third parties and information gained from other sources such as support workers, the television, webpages of police forces. As evidenced in the focus groups when individuals with learning disabilities discussed their perceptions of the police, these were based on previous encounters with the police but also the information gained from police television programmes such as ‘The Bill’ and ‘Starsky and Hutch’. Such perceptions can result in unrealistic expectations of the police being produced, whereby there is an expectation that the police can solve all crimes and all offenders are detained. Initial perceptions of the police may therefore not be true-to-life.

Direct and indirect policing experiences are also significant in determining the involvement of the police following any experiences of victimisation. It was discussed in Chapter Six that the threshold for reporting victimisation seemed disproportionately high for people with learning disabilities, meaning that frequent lower-level incidents were not conceived of as examples of hate-related victimisation and the necessity for police involvement was not felt. There are echoes here of Bowling’s (1998) research whereby racist hate crime was conceptualised as a process and some victims became so used to their victimisation that they no longer recognised it as such. Furthermore, patterns of reporting were also raised by participants in the focus groups, which identified that the police would not be the first point of contact when reporting any victimisation. Instead, family members,
friends, support workers or housing managers were identified as being the first person individuals with learning disabilities would speak to about any victimisation experienced. This mirrors findings by Beadle-Brown et al (2014), Sheikh et al (2010) and Sin et al (2009).

Direct policing experiences therefore have the potential to impact upon the inclination to report future victimisation in much the same way as has been identified elsewhere in the literature (Bowling 1998; Hall, 2013; Reiner, 1992; Victim Support 2006;), namely that poor or negative personal experiences with the police considerably shape the likelihood and quality of future engagements with the police. The findings from this research also align with the existing literature outlined above in confirming the importance and influence of second-hand accounts of the experiences of others in shaping perceptions of the police.

For police officers, their knowledge and perceptions of those with learning disabilities were also based on their previous experiences with such individuals, with some police officers in this research disclosing challenging previous engagements. Furthermore, the stories shared by older officers and/or those longer in service can also influence an officer's understanding of a particular group or issue, such as individuals with disabilities and disablist hate crime. For those officers who are early in service, indirect policing experiences are perhaps most influential, particularly the stories and experiences shared by more experienced colleagues. A prominent theme within the hate crime literature is that there is a hierarchy of hate crime (Chakraborti & Garland, 2012; EHRC, 2011; Mason-Bish, 2013; Roulstone & Sadique, 2013), whereby greater understanding, attention and focus is placed on some forms of hate crime over others. This research has found that this hierarchy is shared within police officers, evidenced within their lack of knowledge on disablist hate crime and their perception that it is not a significant problem. Within this research, the underlying principle is how the reality of policing is constructed, by both individuals with learning disabilities and police officers, which in turn affects the lived realities experienced by both parties and the parity between categories of hate crime.
Berger and Luckmann (1966) and Davis (1997) argue that because one individual’s lived reality will be different to that of another, a variance in the perceptions and lived experience is arguably inevitable. Here, the construction of reality and the application of a victim status are merged, as the differences within and between service users and service providers impact who is recognised as a victim of disablist hate crime. If direct and indirect policing experiences lead an individual to not see themselves or see another as a victim of disablist hate crime, the incident in question may not be recognised and recorded as a hate crime, and appropriate services may not be given or received.

2. Increased engagement and collaborative training

In order to enhance the knowledge that police officers and individuals with learning disabilities have of each other, and also to improve the recognition of disablist victimisation, an increase in the amount and quality of the contact and discussion between the two is needed. The importance of failing to recognise the differences in the way policing is perceived by different communities was highlighted by Foster, Newburn and Souhami (2005) in their review of the impact of the Stephen Lawrence Inquiry. This research suggests that this is still an issue, but improvements can be achieved through targeted and proactive patrolling, such as visiting local community groups on a regular basis. As evidenced with participants in this research, there is a desire from both service users and service providers to achieve this. To further aid in facilitating this engagement, the training provided to police officers on hate crime and communicating with individuals with additional needs should involve individuals with learning disabilities. This then generates collaborative training (factor C) between service users and service providers that can allow for knowledge to be shared and received by both parties in a safe environment.

As explored in Figure 9.2, the advancement of understanding and engagement can lead to increased confidence within the context of learning disablist hate crime, for both service users and service providers. The three areas can all be embodied and facilitated within police training. The findings of this research suggest that police training needs to be:
1. Collaborative
2. Immersive
3. Holistic

The rationale for collaborative training – that being the involvement of individuals with learning disabilities in the training of police officers - has already been discussed in this chapter and whilst it is not the intention to repeat information here, the practicalities of this are significant. Recommendation 50 of the Stephen Lawrence Inquiry (Macpherson, 1999) stated that local minority ethnic communities should be involved in police training and practical experience, and the same should be applied to individuals with learning disabilities. Police forces should invite local disability groups to become involved with their training programmes, for both new and existing officers. Mason et al (2017, p.99) argue that police training on hate crime must contribute to a shared understanding between the police force and its individual officers, but the findings of this research suggest that this shared understanding should be between police forces, individual officers and individuals with learning disabilities. Following the process outlined in the theoretically informed roadmap of police service provision would help to address some of the shortcomings that are presented with indirect policing experiences, and address issues of understanding, knowledge and empathy for both police officers and individuals with learning disabilities. Ensuring that part of the training allowed time for questions to be asked and realities to be shared, from both parties, would likely aid in enhancing service provision, not just in the context of learning disablist hate crime, but for victimisation more generally.

