

Hate Crime against People with Disabilities

A baseline study of experiences in Northern Ireland

Fred Vincent, Katy Radford, Neil Jarman

Agnieszka Martynowicz & Mary-Katherine Rallings

Institute for Conflict Research
North City Business Centre
2 Duncairn Gardens
Belfast BT15 2GG
www.conflictresearch.org.uk

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List of Acronyms

BME	Black and Minority Ethnic
CJINI	Criminal Justice Inspectorate Northern Ireland
CJO	Criminal Justice (No 2) Order
CJS	Criminal Justice System
CSP	Community Safety Partnership
CRU	Community Relations Unit of the OFMdFM.
DCU	District Command Unit
DPP	District Policing Partnership
HIMLO	Hate Incident Minority Liaison Officers
HIPA	Hate Incidents Practical Actions
IAG	Independent Advisory Group
ICF	International Classification of Functioning, Health and Disability
LGB	Lesbian Gay and Bisexual
NIAC	Northern Ireland Affairs Committee
NICS	Northern Ireland Crime Survey
NICtS	Northern Ireland Court Service
NIHE	Northern Ireland Housing Executive
NIO	Northern Ireland Office
CSU	Northern Ireland Office Community Safety Unit
NIPB	Northern Ireland Policing Board
NISALD	NI Survey of People with Activity Limitations and Disability
OFMdFM	Office of the First Minister and Deputy First Minister,
OMF	Occurrence Monitoring Form
PBNI	Probation Board for Northern Ireland
PPS	Public Prosecution Service
PSNI	Police Service of Northern Ireland.
RNIB	Royal National Institute for the Blind

Executive Summary

There has been increasing awareness of the scale and nature of hate crime in Northern Ireland in recent years and growing awareness of the diversity of victims of hate crime. One of the consequences of this awareness was the introduction of the Criminal Justice (No 2) (Northern Ireland) Order 2004, which provides a framework for the criminalisation of hate offences and provided the first legal recognition of disability hate crime.

Following the introduction of the Criminal Justice (No 2) Order PSNI began to record disability hate incidents and crimes. They recorded 70 disability hate incidents in 2005-2006, although numbers declined to 48 incidents and 49 incidents in the following years.

More generally the Northern Ireland Survey of people with Activity Limitations and Disability (NISALD) (commissioned in 2004) has revealed that 8% of males and 5% of females with a disability had experienced some form of hate crime.

There has been a limited amount of research into hate crime directed at people with a disability carried out in any part of the United Kingdom. The research that has been undertaken, and which is backed up by a wealth of anecdotal evidence, however, does suggest that hate crimes and incidents towards people with a disability are a significant, persistent and recurrent problem, and also a problem that has been largely unacknowledged.

As a result of the lack of general information about this issue the Office of First Minister and Deputy First Minister, the Northern Ireland Office Community Safety Unit and the Police Service of Northern Ireland commissioned the Institute for Conflict Research to undertake a research study with the intention of developing a better understanding of issues concerned with disability hate crime in Northern Ireland. The research focused on the scale and nature of hate crimes directed at people with a disability with the aim of:

- Providing a base line for the PSNI and those involved in policy development of the scale and nature of such crime;
- Informing people with a disability and disability organisations that the issue is being taken seriously;
- Identifying issues that might deter or limit the desire, ability and/or capacity to report hate crimes;
- Assessing the current response by the criminal justice system to this issue;
- Assessing the awareness of the issue and support provided by relevant voluntary sector organisations; and
- Raising awareness of the issue among the wider public.

The research was carried out between March and November 2008 during which time 172 adults living with a range of physical, mental health, sensory, hidden, learning and acquired disabilities were interviewed individually and in focus groups. In addition thirteen representatives of disability support organisations and groups were interviewed to gather a range of second-hand experiences of hate crime and a broad perspective on some of the patterns of problems that have been identified and changes in such over time. Finally, interviews were carried out with police officers and representatives of key criminal justice agencies to assess their awareness of the issue and to identify any existing relevant policy or practice initiatives.

The key findings from this research are briefly summarised:

Experiences of Disability Hate Crime

We've had everything thrown at the house – trees, dead birds, breeze blocks. And then there's the abuse in the street 'F...ing albino!' Young people just stare and it is very intimidating.

I've been attacked on numerous times. I was beaten up in Newry. They thought I was a bit soft. People pick on me and try to humiliate me and try to make me feel small

People with a disability reported experiencing a wide range of forms of hate crime, including verbal abuse, assaults and damage to property, such hostility occurs towards people with a wide range of forms of disability. The perpetrators of acts of abuse and violence are often young people, but adults were also reported as being responsible. Given the range of anecdotal evidence offered, it is concluded that the annual statistics produced by the PSNI do not reflect the experiences of people with a disability.

In contrast there appears to be limited recognition of these experiences among people working for disability support organisation, with more than half the organisations contacted having little awareness or experience of dealing with disability hate crime.

Among the criminal justice agencies there was a broad range of awareness of this issue, with PSNI officers stating that *'without doubt'* some incidents and crimes against disabled people went unreported. However, there was limited awareness among District Policing Partnership and Community Safety Partnership managers of hate crime against those with a disability, even in areas where incidents have been reported.

Awareness of Hate Crime

Individuals living with a disability are only too aware of the impact that forms of abuse and violence can have on their lives, but they do not readily understand it as a 'hate crime', which they often regard as something that happens to other groups rather than people with disabilities. Their own experiences are often understood in terms of bullying or harassment.

Some disability support organisations are well informed on the issue but others have little or no awareness of the legislation; and, similarly representatives of the CSU/CSP and the NIPB/DPP appear to be unevenly informed of this issue.

Overall there appears to be a strategic issue concerning who has responsibility for ensuring people are informed and kept aware of policy and practice developments. There is thus a challenge for all concerned with disability issues at the governmental, agency, organisational and personal levels, to ensure a ‘joined up’ strategy is developed and acted upon.

Reporting of Hate Crime

There are many reasons why people choose not to report hate incidents of which they are the victims. These include an uncertainty over the level of proof needed to justify reporting, an uncertainty of what constitutes a hate crime, fear of the possibility of further recrimination, a lack of confidence in the PSNI, a lack of trust in the judicial system and a reluctance to engage in any situation which will increase stress, lack of support and access.

A range of ameliorating measures were suggested including: supportive or third party reporting; the use of restorative approaches; and having an impartial body to champion the issues of disability and with a particular focus on hate crime.

The PSNI appears to have been proactive in taking measures to increase awareness of hate crime and to facilitate reporting. However, it is noted that the most consistent issue inhibiting reporting is fear and the degree to which any of the suggestions made, or measures taken, overcome this very real concern is open to discussion.

Criminal Justice System and Disability Hate Crime

None of the participants in the research had followed the judicial process though from reporting an incident to the conviction of a perpetrator for a hate crime. As a result the PSNI is regarded as the primary agency responsible for dealing with hate crime. However, the relationship with the PSNI is not always a comfortable one for people with a disability and the relationship appears to be marked with poor awareness, frustration and lack of confidence.

Whilst the PSNI have tried to facilitate the reporting needs of victims of hate crime, the research found anecdotal evidence that systems and procedures are not always carried out in line with operational practice standards. Building awareness of disability issues among the PSNI and confidence with the disability communities will be important factors to help to increase willingness to report hate crimes.

The Role of Disability Support Organisations

In general individuals with a disability did not think that disability support organisations were very aware of disability hate crime issues, although there was some recognition of other people and agencies to whom people could report their problems. However, this raises issues of confidentiality and an individual's understanding of what would happen to information if it was shared with a third party. It was recognised that support organisation's could play a role by developing advocacy processes, although this raises issues of capacity and resources.

Beyond a small number of key support organisations, there was a limited awareness and engagement with hate crime and there is limited co-ordination of dissemination of information about relevant legislation and practices on criminal justice issues. This is not helped by the lack of a single 'disability sector' with a joined up approach to the provision of services and information. More generally, the disability support groups are not aware of the information and resources already available from the criminal justice agencies. From the other side the criminal justice agencies appear to have limited awareness of the lack of knowledge of disability support organisations towards hate crime issues and little engagement on the issue.

Public Awareness of Hate crime

The awareness of the wider public on issues of hate crime against disabled people would appear to range from limited to non-existent. Among people with a disability it was thought there is a need to develop awareness of disability, quite apart from the specific issue of hate crime. The benefit of advertising was noted for improving public

awareness although there was negligible awareness of the recent PSNI *'Nobody Deserves This'* anti-hate crime campaign among individuals or support organisations.

The importance of developing effective consultation with the people living with a disability was highlighted otherwise it can appear *'that people with disabilities are a bolt on'*. The lack of an effective dissemination process for getting information to support groups and individuals was also raised.

Education is thought to be important for developing awareness and encouraging better relationships. According to a senior PSNI officer work is already underway in over 90% of schools. However, there is a need for such training and awareness raising across all sections and sectors within the community.

Recommendations

As a result of the research, a number of recommendations were made for the key organisations with responsibility for disability hate crime issues.

OFMdfM

1. The OFMdfM should be responsible for monitoring progress in responding to issues raised in this report and should convene a working group of partner agencies on a bi-annual basis to this end.
2. Recognition should be given to the issues raised in this report to ensure that people with a disability are better informed of the issue of disability hate crime and are appropriately encouraged and enabled to report hate crimes to the PSNI (Chapters 5(a) and 6(a)).
3. There should be a 'joined up' strategy for raising awareness of disability hate crime led by a disability 'champion'. This should have a remit for working (a) with the criminal justice system, (b) among disability support organisations and

(c) with the general public. It should ensure that all concerned with disability hate crime are kept informed of any developments in policy and legislation, and statistics on incidents, responses and prosecutions. This process will need to be resourced and kept under review (Chapters 6 and 7).

4. All disability support organisations should be informed about the significance of disability hate crime and should be encouraged to work with the PSNI to improve reporting and recording of incidents against the person and / or property. Disability support organisations should be encouraged to report instances of criminal damage to the PSNI as hate crimes where they feel the incident may have been connected to, or directed at the disabled persons using their facilities (Chapters 6 (b) and 7 (b)).
5. Clear statements of definitions and terminology with respect to disability hate crime needs to be prepared and disseminated as widely as possible to individuals, disability support organisations and within the criminal justice sector (Chapter 6).
6. Consideration should be given to developing general awareness of disability hate crime, through advertising campaigns. Any such campaigns must involve effective consultation with individual members of the disabled population (Chapter 10(a)).

PSNI

7. The PSNI should work with disability support organisations to establish protocols and procedures for third party reporting of disability hate crimes (Chapter 7).
8. The operational systems and processes used by PSNI for recording and reviewing disability hate crimes should be reviewed against the standards of best practice (Chapter 7(c)).

9. HIMLO's play a key function in supporting those most affected by disability hate crimes. The PSNI should review the awareness of disability hate crime among HIMLOs and develop appropriate training as necessary (Chapter 8 (c)).

Criminal Justice Sector

10. The research has identified a range of issues that impact on the effective engagement between people with a disability and the criminal justice sector. There is a need to more generally 'disability proof' the criminal justice system to take into consideration the specific and particular needs of people with different forms of disability (Chapter 8 (c)).
11. The agencies within the criminal justice sector should review their communication channels with disability organisations to ensure that their information and awareness raising resources are disseminated to all who would benefit from them (Chapter 8 (b) and 8 (c)).
12. Hate crime, including disability hate crime, should be a standing item on the business agenda of every formal DPP, CSP and GR partnership meeting (Chapters 6 (c) and 8 (c)).

Disability Support Organisations

13. Disability support organisations should review their institutional and staff awareness of disability hate crime and produce appropriate information resources to inform their staff and members of hate crime legislation; what to do if they are victims of hate crimes; and, who to contact, etc (Chapters 5 (b) and 6 (c)).
14. Disability support organisations should review their understanding and practice of advocacy and / or third-party reporting of hate crimes, highlighting any capacity and / or resource deficits in their ability to provide such services (Chapter 68 (b)).

15. The training and education needs for individuals, organisations and criminal justice agencies might best be facilitated by an ‘accrediting’ body holding named responsibility for ensuring quality as well as a database register of programme resources for the general public, individuals with a disability, support organisations and the criminal justice sector.
16. It is important that people’s stories relating to experiences of hate incidents are gathered, collated and disseminated as widely as possible. Disability support organisations should be encouraged to highlight the issue through their own publications, annual reports and websites (Chapter 5 (a)).
17. Consideration should be given to collating and publishing statistics, including on the implementation of Joint Protocols, incidents at supported living accommodation and other locations identifiable as places where those with a disability live, work and socialise (Chapter 5 (a)).

1. Introduction

There has been increasing awareness of the scale and nature of forms of hate crime¹ in Northern Ireland over recent years and there has also been an awareness of the diversity of victims of hate crime. The publication of the Stephen Lawrence Report (Macpherson 1999) marked a threshold in public understanding of the scale of the problem of hate crime and also led to a re-definition of a hate crime as being victim focused rather than associated with the intentions of the perpetrator or the views of police officers.

When the Government introduced draft hate crime legislation in 2004, it initially covered racist and sectarian hate crimes. The responses to the consultation led to homophobic hate² crime being included as a further category and then in response to the initial findings of the Northern Ireland Affairs Committee Inquiry into Hate Crime (NIAC 2004) amendments were made to the draft legislation to include hate crime against people with a disability.

OFMDFM has already commissioned research into racist (Jarman 2002, Jarman and Monaghan 2004), homophobic (Jarman and Tennant 2003) and sectarian hate crime in Northern Ireland (Jarman 2005), but there is very little evidence of the scale or nature of hate crime against people with a disability. This was noted during the NIAC Inquiry and the absence of research data was highlighted once again during the Police Service of Northern Ireland (PSNI) conference on hate crime in February 2006.

This deficit is not unique to Northern Ireland. There is a limited amount of research into hate crime directed at people with a disability carried out in any part of the United Kingdom. The research that has been undertaken, and which is backed up by a

¹ The term 'hate crime' is widely used to cover a variety of forms of behaviour that are driven by prejudice and bigotry, these include both criminal actions, literally hate crimes, and non-criminal activities, which are more correctly termed 'hate incidents'. Police hate crime statistics have historically included both crimes and incidents, although the PSNI now differentiate between hate incidents and hate crimes in their published statistics. This research project will cover people's experiences of both hate crimes and hate incidents.

² http://www.nio.gov.uk/draft_criminal_justice_northern_ireland_order_2004.pdf

wealth of anecdotal evidence, however, does suggest that hate crimes and incidents towards people with a disability are a significant, persistent and recurrent problem, and also a problem that has been largely unacknowledged.

The PSNI began to collect data on hate incidents towards disabled people in September 2004 following the coming into force of the Criminal Justice (No 2) (Northern Ireland) Order. The figures indicate that in 2005-2006 the PSNI recorded 70 hate incidents, while in the following year 2006-2007 the number declined to 48 incidents and in 2007-2008 increased very slightly to 49 incidents. While this is admittedly a small number of incidents, similar uneven patterns of increase and decline, were noted in the first few years of recording both racist and homophobic incidents in Northern Ireland. In both cases figures have subsequently increased significantly. The reasons for the increases in police data is generally associated with a growing awareness and recognition of the different forms of hate crime appears, this in turn leads to individuals being more aware of the need to report incidents and in improvements in police recording practices.

Nevertheless research on other forms of hate crime in Northern Ireland (Jarman and Monaghan 2004, Jarman and Tennant 2003) suggests that only a small numbers of hate incidents are ever reported to the police, although that number will increase as citizens and police officers become more aware of what should be considered as a hate crime and the significance of this form of violence towards minority communities. The still limited research on this subject indicates that hate crime against people with a disability is a significant problem, but also that there is a considerable lack of awareness of the subject among criminal justice agencies, disability support organisations and among sections of the population with different forms of disability.

The previous research commissioned by OFMDFM was important in raising awareness of the problem of racist and homophobic hate crime and helped provide a broad baseline of the scale, scope and range of the problem. This research is intended to have the same impact with regard to hate crimes against people with a disability.

There is clearly a significant gap in our knowledge and understanding of the scale and nature of disability hate crime, and also of the different forms that hate crimes might take in regard to people with different forms of disabilities. This gap will only hinder the ability of Government to develop and deliver a sustained, co-ordinated and effective response to all forms of hate crime in Northern Ireland.

It was in this context that the Institute for Conflict Research was commissioned by the Office of First Minister and Deputy First Minister, the Northern Ireland Office Community Safety Unit and the Police Service of Northern Ireland to carry out a research study with the intention of closing this gap through developing a better understanding of a range of issues concerned with disability hate crime in order that Government and the relevant statutory agencies can better respond to disability hate crime and all its manifestations in Northern Ireland.