An immersive training environment would help facilitate deeper learning, as opposed to the somewhat superficial content that characterises much police training through ‘PowerPoint-heavy’ and e-learning training packages. Research from a Higher Education environment suggests that learners benefit best from person-to-person social interaction, where there is two-way communication, rather than from passive learning environments that require no action (Biggs & Tang, 2007; Fogarty, 1999). Given comments made by police officers in this research regarding the positive examples of training they have experienced, or the activities they wished for, a collaborative approach would allow officers to hear first-hand
accounts of the experiences of people with learning disabilities. This would necessarily incorporate the lived realities of hate crime victimisation and perceptions of policing – two issues that are inevitably absent from one-directional, police-led, or computer-based, training practices.

The combination of collaborative and immersive training is that the product delivered to officers necessarily becomes more holistic – whereby officers are not only instructed on what they should do in a given situation but also, crucially, why they should be doing it. The former is a long-standing characteristic of police training relating to the application of legal and policy requirements, where the latter is generally minimised or excluded. For hate crime, it is important to understand the disproportionate impact that is felt by victims and how this varies between strands.

The findings of this research mirror those by Trickett and Hamilton (2016) in relation to training within Nottinghamshire Police, which gave officers exposure to victims and helped them to recognise a disability and understand issues around communication. Furthermore, such arguments regarding improvements to training have been evidenced in practice. One such example of this is within Surrey Police and their work with Dimensions, an organisation that supports individuals with learning disabilities in having greater control of their lives. As part of the #ImWithSam campaign to tackle disablist hate crime, over a period of seven months more than 1,000 frontline police officers within Surrey Police were trained by Dimensions on supporting victims of learning disability and autism hate crime. A review of the training reported a 22% increase in officers feeling confident or very confident in recognising that someone might have a learning disability or autism and a 10% reduction in officers being concerned about how to support a victim in expressing themselves fully (Dimensions, 2018). Whilst such training is not standardised across the 43 police forces, this does demonstrate the potential of such practice.

For social model theorists (Abberley, 1996; Finkelstein, 2001; Harpur, 2012; Oliver, 1996; Porter 2015), disability is created by the way society isolates and excludes those with impairments from full participation in society; it is not caused by the impairment itself. Through providing the opportunity for service users and service
providers to become familiar with and learn about each other, there are clear benefits to individual officers, and wider policing, to be gained from more engaging and active learning processes. This has the potential therefore to start to align the different realities for both parties and reduce the disablement caused by inappropriate service provision.

3. Improved understanding and perceptions

The actions discussed in stage 2 regarding increased engagement can help to break down barriers between the two groups. Engagement between police officers and individuals with learning disabilities can allow for police officers to become more familiar with and understand the needs of these individuals and for individuals with learning disabilities to become more familiar with local police officers and the realities of policing. The perceptions of police officers being “scary” and of individuals with learning disabilities being “intimidating” can therefore be challenged.

Through involving individuals with learning disabilities in the police training on hate crime educates not just the police officers but also those community members involved on matter such as to what a hate crime is and what they should do if and when they experience such victimisation. In other words, in order to improve understanding and overcome misconceptions, increasing familiarity between the two parties is key.

Perceptions obtained from police officers within this research demonstrated support for arguments made by a number of academics (Chakraborti & Garland, 2012; EHRC, 2011; Mason-Bish, 2013; Roulstone & Sadique, 2013), whereby greater understanding, attention and focus is placed on some forms of hate crime, particularly racially aggravated offences, over others. For police officers in particular, the processes outlined thus far enables the importance of disablist hate crime and its relevance to policing to be re-affirmed. In doing so, the significance of the triangulation of Lipsky’s (1980), Skolnick’s (1966) and Shearing and Ericson’s (1991) work, discussed earlier in this chapter, is reiterated. The decision-making processes outlined within each of their work, and the appropriateness of such
decisions made by police officers, is dependent on the subject-specific knowledge that individual officers have.

With regard to this harnessing of expertise, the College of Policing (2014a, pp.73-75) operational police guidance on hate crime makes reference to the use of hate crime coordinators and specialist hate crime investigators, similar to the roles of Police Link Officers for Deaf people (PLODs) and Lesbian and Gay Liaison Officers (LAGLOs) evidenced within Brentmouth Constabulary. Whilst these areas of specialism are well established within the force, the suitability of a similar approach to disblist hate crime is debatable. For the role of specialist hate crime officers to function properly, this still requires police officers across an organisation to recognise that the incident they have dealt with is something that needs to be passed on to those officers. As evidenced within this research, not all officers are able to, nor have the confidence in, correctly identifying examples of disblist hate crime. Forces therefore need to aspire to instil organisational knowledge on hate crime and hate incidents.

4. Increases in confidence, accessibility and reporting

An improved understanding of policing and familiarity with individual officers would enable greater confidence in the police to be afforded by individuals with learning disabilities. This research has demonstrated that a lack of knowledge of criminal justice processes and what to expect when the police become involved in an incident, or what the police can do, can prevent individuals from involving the police – supporting previous work by Grundy (2011), Sin et al (2009) and Williams Copestake, Eversley and Strafford (2008). Therefore, improving this knowledge and the understanding of what a hate crime is (for both service users and service providers), can help to increase the reporting (factor E) of such victimisation to the police, with more effective recognition and identification from both police officers and individuals with learning disabilities. This itself provides further opportunities for police officers and individuals with learning disabilities to engage with each other. For police officers, the collaborative and immersive training discussed previously would also enable officers to have greater confidence in the provided training itself, not just in their own actions and decision-making.
This research has explored the disproportionate impact that limited police accessibility in the form of police property closures and the use of the internet as a key communication tool has on individuals with learning disabilities. The lack of knowledge that officers have surrounding this group, wittingly or unwittingly, serves as a mechanism that limits access to justice and appropriate service provision to people with learning disabilities. In doing so, the relevance of the social model of disability as a key framework in limiting the negative effects of othering is evidenced here. For social model theorists (Abberley, 1996; Finkelstein, 2001; Harpur, 2012; Oliver, 1996; Porter 2015), it is not the individuals with disabilities that need to change but rather society itself. Individuals are disabled by isolating and excluding practices within society that prevent those with impairments from full participation in society.

If police officers were to have a better understanding of the needs of individuals with learning disabilities, their service provision can then be modified to take account of these needs and improve their accessibility (factor D), as advocated by the social model of disability. Such learning would arguably limit the tendency for the use of “disability spread” and generalisations about the nature of disabilities (Van der Klift & Kunc, 1994, p.1), but also the objectification of individuals with learning disabilities as being outside of the norm (Dervin, 2011; Young, 2011). As Perry (2001) notes, deeply embedded notions of difference have been used to justify and construct intersecting hierarchies along lines of diversity and these social constructions have reinforced practices of exclusion and marginalisation, consequently disabling individuals. The view of the ‘other’ – someone who behaves differently and whose realities are not easily appreciated (Blatt, 1987) – is often portrayed as a process that has negative connotations. Difference needs to be accepted rather than disregarded, with a quality and equality in service provided, based on individual needs.

5. Realistic outcomes

The methodological justification for this research within Chapter Five discussed the influence of humanistic theorists, such as Husserl (1913/1970), Maslow (1968) and Rogers (1959), whereby an importance is placed on the experiences of phenomena
and understanding the subjective realities and perceptions that individuals have of such phenomena. The theoretically informed roadmap of police service provision is not only underpinned by this approach but also enables an application of this to the policing of learning disablist hate crime.

As discussed in Chapter Eight, this research found that there are competing perspectives between service providers and service users as to what desired outcomes look like, where the police focus is on measurable outcomes, whilst people with learning disabilities prioritise less easily measured outcomes. However, as the model suggests, a successful navigation of stages (1-4) and the generated factors (C, D and E) should enable a stronger, more understanding, empathetic relationship to be developed between service users and service providers.

With regards to the possible appropriate outcomes, if individuals with learning disabilities have a greater understanding of what the police can and cannot do, underpinned by reality rather than fiction, the expectations they have will be more realistic and, therefore, manageable. The resulting knowledge transfer will also enable police officers to better understand the needs and desires of individuals with learning disabilities, and to understand the latter’s perspectives concerning policing. The net effect should then be that outcomes and expectations that are more appreciative because they are grounded in the lived realities of both parties.

The emergence of realistic outcomes is therefore a product of the stages that come before it, which themselves variously contribute towards stronger links between understanding reality (Berger & Luckmann, 1966; Husserl 1913/1970), broadened personal resources (Lipsky, 1980), improved knowledge of the issue (Bowling, 1998), and the delivery of appropriate actions that align to the principles of the social model of disability.

6. Improved service provision and positive experiences

Collectively, the outcome of the process illustrated in Figure 9.2 should result in improved service provision, assuming of course that the criteria outlined above for each individual component is adequately met. This then increases the likelihood of a more positive personal experience (factor G) for service users which shapes their direct policing experiences. The sharing of these more positive personal experiences
is also likely to have an effect on shaping the *indirect policing experiences* of others, who have either no direct personal experience or whose understanding of the realities of policing may be erroneously shaped by third-party information (factor F).