Thus, this research specifically focused on the scale and nature of hate crimes directed at people with a disability with the aim of:

- Providing a base line for the PSNI and those involved in policy development of the scale and nature of such crime;
- Informing people with a disability and disability organisations that the issue is being taken seriously;
- Identifying issues that might deter or limit the desire, ability and/or capacity to report hate crimes;
- Assessing the current response by the criminal justice system to this issue;
- Assessing the awareness of the issue and support provided by relevant voluntary sector organisations; and
- Raising awareness of the issue among wider public.

The research aimed to capture something of the diversity of hate crime towards people with a disability, this included identifying variability in the nature of any harassment depending on the type of disability and whether these were:

- Physical or learning disabilities;

- Visible or invisible disabilities;
- Lifelong, congenital or disabilities due to injury or accident.

In addition, the research aimed to consider the nature, form and impact of hate crime that takes place in different physical settings, such as:

- In the home environment;
- At work, training or educational environments; and
- In the street; public spaces, shops or leisure venues.

Finally, the research began with a focus on three core strands of experience:

- People who have been a victim of hate crime and who have reported it to the police;
- People who have been a victim of hate crime, but who have not reported it to the police; and
- People who fear being a victim of hate crime.

As the project progressed into the fieldwork stage, however, awareness grew that it was not at all easy to follow through with this plan as it was found to be particularly difficult to contact anyone who had been a victim of a hate crime and had also reported it the police. PSNI statistics indicates that the number of such people in Northern Ireland is still extremely small and attempts to make contacts with participants in the NISALD survey proved unsuccessful. Nevertheless, the research provides a thorough exploration of hate crime directed towards people with a disability and as such breaks new ground in the awareness and analysis of this issue.

2. Research Design and Methodology

The initial discussions with the commissioning bodies formalised the agreed aims for the research, and these were used to develop a number of questions which the research sought to explore with the respective groups and individuals. Thus

1. What base line (information) is available on the scale and nature of disability hate crime for the PSNI and those involved in policy development?
2. How are people with a disability and disability organisations informed that disability hate crime is being taken seriously?
3. What issues can be identified that might deter or limit disabled people's desire, ability and or capacity to report hate crimes?
4. What is the individuals' assessment of the current response by the criminal justice system to disability hate crime?
5. What is the individuals' assessment of the awareness of disability hate crime, and the support provided, by relevant voluntary sector organisations?
6. How can awareness of disability hate crime be raised among the wider public?

Each of these had, in addition, a range of sub questions which were used occasionally as a further guide in the interviews. While everyone interviewed was able to provide useful information, it was explained and understood at the outset that not everyone would be expected to answer every question. In addition, a specific questionnaire had been designed in conjunction with representatives from Mencap for people with learning disabilities.

The information provided captured something of the diversity of hate crime towards people with physical or learning disabilities; visible or invisible disabilities; and, lifelong, congenital or disabilities due to injury or accident. In addition, the nature, form and impact of hate crime that takes place in different physical settings, are evident from stories shared and insight gained. However, with regards to the experiences the research was focussed upon, finding and interviewing anyone who identified themselves as a victim of hate crime *per se* proved to be difficult. It was not that people had not experienced any untoward incidents that could or should be

classified as a hate crime, but rather there was little understanding that what happened could be understood as a hate crime, nor that anyone would be concerned enough to report it, let alone report it to the PSNI.

b. Methodology

The research was carried out between March and November 2008. The project began with a pilot phase, which included a review of relevant literature and preliminary interviews which were designed to assess willingness to participate in the project.

The literature review covered published material on violence, abuse and harassment towards people with a disability. It included academic research, research by disability groups and relevant current and proposed policy and legislation. The review focussed primarily on UK and Irish materials, but also included relevant material from other English speaking jurisdictions and from the European Union. The review provided a comparative framework of hate crime against people with a disability and was also used to identify models of good practice for undertaking research in an appropriate, sensitive, and effective manner.

A pilot phase collected information from 80 participants through face-to-face interviews and discussions in small groups. The practicalities of facilitating access meant that research during this phase was largely focused on individuals with learning difficulties and mental health issues. The support of a number of learning disability organisations in the research allowed a set of questions to be drawn up which were appropriate to members of the group being interviewed. The Interim report was available for the steering group meeting on the 25 June 2008 and the decision was taken to proceed with the full project. Subsequently further interviews were arranged with representatives from the three constituent groups.

1. People with a disability and their carers.

Over the course of the research 172 individuals living with a disability had an opportunity to share their experiences and thoughts on hate crime and disability, both individually and in focus groups (see Appendix)³. These individuals were a sample of those who lived with a range of physical, mental health, sensory, hidden, learning and acquired disabilities. They were throughout Northern Ireland, with interviews held in Ballyclare, Bangor, Belfast, Derry/Londonderry, Enniskillen, Lisburn, Magherafelt and Newry. All of the sample were aged 18 or over. That said, it was also the case that untoward life experiences for many happened while under this age and still at school.

2. Representatives of organisations working with people with disability

In addition to those with a disability, thirteen representatives of disability support organisations and groups (see Appendix) were interviewed to gather a range of second-hand experiences of hate crime and a broad perspective on some of the patterns of problems that have been identified and changes in such over time. A further organisation responded by email. These organisations represented a range of mental health, physical, learning, hidden and generic disability groups. While most of the interviews took place in Belfast, the organisations were themselves almost all regional service providers.

3. Representatives of key criminal justice organisations.

Finally, interviews were carried out with representatives of key criminal justice agencies to assess their awareness of the issue and to identify any existing relevant policy or practice initiatives. These amounted to five direct interviews with representatives of Criminal Justice Agencies (involving seven people); one formal interview and four informal telephone conversations with five HIMLO's with

³ Also note that there was supporting evidence of a broad range of similar experiences gathered as part of a complementary study into community safety and disability, which ran from April – September 2008 and involved interviews and focus groups with 213 people with a disability (Radford et al 2008).

information and comments also being gathered from the six people present at the PSNI IAG on Disability.

As well as these interviews, an introduction to the research and a short questionnaire was emailed to twenty six DPP managers in twenty six council areas (with seven returns), twenty nine CSP managers in twenty six council areas (with ten returns) and to all HIMLO's (with two returns).⁴ Two conferences organised by Belfast City Council on Community Safety and Hate Crime were also attended and further information gained through participation in two workshops at these conferences.

The low response from HIMLO's may have been due to the fact that a number had been spoken with on the phone before the email was sent out and so possibly assumed they did not need to respond.

The time required to form the research sample was significant. Initial contact information was gained from web based research however, the first phone call often did not result in interview arrangements being made. In some instances permission was required from a central decision-maker, in others it took more time to contact service provider's regional grouping, in still others, there was no desire to participate in the research. It is important to note that the research was well received and a warm welcome given by individuals and organisations across each of the three sample groups.

The data was largely collected through semi-structured interviews carried out on a one to one basis and in small focus groups. The interviews usually took between one hour and two hours depending on the availability of the individual or group. All were conducted in the most convenient setting for the interviewee. In addition, two workshops were attended. One was set up by Mencap as part of its annual conference and the second was set up under the auspices of the separate Community Safety and Disability research project, commissioned by Leonard Cheshire Disability, which ran

⁴ For detailed information concerning numbers and groups, see Appendix

in tandem with the hate crime research (Radford, Martynowicz, Thompson and Vincent 2008).

c. Ethical Issues

There has been limited research into the issue of hate crimes against disabled people, and the initial discussions with people working in the sector highlighted the need to be aware of the sensitivities of this work. It had been suggested that some people would not necessarily be aware of the issues of hate crime and may not wish to discuss their experiences with researchers, or may need extra support as a result of any conversations.

In practice, at the outset of interviews, the background and purpose of the research was outlined, even in situations where the participants had previously received the summary information sheet. As part of this introduction, participants were invited to contribute to a level with which they were comfortable and that if they did not wish to make any comment on the topic under discussion then that was fine. Confidentiality was guaranteed within the parameters of good research practice and participants were informed that if there was a particular comment made which they did not want to become public then that would be respected. In a number of situations, support staff were present during interviews.

Due to the level of vulnerability of many of those met with and interviewed, it was agreed for those conducting the research to have clearance under AccessNI arrangements. An application was submitted and due clearance received. Being able to tell staff of this clearance when trying to arrange interviews was certainly a help.

3. Research on Disability and Hate Crime

There is a growing body of academic research and publications on the general issue of hate crimes. Much of this has focused on experience and issues in the USA (Jacobs and Potter 1998, Lawrence 1999, Levin and Rabrenovic 2004, Perry 2001) although there is a small body of literature on hate crime in the UK (Bowling, 1998, Iganski 2002, 2008) and within the wider European region (OSCE/ODIHR 2007), and increasingly studies are taking a broader international approach (McClintock 2005, Perry 2003, Rabrenovic 2007). Much of the in-depth research has focused on two categories of victims: members of various racial groups and religious groups, although homophobic hate crime has also been studied in some detail both in the USA (Herek and Berrill 1992) and the UK (Moran et al 2004). In contrast there has been limited focus on the issue of disability hate crime. As Grattet and Jenness (2003), writing about the situation in the USA, note:

Despite their numbers and an increasingly well-documented connection to violence, persons with disabilities have largely been overlooked by social scientists and sociological scholars interested in the nexus between law, violence and minority rights, as well as policy makers interested in responding to violence in particular and systematic inequalities in general (Grattet and Jenness 2003: 282).

The authors continue by asserting that disability hate crime is ‘at best, a second class citizen insofar as it is peripheral to the core of hate crime legislation in the United States’. The same publication also notes that disability hate crimes account for between 0.1% and 0.4% of all hate crimes recorded by the FBI between 1997 and 2001 (Perry 2003:503). In the USA a minority of states (just 19 according to Lawrence 1999: 178-189) have laws that prohibit bias crimes against people with a disability, in Europe and Central Asia only Belgium, France, Spain and the UK have laws listing disability as a hate crime offence (McClintock 2005:121).

There is nevertheless a growing awareness of the problem of disability hate crime, as was noted in the recent Joint Committee on Human Rights report on the human rights

of adults with learning disabilities which, while noting the lack of hard data on disability hate crimes, did acknowledge recent developments among key criminal justice agencies to improve in this regard (JCHR 2008: 73-75). These included publications by the Crown Prosecution Service related to the prosecution of disability hate crimes (CPS nd, 2007), although the Committee noted that there was currently no way of disaggregating data on prosecution for disability hate crime from other forms of hate crime.

We have, however, identified a few, in general small scale studies which have been carried out within the United Kingdom and which serve to illustrate the scale of the problem in relation to specific groups of persons with various types of disability and which demonstrate *'some significant commonalities in respect of the everyday experience of the problem'* (Iganski 2008: 36) and which Iganski states includes bullying, name calling, being harassed, physically assaulted and spat at. Below we review in some detail the most prominent findings of the main studies that have been carried out on disability hate crime in the UK.

Mencap (2000) *Living in Fear: The need to combat bullying of people with a learning disability.*

This study looked at the nature and extent of bullying and harassment experienced by people with a learning disability and the effect it has on their lives⁵. The research analysed 904 completed questionnaires and discussed the issue of bullying and harassment with participants of six focus groups. Examples of bullying behaviour was directly defined by the respondents as physical abuse (kicking, pushing, spitting, biting, hair-pulling etc) verbal abuse (name-calling, teasing, being shouted / swore at) threatening behaviour, theft, demands for money and being told to leave a building.

Mencap's research found that nearly nine out of ten people with learning disability have been bullied within the year preceding the study. Results indicated that such

⁵ While the study uses the term 'bullying', this term includes many experiences that would be classified as forms of hate crime and is perhaps indicative of the lack of knowledge of the term 'hate crime' among people with learning difficulties.

persons are also 'life-long victims' – two-thirds (66%) of respondents stated that they have been bullied regularly (more than once a month), with 32% stating that they have been bullied on a daily or weekly basis. Name-calling and verbal abuse was reported by 47% of respondents, while almost a quarter of respondents (23%) reported being physically assaulted, with assaults taking place on the street, on public transport, at a day centre, at college, at home or when using leisure facilities. Robbery was a common motive for assaults. Bullying in public places was reported by nearly three quarters of respondents, while young people were identified as offenders more often than older people.

Harassment in the community and in respondents' neighbourhoods was also common. Many people reported being harassed by neighbours and stated that they moved house because of it, while 26% of people experienced bullying in residential homes, and family members in private homes have also been reported as perpetrators. A significant number of respondents reported being bullied in public places such as shops and pubs (12% and 10% respectively) and respondents also described difficulties in accessing services due to negative attitudes of service providers. These included being refused a service, being asked to leave the premises or being harassed when trying to socialise with friends.

Three-quarters of respondents with a learning disability reported that they told someone about the incidents – staff members (54%), family members (29%) and the police (17%). In 53% of cases the bullying continued after it had been reported to staff or a family member and people also felt that they were not listened to or taken seriously. Some were told to 'walk away' or 'ignore' the situation, and nothing else has been done for them. Respondents also reported not being taken seriously by the police. Notably 25% of respondents admitted that they have never told anyone about the bullying, mainly because they were too scared to do something about it. Seventy percent of people stated that it would help to deal with bullying if they had someone to talk to; 48% that they would like to know how to make a complaint about bullying and 46% stated that they needed to know how to report incidents to the police.

The findings of the survey were presented by Mencap's representatives to the Northern Ireland Affairs Committee's inquiry into hate crime in Northern Ireland:

Young people and young people in groups would be the most commonly identified perpetrators of the abuse and attacks. People also report that attacks happen on public transport, happen in public places, so it is really quite widespread, it is not confined to urban areas, it is not confined to particular housing estates, it is a common experience of disabled people regardless of where they live (NIAC 2005: Ev 28-36)

This input to the work of the NIAC was a factor in disability being included as a category of hate crime under Northern Irish law.

Mencap have subsequently carried out research into the experiences of bullying among children and young people with a learning disability (Mencap 2006) which provides evidence of the nature and prevalence of forms of bullying and harassment, which could be classified as forms of hate crime and which serve to illustrate the widespread nature of these forms of experience among people with a disability.

National Schizophrenia Fellowship Scotland (2001) *Give us a break. Exploring harassment of people with mental health problems.*

This study was based on semi-structured interviews with 165 people with mental health problems living in the community and 165 people matched from the general population. The respondents were asked: what the harassment consisted of; who was committing it; why they thought it was happening; whether they tried to stop it or not; how the harassment made them feel and what they thought could stop or prevent harassment.

The research found that:

1. People with mental health problems report more than twice the level of harassment than those from the general population;

2. Verbal abuse is the most common form of harassment;
3. Most people thought they were victimised because of their mental health problems;
4. Typically, the perpetrators were neighbours and teenagers;
5. Almost all respondents with mental health problems said that the harassment had adversely affected their mental health;
6. Few thought that the police had been able to act against the harassers;
7. Almost one in three people with mental health problems who had experienced harassment had moved house as a result.

Forty-one percent of people with mental health problems reported experience of harassment, compared to 15% of the general population. People living in local authority accommodation were more likely to be victims than those in privately owned homes, as were those who regularly leave their homes. Young people (teenagers) were the most commonly reported perpetrators of the bullying (32% of incidents), closely followed by neighbours (31% of incidents). Twenty percent of respondents with mental health problems reported family members as harassers.

The majority in this group of respondents thought that they were harassed because people knew they had mental health problems (90%). They also thought that they were perceived as vulnerable by the attackers (43%).

Forty-eight percent of the respondents with mental health problems did not report the harassment at all, while 43% reported it to the police.

Ninety-one percent of respondents with mental health problems reported that harassment negatively impacted on their mental health (compared to 54% of the general population). Fifty-three percent stated that they felt angry (88% of the general population), while 48% reported that they felt intimidated by the experience. Almost a third of respondents in this group moved house to escape harassment. This compared to only three people out of the 165 in the general population sample.

Disability Rights Commission (2004) *Hate Crime against Disabled People in Scotland: A Survey Report.*

The findings of the study were based on 158 completed questionnaires from people with a variety of disabilities. Additionally, two focus groups were conducted with a sample of respondents to the questionnaire. The research found that:

1. Forty-seven percent of those who responded to the survey experienced hate crime because of their disability;
2. Seventy-three percent of those who reported being attacked or frightened experienced verbal abuse or intimidation;
3. Just over a third of incidents were physical attacks;
4. People with disabilities who live in urban areas were more likely to be victims of an attack or to be frightened;
5. Hate crimes were most likely to occur in public places, such as a street or park, in shops or on public transport, although respondents in rural areas reported incidents happening more often in a domestic setting;
6. Thirty-one percent of those who were victims of hate crimes experienced attacks at least once a month;
7. Strangers were most likely to carry out the attacks;
8. Respondents described feeling scared, embarrassed, humiliated and stressed by the attacks. Nearly half of them (45%) did not try to stop the attack, as they were frightened and concerned about repercussions;
9. Ninety percent of respondents have told someone about the attack, with family/friends being the most likely people to be told;
10. Forty percent informed the police. In general the police were perceived as unable to provide help due to difficulties in providing proof, and in some cases lack of interest;
11. Around a third of respondents had to avoid specific places in order not to be attacked and changed their normal routine and;
12. One in four moved house as a result of the attack.