These outcomes are mirrored in relation to police officers. The likelihood of a more positive personal experience for service providers similarly shapes their *direct policing experiences* and will also likely shape the *indirect policing experiences* of other officers in a similar fashion to that described above. This process therefore has the potential to overcome some of the historical issues associated with the policing of hate crime, for example, the cultural interpretation of hate crimes as ‘rubbish crimes’ that Bowling (1998) and Reiner (1985) both identified in their respective work with police officers. As discussed in Chapter Four, the essence of their work is that racist incidents were viewed by officers as problematic, ‘griefy’, liable to complaints, unlikely to end in a successful prosecution and generally akin to lower level incidents of limited police relevance.

It is important to note here that this thesis identified that, in the eyes of police participants, the opposite of Bowling’s and Reiner’s findings were true. Officers did recognise the relevance of learning disablist hate crime to policing and the need for a robust response, demonstrating an enthusiasm to respond appropriately. However, the research also identified the existence of a perceived hierarchy of hate crime (supporting work by Chakraborti & Garland, 2012; Mason-Bish, 2013; Roulstone & Sadique, 2013) whereby officers recognise that, whilst disablist hate crime was important, it was perceived as being less important than hate crimes that were racially and religiously aggravated. This situation was compounded by the acknowledgement that hate crime per se was itself, in reality, somewhat lost within a broader hierarchy of other policing priorities. The process outlined within Figure 9.2 has the potential to impact upon this hierarchy of hate crime and encourage parity across the monitored hate crime strands, with a better understanding of the nature, impact and extent of disablist hate crime.
Summarising the relevance and contributions of a theoretically informed roadmap of police service provision

In short, the theoretically informed *roadmap of police service provision* is informed by the research findings and, for the first time, integrates and advances existing but hitherto disparate theoretical perspectives on policing, hate crime and othering within the context of the policing of learning disablist hate crime. The outcomes of the policing of learning disablist hate crime are therefore contextualised within the social model of disability, with an emphasis placed on the potential disabling effects of policing practice.

The wider learning derived from the model is that there is a need to more closely align the realities of policing with the perceptions of the parties involved in order to develop greater understanding, appreciation and empathy, resulting in an improved service that adheres to the principles of the social model of disability. The theoretically informed *roadmap of service provision* suggests a way by which this might be achieved and reflects the view of Macpherson (1999) that policing must be an activity that is done *with* communities, rather than *to* them, and tailored to their particular needs. This notion is advanced through the model provided in Figure 9.2 because the potential exists for the negative impact of othering to be counteracted and, by virtue, the likelihood of the application of a victim status within incidents of disablist hate crime increased.

**9.2.3 The realities of the application of the theoretically informed roadmap of police service provision**

The theoretically informed *roadmap of police service provision* represents optimum good practice and identifies what needs to happen, based on the evidence of this thesis, for service provision to improve. It is important to note that whilst this research is situated within one constabulary, the literature on policing cultures suggests that many cultural characteristics are shared and static (as explored in Chapter Four) and the demands on policing have a number of commonalities across forces. Whilst some ‘long-standing’ characteristics of police culture have been challenged by more recent literature, (Charman, 2017; Willis & Mastrofski, 2017) the theoretical perspectives that underpin this roadmap of police service provision
are themselves generalisable. As this thesis has clearly illustrated however, components within the process are subject to a range of influencing variables, barriers and challenges. The following discussion will collate and summarise those challenges – variously identified at different points throughout this thesis - that are most pertinent within the context of policing learning disablist hate crime.

*Indirect policing experiences and the influence of television*

Whilst the process outlined in Figure 9.2 enables indirect policing experiences to be more aligned with reality, the influence of television programmes on individuals with learning disabilities and their perceptions of the police is problematic. As Reiner (2010) argues, fictional crime programmes on television often involve crimes being solved and the offenders being brought to justice at the end of the programmes. This creates a perception that the police will always, or at least disproportionately, resolve the problems they face. Whilst the indirect experiences of others in relation to communicating and engaging with the police may change, for as long as television programmes depict refracted images of policing in the manner that they do, this will unwittingly and inadvertently present a conflict and divergence, particularly for people with learning disabilities.

*Barriers to police engagement with individuals with learning disabilities*

Within this research, officers expressed concerns about the increased demand on policing, coupled with diminishing resources, and the impact this has on the ability to spend time proactively, rather than reactively, patrolling. As Grimshaw and Jefferson (1987) identified in their work, the demand for ‘call-readiness’ is high, whereby officers are thinking about the next incident whilst responding to another. The time available to spend informally liaising with the community is therefore limited for Response and Patrol officers in particular. However, the officers from Neighbourhood teams also highlighted the challenges that this presents for their engagement with the local community, with an increased amount of time either spent in the police station or on other activities that reduce the time available for patrol and community engagement. This demonstrates the insular nature of contemporary policing, where demand increasing outstrips supply. Furthermore,
time pressures do not regularly and easily permit the softer ‘social work’ side of police engagement.

Collaborative training

Whilst a desire to have more interactive and immersive training sessions (involving members of the community) was a common finding between the police officers involved in this research, the practical realities of this are somewhat challenging. The proportion of time dedicated within training – whether that be initial training for new recruits or refreshers for existing officers – on hate crime generally and disablist hate crime specifically is limited. Furthermore, there is a tendency for training in general to focus on issues of vulnerability, of which learning disabilities are just a small part of the spectrum. As such, the niche issue of disability is subsumed within a broader focus that involves other vulnerable groups, such as repeat drug users, mental health patients and those in crisis.

The norm is that police training is delivered by the police, for the police, and therefore is somewhat generalist in nature with, as this research has demonstrated, occasional inputs of a specialist nature that are still delivered by police officers. The delivery of training through the use of outsiders is therefore not common practice, and as such it is not surprising that people from the learning disability community are not routinely used in the training environment. This is further compounded by the reality exposed by this research that the perceived volume of disablist hate crime, and the lack of experience in responding to such incidents, means that it does not stand out as a problem deserving of different recognition to other equally pressing priorities.

Accessibility and the outcomes of increased accessibility

A bi-product of increased confidence in policing is that accessibility to people with learning disabilities may increase and in turn more of the dark figure of unreported crime may come to light. The net outcome is the danger that ultimately demand for services and resources may outstrip the supply – an issue highlighted by Lipsky (1980) that becomes increasingly pertinent in times of austerity within public services. This may have the unintended consequence whereby expectations of
policing are not met, which could undo any progress made in earlier components of the model. This has the potential to amplify the dynamics of these components.

Outcomes and expectations

The process outlined in Figure 9.2 allows for a clearer comprehension between the desired outcomes of individuals with learning disabilities and those of police officers. The wants and desires of a particular individual may however be overridden by the organisational need to deliver against criminal justice outcomes. This presents a risk that policing remains something that is ‘done to’ people rather than ‘done with’ them, as Macpherson warned in the Stephen Lawrence Inquiry (1999).

There are also implications for procedural justice here and how fair officers are seen to be in their decision making. Bradford et al (2015, p.173) argue that police procedural justice refers to the “quality of interpersonal interaction and decision making of officers.” The fairer police officers are seen to be in their decision making and application of authority, the stronger the bond between police officers and the community they serve. If, in spite of a better understanding as to the expectations and wants of individuals with learning disabilities, it is perceived that a greater emphasis is still placed on the desire to meet organisational needs, the relationship between the two groups may suffer and procedural justice will not be obtained.

9.3 Conclusion to the thesis

In drawing this thesis to a close, it is worth revisiting the aim and objectives. By utilising a theoretical framework provided by the social model of disability, this thesis aimed to critically examine perceptions and experiences in the policing of learning disablist hate crime.

The objectives for this research were:

1. To critically examine and synthesise existing theoretical perspectives and wider associated literature from the fields of disability, hate crime and policing.
2. By using amended grounded theory and a mixed methods approach, to explore the perceptions and experiences of individuals with learning
disabilities and police officers in relation to the policing of learning disablist hate crime, with a particular focus on service provision.

3. To situate the research findings within existing theoretical frameworks in order to contribute to academic knowledge and understanding of the policing of learning disablist hate crime.

The final part of this thesis will revisit each of the objectives and summarise the key contributions that this thesis has made in advancing knowledge regarding perceptions and experiences in the policing of learning disablist hate crime.

In completing objective 1, Chapters One to Four examined a number of disparate, but ultimately relevant, theoretical perspectives that served to both shape and understand the findings of the empirical research conducted for this thesis. In particular, the social model of disability (Finkelstein, 2001; Oliver, 1996) was utilised as the overarching theoretical framework, with an emphasis on social processes and practices that marginalise and ‘other’ individuals with learning disabilities. Further theories derived from the fields of disability, hate crime and policing have also been identified and applied in order to understand the research problem. Namely, the process of normalisation (Henry & Lanier, 1998; Oliver, 1990), police as street-level bureaucrats (Lipsky, 1980), the use of perceptual short-hands (Skolnick, 1966; Shearing & Ericson, 1991), the presence of a hierarchy of police relevance (Bowling, 1998; Reiner, 2010) and hierarchy of hate crime (Roulstone & Sadique, 2013), and the unique complexities associated with disablist hate crime (Chakraborti, Garland & Hardy, 2014; Sin et al, 2009; Perry, 2004) were explored. When placed within the theoretical framework of the social model of disability, these separate areas emphasise, collectively, the importance of recognising when an individual has a disability and for social processes to be adaptable to individual needs.