The study found that experience of hate crime varied according to disability type, with people with a mental health problem being the most vulnerable (82%), followed by persons with learning difficulties (63%). Fifty-five percent of respondents were attacked or frightened on the street or in a park, while 28% in shops, cafes and pubs, and a further 21% reported being attacked or frightened at home or a drop-in centre. In relation to different forms of attack, 73% reported being verbally attacked, 35% reported being physically attacked and further 35% harassed in the street, 18% of respondents had something stolen from them, while 12% reported damage to their property.

Respondents were most often attacked by people who they did not know – a group of strangers (48%) or an individual stranger (44%), while 22% reported being attacked or frightened by friends or someone at work, with a further 21% stating that the perpetrator was their teacher, carer or other professional. The survey considered the impact of the attacks or being frightened on the person subjected to such behaviour. While answering the question on how the respondents felt about being attacked, 77% of them said they were scared; 68% that they were embarrassed or humiliated; 66% reported being stressed, with 51% lonely and isolated. Other responses included feeling angry, helpless, and self-loathing.

Mind (2007) *Another Assault*

This study of more than 300 people with mental health problems explored people's experiences of a broad range of community safety issues, including hate crime. The research found that 62% of respondents had been verbally insulted, 41% had been bullied and 29% had been followed, pestered or chased, 26% had had their homes targeted in various ways and 22% had been physically assaulted. Some had been subjected to death threats.

The research found that people with mental health problems often did not report incidents either because they did not think they would be believed, did not think the

report would be treated as a priority, did not think that anything could or would be done about the problem.

Action for Blind People (2008) Report on Verbal and Physical Abuse Towards Blind and Partially Sighted People Across the UK.

This study reviewed the experiences of 199 visually impaired people across the UK and compared this with the experiences of 1,942 people without any visual impairment. The research was designed to identify a number of issues, among them what percentage of blind and partially sighted people have been victims of verbal and/or physical abuse; how often such abuse occurs and who do the victims turn to for support, if any.

The study found that:

1. Sixty percent of blind and partially sighted people have been a victim of verbal and/or physical abuse, in comparison to 50% of sighted people;
2. Ten percent of visually impaired people have been physically abused, and 16% verbally abused within the week preceding the study (in comparison to 1% and 7% respectively of sighted people);
3. Visually impaired people were twice as likely to have been physically abused within the last year (37% compared to 18%);
4. Almost 70% of blind and partially sighted respondents who have experienced verbal abuse have done so on more than one occasion (in comparison to 50% of sighted people), and almost half (46%) of them have been physically abused on more than one occasion;
5. Fifty-four percent of visually impaired respondents reported that they did not know the attacker (cf 49% of sighted people), 46% however knew the person who abused them (with 6% reporting they have been abused by a partner, and 7% by a family member).

The research also looked at where and to whom people were turning for help and assistance in cases where they have been verbally or physically abused. The study

found that a mere 4% of respondents told the police about the incident. The largest group told a family member (32%) or a friend (20%), with 29% of visually impaired people not turning to anyone or telling anyone about what has happened to them.

The reasons given by respondents for not informing anyone about the incident ranged from not believing that anyone would take such a complaint seriously (31% of visually impaired respondents); not knowing where or who to turn to in such situations (24%) to being too scared to tell anyone (13%). Numerous respondents have also been disappointed by their earlier experiences of reporting/telling someone. Sixteen per cent of visually impaired people stated that they have told someone in the past, but the people were unsupportive. Evidence from focus groups also indicated reluctance to report:

It's pointless, because I've tried that reporting it to the Community Police and the first thing they say to me is, could you recognise him?

Victim Support: (2006) *Crime and Prejudice: the support needs of victims of hate crime: a research report.*

The previous studies emphasised that people with a disability who had experienced hate crime were most likely to report it to family or friends, corresponds with research conducted on behalf of Victims Support in England and Wales, where it was noted that: *For most victims, family and friends were the main source of support.* Commenting on the extent of hate crime in England and Wales, the Victims Support report stated:

Lesbians, gay men, racial and religious minorities, transgender and disabled people are the most affected. Hate crimes are usually committed by informal associations of unidentified strangers (often young people) or, in some cases, by individuals known to the victim; they are rarely carried out by organised hate groups.

While concentrating largely on racially motivated and homophobic violence, the report also commented on reasons for under-reporting of hate crimes:

Hate crime is under-reported for many reasons:

- *incidents that the victim perceives as 'minor' are likely to go unreported;*
- *fear of reprisal and escalation of harassment;*
- *expectation of unsympathetic response by the police, and lack of confidence in the criminal justice system;*
- *anticipation that the police are part of the problem;*
- *fear of being charged with an offence;*
- *acceptance of violence and abuse as routine;*
- *victims can feel that incidents are private matters.*

Many of these factors have been highlighted previously as reasons why people from black and minority ethnic communities or from lesbian, gay and bisexual communities choose not to report their experiences of hate crime. This highlights the importance of making changes within policing and other criminal justice organisations if people are to be successfully encouraged to officially report hate crimes.

A number of other recent publications (Learning Disabilities Task Force 2007, Lamb and Redmond 2007, Rethink and Mind 2008) have also highlighted the problem of disability hate crime and have explored the issue from different perspectives. The Rethink and Mind study focused on issues of stigma and discrimination, which they described as '*all-pervasive*' both for mental health service users and for carers (Rethink and Mind 2008: 6). While Lamb and Redmond noted that 80% of disability advocacy groups and 75% of Learning Disability Partnership Boards in England thought disability hate crime was a problem, but they highlighted that people who were not involved with such groups were '*less likely to understand the problems they experience*' (Lamb and Redmond 2007:7).

Research in the United States and Canada

Barbara Perry notes that bias crime against people with disabilities has been ignored compared to *'familiar'* hate crimes (2003: 283) and that *'the recognition of people with disabilities as potential victims of bias-motivated violence has come very late to the social sciences'* but that as twenty percent of Americans are considered to have some form of disability, there is definite need for research in the area (Perry 2003: 173, 281). Furthermore, while some states had added people with physical disabilities to the list of potential victims of hate crime *'it was not until 1996 that the category was added to the federal hate crime legislation'* (Perry 2003: 173). However, only half of all the states that have some form of legislation relating to hate or bias crime include disability within their categories (Perry 2003: 283) and Mark Sherry notes that it was not until June 1999 that the first indictment was issued for a disability-related hate crime (Sherry 2000:1). Sherry notes that there are a clear range of characteristics which signal that a hate crime has been committed, including:

symbols or words associated with hate, activities historically associated with threats to certain groups (e.g. burning crosses), jokes which are demeaning and offensive, destroying or defacing group symbols, a history of crimes against other members of the group, crimes occurring shortly after group activities or conflicts involving the group, the belief of the victim that the action was motivated by bias, perpetrators demeaning the victim's group and exalting their own group, the presence of hate literature, and previous hate crimes in the community (Sherry 2000: 1).

However he states that violence towards disabled people is often ignored because it is for some reason considered more acceptable, less serious and also can be mislabelled as 'abuse' rather than a 'crime' (Sherry 2000: 2, 4). Sherry also asserts that hate crimes against those with disabilities are serious because they claim two victims, the individual and the community, when someone with a disability is attacked because of their disability it makes the disabled 'community' as a whole feel unsafe and afraid (2003: 2). Furthermore hate crimes are more likely than other crimes to be violent crimes against the person rather than harm to property.

There is also the sentiment in America that the criminal justice system is lacking when it comes to disabled people. Sherry states that when the only witness to a crime is someone who is disabled, police are disinclined to continue with the process of pressing charges (Sherry 2000: 4) and he suggests that more needs to be done generally to create '*a change in public attitudes towards disability, an end to segregation, improved service provider practices, and support for disabled people who are victims of hate crimes*' (2000: 5).

The literature also claims that there is a lack of effort devoted to collecting data on disability-based hate crime and inadequate police training on how to deal with disability-based hate crime. While cases regarding race, religion and national origin are now familiar, appellate court cases have only recently dealt with bias crime based on sexual orientation and gender and still have not seen any cases dealing with disability-based crime (Perry 2003: 283). However, there has been some recent development in documenting cases and collecting data about bias crime against disabled people (Perry 2003: 286). Sherry notes that the FBI must collect data on hate crimes according to the Hate Crime Statistics Act of 1990, but they have only had to collect hate crimes based on 'physical' or 'mental' disability since 1997 (Sherry 2003: 6). Overall the perception is that there is little co-ordination in state and federal laws in the US.

Finally research on hate crime in Canada reaffirms the widely perceived reality that most incidents go unreported, a Canadian Department of Justice report entitled *An Exploration of the Needs of Victims of Hate Crime* found that several reasons contributed to this, including victims believing that the incident they experienced was '*not important enough*' that they '*did not want the police involved*' they '*felt it was a private matter*' or they '*felt the police would not be able to do anything about it*'.

Summary

The small but growing literature on disability hate crime in the UK all points to a similar range of conclusions: that disability hate crime is an all-too-real reality for

many people with a disability, with all studies highlighting repeated experiences of verbal abuse, physical assault, criminal damage and other forms of harassment and violence. Furthermore, for many people this hostility has become internalized as ‘normal’, and thus it is regarded as something that you have to put up with and something about which little can be done.

As a result few disability hate crimes end up being reported to the police, with the same range of reasons being given in many of the studies: the police will not be interested, will not take the complaint seriously, will not take me seriously.

Something of this dilemma has been summed up in a recent report by Human Rights First, which also highlighted elements of hate crime against people with a disability that remains understudied, abuse in the private sphere:

Most hate crimes against the disabled may never be reported, as they occur largely out of sight in private homes and institutions. Even the most serious crimes against the disabled, from systematic beatings to rape to burnings with cigarettes, when carried out by those responsible for their care, may never reach the criminal justice system if carried out in custodial situations. When they become known, they are often characterized as “abuse”, not crimes (Human Rights First 2007: 27).

4. Disability and Hate Crime in Northern Ireland

There has been no specific research undertaken in Northern Ireland into disability hate crime⁶, and the only publicly available data is the written and oral evidence submitted by Mencap and RNIB to the Northern Ireland Affairs Committee as part of its enquiry into hate crime in Northern Ireland in 2004-2005. The interventions by those two organisations, however, were instrumental in ensuring that disability was included in the hate crime legislation (Criminal Justice (No2) (Northern Ireland) Order 2004) and in turn led to the commissioning of this research to inform the agencies responsible for dealing with issues of hate crime.

The Police Service of Northern Ireland records disability hate incidents and disability hate crimes in accordance with the Association of Chief police Officers definition of a 'hate crime'. Accordingly, the PSNI's *Policy Directive PD 02/06* defines a hate incident as

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate [...].

The *Policy Directive* continues:

This includes incidents, which the police have no statutory power to deal with (other agencies may have eg Equality Commission). Examples of any other person may include the victim's neighbour, a family member, an elected representative or, the police officer receiving the initial report.

It is clear from those definitions that incidents of bullying and harassment constitute incidents that – if motivated by disability - could be reported to the police under the

⁶ The Equality Commission has published a number of pieces related to issues of disability and public life, including public attitudes survey (2002) research on disabled women and using transport (2003) and disability and the workplace (Black 2006).

available legislation and policy direction. More serious incidents, such as physical assault, may be recorded as hate crime. The *Policy Directive* defines hate crime as

Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person as being motivated by prejudice or hate. A Hate Crime requires a full and comprehensive investigation with a view to maintaining the confidence of the victim and detecting and prosecuting the offender.

Very clear guidance is given to police officers in relation to the recording of disability-based incidents:

When an incident or crime has been reported to police by the victim or any other person that they perceive as being motivated by prejudice or hate, it will always be recorded and investigated as a hate incident or crime in accordance with this policy.

Police officers cannot decide whether or not to record or investigate a hate incident or crime because there appears to be no evidence to support a perception. Officers will accept perception-based view of the victim or any other person. This sends a strong message that police will treat victims of hate crime seriously and will conduct thorough and objective investigations.

In terms of disability-motivated incidents and crimes, the PSNI works under the following definition:

A disability related incident is defined as any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person. Disability can be defined as any physical or mental impairment which has substantial and long-term adverse effect on a person's ability to carry out normal day to day activities (PSNI 2008).

It is interesting to note that the Directive recognises the barriers to reporting and quotes a number of issues as influencing reporting levels. Among those it highlights the perception that the police are not interested in such incidents, and that they cannot or will not take any action; as well as fears around confidentiality and of becoming exposed to further incidents.

Police Statistics on Disability Hate Crime

The Police Service of Northern Ireland has been recording incidents and crimes with motivation based on disability since 2004 and since then releases annual statistics showing their number, as well as clearance rates⁷. In the recent thematic inspection report, the Criminal Justice Inspectorate concluded:

The PSNI have a sophisticated hate incident and crime recording system which feeds directly into a comprehensive statistical system. They also have good policies and procedures in place for managing hate crimes, and the organisation has engaged in very positive and well received consultation exercises with the communities about them (Criminal Justice Inspectorate 2007: vii).

It went on to state, however, that:

[...] there are variations in the awareness of those policies and procedures in police Districts. E-mailing important guidance to officers proves not to be an effective means of communication. The Districts differ in their approaches to managing hate crime: one has a Hate Crime Unit; others work through Community Safety Units or Criminal Justice Units (2007: vii).

⁷ See: http://www.psnipolice.uk/index/statistics_branch/community_safety_statistics.htm for full sets of statistics since 2004.

Due to the fact that the data on disability hate crime has only been collected for three years, it is difficult to comment on any emerging trends. The size of the population living with a disability and survey evidence presented in the next section would suggest, however, that significant number of incidents and crimes go unreported.

Table 1: PSNI Data on Disability Hate Crimes

Year	Number of incidents recorded	Number of crimes recorded
2005/2006	70	38
2006/2007	48	26
2007/2008	49	42

It is important to note, however, that the only two categories of hate incidents in which the PSNI recorded an increase in the last year are homophobic and disability hate related. Disability hate crime also had the second higher proportion of violent crimes (61.9%), with the largest number of offences recorded as woundings and assaults (17 crimes) and criminal damage (9 crimes). Disability hate crime was the only category where the number of recorded crimes increased in the same period.

Within the key findings on recorded crime and clearances, the PSNI notes in 2007/08 Annual Statistical Report (2008) the lowest level of recorded crime since 1998-1999. In six of the nine offence categories (offences against the person, robbery, theft, fraud & forgery, criminal damage and offences against the state) figures were reduced; though the increase in the other three offence categories (sexual offences, burglaries and other notifiable offences) was acknowledged. The 108,468 crimes recorded by the PSNI in 2007-2008 compared with 121,144 in 2006-2007, and thereby showed a decrease by 12,676 (-10.5%) crimes. These decreases it was also pointed out were achieved across all of the PSNI's eight Policing Districts.

With regards to hate motivated incidents⁸ recorded during 2007-2008, sectarian incidents were the most frequently recorded (1,584) followed by racist incidents (976), homophobic (160), faith/religion (68), disability (49) and finally transphobic (7) motivated incidents.

While decreases were noted in the number of sectarian incidents (down 111 or – 6.5%), racist incidents (down 71 or –6.8%), faith/religion incidents (down 68 or – 50%) and transphobic incidents (down 25 or –78.1%), the statistics indicate increases in the numbers of homophobic incidents, up five, and in the number of incidents with a disability motivation, which were up one on the previous year.

The Annual statistics also detail the numbers of hate motivated crimes which occurred during the same period. Again while noting the decreases in the number of all other hate crime types, racist by 104 (-12.1%), homophobic by three (-2.6%), faith/religion by 58 (- 48.3%), sectarian by 161 (-13.2%) and transphobic by ten (-71.4%); the number of crimes with a disability motivation increased by 16 (+61.5%).

The report notes that the majority of disability hate incidents occurred in the urban region, which recorded 37 of the 49 incidents, an increase of 8 on the previous year, while incidents in the rural regions declined from 19 to 12. The areas with the highest numbers of recorded incidents were North Belfast (seven incidents), Ards and South Belfast (six incidents each), Antrim and Lisburn (five incidents each). While North Belfast, Antrim and Lisburn had similarly recorded the highest number of incidents the previous year, in contrast South Belfast had recorded no disability hate crime incidents in 2006-2007.

In terms of the nature of the criminal offences recorded among the incidents, seventeen (35%) involved wounding or assault, nine (19%) involved criminal damage, four (8%) were burglaries, three (6%) involved cases of intimidation or

⁸ **Definition of a Hate Incident:** Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate (ACPO definition).

harassment and two cases (4%) involved theft. Overall 61.9% of disability hate crimes involved some form of violent crime (classified as offences against the person, sexual offences and robbery), compared to 37.4% of racist crimes, 68.4% of homophobic crimes, 50% of faith/religion hate crimes and 45.6% of sectarian crimes.