Whilst the social model of disability is used to conceptualise the research problem of policing learning disablist hate crime, the empirical research within this thesis was guided by an amended grounded theory approach, similar to that used by Grimshaw and Jefferson (1987). By completing objective 2, the research found that the perceptions and experiences vary significantly between individuals with
learning disabilities and between the police officers. Disablist hate crime was generally misunderstood by both individuals with learning disabilities and police officers. It was the police officers who had experience within this field, and those individuals with learning disabilities who had previously worked closely with the police, that demonstrated the better understanding of this particular issue. The importance of the individual experiences in shaping perceptions, understanding and confidence was also clearly evident.

In relation to objective 3, a number of contributions to knowledge have been made by this thesis within the specific areas of policing, hate crime, and othering. More importantly, it is the bringing together of these three areas, under the umbrella of the social model of disability, that represents one such contribution. There is no known research on disablist hate crime that employs this approach. The development of a new theoretically informed roadmap of police service provision further demonstrates a contribution to knowledge. This model is underpinned by theoretical perspectives from the three areas highlighted above and demonstrates an application of the social model of disability to the policing of learning disablist hate crime. Specifically, the theoretically informed roadmap highlights the importance of police forces providing a service that meets the needs of their diverse communities, not one that is inaccessible, intentionally or not, to individuals with learning disabilities. The theoretically informed roadmap supports Lipsky’s (1980) and Bowling’s (1998) arguments that the onus is on individual officers to produce a positive experience for service users, regardless of any organisational policies or processes that may be in place. In line with the principles of the social model of disability, it is for service providers to adapt, not service users.

I have argued that the direct policing experiences and indirect policing experiences of both police officers (service providers) and individuals with learning disabilities (service users) both determine, and are in turn determined by, the subsequent steps illustrated in the theoretically informed roadmap of police service provision, and ultimately determine the relationship between the police and people with learning disabilities. Direct policing experiences and indirect policing experiences are both terms that are coined by this research, building on the work of Brown and Calnan (2012) on the development of trust and confidence in mental health service
provision. The empirical research from this thesis identified that police officers and individuals with learning disabilities rely on these experiences when determining trust and confidence within or afforded to police responses to disablist hate crime. The theoretically informed *roadmap of service provision* that is outlined in Figure 9.2 introduces and explains where vulnerabilities in the policing process might lie and how these can ultimately shape *direct policing experience* and *indirect policing experiences*, but also the effect on the application of a victim status to individuals. If police officers do not correctly recognise incidents of disablist hate crime, victims may, at worst, not have their victimisation recognised at all and, at best, be given an inappropriate police response.

Whilst a core part of this thesis focused on policing, the research has also contributed to the understanding of hate crime more specifically, and hate victimisation, in a number of different ways. The research supports the view that there is a perceived hierarchy of hate crime (Chakraborti & Garland, 2012; EHRC, 2011; Hall, 2013; Mason-Bish, 2013; Roulstone & Sadique, 2013) present within police officers and this emerges as a result of the need to prioritise incidents and police focus. Furthermore, this research has arguably confirmed the view of the NPCC Hate Crime Lead, Assistance Chief Constable Mark Hamilton, that disablist hate crime is taking a back seat to hate crimes motivated by racial and religious hostility (May 6, 2017).

Chapter Two discussed the issue of underreporting within hate crime and specifically with regard to disablist hate crime, with approximately only 13.9% of disablist hate crimes coming to the attention of the police (HM Government, 2018a, p.27). Whilst this research did not ask individuals with learning disabilities about experiences of victimisation directly, the findings do suggest that the lack of understanding about hate crime could be a contributing factor to this. Furthermore, there was found to be a tolerance of low-level offending within participants with learning disabilities and the perceived threshold for unacceptable behaviour is arguably only met with the use of physical violence, not verbal abuse. Whilst others have previously highlighted this as a concern (Perry, 2004; Hollomotz, 2013; Wall, 2011), this research has shown that such thinking is combined with inaccurate perceptions of policing influenced by TV crime dramas. Within the
current climate of local police stations closing, the numbers of police officer and PCSOs reducing, there is therefore a need to reduce, as far as practicable, the impact this has on trust and confidence of the local community in policing.

The findings of this research suggest that there is much still to be done to address the hierarchy of hate crime and achieve parity between categories of hate crime. Ultimately, as the College of Policing (2014a, p.2) recognise, hate crime policy should support the basic human right to be free from crime fuelled by hostility because of an individual’s personal characteristics, regardless of what those characteristics are. The theoretically informed *roadmap of police service provision* provides a process for achieving this.

### 9.3.1 Recommendations for future research

In addition to identifying a range of relevant issues relating to policing and disablist hate crime, the process of undertaking this research has similarly recognised a number of important learning points that could usefully shape future research in the field of policing disablist hate crime. There are three issues that are ripe for exploration in other research projects, but that fell outside of the scope of this particular thesis.