Although the PSNI recorded a slight increase in the number of disability hate crimes, clearance rates were lower in 2007/08 than in the previous year, declining from 26.9% in 2006/07 to just 11.9% in 2007/08. This last figure compares to clearance rates of 11.4% for racist crimes, 15.8% for homophobic crimes, 16.1% for faith/religion hate crimes and 14.4% for sectarian crimes. These figures compare with clearance rates of 33.2% and 27.1% for Violence Against the Person offences in 2006/07 and 2007/08 respectively.

Northern Ireland Crime Survey

The Northern Ireland Crime Survey (NICS) has been carried out by the Northern Ireland Office on a continuous basis since 2005⁹. The main aim is to collect information about levels and perceptions of crime, fear of crime and anti-social behaviour, as well as public confidence in the police and wider criminal justice system. The 2007/08 NICS involved surveying the experiences and perceptions of crime of 3,933 adults living in private households throughout Northern Ireland.

Interviewees are asked a range of questions concerning crime they may have experienced whether or not these were reported to the PSNI; views about the level of crime; and, how much they worry about crime. When collated, the responses help to identify those most at risk from different types of crime; provide insight into people's attitudes to crime, for instance, how much crime they think there is and how much they worry about it; and, measure confidence in the police and the wider criminal justice system.

⁹ http://www.nio.gov.uk/2007_northern_ireland_crime_survey.pdf what is this?
http://www.nio.gov.uk/perceptions_of_crime_findings_from_the_2005_northern_ireland_survey.pdf

The findings are considered across fourteen socio-demographic groupings, including those relating to Section 75 Northern Ireland Act, 1998. As disability is included here, the NICS is an important source of baseline information on perceptions and experience of crime among people living with a disability¹⁰. With regards to these issues and those living with a disability, the most recent report indicates:

1. Perceptions of anti-social behaviour¹¹

- 21% of respondents who consider they have a long-standing illness or disability which limits their activities believe anti-social behaviour is a problem in their areas compared to 15% of all respondents.

2. Worry about crime and personal safety¹²

- 22% of respondents with a disability or longstanding illness which limits their activities feel very worried about being mugged and robbed (compared to 14% of all respondents);
- 20% of respondents with a disability or longstanding illness which limits their activities feel very worried about physical attack by a stranger (compared to 14% of all respondents);
- 10% of respondents with a disability or longstanding illness which limits their activities feel very worried about being victim of race or sectarian attack (compared to 7% of all respondents);
- 17% of respondents with a disability or longstanding illness which limits their activities feel worried about possibility of rape (compared to 14% of all respondents);
- 24% of respondents with a disability or longstanding illness which limits their activities carry high levels of worry about burglary (compared to 16% of all respondents);

¹⁰ Unfortunately the published report provides no figures for the number of respondents who indicate that they have some form of disability.

¹¹ Quigley and Freel (2008) Page 6 & Table A4, p23.

¹² Quigley and Freel (2008) Table A9, p27.

- 25% of respondents with a disability or longstanding illness which limits their activities have high levels of worry about violent crime (compared to 19% of all respondents); and
 - 21% of respondents with a disability or longstanding illness which limits their activities feeling very unsafe walking alone in their area after dark (compared to 12% of all respondents).
3. Perception of the Risk of Victimization according to those who consider they will very/ fairly likely be a victim in next year¹³
- 17% of respondents with a disability or longstanding illness which limits their activities consider themselves very/ fairly likely be a victim of burglary next year (compared to 16% of all respondents);
 - 12% of respondents with a disability or longstanding illness which limits their activities consider themselves very/ fairly likely to be mugged next year (compared to 9 % of all respondents);
 - 10% of respondents with a disability or longstanding illness which limits their activities consider themselves will very/ fairly likely to be victim of physical attack from a stranger next year (compared to 9 % of all respondents).

Fear of crime also had a greater impact on people with a disability or longstanding illness which limits their activities, with 10% stating that fear of crime greatly affected their lives compared to just 4% of all respondents¹⁴.

Two other sets of data from other NICS publication are also relevant to this research. The first relates to experience of violent crime, the second to confidence in the criminal justice system.

A report from the 2007/08 NICS published data on respondents experiences of violent crime and revealed that 3.0% of respondents with a disability or longstanding illness which limits their activities had been a victim of violent crime in the past year

¹³ Quigley and Freel (2008) Table A11, p29.

¹⁴ Quigley and Freel (2008) Page 19 & Table A15, p33.

compared with 2.2% of all respondents. However it is also worth noting that in two of the previous four NICS (from 2001 to 2006/07), this experience was reversed, with people with a disability reporting lower levels of experience of violent crime than all respondents¹⁵.

The findings from the most recent Crime Survey also included information on people's confidence in the criminal justice system, and found that:

- 40% of respondents with a disability or longstanding illness which limits their activities have confidence in the criminal justice system (compared to 44% of all respondents)¹⁶;
- 78% of respondents with a disability or longstanding illness which limits their activities have confidence in the PSNI and policing accountability (compared to 79% of all respondents)¹⁷.

When brought together, these findings indicate that respondents with a long standing illness or disability have higher rates of concern about crime, fear of crime and anti-social behaviour than other respondents while at the same time holding lower rates of confidence in the criminal justice system, the PSNI and accountability structures.

Northern Ireland Survey of People with Activity Limitations and Disabilities

The Northern Ireland Survey of People with Activity Limitations and Disabilities (NISALD) was commissioned in 2004 in response to a recommendation which arose from a review of the existing information on disability in Northern Ireland. The focus of the research was 'to carry out a comprehensive survey on the prevalence of disability in Northern Ireland and the experiences and socio-economic circumstances of people with disabilities in Northern Ireland'.¹⁸ Such information is important as it allows personal needs, service provision and access issues to be identified so that action plans can be developed and targeted resources made available.

¹⁵ Freel, Quigley and Toner (2009) Table A14, p37.

¹⁶ French (2009) Table A10, p27.

¹⁷ French (2009) Table A3, p23.

¹⁸ <http://www.csu.nisra.gov.uk/survey.asp86.htm>

The survey used the International Classification of Functioning, Health and Disability (ICF) definition of disability endorsed by the World Health Organisation. Following the ICF definition required information to be gathered concerning the limitations caused by disability as well as the impacts of long term illnesses and conditions both from an individual and societal point of view.

The questionnaires, which were completed by 3,262 adults and 281 children, include an initial series of questions establishing the type, nature and severity of disabilities. The survey also includes sections dedicated to collecting information on the socio-economic characteristics of the respondents and their perceptions of the environment in which they live. In addition, however, to questions about the prevalence and type of disability, the survey included a small number of questions relating to hate crime and safety issues.

The first question in this series asked: Have you ever been the victim of a hate crime i.e. one committed against you or your property on the grounds of your religion, political opinion, ethnic origin, skin colour, disability or sexual orientation?

The data reveal that 8% of male respondents and 5% of female respondents to the NISALD survey stated that they had been a victim of hate crime, with 11% of people in the 26-49 age range acknowledging victimization, 6% in the 50-64 age range and 3% in the 65 and over age range. Victimization was more likely to be noted in urban areas, where 8% of respondents report experience of hate crime, compared to 4% of respondents living in rural areas.

Furthermore experiences varied by the nature of the individual's disability, with 12% of people with a psychological disability reporting an experience of hate crime, compared to 6% of people with a sensory disability, a similar figure for people with a physical disability and 8% with people with 'other' forms of disability.

A second question asked: Do you believe that these crimes were committed against you because of your disability/limitation? This indicated that just 19% of males (n

=109) and 13% of females (n = 98) who had been the victim of hate crime indicated that act that was committed against them because of their disability.

A later question explores the fear of hate crime and asks: How worried are you about being subject to a physical attack because of your religion, skin colour, ethnic origin, disability or sexual orientation? This reveals that 14% of males and 19% of females are very or fairly worried about this issue, with people in the 26-49 age range being more worried than older people (26-49 = 8%; 50-64 = 6% and 65+ = 4%), while people with a psychological disability were more concerned (22%) than people with sensory disabilities (17%), physical disabilities (16%) or other forms of disability (13%).

Somewhat higher percentages of males and females expressed being worried about being insulted or pestered while in the street or other public place (19% of males and 29% of females) and of being physically attacked by strangers (27% of males and 40% of females). Both verbal abuse and physical assault are types of incidents or crimes that have been widely recorded among all categories of hate crime in Northern Ireland, although the results may equally reflect a more general feeling of vulnerability in public spaces among people with a disability.

There is thus some degree of difference between the low levels of people with a disability who had been the victim of hate crime (8% of males and 5% of females) and those who fear being a victim (14% of males and 19% of females). As will be illustrated below these difference may in part be a reflection of a lack of awareness of the concept of 'hate crime' among people with a disability, as much as a lack of experience of various criminal activities that might reasonably be classified as a hate crime.

Furthermore, although the percentages of people with a disability who have experienced a hate crime appear low, the total numbers of victims may be considerable. Given that one in five of the population in Northern Ireland are classified as having some form of disability, and applying the survey response proportions to the estimated population of disabled people, this would mean that

between 17,000 and 27,000 people with a disability have been the victim of some form of hate crime. However, as the period of time when respondents experienced a hate crime was not questioned the hate crime may have happened several years ago making yearly comparisons with PSNI data impossible.

Attitudes towards disability in Northern Ireland

In an update on the results on the Northern Ireland Life and Time Survey, Nick Acheson observed in 2005:

Past surveys into public attitudes towards disabled people have shown consistent support for equality of opportunity for disabled people and a widely held perception that as a group, disabled people are treated unfairly in society. But generalised feelings of concern have not translated into action that has had any impact on the compelling evidence of continuing relative social exclusion of disabled people.

In the context of our research, it is interesting to note that both people with disabilities as well as other respondents were consistent in the narrow understanding of who should be included as a person with ‘a disability’. The NI Life and Times Survey found in 2003 that both groups accorded the highest priority to problems with mobility and progressive illnesses. Severe disfigurement, speech impairment and learning difficulties were much less often seen as disability (Acheson 2005).

This reluctance to be labelled as a ‘person with a disability’ is confirmed by the initial findings of current research. As explained in the section on emerging themes below, many individual participants did not consider their impairment a disability. This opinion may go some way in explaining why disability hate incidents are often seen as ones effecting from the person’s particular vulnerability rather than being caused by bias, prejudice or hate. Such understanding of disability may also influence the understanding of what a disability hate crime is and when it should or should not be reported as such. This hypothesis will be explored further in the next stages of our research.

The following sections set out the information gained from the interviews and focus groups. These are arranged in a way that clearly shows from which of the constituent groupings the information was gleaned on each of the five main themes (experience of hate crime, awareness of hate crime, reporting of hate crime, experience of the criminal justice system and the role of disability support organisations). In each chapter we outline the experience of those living with disability first, followed by that of the disability support organisations and then finally to include the input from criminal justice agencies.

5. Experiences of Disability Hate Crime

There is a limited amount of data on disability hate crime in Northern Ireland available from PSNI statistics and the NISALD survey. The police data indicates a small number of incidents are being reported to the PSNI and the survey findings suggested limited experiences of hate crime by people with a disability. However, research from other areas suggests that hate crime is a real issue for people with disability, but that they there may be limited understanding of their experiences as a 'hate crime' rather than as more generic forms of abuse, bullying or discrimination.

Some of the questions to be explored in the research include: To what extent do the police data reflect a true level of hate crime against people with a disability¹⁹? What do people understand hate crime to be? What experiences of hate crime do people with a disability have? How were people affected by what happened? What reference points do disability support organisations have for defining hate crime? What experience do organisations' have of dealing with victims of hate crime? Given the above, what is the scale of disability hate crime in Northern Ireland? What type of disability hate crime is evident in Northern Ireland? What trends in disability hate crime are evident?

The research involved interviews with one hundred and seventy two individuals carried out in twenty four different groups representative of the broad range of disabilities²⁰. Of these groups, four were specifically concerned with physical disability, four with sensory disability, three with learning disabled groups, four with mental health, one with acquired, one with hidden disability and seven consisted of people with a range of generic disabilities.

¹⁹ When assessing the level of disability hate crime / incidents the reader should keep in mind that there is a general under-reporting of crime in Northern Ireland. This is evidenced by comparing results from the Northern Ireland Crime Survey and the PSNI statistics.

²⁰ The research team also hoped to interview individuals who had responded to the NISALD study as well, but only three individuals made themselves available. Each of these was contacted personally and two were visited, but none of them had any information to offer the research and they appeared to have misunderstood the nature of the request. These three individuals are not counted in the total number.

In addition, fourteen individuals were interviewed from different support organisations. Of these, two were concerned primarily with physical disability, two with learning disability, one with mental health, three with hidden disability and six with a concern for a range of disabilities. As well as these interviews, five direct interviews were held with representatives of Criminal Justice Agencies (involving seven people); one formal interview and four informal telephone conversations were held with five HIMLO's; information and comments were gathered from the six people present at the IAG; a survey questionnaire was sent out to twenty six DPP managers (with seven returns), twenty nine CSP managers (with ten returns) and to all HIMLO's (with two returns).²¹

a. Individuals living with a disability

Participants in each of the twenty four focus groups were asked whether they had experienced some form of hate crime and the general responses was a presumption that 'everyone experiences hate crime'. However there was also some uncertainty over the meaning of the term 'hate crime'. In general, interviewees were able without difficulty or prompting to recognise that people from different religions, genders, races and sexual orientation might experience hate crime. But, not every person who was interviewed recognised that as an individual living with a disability they also could experience hate crime.

When mention of disabled people arose in relation to hate crime, it initially appeared to be understood as incidents which demonstrated a lack of awareness of disability such as the use of disabled parking bays by those with no disability badge.

Haven't come across hate crime as such (Member, generic disability group).

I have never been the victim of any crime. I have never had any contact with the PSNI (Member, deaf service user group).

²¹ For detailed information concerning numbers and groups, see Appendix

However, when conversations on the issue opened up, it did not take long before people began to share their awareness of incidents which had happened either to them directly or of which they were familiar as having happened to someone else. The issue of language and terminology was frequently raised. In one instance, following consultation with senior staff from Mencap, in preparation for their annual conference, it was decided to use the term ‘bullying’ as a generic indicator of hate incidents that had been experienced by a service user. Virtually every attendee at the two workshops indicated they had experienced some degree of bullying, in these terms, and in some situations were able to relate the personal incidents that had happened to them.

Thus, in one of the workshops, consisting of about fifteen people, an informal vox pop indicated ten of the participants had experience of being called names or threatened, seven had been teased, five had been spat at, seven had experienced things being stolen from them, one had been mugged and five had objects thrown at them. The numbers here obviously add up to more than those in attendance. So it appears to be the case that a number of those present had had multiple experiences of things happening to them, which were recognised as some form of bullying.

A range of incidents were also described by other interviewees during the research. These included experiences of name calling and verbal abuse, physical attack and being beaten up, theft, vandalism and attacks on personal property such as houses and cars and exclusion from pubs and clubs, in some instances because it was wrongly assumed that the person was intoxicated. A number of these are described below and give an indication of the nature and type of things that have happened to people with a disability.

I've been attacked on numerous times. I was beaten up in Newry. They thought I was a bit soft. People pick on me and try to humiliate me and try to make me feel small (Mental health service user).

I was assaulted but did nothing about it... (Male with a physical disability).

My ex-husband used to be very violent towards me and say to my children 'your mother's mental' (Mental health service user).

A mature man with a physical disability referred to a recent incident when crossing at a zebra crossing, some young people shouted after him *'Here comes the cripple'*. He said that if he had had a phone he would have phoned the PSNI: *'There's no way I would have touched him with it (his crutch) because they would have had the PSNI after you'*

A young person with learning disability shared the experience of his bicycle being regularly damaged and the frustration of having to get it fixed. Irrespective of how the incident was dealt with, the point was quickly made that it had cost him money to get it fixed. It also transpired that he had been regularly bullied. This took place where he lived and was largely done by teenagers *'firing things at you, which was very annoying'*.

In another situation, a member of a learning disability group had been in a car with his mother with a window down when some young people threw a water bomb at them. It went through the open window and hit his mother. At this point, he became angry and confronted some of those he believed to be responsible. The individuals made a complaint to the PSNI who had to take a case against him. After investigation it was decided that there was not enough evidence and so it was dropped. However, those concerned took the case on as a civil action which had not been resolved at the time of interview.

Another experience was shared by a lady, with hidden disability, whose property had been broken into, two years ago. She believes she was targeted due to her disability. Even though nobody was caught she claimed the *'police's attitude was quite dismissive of bringing it to court because 'you have a mental illness''*. She stated there had been no follow up from the police.