Firstly, the participants in this research were able to articulate their perceptions and thoughts on policing, which provided interesting insights into their individual lived experiences. However, as this thesis has recognised, disability comes in many forms and as such, there will be many individuals who are unable to share their experiences. The challenges that this presents were not a concern for this research, given the ability of participants to engage on their own terms. An interesting avenue for future research, therefore, would be to explore the experiences of those who cannot speak for themselves and the experiences of the carers and others that they are dependent on to explore the extent to which their individual and collective experiences, mirror those found here.

Secondly, the research focused exclusively on learning disability. However, it would be interesting to focus on different types of learning disability, to assess the extent to which experiences vary. Moreover, this thesis has previously recognised the importance of intersectionality in shaping people’s experiences. Future research
could usefully examine the effects of the experiences of people with learning disabilities who have other identifiable characteristics, for example along the lines of race, religion, sexuality and gender identity. Such a proposition was beyond the scope and intention of this thesis but nevertheless is identified as an important avenue for future research.

Finally, through the triangulation of research methods and the creation of the theoretically informed roadmap of police service provision, the generalisation of the findings from this thesis becomes possible. It would be interesting therefore for future research to test this generalisability by applying the model to other strands of hate crime victims, minority groups and other police force areas.

9.3.2 Concluding comments

At the start of this thesis, the criminal justice response to disablist hate crime was described as a ‘scar’ on the conscience of the system, quoting the former DPP Sir Ken MacDonald QC. This claim provided both the justification and the starting point for this research and was central in shaping its aim. This thesis has demonstrated that when viewing disablist hate crime through the lens of the social model of disability, attempts to heal the scar need to ensure that policing organisations, processes and personnel are flexible, accessible, and do not marginalise, exclude nor contribute to the othering of people with disabilities.

In 2018, the Government published a re-fresh of the 2016 Hate Crime Action Plan (HM Government, 2018b) in which it is recognised that gaps in understanding need to be filled with reference to expert knowledge and academic research. The Action Plan specifically refers to the research contained within this thesis (HM Government, 2018b, p.20) as being of value in understanding, and filling gaps in knowledge, in the policing of learning disablist hate crime.

In March 2019, the Law Commission launched their review on the adequacy and parity of protection offered by the law relating to hate crime. This was in response to a previous Law Commission (2014) review which recommended a full-scale review of aggravated offences and the enhanced sentencing system to establish if they should be retained or amended. The full report is expected to be published in 2020 (Law Commission, 2019) and some of the key findings of this doctoral research
in relation to levels of knowledge, desired outcomes and personal resources were presented to the Commission at the conference launch of the current review – the only paper specifically addressing issues relating to disablist hate crime.

For the first time, this problem has been explored through a combination of relevant but previously disparate perspectives derived from the literature on policing, hate crime, and disability. The outcome is a deeper understanding of the problem of learning disablist hate crime and the issues that must be overcome if the principles of the social model of disability are to be put into practice, and if MacPherson’s (1999) insightful direction that policing must treat people according to their needs is to be fully realised.
Reference List


HMCPSI & HMICFRS. (2018). *Joint Inspection of the Handling of Cases Involving Disability Hate Crime.* Retrieved from the HMICFRS website:


Transforming Care and Commissioning Steering Group. (2014). *Winterbourne View-Time for Change: Transforming the commissioning of services for people with learning*


### Appendix 1: UPR16

**FORM UPR16**

**Research Ethics Review Checklist**

Please include this completed form as an appendix to your thesis (see the Postgraduate Research Student Handbook for more information)

<table>
<thead>
<tr>
<th>Postgraduate Research Student (PGRS) Information</th>
<th>Student ID: 446732</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PGRS Name:</strong></td>
<td>Jemma Tyson</td>
</tr>
<tr>
<td><strong>Department:</strong></td>
<td>ICJS</td>
</tr>
<tr>
<td><strong>First Supervisor:</strong></td>
<td>Dr Sarah Charman</td>
</tr>
<tr>
<td><strong>Start Date:</strong></td>
<td>Feb 2014</td>
</tr>
<tr>
<td><strong>Study Mode and Route:</strong></td>
<td>Part-time [x] MPfil [ ] MD [ ] PhD [x] Professional Doctorate [ ]</td>
</tr>
</tbody>
</table>

**Title of Thesis:**
The policing of learning disabilist hate crime: a critical examination of perceptions, experiences and outcomes

**Thesis Word Count:** 79954 (excluding ancillary data)

If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University’s Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study.

Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).