An elderly lady, who is a wheelchair user, through cerebral palsy, and dependent on a style-writer for communication, had two people break into her flat two summers ago. The assailants held her arms so that she could not communicate with her style-writer nor push the emergency button. An element in her vulnerability was because she had to leave her door open in the supported living complex. It is believed she was targeted as the attackers knew she was there and were somehow aware of the arrangements for her carers being able to get in to her flat. *'They were in for about five minutes. They took the panic button off me but set it off by accident'*. Even in such a short space of time they were able to go through her flat and find some money which they took. After the incident, she related how she was in *'absolute shock'*. Her story was on television and Lady Sylvia Herman took her out for tea, which was appreciated.

A young male wheelchair user thought that if anything happened to him his *'brother would sort it out!'* He related also some of his experience whilst attending school. In one school he felt *'the teachers didn't really care'* and at another he found himself *'teased'* about the way in which he walked and found people placing bags along the wall when he needed to support himself before getting into the wheelchair. He shared some of his frustration at not being communicated with directly with people asking his carer *'What is it he wants?'* and also, *'people talk over my head when I'm in the wheelchair... It's very hurtful'*.

They talk about you - but not to you! (Male, physically disabled).

*I've experienced hate crime at the hands of young people living in my own area. When they hear my watch they taunt and call names. 'You're a blind bat' 'Blind ***' – I don't just stand and let them speak to me as though I'm rubbish. I give as good as I get* (Mature woman with sensory impairment).

I've had a lot of things happen at our house - Snowballs thrown with stones in them, the house has been egged. My daughter made a full list of what had been happening and gave it to the PSNI after they were called. They went to the parents who weren't

that supportive. The PSNI took line that 'We can have them cautioned or involve the Juvenile Liaison Officer' (Mature woman with sensory impairment).

A woman with visual impairment described her experience of incidents as 'horrendous'. She went on to relate how she is married to a person with Spina Bifida and they have four children.

I am really not looking forward to Halloween' I've been involved in the Community Safety strategy in our area and the PSNI have a 'file that thick'. They prosecuted one person but it turned out to be the wrong one as it happened. He was a member of the Traveller community.

The first thing I did was to go to the parent's but they stood by the child. I ended up asking the NIHE if we could move but was told we couldn't because it 'wasn't a life threatening situation'.

The intimidation and bullying went so far as to have a Bebo page up on us – I took it to the PSNI as photos had been taken by someone on a mobile phone and then posted on to website. My daughter who was ten was beaten up, I took her back to school and took action against the ones who had done it, but the same ones came after her and threw eggs at her. Even after this, their parents won't act.

We've had everything thrown at the house – trees, dead birds, breeze blocks. And then there's the abuse in the street 'F...ing albino!' Young people just stare and it is very intimidating.

Another couple with visual impairment shared their experience of young people getting into the back of their house and 'turning on the tap at the back so that the garden would flood and the garden would then get wrecked. As well as this, we've had garden furniture stolen'.

A mature west Belfast woman in a wheelchair shared her experience of having a stolen car set on fire and placed against her fence. The difficulty she stated is that you're facing *'a mentality that says we can do it'*.

There is a real concern about young people, boys and girls, and anti-social behaviour. They say anything and at times *'stones are thrown against the windows'*. Those involved with anti-social behaviour *'don't care and don't stop to think'*. Meanwhile *'the disabled, those with mental health difficulties and the old lack any voice'* and are perceived as not being able to do anything about it.

People from a learning disability group shared some of their experiences of being stared at, being stopped in the street, being called names, being pushed when shopping, of having ankles kicked and being threatened with having their phone taken.

Another young woman with visual impairment related the story of how in the last while she has had water balloons and stones thrown at her window, which was smashed. As well as this, she experienced young people climbing up and walking along the roof of her bungalow. The window cost £90 to get it fixed which she had to fund herself, *'Of course if challenged they say it wasn't me and nobody knows who did it'*.

Others recognised themselves to be *'an easy target'* as *'identification is difficult'*. Another member of the same group spoke of having the *'same wee bit of bother'* but in this situation her son can identify the ones doing it, though this in turn raises a concern for her that this will make her son vulnerable to abuse as well.

In another part of the country, a young adult male wheelchair user spoke of how he had believed himself to have been bullied by the driver of a Trust bus. According to him, one driver, who drives people with disabilities, complained that wheelchair users *'took up too much of his time'*. The interviewee stated *'He hit me'* and claimed the

driver had squeezed the side supports of the wheelchair to make it uncomfortable and when backing him out of bus would '*shake the wheelchair hard*'.

The final example of an incident against someone with a disability in this section, involves a man with an acquired disability from a head injury who claims his business was stolen by his brother because of his disability. This was especially difficult as it involved family conflict where it felt as though they were '*walking over you*'.

These stories indicate that there is a discrepancy between what people understand (or do not understand) a hate incident and / or crime to be, ie something that happens to someone else but not to us, and the real experience of many of those interviewed who could relate very uncomfortable personal life experiences. It would also seem this lack of awareness and understanding has a direct impact on people's desire to report to the PSNI. In the stories heard it was also notable that reporting an incident to anyone, never mind the PSNI, was the exception. Thus, in view of the quantity of anecdotal experience shared, it is thought the statistics are low due to a large proportion of incidents going unreported rather than a lack of incident to report; though it has also to be remembered that for some people there actually were no incidents to report.

In terms of implications, and irrespective of how an incident is perceived, it is important to note the impact of such experiences on people's lives. Thus, quite apart from the emotional stress and trauma, it is noted that a number of people fear leaving their house due to possibility of a burglary. This is especially acute for those who are often in the poorer groups in society and have to bear the financial impact of the loss and/ or repairs to equipment. In turn this has a social impact on people's confidence and quality of life.

b. Support Organisations/ Agencies

The concern was expressed that any research on disability and hate crime should reflect the reality of life for those living with a disability. In other words, care needed to be taken not to make things appear more dangerous than actually is the case as it is

already difficult enough trying to foster independence for those living with a disability in an increasingly risk averse society. While noting this, it was also suggested that people with differing types of disability may experience differing social and communal reactions / responses. Thus what may be the experience of living in the community for those with a learning disability may not be the same as for those with mental health issues.

In recognition of these points, it was noted that approximately half of the organisations who were interviewed have not been made aware of any incidents experienced by their service users, and this was particularly the case with organisations working with people with learning and hidden disabilities. However, this seems to contrast with the actual experiences described by individuals with learning and hidden disabilities as has been outlined above. Perhaps, also, it needs to be remembered that with increasing awareness of hate crime, there may be situations which come to mind that otherwise remain unrecorded.

I'm not aware of any crime being perpetrated against trainees (Manager, learning disability project).

Branch support groups aren't aware of hate crime (Manager, hidden disability group)

Tend to be very quiet group of service users and to date no awareness of incidents of discrimination being spoken about (Manager, hidden disability group).

I have never really come across any such incidents in 20 years of helping at the club – though in my memory there was an incident where my uncle was attacked by a jealous husband after affectionately putting an arm round a woman ... It is more likely to be an issue of exclusion rather than crime; especially when people still talk over someone's head to ask 'does he take sugar?' (Manager, learning disability project).

Our organisation has had no experience in dealing with community safety issues and/or victims of hate crime (Board member, mixed disability organisation).

One of those interviewed did acknowledge that even though they were not aware of hate crimes against trainees they were aware of situations where people have been taken advantage of due to their vulnerability. For example; individuals borrowing things and not returning them; offering to buy things at a fraction of the value and being found in situations where alcohol was offered inappropriately.

While acknowledging a lack of experience in dealing with incidents of hate crime, support organisations suggest the PSNI statistics are probably too low and indicate a level of non-reporting rather than a lack of experience of hate crime. This concern was a motivating force for some of the organisations to participate in the research. The manager from one generic disability support organisation expressed fear of the current silence on hate crimes and was concerned that people were suffering but unable to do anything about it.

I can't see any vulnerable individuals reporting and would be confident that almost 100% of severe mental health sufferers don't report (Manager, mental health organisation).

Anecdotally our organisation knows of purses being snatched, phones being taken and a break-in during time of Christmas Dinner... So some surprise that NISALD figures are so low (Director, generic disability support organisation).

In line with this perception of low figures and under-reporting of incidents, service providers shared their knowledge of clients and others being subject to severe beatings, intimidation, bullying and theft by carers, dog foul put through the letter box, benefits being taken, stigmatising, being laughed at, theft, discrimination by employers, refusal of entrance and carers taking more money out of accounts with cards than they should have.

A spokesperson for a physical disability support agency shared an awareness of the complexity facing disabled people who need independent carers and who arrange contracts themselves through Direct Payment scheme. A number of incidents related

to the dependency of the individual on the carer even though they may experience forms of bullying and theft. It may be the case that the individual is so dependent and finds it difficult to get any care that they put up with a far from ideal situation. It was thought that the challenge of finding care made some even question the value of new AccessNI²² arrangements. These may make care safer but it is believed they also make it more difficult actually to get, as people with a disability are less likely to ask family and/ or friends to undergo the clearance test.

While some individuals indicated a feeling of safety while at home, it was suggested that people do not like leaving home and take general community safety precautions, such as ensuring the windows are locked at night. There is an irony in Northern Ireland at the moment when individuals can say they feel they have less protection in the community now that *'the paramilitaries are no longer in use'*. However, this was expressed as a drive for more community policing with improved Neighbourhood Watch programmes and Community Forums rather than any desire to see any form of *'vigilantism'* return.

In addition to attacks on individuals, a property issue arose while visiting a group of physically disabled people at their supported living accommodation. In the course of the interview it transpired that, while residents individually did not feel they had been subject to any particular incidents, the premises where they lived was regularly attacked and damaged. This is an important issue when considering the gathering of statistics because the research has not focussed on the experiences of service providers, such as providers of supported living accommodation. It is not clear, in this instance, what statistics are kept concerning damage and whether these incidents would be recorded by the PSNI as hate incidents or merely as incidents of criminal damage.

The evidence suggests that while half of those organisations interviewed indicated little awareness and no experience of hate crime/incidents, there appears to be

²² <http://www.accessni.gov.uk/index.htm>

sufficient examples of incidents which have gone unreported, unrecorded and therefore uncouned in the official statistics.

This was further highlighted by a male disability activist, with a physical disability, who had experienced constant harassment and intimidation by people coming into his garden, calling him names and throwing eggs at him. He related how he had rung the PSNI and told them he wanted these incidents recorded but was told *'There is nothing here we can do'* and was reminded of the area in which he lived and how its location made it difficult for the PSNI to be involved. As far as he is aware, the complaint was not recorded.

c. Criminal Justice Sector

It is important to have confidence in the PSNI hate crime statistics and for this to be the case there needs to be an acknowledged degree of consistency between the police records and the reality of life experienced by people with disabilities. The Criminal Justice Inspectorate Northern Ireland (CJINI) report acknowledges the PSNI has *'a sophisticated hate incident and crime recording system which feeds directly into a comprehensive statistical system'*.²³ The report further acknowledges the PSNI has developed *'reliable and accurate data collection mechanisms'*.²⁴ At the same time, the report also indicates that the systems can only be as *'good as the quality of information entered onto them'* and that *'Inspectors found discrepancies in initial entries and officers expressed concern at accuracy levels of crime recording in some DCU's'*.

This difficulty in gathering accurate data on disability hate crime is part of a larger problem in gathering accurate data on any form of hate crime. Research has noted that problems in gathering data may be associated with a number of factors including poor relationships between minority communities and the police, a lack of recognition of hate crimes as something that should be reported, a belief that no action will be taken

²³ CJINI REPORT – Hate Crime – p vii

²⁴ 4.2

by the police and the poor quality of recording by the police (Jarman 2002). It should be noted that the PSNI have made efforts to address these issues in recent years.

PSNI officers, who have a direct concern for hate crime issues, believe that the existing figures do not match reality and that much hate crime against people with a disability goes unrecorded. Thus the level of consistency of the figures is not considered too high. This is consonant with the CJINI report's observation that 'there is significant under-reporting of hate crime'.²⁵

However, Hate Incident Minority Liaison Officers shared very little by way of direct experience of untoward incidents against disabled people they had come across, or been assigned to, in the course of their duties. Among the experiences named by HIMLO's included being told of stones being thrown at a house, and:

One incident last year where a person with a physical disability, requiring use of a wheelchair, alleged that local children were causing annoyance to her by running through her garden.

In conversation, it was pointed out by HIMLO's that the statistics would indicate hate crime against disabled people is very low to non-existent in some areas. Nevertheless, it was also noted that '*without doubt*' there were a range of incidents and crimes committed against disabled people that go unreported. At the same time, it was pointed out that unless a formal report is made of an incident the event did not happen as far as the PSNI is concerned. Thus, because anecdotal evidence cannot count when it comes to official statistics there is an expressed belief that under reporting is an issue. Nevertheless, even with an uncertainty concerning the scale of crime against disabled people, it was acknowledged the statistics show an increase in figures recorded last year.

As well as information gathered from HIMLO's, all DPP managers and CSP managers were surveyed on a range of issues to do with hate crime. Of those DPP

²⁵ Ibid 4.8 – p 21; see also p v, 3.7 – p 16, 3.9 – p 17

managers who responded, the awareness of incidents against disabled people was divided between those who had no awareness of any such incidents and those who were able to relate to situations they knew about. Thus it was stated by two of the seven DPP managers who responded to the research:

I am not aware of any incidents of this nature.

I consulted the PSNI to see if they had any record of crimes being perpetrated against people with disabilities, they confirmed that there have been no incidents reported this year, or indeed, last year. The DPP has never received any comments, concerns or queries concerning crimes of this nature either.

Those DPP managers who were able to relate incidents named situations which included: bullying; verbal abuse towards a man with learning difficulties, which he and his sister perceived to be hate crime; burglary and criminal damage to disabled man's house; a deaf woman suffered criminal damage; and, a broken window in the house of a man with learning difficulty, which he believed was a hate crime.

In addition to these incidents one DPP manager included the experience of 'inconsiderate parking of vehicles on footpaths' and cited two incidents where a person with visual impairment found their guide dog would not walk any further because of the limited access on the footpath. A third situation related to a person in a motorised wheelchair who again could not get past a car parked on footpath.

According to the DPP managers, in one instance the victim reported when they were 'informed about the HIMLO'. However, in a number of instances the DPP managers have stated:

Police were involved but the victim was not confident about resolution or their ability to protect him in the future.

A deaf lady had major difficulty communicating with police and was frustrated.

Brought to the attention of the police district commander at DPP meetings.

Officers and traffic attendants were tasked to the areas in question. In one instance where the offenders were patients at a dentist's surgery the police officer spoke to the dentist and as a result he is taking action to provide parking spaces at the side of the premises.

An incident was reported by Social Services. The PSNI carried out house to house investigation with no result.

Incident reported by sister.

The victim did not have any useful descriptions, so no line of enquiry.

These statements offer some indications from DPP managers of what they consider to be hate incidents and further describe how they understand some of the situations were resolved. Only two of the ten CSP managers who responded were able to name any hate incidents that had occurred against disabled people in their area. In one situation, the two incidents identified were also two of the three referred to by the DPP for the same area. In the second, the CSP manager referred to an awareness of some incidents while the DPP manager in the same area recorded no instances. This would indicate a mixed level of communication between the services in those council areas. A more typical response was:

I am not aware and have not been made aware of any incidents against the disabled.

No such incidents reported to CSP or have come to CSP's attention via crime stats etc.

In one instance it appears that a CSP manager was not aware of incidents against disabled people that were being reported by the DPP manager of the same council. In another area where the CSP manager stated there had been no such incidents five

incidents had actually been recorded, making it among the leading districts for recorded hate crime against disabled people in Northern Ireland. In three other instances, CSP managers stated that no incidents had taken place where there actually had been an incident. While it may be that a lack of awareness is not unexpected given the small number of incidents, it is important to acknowledge an apparent lack of awareness of hate crime against people with a disability among CSP managers.

Summary

There does indeed appear to be a discrepancy between what disabled people in general understand a hate crime to be and the real experience of many people living with a disability who are able to relate very uncomfortable personal life experiences. Given the range of anecdotal evidence offered, it is concluded that the annual statistics produced by the PSNI are lower than what they might be.

As well as incidents against people with disabilities, the research was made aware of incidents against property identified as being a place where those with disabilities live. There is a further issue here of how such incidents are reported, if at all, and how they are recorded. Research in this area alone might well offer further evidence of the degree to which the PSNI statistics exhibit under reporting.

In addition, it is stated by PSNI officers that '*without doubt*' there were a range of incidents and crimes committed against disabled people that go unreported. At the same time, however, the awareness of DPP managers and CSP managers of hate crime against those with a disability appears limited, even in areas where there has been some reporting.

6. Awareness of Hate Crime

In the previous section, it was suggested the experiences of hate crime by people with a disability may well be higher than is indicated by the official figures. However, it was acknowledged that disabled people do not always realise that what they suffer is a crime, never mind a hate crime. This raises questions concerning how informed disabled people are about hate crime and the level of seriousness with which they believe it is taken. This section considers the level of awareness of hate crime in terms of legislation, policy and its implications for the lives of people with a disability and how seriously do people with a disability believe the issue of hate crime is taken.

a. Individuals living with a disability

In terms of individual participants to the research, it appears disabled people are only too aware of the practical experience of hate crime and the impact it can have on their lives. However they are not so aware of the legislation nor policy that exists to protect them from it and help provide support. As noted previously, interviewees do have a clear perception of hate crime and have a definite understanding of who the victims of hate crimes are. For example members of a hidden disability group stated that *'everyone experiences hate crime'*. But for them hate crime was linked to religion, gender as expressed in chauvinism, race and immigrant worker status, the group had no awareness of the Criminal Justice Order nor the implications arising from it for them as a group of people living with disabilities.

Again, a multiple disability group was able to recognise the role of hate crime legislation as being for those who experience sectarianism, homophobia and racial (including migrant workers) attack but had no awareness of the import it had for them. This was an experience shared with another multiple disability group whose members were not aware that hate crime had an official legislative status.

A further group with multiple disabilities had been informed that a researcher was coming to talk with them about hate crime. When they were asked about their

understanding of the concept, a number of individuals stated that they knew nothing about the relevance of hate crime for themselves: *'Not me but hear of other groups like immigrant groups and people moving into the estates being attacked for various reasons'*. Members of a mental health group suggested that the people who experience hate crime do so due to their race. And there was no awareness of hate crime as it applied to disability in terms of the Criminal Justice Order.

A different mental health group of interviewees considered the greatest number of victims of hate crime were those from immigrant communities such as Polish people and Chinese people. It was also recognised that Irish Travellers and gay people were affected and sectarian issues were also played out in hate crime.

Another member of a group with mixed disabilities, a senior citizen in a wheel chair, was able to relate that he had lived in his estate for nine years and was not aware of any incidents until recently when a *'brick was thrown through the window of a man which hit him on the head and required him to go to hospital'*. This, however, was not a disability hate crime but rather a homophobic attack.

A further group of people with an acquired disability, showed an understanding of hate crime as applied to sectarianism, racism, and ageism. Sectarianism and racism were thought to be *'everywhere'*. The story of an older person being attacked at home was in the news during the week of the interview. Further it was thought that the elderly were being targeted but with *'no particular reason why'*. In terms of disability, comments made included, this is *'the first time I've heard it brought up'* and this is the *'first time we've discussed it'*.

Members of a mixed disability group identified people who suffered from hate crime due to their race, with the Chinese community particularly identified as experiencing discrimination, and the influence of the British National Party was particularly named in this respect. Commenting about hate crime, a young adult with cerebral palsy considered people who experience hate crime to be *'anybody who's different'* whether it is a different point of view or disability:

I think things happen due to a lack of education so because somebody looks different or walks differently they are there to be taken advantage of. You see lots of it on the internet, here people make jokes – people are led to believe that ethnic minorities shouldn't be allowed to live here – but this shouldn't be allowed to happen.

A member of an adult mental health service stated *'I've heard of hate crime before – the victims are Chinese... their windows have been smashed and they were beaten up and things'*. This group recognised that such types of crime, over the years, was perceived to be more about the Protestant/ Roman Catholic situation but as things settled *'seems to be targeted against people moving into the country... anyone coming from the outside... another group who experience it are the Polish community'*. It is notable that this group did not easily identify people with disabilities as being those who could also be attacked and experience hate crime.

On the other hand, some members of a deaf group had some awareness of the experience but were unsure what hate crime actually was and whether or not it was what they had experienced. Interviewees in this group stated:

Yes I have seen it on the telly. I have worked with deaf and hearing people. In the past people have shouted at me for having to write things down. Don't know if that is a hate crime but it wasn't pleasant.

Heard a wee bit about it but very unsure as to what exactly it is! What constitutes a hate crime? The deaf community would never give into being frightened. I am always checking around me, have to as I am a mother of four!

The stories here would indicate a negligible awareness of hate crime in terms of legislation and policy related to disability. Given this, it is difficult to conclude anything other than the level of communicating with a disabled people about hate crime is virtually non-existent.

b. Support Organisations/ Agencies

When the draft Criminal Justice Order (CJO) was offered for consultation in 2004, it was concerned with offering legal protection to members of racial, religious or sexual orientation groups from offences aggravated by hostility.²⁶

A number of submissions were made to the consultation by disability support organisations, including Disability Action, Centre for Independent Living and the Royal National Institute for the Blind. The experience of working with clients' experiencing victimisation and discrimination appears to have been a motivating factor in the belief that this legislation had something to offer by way of legal protection for those with disability. A former senior manager with RNIB at the time described an experience where a visually impaired person's guide dog was so badly injured following an incident with firework that it had to be put down. This experience convinced her of the need to have the RNIB respond to the consultation.

Similarly, the Northern Ireland Human Rights Commission included comment that disability had not been included in the Order despite their input to the consultation that had underpinned the initial draft Order.

The case was made sufficiently by disability groups for the inclusion of disability into the legislation that the Northern Ireland Affairs Committee in its Fifth Report made three recommendations concerning the development of the CJO.

It recommended the inclusion of disability within the draft proposed Order. Members also said they expected to see the problem of "hate crime" tackled more vigorously in future by the Police Service of Northern Ireland.

They also recommended that statistics should be collected by the Government and PSNI for incidents of "hate crime" against disabled people.²⁷

²⁶ http://www.nio.gov.uk/draft_criminal_justice_northern_ireland_order_2004.pdf

²⁷ <http://www.parliament.the-stationery-office.co.uk/pa/cm200304/cmselect/cmniaf/954/954.pdf>

As a result of these recommendations being accepted, the Criminal Justice (No 2) (Northern Ireland) Order 2004 was made on 27 July 2004 and came into effect on 28 September 2004; thereby offering those with a disability legal protection against the hostility of crime motivated by prejudice and hate.²⁸

Given these outcomes, it is evident that some disability support organisations were not only aware of the problem of hate crime, but they also managed to play a significant role in the development of legislation and policy to address the issue.

In light of these inputs, it would seem reasonable that the disability sector would be able to contribute further by ensuring that their clients are informed about hate crime as well. Despite this, it is found to be more the situation that very few other support organisations have any awareness of hate crime let alone the Criminal Justice (No 2) Order.

We don't think about hate crime and disability (Manager, learning disability group).

Branch groups aren't aware of hate crime (Manager, hidden disability group).

It is not thought that people are aware that community safety and hate crime is being taken seriously (Manager, hidden disability group).

The organisation doesn't have a reference point nor policies about hate crime nor does it have any information on community safety or hate crime (Manager, physical disability support organisation).

We are not aware of (Hate Crime) legislation nor its implications for service users (Manager, hidden disability group).

The Trust does not have any specific policies addressing the issues of community safety and disability hate crime (Board member, mixed disability group).

²⁸ <http://www.opsi.gov.uk/si/si2004/20041991.htm>

The level of information on the issue of hate crime within the disability sector appears to be patchy. There is evidence of five organisations who were interviewed being familiar with the CJO and taking its implications for service users very seriously. However, it is also evident that the other nine support organisations interviewed knew very little, if anything, about the Order.

c. **Criminal Justice Sector**

It is one thing to introduce a piece of legislation such as the CJO and to assign various responsibilities to those who have to carry out the tasks associated with ensuring its implementation. It is quite another to have a shared understanding of who is responsible for ensuring that the legislation's existence is communicated to those people /organisations with a stake-holding interest in its implications for their daily lives and/ or service delivery. In other words, how might those with a disability, and their support organisations, be informed about the legislation so their awareness of the legal protection from attacks due to hostility against disability is increased? As well as this, who is best placed to do it?

Due to the responsibilities carried by the NIO Community Safety Unit, the Northern Ireland Policing Board (NIPB) and the Police Service of Northern Ireland for public safety and protection, it was decided to focus on their roles in relation to hate crime. This section primarily focuses on the CSU and NIPB with the PSNI role being considered in chapter 8.

The Community Safety Unit is the central agency dealing with community safety in Northern Ireland. It is a department of the Northern Ireland Office and as such currently remains accountable to the Minister of State for Northern Ireland responsible for Criminal Justice, Security, Policing, and Prisons.²⁹ For the CSU:

Community safety means preventing, reducing or containing the social, environmental and intimidatory factors which affect people's right to live without fear of crime and

²⁹ <http://www.nio.gov.uk/index/about-the-nio.htm>

*which impact upon their quality of life. It includes preventative measures that contribute to crime reduction and tackle anti-social behaviour.*³⁰

In order to achieve these aims, the CSU is charged with a number of responsibilities including developing a community safety strategy for Northern Ireland; providing information, guidance and advice to local community safety partnerships; funding projects that assist the meeting of central Government crime reduction targets; forging relationships with those dealing with community safety in other countries; and, advising Ministers on community safety issues³¹.

The work of the CSU is carried out at local council level by Community Safety Partnerships (CSP's), which are attached to every council in Northern Ireland. In this way community safety is considered to be about *'delivering local solutions to local problems that have been identified by local people'*. In support of this aim, the CSU has had a Hate Crime Action Group (a subgroup of the Community Safety Forum of the Criminal Justice Board) in operation since 2007 with the remit of taking forward an Action Plan to address the CJINI Report on Hate Crime.

The role of the Northern Ireland Policing Board is to monitor the performance of the PSNI against its Annual Policing Plan. In terms of each council area in Northern Ireland, this role is carried out by a local District Policing Partnership (DPP) which is line managed by the council. The local connection is important because it allows for a measure of community consultation and the setting of local priorities for policing where it can *'act as a general forum for discussion and consultation on matters affecting the policing of the district'*.

Thus, in light of the roles given to the CSU/CSP's and NIPB/DPP's it may be reasonable to assume they would play lead roles in ensuring disability support organisations, if not their clients, are familiar with the hate crime legislative framework, and its associated implications, as found in the CJO. It might also be

³⁰ <http://www.communitysafetyni.gov.uk/index.htm>

³¹ <http://www.communitysafetyni.gov.uk/index.htm>

reasonable to expect a focus on disability with specific representation on each partnership and a collaborative strategic emphasis in the plans of the partnerships, if not due to the CJO but at least because of Section 75 of the Northern Ireland Act 1998, commitments. A Forum on Hate Crime has been formed to facilitate a more effective strategic response to hate crime in light of the CJINI report, Hate Crime in Northern Ireland. The Forum on Hate Crime consists of representatives from CSU, PSNI, OFMdfM, NIPB, NICtS, PPS and PBNI. It is chaired by the NIO.

In an attempt to gauge the degree to which there is a collaborative strategic emphasis, DPP and CSP managers were asked if ‘disability’ was represented on their partnership and if a focus on ‘disability’ featured in their strategic plans. The responses of the CSP managers indicates that three of the ten CSPs have representation from people with a disability on their partnership, one has representation from the partnership on the local disability forum and one in the local community safety network. In a similar vein, according to those who replied, only two had a specific focus on disability in their strategic plans.

With respect to the DPP managers, there is a mixed response to the place of disability on the partnership ranging from those where individuals with a disability do not feature to those who have some representation. When asked about the representation of people with a disability, the DPP managers stated:

None that have been declared to me.

Yes, three (people with disability) out of nineteen.

There are two people with registered disabilities on the DPP.

There is no specific (disability) representation on the Partnership.

Yes and one of our members is a member of the local disability forum.

There are three members who have a disability but are not on the Partnership because of such.

Yes – we have one member, that I am aware of, who has a physical disability.

Nevertheless, given this mixed response, the positive place disability had in the partnership strategic plans, of almost every area, is acknowledged. In several instances this extended also to the council's operational plan and consultation strategies. One manager noted their DPP:

Has a Disability Action Plan which encourages participation firstly to try to get people with disabilities on to the partnership and secondly to get people involved with the work of the District Policing Partnership.

The situation, however, became further complicated during a conversation with a CSP manager who, when queried about hate crime in the council area, pointed out that the responsibility for dealing with hate crime there did not lie with either the CSP or the DPP but with the Good Relations co-ordinator for the council. As it happened, not only did the responsibility lie with a different department but that department was under a different council directorate and line management arrangement.³²

It is perhaps not surprising, given this varied response, that there appears to be some dissonance between government and council bodies with responsibilities for community safety, hate crime and Good Relations and disability support organisations and people living with disability. This was reinforced at a recent Belfast City Council conference on hate crime at which a participant who had identified himself as a staff member from the criminal justice system asked if there was a recognised definition of hate crime. It was also instructive to find that none of those present in the workshop, from a variety of agencies and government departments, were able to provide an answer, as they were not aware of the context or legislation either. That said, lack of clarity regarding the definition of hate crime was not just found with this group. As

³² CRU was invited to participate in the research but contact details for Good Relations Officers were not supplied

will be noted in the next section, the issue of definition is a common theme for those with a disability, their support organisations and the criminal justice system.

In fairness to these bodies, there is perhaps also a question to be leveled at disability support organisation themselves concerning the responsibility they carry in ensuring their clients are informed about community safety and hate crime issues. In particular, it could be asked of those who submitted responses to the initial CJO consultation. That said, however, this perhaps raises the strategic question again as to who actually carries the overall responsibility for informing and keeping aware all those affected by the issue.

For the moment, it is suggested that a number of the bodies carrying responsibility for public safety are themselves only informed of hate crime legislation and policy to a limited degree. Quite apart from the situation within agencies, the challenge of developing a coherent strategic approach appears notable. Coupled with this, the benefit of a single point of overall responsibility, ensuring every one concerned with disability generally, and specifically with hate crime at all levels, engages with the issues together in a 'joined up' way so as to guarantee all are informed and know the issue is taken seriously.

Summary

Individuals do not appear to be informed about disability hate crime; support organisations are informed to a mixed degree, with some very informed and others with no awareness at all of the legislation; and, similarly representatives of the CSU/CSP and the NIPB/DPP appear to be informed to differing levels.

Overall there appears to be a strategic issue concerning who carries responsibility for ensuring people are informed and kept aware of how seriously hate crime against those with a disability is taken. Thus, there is a challenge for all concerned with disability issues at the governmental, agency, organisational and personal levels, to ensure a 'joined up' strategy is found and acted upon. Line management

accountability needs clarification, so as to guarantee all are informed and know the issue is taken seriously.

7. Reporting of Hate Crime

Although the evidence indicates that people living with a disability and many of disability support organisations are not well informed about hate crime, it was certainly the case that many people with a disability knew what it was to experience forms of abuse, harassment and bullying, that could well be classified as hate incidents. However, few of those people who were interviewed had any dealings with the criminal justice agencies in relation to these different types of incident. Nevertheless, almost every individual, all support organisations and the representatives of each of the criminal justice agencies that were interviewed was able to contribute to the discussion that sought to identify the issues that were considered to deter or limit people's willingness to report hate crime.

a. Individuals living with a disability

Generally, it was stated by a member of a mixed disability group, that people are *'happy'* to report to the PSNI *'when you can find one'*. At the same time, however, there was a shared perception in this group that *'there are more traffic wardens around at the moment than PSNI trying to protect community safety'*. While this may have been said with an element of *'tongue in cheek'*, the same person shared some of her experiences of living in a house which was frequently targeted for attack as it had some specific adaptations which identified it as a place where a person with a disability lived. This situation will be reported in more detail in the next section, which considers individual's experiences of reporting to the PSNI.

From the point of view of members of one of the hidden disability groups interviewed, the issues that prevented reporting of hate crime included: the possibility of being open to further recrimination from those who committed the offence; a belief that the victim had to provide proof that the incident happened; and a lack of trust in the system due to a perception that even if someone does go through with a reporting process and the PSNI do the work required to get the case to court, and are fully

supportive of the victim, they have no guarantee of conviction as *'the case can still be thrown out by the judge'*.

These themes were further picked up by some members of a mixed disability group who commented that reporting *'wouldn't do any good as even if it gets to court, they get a slap on the wrist and told not to do it again'*. In addition, it was recognised that even the PSNI can't guarantee anything in court and it was claimed people get off with *'blue murder'*. So for example, if someone does £1000 worth of damage they may only receive a £100 fine and besides there's *'very little chance of collecting the fine'*.

With regards to the need for evidence, the way in which the PSNI have to tread *'a thin line'* due to the burden of proof required for a case to be successful was noted. It was perceived that the PSNI often knew who was responsible for a crime. However, they could not prosecute them due to a lack of evidence. At the same time, a challenge was offered by one of the group who acknowledged that *'the law is there for everyone'* and it needs to be *'supported because if there is no reporting then there can be no change'*. That said, the general feeling was that people would not go to the PSNI as they were thought to be quite *'dismissive'*, they cannot be at your door every hour of the day and *'they don't come back'*.

The starting point for a member of an acquired disability group was the presumption that *'when something happens you keep it to yourself and in Northern Ireland people are loathe to complain'*. The issue of the need for evidence was raised again as they were scared of making a *'flimsy complaint'* in case it did not stand up. This was a particular concern due to the impact of their specific disability, which left them with the challenge of memory loss.