**UKRIO Finished Research Checklist:**
(If you would like to know more about the checklist, please see your Faculty or Departmental Ethics Committee rep or see the online version of the full checklist at: [http://www.ukrio.org/what-we-do/code-of-practice-for-research](http://www.ukrio.org/what-we-do/code-of-practice-for-research))

- **a)** Have all of your research and findings been reported accurately, honestly and within a reasonable time frame? YES [x] NO [ ]
- **b)** Have all contributions to knowledge been acknowledged? YES [x] NO [ ]
- **c)** Have you complied with all agreements relating to intellectual property, publication and authorship? YES [x] NO [ ]
- **d)** Has your research data been retained in a secure and accessible form and will it remain so for the required duration? YES [x] NO [ ]
- **e)** Does your research comply with all legal, ethical, and contractual requirements? YES [x] NO [ ]

**Candidate Statement:**
I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s)

**Ethical review number(s) from Faculty Ethics Committee (or from NRES/SCREC):** 14/15:56

If you have not submitted your work for ethical review, and/or you have answered ‘No’ to one or more of questions a) to e), please explain below why this is so:

---

**Signed (PGRS):**

[Signature]

**Date:** 12.06.19

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Appendix 2: Ethical Approval Letters

Stage 1: Participant observations

October 15th 2015

Dear Jemma,

<table>
<thead>
<tr>
<th>Study Title:</th>
<th>A critical evaluation of criminal justice responses to learning disablist hate crime: A case study of Portsmouth.</th>
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</thead>
<tbody>
<tr>
<td>Ethics Committee reference:</td>
<td>14/15:56</td>
</tr>
</tbody>
</table>

Thank you for submitting your documents for ethical review. The Ethics Committee was content to grant a favourable ethical opinion of the above research on the basis described in the application form, protocol and supporting documentation, revised in the light of any conditions set, subject to the general conditions set out in the attached document.

You must also attend to the following minor conditions:

To ensure fully informed consent all participants should receive an information sheet in advance of any observation and provide verbal consent. At the end of the observation all police personnel present should be given a consent form and be reminded about the information sheet (given the potential of this observation to discover malpractice) and asked to sign a consent form. The participant may still withdraw up to the point of analysis and they should be made aware of this if they sign the consent form.

There is no need to submit any further evidence to the Ethics Committee; the favourable opinion has been granted with the assumption of compliance

It is the supervisor’s responsibility to oversee that these conditional are fulfilled.

The favourable opinion of the EC does not grant permission or approval to undertake the research. Management permission or approval must be obtained from any host organisation, including University of Portsmouth, prior to the start of the study.
Stage 2: Interviews with service providers

2nd December 2016

Dear Jemma Tyson

<table>
<thead>
<tr>
<th>Study Title:</th>
<th>A critical examination of police responses to learning disabilist hate crime: A case study of Portsmouth.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethics Committee reference:</td>
<td>14/15:56 – (Phase 2)</td>
</tr>
</tbody>
</table>

Thank you for submitting your documents for ethical review. The Ethics Committee was content to grant a favourable ethical opinion of the above research on the basis described in the application form, protocol and supporting documentation, revised in the light of any conditions set, subject to the general conditions set out in the attached document.

**The Ethics Committee provides a favourable ethical opinion with the following requirements.**

1) That there is a clear strategy for reporting disclosures that are not covered by confidentiality and that this is consistent across all the documentation.

The favourable opinion of the EC does not grant permission or approval to undertake the research. Management permission or approval must be obtained from any host organisation, including University of Portsmouth, prior to the start of the study.

**Documents reviewed**

The documents reviewed by The Faculty of Humanities and Social Sciences Ethics Committee.
Stage 3: Focus groups with service providers

FAVOURABLE ETHICAL OPINION (with advisory)

Name: Jemma Tyson

Study Title: A critical examination of police responses to learning disabilist hate crime: A case study of Portsmouth.

Reference Number: 14/15:56 (phase 3)

Date: 23/10/2017

Thank you for submitting your application to the FHSS Ethics Committee.

I am pleased to inform you that FHSS Ethics Committee was content to grant a favourable ethical opinion of the above research on the basis described in the submitted documents listed at Annex A, and subject to standard general conditions (See Annex B). With this there are a number of ethical conditions to comply with, and some additional advisory notes you may wish to consider, all shown below.

Advisory Note(s)¹

A. In group scenarios it is often the case that some people will not feel empowered by the group dynamic and actually may be intimidated by it; preferring instead to let more dominant personalities take the lead. This may well apply to those with learning difficulties, particularly if they lack confidence as a result of their disability and/or harassment they have experienced. Dominating participants is a potential issue for all focus groups, however, where there are vulnerable participants the Committee would advise that this be specifically addressed in the research design.

Please note that the favourable opinion of FHSS Ethics Committee does not grant permission or approval to undertake the research/work. Management permission or approval must be obtained from any host organisation, including the University of Portsmouth or supervisor, prior to the start of the study.

¹ The comments are given in good faith and it is hoped they are accepted as such. The PI does not need to adhere to these, or respond to them, unless they wish to.