I wouldn't phone the PSNI. The hassle of ringing them and trying to put in a complaint especially cause it 'seems so minor'. You'd be scared to say what happened (Young adult male with physical disability).

In a similar vein, the issue of supporting evidence was a concern for members of visually impaired groups: *'There's always the uncertainty that because you can't see then you can't identify the assailant and consequently then will you be believed?'*

Apart from these concerns, the question of having trust in the PSNI was raised and one participant simply noted how they would not report to the PSNI as they would not want to be seen going into the PSNI station. Given this, there was a fear that the victim would not be taken seriously and this allied with a feeling that nothing will be done about the incident makes not reporting *'much less hassle'*. That said, it was also acknowledged that it would help if there was *'someone who could act as a liaison'*. In addition, a very real issue was raised concerning the general attitude towards the PSNI, especially *'in the estates'* where there is a culture of not reporting crimes to them.

Have to deal with friends and neighbours who make comments such as 'Don't be saying something!' This can make you more annoyed as there is always a fear of it perpetuating and it becoming worse (Woman with physical disability).

For some mental health service users the main reason given for not reporting was due to *'the fear of it coming back to you'* that individuals would be further targeted if the perpetrators knew they had reported an incident, which *'would make it twice as bad'*. In addition, it was acknowledged that *'it is very hard to follow through'* for someone with mental health issues as *'taking on extra stress'* is not in their interest as it can make things worse especially if it is thought reporting will not produce a positive outcome.

For members of one Disability Forum, a range of issues were raised involving the difficulties of having an agreed understanding of what constituted hate crime and what sort of incidents should be reported as hate crime. Again, the concern about making matters worse by reporting was a real one for many people and there was a fear of people leaving themselves open to further abuse and/ or harassment. Nevertheless, it was also commented that the PSNI suggest people in nationalist areas

should go to their elected representatives when incidents happen but some members realised that whatever happens, there is usually a need to report to the PSNI in order to get a crime reference number.

Things would have to be very bad before you'd bother (Member, disability forum).

According to another mental health service user,

It's pointless going to PSNI even though it has changed a wee bit. It takes them that long to come and they would ask you a load a questions as if you were the guilty party. Nobody reports it because (they) won't do anything about it.

The issues of understanding the nature, definition and terminology associated with hate crime was a real challenge for many. Quite apart from the general lack of awareness of the CJO, there was an uncertainty as to how the legislation related to such issues of being excluded from certain public spaces and generally treated, and how understanding of hate crime related to more general forms of discrimination. Several examples were given of people being refused entry to pubs and clubs on the basis it was thought that because of their walk they were over the limit with alcohol. In one instance, a person with epilepsy was at a disco in a hotel and when the strobe lights came on they asked if they could be turned down. However, the response of the management was to ask the person to leave. Other individuals spoke of their experiences of being discriminated against in shops, in education, on public transport and by social services. It is understood, despite the relatively low official statistics of those experiencing hate crime, issues relating to the experiences of people with a disability are the second highest volume of cases dealt with by the Equality Commission³³.

³³ Information provided by the Equality Commission on their currently funded cases indicates that 23% involve complaints related to disability, the second highest percentage behind complaints related to gender.

In summing up these responses, it is important to note the most consistent reason given for not reporting hate crime, and identified by all groups with disability, is that of fear such as recriminations and *'bringing trouble unto yourself'*. Many people also cited a belief that the incident would not be regarded as serious enough, or that the victims' complaint would not be accepted because of their disability. However, many people also cited the nature and quality of the response by the PSNI as an important factor that would impact on the likelihood of people reporting hate crime. Thus, groups of service users interviewed stated that hate crime reporting by people with a disability could be improved by:

- Highlighting the seriousness of hate crime in similar way to domestic violence;
- Learning from ethnic minority communities so as to improve confidence, know rights and have a voice;
- Getting police officers to listen sympathetically, take reports seriously, and believe and respect the victims;
- Being able to contact the PSNI via a third party and / or having someone else report as *'on your own it's hard to report'*;
- Ensuring agencies who provide information and services relating to community safety and hate crime, such as the CSU, have ongoing contact with disability support organisations;
- Having a role for advocates – someone who knows all the time what is happening;
- Developing a listening ear service such as the one for domestic violence;³⁴
- Having a step by step process laid out by the police so that people know what is going to happen and including:
 - Making sure information and forms are available in appropriate formats;
 - Having someone to explain the process and assist in form filling;

³⁴ http://www.sperrinlakeland.org/services/domestic_violence.php#network
http://www.google.co.uk/search?sourceid=navclient&ie=UTF-8&rlz=1T4GFRC_enGB208GB209&q=%22listening+ear+service%22+Mental+health

- Having someone to read the reports;
- Knowing who to contact;
- Receiving regular updates on the process;
- Being prepared in case it doesn't go your way;
- Having someone present who knows about your illness and can ensure support from, eg community psychiatric nurse being available
- Having appropriate communication systems and interview arrangements in place, including interpreters at relevant levels of accreditation;
- Providing other means of resolution rather than court eg something like the model of the matrimonial liaison or restorative approaches;
- Getting it sorted out quickly – especially if involves legal aid and solicitors;
- Developing more confidence in PSNI;
- Having an adjudicator in a court conference;
- Having an impartial body to champion the issues of disability and with a particular focus on hate crime.

b. Support Organisations/ Agencies

Organisations, as well as individuals, express a level of uncertainty and confusion about the type of issues and incidents that it was appropriate to report to the Equality Commission and which to report to the PSNI. Thus, how does the CJO relate to the Disability Discrimination Act and if a report is to be made, to whom should it go?

A complicating factor appears to be the difficulty in having an agreed definition of what type of activities could be considered to constitute a 'hate crime' and what then is worth reporting. As noted previously, it appears easier for individuals to see hate crime in terms of sectarianism and / or racism but not necessarily disability; similarly, support organisations.

What do we understand by hate crime? (Manager, learning disability organisation).

What is 'hate crime'? It's difficult to know because of the terminology and usually think of it as applied to sectarianism and/ or racism. The first port of call is usually the Equality Commission (Manager, hidden disability organisation).

I'm not aware of (Hate Crime) legislation nor implications for service users (Manager, hidden disability organisation).

Organisations report that in their experience people do not want to engage in situations that are likely to bring more attention onto them. Some of the reasons for this include a concern about the impact of stress on their condition given the high level of stress which would result in taking a case through due process. The individual's condition, as well as any medication, can mitigate against any desire to report hate crime. This is especially acute where medication might result in the side effects on memory loss.

They can't take stress so don't want to make things more difficult and it's possible to imagine the same for a family (Manager, mental health organisation).

Memory and confusion – if something happens, can tend to ask 'did this really happen?' (Manager, hidden disability organisation).

Apart from these concerns, the sense of fear and being threatened, a lack of confidence in themselves and the system, and a lack of motivation were also all acknowledged as reasons why people do not report incidents. An issue to be mentioned is the perception of 'value' given to someone when they see the sentence handed down to a perpetrator. When discussing a hate crime where a disabled person, in England had been murdered, it was commented that the life of a disabled person was perceived to be of less value than that of a non-disabled person due to the way in which the sentence had been reduced on appeal. According to a manager of a mixed disability organisation '*the punishment should fit the crime*'.

There is the fear of further victimisation if they take it forward. So how to maintain some form of confidentiality – especially when clients sometimes have no wish to disclose their illness to family, friends or anyone else (Manager, hidden disability organisation).

A number of practical issues were raised as well, including accessibility issues related to PSNI stations, given their level of fortification in Northern Ireland, and the nature of the facilities that were available. For example; where are the bells placed?; Is there ramp access?; Are there disabled toilets?; What is the provision for communication needs and issues?; Who should be contacted when there?; and What is the process involved?

Even though a number of those interviewed had little, or no awareness of hate crime, all felt able to make suggestions concerning how they thought hate crime reporting could be improved. According to the organisations this could be done by:

- Advertising the existence of hate crime legislation;
- Knowing how to make a report and the information required;
- Knowing that something will be done through the effectiveness of the PSNI;
- Ensuring PSNI stations are fully accessible and manageable for people with a disability;
- Enabling people to feel safer through being listened to and empowered;
- Meeting communication requirements through the availability of interpreters, appropriate media, Makaton³⁵ and/ or Picture Exchange³⁶;
- Developing good relations with organisations and their members so that they know who to contact and who it is they are contacting;
- Maintaining an appropriate level of formality when meeting;
- Developing a helpline access such as ChildLine;
- Providing training in range of disability experiences and issues;
- Keeping information on the internet;

³⁵A communication system using symbols: www.makaton.org/

³⁶Another communication system used: www.bbbautism.com/pecs_contents.htm

- Providing better counselling for victims;
- Developing relationships with community activists and other third party bodies; and,
- Protecting people from further recriminations.

c. **Criminal Justice Agencies**

It is useful to note the issues which the representatives of the criminal justice agencies perceive to be limitations on people's willingness to report hate crime. As a starting point, there appear to be two key issues requiring acknowledgement. Firstly, according to one HIMLO, there is a situation of apathy and a level of acceptance of things that happen against disabled people. If such incidents have been happening for years, why should they bother doing anything about it now? Secondly, there is a lack of understanding generally concerning what is understood by a hate crime and what is considered to be worth reporting.

From the perspective of the PSNI, it was stated that they have an interest in all incidents no matter how trivial they may appear to the individual, because the PSNI have a priority concern for crime prevention. Thus, if any form of incident occurs, the PSNI have an interest in knowing about it due to the potential it carries of escalating into more significant offences. That said the police officers realised how difficult it can be to try to park at, and gain access to a police station. Police station environments are not thought to be '*user friendly*' due to the recent history of the community conflict and violence, and, among the very specific issues that were cited was the height of the counters at reception.

At the same time, however, the PSNI point to a range of measures which have been introduced as a means of trying to mitigate, if not to overcome, some of the access, communication and follow up issues that are perceived to influence the reporting of hate crime to them. Here it should be noted that the PSNI:

- Publishes annual statistics on crime generally, within which they provide specific figures on the nature and scale of each category of hate crime;

- Allocates resources according to areas where such crime appears to be particularly evident;
- Maintains a website³⁷ with a button on the home page for online reporting of hate crime;
- Promotes a consultation process with an Independent Advisory Group on Disability;
- Participates in two pilot schemes for reducing hate crime and increasing reporting;³⁸
- Develops educational interventions such as Citizenship and Safety Education aimed at schools;
- Develops protocols with advocacy groups representing hate crime targeted groups, eg The Rainbow project in Derry Londonderry;
- Has contact on a regular basis with minority groupings which are shared jointly with other statutory agencies;
- Ensures all PSNI staff receive training in disability awareness training both at the initial recruitment stage and throughout professional development training;³⁹
- Continues to raise awareness; and,
- Commissions research such as this.

Summary

In conclusion, it is suggested there are many reasons why people do not avail of the opportunities to report incidents of which they are victims including the possibility of further recrimination, lack of confidence in the PSNI, lack of trust in the judicial system, the level of proof it is believed a person needs, an uncertainty about what hate crime is, a reluctance to engage in any situation which will increase stress, lack of support and access.

³⁷ <http://www.psnipolice.uk/>

³⁸ Hate Incidents Practical Actions (HIPA) & Recording Incidents of Hate (RIOH)

³⁹ Though there is a query over who sets curriculum, how embracing it is and who delivers it

In response, a range of measures to help overcome these issues was also suggested including:

- Being able to contact the PSNI via a third party and / or having someone else report as '*on your own it's hard to report*';
- Having a role for advocates or someone who can keep up to date with developments;
- Providing other means of resolution rather than court, similar to models of marriage guidance or restorative approaches;
- Having an adjudicator in a court conference;
- Having an impartial body to champion the issues of disability and with a particular focus on hate crime.

At the same time, the PSNI appear to have proactively taken a number of measures which aim to increase awareness of hate crime and facilitate reporting; however, it is noted that the most consistent issue inhibiting reporting is fear. The degree to which any of the constructive suggestions made, or measures that already exist, help to overcome this very real concern is open to further discussion.

8. The Criminal Justice System and Disability Hate Crime

This section considers how those living with a disability and support organisations find the criminal justice system when dealing with hate crime. The Criminal Justice System (CJS) consists of seven statutory agencies which include the Northern Ireland Prison Service, the PSNI, Probation Board for Northern Ireland, Public Prosecution Service (PPS), Youth Justice Agency, Northern Ireland Courts Service and the Northern Ireland Office. The purpose of the CJS is *'to support the administration of justice, to promote confidence in the criminal justice system and to contribute to the reduction of crime and the fear of crime'*. This it seeks to do through providing a fair and effective criminal justice system for the community; working together to help reduce crime and the fear of crime; making the criminal justice system as open, inclusive and accessible as possible, and promoting confidence in the administration of justice; and improving service delivery by enhancing the levels of effectiveness, efficiency and co-operation within the system.⁴⁰

While recognising the range of roles and responsibilities carried by the organisations named, this research did not come across a single instance where a person had carried the process through from first contact with, and reporting to, the PSNI to a final prosecution and sentencing. Several individuals with disabilities spoke of experiences at court but not in relation to being a victim of hate crime. With some exceptions, the PSNI was probably recognised as the singular member of the CJS with any interest in hate crime. The exceptions relate to comments made by some respondents who highlighted the role of the judiciary in instances where a prosecution was pursued or where a sentence was perceived as being too lenient. There was no evident awareness of the role of the PPS, who are responsible for deciding whether to prosecute an individual.

That said, the research is also cognisant of the in-depth review, with recommendations made by the CJINI in its January 2007 report, *Hate Crime in Northern Ireland: A Thematic Inspection of the Management of Hate Crime by the Criminal Justice*

⁴⁰ <http://www.cjsni.gov.uk/index.cfm/area/information/page/Welcome%20To%20CJSNI>

*System in Northern Ireland.*⁴¹ A number of issues that were raised in that report are echoed here and it is noted that the Hate Crime Action Group, a sub group of the Criminal Justice Board, has progressed a number of the Actions recommended by the CJINI.

In light of this, there are a number of issues which required consideration here, including, If people decided to report a hate incident to the PSNI, what was that experience like for them? If a decision was taken not to report to the PSNI, what influenced the decision? Are people aware of the PSNI's special reporting arrangements for hate crime? What are peoples' assessment of the response of criminal justice agencies to hate crime? and How might the criminal justice system be improved in this regard?

a. Individuals living with a disability

As criminal justice agencies try to get an understanding of the issues that influence the reporting of hate crime by those with a disability, it is important to hear what some people's experiences of making contact with them are following an incident. At the outset it is important to note again, that there are issues for people in understanding what hate crime is. This includes having confidence that the PSNI is interested in what the individual may consider to be a trivial occurrence, and gaining a desirable outcome from reporting the incident.

These issues aside, the experience of individuals who have contacted the PSNI is mixed. A starting point is an acknowledgement that some of those interviewed indicated they were generally happy to report to the PSNI '*when you can find one*'. At the same time commenting that the '*PSNI are overstretched*'. However, quite apart from whether or not this is the case, there are now numerous ways in which the PSNI can be contacted but these again are dependant on people's knowledge and awareness of the issue and the mechanisms in place to facilitate a report.

⁴¹ <http://www.cjini.org/documents/HATEREPORTWEB.pdf>

Here again, the significant starting place for people is believing they have experienced something which is worth reporting and that it will be viewed in the same way by the PSNI. As noted earlier, confusion remains as to what actually constitutes a hate crime, and the relationship between discrimination and hate crime is sometimes unclear, and people with disabilities still suffer discrimination because the DDA *'is not being enforced'*. This could be one reason why the Equality Commission is the first port of call for many with a disability. A further issue is the uncertainty about what is required by way of proof if an incident is to be reported.

Such uncertainty is even more apparent when the issue of crime as a result of vulnerability, opportunity or hate is raised. This was evident in a discussion with a group of people with mixed disabilities where a story was shared concerning a person (who was not present) who was driving their motorised scooter with a bag in the basket which was apparently taken. The issue was raised as to whether this was an example of crime being committed due to opportunity, vulnerability or disability. It was agreed that the bag would probably not have been taken if the person had not been disabled and on a scooter. In other words, it is unlikely that such an incident would have happened in this way if the person in question had not been disabled.

If people know you have a vulnerability they are more likely to commit hate crime against them so it's hard to tell what's due to vulnerability and what's due to hate crime (Mental health service user).

Given this discussion, it is perhaps not surprising to find a very low level of awareness of the special arrangements made available by the PSNI for reporting hate crime and the process of support available to anyone who makes such a report.

Irrespective, however, of the level of awareness the point was made that regardless of the motivation behind an incident, there are measures that should be considered as benefiting general good reporting practice within the criminal justice system.

There are a number of issues which were raised by individuals concerning their experience of dealing with the PSNI when they tried to make contact and report incident(s). The issue of being able to make contact at all was raised. One woman spoke of her attempt to make contact with the PSNI on witnessing a break-in. The number she rang was apparently a wrong number and when eventually she did get through she was told someone would be there but they did not arrive until it was too late. Another time, someone trying to ring found themselves dealing with '*a non-functioning telephone system*'. As a result, the point was made that it is important to write to the PSNI because then they have to respond in kind.

Apart from the difficulties of speaking with someone, the situation is made more difficult when few individuals knew who to contact. In virtually every interview it emerged that there was a significant lack of knowledge and understanding of PSNI roles and processes which were concerned with hate crime and disability. Of course, the point can be made that people are able to access the PSNI through its website and avail of the opportunity afforded by it to report an incident. However, while some of those interviewed were comfortable with making use of this facility, quite a significant number were not. It was also noted that not everyone has access to the internet.

A mature woman with a hidden disability spoke of her experience of reporting an attack on her house, which she believed to be directed at her due to her disability. She reported the offence and the attending officer took her along the street and apparently when pointing to migrant workers asked her if it was these people who had committed the offence at her house.

In terms of dissatisfaction, a lady with a physical disability, who had had her bag stolen spoke of how little awareness seemed to exist on the part of the PSNI concerning the impact of this on her. Another individual expressed a lack of confidence that the PSNI are interested or will do anything about hate crime.

When trying to tell someone about something that has happened there is an expectation that you will be listened to sympathetically, but often even if you are listened to nothing is followed up (Mental health service user).

A concern with a different focus was raised when a man with a recently acquired physical disability communicated his frustration at how he would be treated by the PSNI if suspected of having committed an offence. His particular annoyance was aimed at the way in which he understood he would have to be taken into custody to be breathalysed if involved in a car accident (which he had not). For him this mounted to *'being treated like a criminal'* because of the circumstances of his laryngectomy.

There again, where some had gone to the PSNI, their treatment left them questioning why they had bothered. The woman (above) whose house had been attacked spoke of how after reporting to the PSNI she received *'a computerised letter sent out twice; with no signature and the investigating officer's name left blank'*. After other experiences like this, she decided it was not worth reporting nor recording as *'what's the point?'*

While the process of reporting may appear robust in theory, it is dependent on a report being taken and the relevant forms being filled out. Here it is noted, no individual whose experience of an incident has been recorded in this report was able to recall completing these forms. Given this, the system of recording and reporting may effectively stall at the point of entry. As a result of this action (or inaction) alone, it is hard to have complete confidence in the annual statistics on hate crime provided by the PSNI.

In terms of responses to hate crime generally, much emphasis in the PSNI is placed on the role of the Hate Incident Minority Liaison Officer (HIMLO) and the special reporting arrangements in helping to deal with incidents of hate crime and supporting those most affected by them. However, it has to be noted very few individuals with a disability had any awareness of either the HIMLO, their role with individuals and / or in the community or the special reporting arrangements. While those interviewed with

deafness had no awareness of HIMLO's they were aware the PSNI had officers with special training in communicating with deaf people. Similarly, those with mental health issues were not aware of the presence of HIMLO's; neither were those with hidden disabilities, sensory impairments, physical disabilities, learning disabilities or acquired disability. The lack of awareness was emphasised in an interview with a man with physical disability working as a community development worker with disabled people who simply said '*Never heard of HIMLO's*'.

In some situations, it appears the PSNI are acknowledging their inability to gain the outcome desired by someone experiencing hate incidents. Here there is some suggestion people are being encouraged by the PSNI to seek other avenues of redress, with community-based restorative justice named in this respect. However, it has to be noted that such a suggestion caused problems for some people because they did not want to get involved with such groups because of their perceived paramilitary background. A mental health service users group asked '*why should we have to go to ex-paramilitaries?*' In other situations, it was felt that as far as the PSNI was concerned: '*they want 'to pass the buck' by telling you it's not our problem*' (Member mixed disability group).

In addition to this, confidence did not appear to be high in the criminal justice system generally. Frustration was expressed at sentencing frameworks which appear to value a disabled person's life as '*cheaper*' than someone without a disability. Even in situations where openness exists to the PSNI, it was commented that there is only an '*indifferent*' response by judicial and statutory agencies to hate crime and it is hard to shift this perception. In this regard there was a perception among some respondents that the PSNI could do a good job in getting a case to court only for the case not to be proceeded with.

One technical aspect raised by deaf contributors concerned the reminder that, where interpreters are used, they must be accredited to Member of the Register of

BSL/English Interpreters⁴² level otherwise any statements taken with an interpreter's assistance may not be considered acceptable. In this regard, also, when a statement is complete, the interpreter should sign it as well as the victim.

b. Support Organisations/ Agencies

At the end of the day, it is acknowledged people accept disability as part of their everyday life, they '*get on with things*' and put up with any difficulties that arise due to their disability. In terms of incidents, as noted previously, organisations mostly have no policy or procedural response for dealing with hate crime as it has not been brought to their attention by service users; though it is noted that the approach of some organisations is '*always to report to the police*' if something is brought to their attention. In other situations, it appears a robust policy framework is available as a result of duty of care obligations. Thus, should anything of concern happen, the policy of safeguarding vulnerable adults, requires that this be reported to the relevant disability team and/ or the PSNI.

Hate crime is not a big issue for our organisation (Manager, hidden disability organisation).

In terms of a general relationship with the local PSNI, a learning disability organisation with no history of hate incidents having been experienced by any of its members, notes that they have '*great support from the local community police*' who took the group into the local station at the end of a community safety training programme. At the station, the emphasis was placed on having some fun and the participants were able to make wanted posters, have fingerprints taken, see a breathalyser and visit the cells.

Despite such an example of good relationships between the support organisations and the PSNI, the norm appears to be a situation where there is little relationship between

⁴² www.cacdp.org.uk/interpreters/BecomeLSP/BSLEngInt/MRSLI.html

the two. Thus, it is perhaps not very surprising to hear groups state that they have no awareness of the special reporting arrangements on the PSNI website for hate crime.

Not aware of special reporting measures for disabled hate crime (Manager, mixed disability support group).

We are unaware of the special reporting system that the police have for reporting incidents (Board Member, mixed disability group).

Previously, in response to individuals, the issue of how the PSNI deals with people who have a disability and who are suspected to have been involved in an offence was identified. In a similar vein, concern is expressed about how a vulnerable adult would be interviewed and whether or not the requirement to have a parent or representative present during the interview is known and respected. As well as this, a mental health service manager queried the protocols that exist within the PSNI for interviewing someone with severe mental health issues.

In one of the few instances where organisational awareness existed of an incident, though not the process involved with the PSNI, a report was taken about an incident. However it was not believed that it was followed up as a hate incident/ crime.

Again, comments would indicate a perception by groups that the response to hate crime by criminal justice agencies is *'indifferent'* and it is hard to shift this perception. This is evident for some in sentencing where it is suggested that the lives of people with disability are *'cheaper than others'*.⁴³

As groups reflected on these issues, and the experience of their clients in dealing with the PSNI, they were asked if they could suggest any measures which could improve the situation. Some just did not know how this could be done and said so.

⁴³ <http://www.disabilitynow.org.uk/latest-news2/we-cannot-let-this-pass>
<http://www.disabilitynow.org.uk/201cwhy-shouldnt-people-be-angry-they-are-not-getting-justice201d>
<http://www.disabilitynow.org.uk/latest-news2/campaigns/shock-cases-add-to-hate-file/?searchterm=hate%20crime>
<http://www.disabilitynow.org.uk/the-hate-crime-dossier/?searchterm=hate%20crime>

The Trust does not know of any way the criminal justice service could be improved
(Mixed disability organisation).

According to others, improvements could be made by:

- Strengthening the disability movement so it can take a lead role;
- Developing partnerships with other agencies, including the PSNI;
- Receiving information brochures and leaflets from CSU and other relevant agencies;
- Making connections with agencies who provide such services;
- Better training for the PSNI and Judiciary in disability specific areas along with disability awareness, equity and/ or equality training;
- Developing an advisory group of professionals who can provide such training;
- Development of help lines;
- Developing research led by disabled people to inform responses from the relevant organisations
- Providing training for organisational staff; and
- Introducing restorative justice ideas to take the fear of *'the other'* away while enabling the rehabilitation of perpetrators through involving them in work with disability groups to help them *'realise the devastation caused'*.

c. Criminal Justice Agencies

As discussed previously, the strategic response to hate crime within the criminal justice system appears to be jointly delivered between the NIPB, CSU and the Community Relations Unit (CRU) of the OFMdFM. At an operational level, the primary agency is the PSNI which has developed a range of initiatives to promote awareness of hate crime, to encourage reporting and to support those with a disability who go so far as to report an incident with them. Comment will be made on the PSNI's promotion of awareness further on. Here the role of the PSNI in responding to hate crime will be considered.

Currently, there are three main ways in which someone can report a hate incident. It can be done by going directly to the local PSNI station, by phoning through to an incident number, or by recording it online. Whichever way is chosen, and presuming the correct contact details are supplied, the person making the report will be interviewed by a police officer, with appropriate facilities being made available. The process is begun with the completion of an Occurrence Monitoring Form (OMF). This notes at the outset whether the situation involved an incident or a crime; considers the hate motivation behind the activity; and, records whether the hate aspect is based on a third party, PSNI and / or victim perception. Having ascertained the motivation, the form then continues to record occurrence details and occurrence address. A second form is then completed detailing the victim's address, contact details and employment status, victim support information containing a report from each victim and indications of type of hate crime and level of injury as well. In addition, consent is sought to a follow up from Hate/ Minority Liaison Officer and/ or Victim Support. Where a victim has received fatal or life threatening injuries, a form OMF 2a is completed detailing next of kin and victim's details.

Following these forms, a witnesses and other persons present form, OMF 3, must be filled out with details being taken of those who were witnesses and/ or were present. Form OMF 4 is concerned with recording details of vehicle and/ or property involved. This then is followed by a recording of the Modus Operandi and the officers and staff involved on OMF 5. The next form, OMF 6, is concerned with details of any suspect, an offender detection report and a court folder itemisation. Finally if a child/ young person is involved in any way as victim, witness or suspect, then their details, as well as those of a parent/ guardian, are recorded on OMF 7.

Almost at the outset of the process, a Command Control Serial (CCS) Number will be assigned which is known as the Crime Reference number. As previously noted, victims realise they need this number if they make an insurance claim on damaged property. The need to make an insurance claim is one the reasons given for why people report an incident. In saying this, no person interviewed commented on the

task of having to complete so many forms. Nevertheless, the forms appear complex, if not excessive, and may well benefit from some streamlining of the process.

Once the report is completed, it is sent to the Crime Controller for recording on the PSNI computer system and at this point, if a hate motivation is indicated, a copy will go straight to an HIMLO who will be assigned to the victim, where they have consented, and make contact *'as soon as is practicable following notification of the incident'*. While HIMLO's are found in every policing district and region, each region is semi-autonomous under its own Assistant Chief Constable who oversees the regional action plan and assigns resources in whatever way is considered to be most effective. While recognising this, it is further useful to take cognisance of the process of resource allocation to each District Commander in Chief, which is based on area population numbers and the crime statistics for the area.

The role of the HIMLO includes:

- providing support, guidance, information and feedback to victims and potential victims of hate incidents;
- providing support, advice and information to operational officers investigating hate incidents;
- assessing the information from officers attending hate incidents developing good working relationships with statutory, voluntary and community support agencies within their police area and ensure that these details are readily available to all police officers;
- assisting victims of hate incidents to access support agencies as appropriate;
- attending local forums, such as Community Safety and District Policing Partnerships, in order to establish good working practices and innovative initiatives in handling hate incident / crime issues;
- promoting the role of the Liaison Officer internally and externally through local media and presentations as appropriate;
- identifying and engaging with local minority and vulnerable groups to increase confidence in the Police Service response to hate incidents; and,

- working to raise the public awareness of hate incidents locally.⁴⁴

It is understood, that following completion of the documentation and where a hate crime is involved, an investigation is set in motion which is reviewed by an Inspector on the 14th and 28th day following recording.

From the perspective of the HIMLO, it appears that there at least two important issues to be borne in mind when it comes to reviewing their role. Firstly, it has been commented that this is not a job in itself. Consequently, the various tasks associated with the role will be carried out according to the level of priority given to other roles and responsibilities carried by the officer at any given time, some of which may have no relation to their role of HIMLO. Thus, despite being a well resourced service, in UK terms, there is still a feeling of being overstretched in trying to carry out the various roles placed upon the HIMLO. Secondly, a reminder was given that irrespective of the role carried by an HIMLO in providing a level of support to victims, they always have to be aware that at the end of the day *'a police officer is a police officer'*. As a result, it is considered a priority for an officer to gather evidence towards a conviction, irrespective of the victim's wish.

Quite apart from the challenges involved with the role of the HIMLO, the PSNI has played a leading role in developing innovative practices, which have sought to encourage good relationships with a range of groups who experience crime. Thus, as far as the PSNI is concerned, its desire is always *'to achieve best evidence'* and it is considered this is best done using ways which *'enable people to share their story'*. This, of course, can be challenging at the best of times, and even more so when someone has a disability. Consequently, the Independent Advisory Group (IAG) functions as a consultation, communication and information channel, facilitated by the PSNI. The IAG appears to be well appreciated by those who attend from a number of supporting organisations including Disability Action, RNIB, WAVE and some disability forums. It is understood that at the latest joint meeting of the IAG at the beginning of December 2008, there were around fifty people present.

⁴⁴ http://www.psni.police.uk/index/hate_crimes/pg_HIMLO.htm

At the same time, however, it is notable that the conversation at a previous IAG meeting where the research on hate crime and disability was introduced and discussed, many of the themes described in this report were evident. Thus, even at this level and with such available access to the PSNI, issues raised included uncertainty about what hate crime actually is; the role of PSNI; belief that figures represent under-reporting; lack of awareness of special reporting arrangements; lack of awareness and consultation re the anti hate crime poster campaign and, concern with how best to promote needs of those with disability within the justice system.

It was useful to hear members of the IAG comment on why it was thought people do not report. Some of the reasons offered here included:

- The realisation that people have suffered a life time of abuse and do not see it as worth reporting;
- Querying whether there is a gender issue related to disability as well and whether this would affect reporting;
- Noting that case law is difficult to get as most cases are settled out of court;
- Problems associated with multiple identity situations, for example when individuals have to decide whether an incident occurred because of their disability, race, religion, gender, and/ or sexuality.
- Clarifying whether an incident is a hate crime or an ‘ordinary’ crime. One woman noted that the wing mirrors on her car had been damaged and was reported as crime due to her need for a crime reference number for the insurance company. It was only later when she reflected on the incident did believe it may be hate related due to her disability;
- The process for reporting is not known; and,
- The need for general awareness raising on issues of disability generally and hate crime specifically.

As an example of this last issue, it was pointed out that the station, where the IAG met, was a newly purpose built station complete with two counters at different levels in the reception and disabled car parking bays inside the station. On the day the IAG met here, it appears the duty officer remained at the higher counter when a wheelchair

dependent member of the IAG came to the lower one and wheelie bins were left in parking bays for disabled people.

Despite these lapses, the PSNI has been involved in work which has helped to increase awareness, improve reporting of hate crime and victim support. Thus, the work done on a pilot basis with The Rainbow project in Londonderry enabled protocols to be set up to allow for third party reporting in the case of homophobic crime. Even though this project is still waiting formal evaluation, it is considered that the work benefited from having a support group with which to work and while this is often the case in urbanised settings, it is not always possible in rural contexts.

In another situation, a project based on holding regular six monthly evening meetings for migrant workers, PSNI and statutory groups working with them was considered useful. In addition, the PSNI approach to domestic violence was pointed to a number of times as providing an example of good practice which seems to have worked due to the way in which confidence increased that the victims would be treated fairly. As such, it was wondered whether it may be replicated with groups experiencing disability hate crime.

Here mention could also be given to the range of contexts within which the PSNI operates in order to improve awareness of hate crime and community safety. Of particular note is the schools and education based work focussed on Citizenship and Safety Education. The central themes of this programme are stated as Personal Safety, Personal Citizenship, Prevention of Crime and Human Rights. This is delivered by Community and Schools Involvement Officers and is overseen by the Community Safety branch. The accompanying website (www.urzone.com) carries a range of further information and, in addition, buttons that connect to other reporting and support agencies: ChildLine and NSPCC.

A further example of good practice, in which the PSNI was significantly involved, is found in the Hate Incidents Practical Actions (HIPA) scheme. HIPA was developed to provide protection measures:

1. *Where an individual from the household has suffered a hate incident at or near their home; or*
2. *Where an individual's home has been damaged as a result of a hate incident.*

The scheme was a partnership initiative between the PSNI, CSU and the Northern Ireland Housing Executive (NIHE) and ran between the 1st February 2007 and the 31st March 2008. The formal evaluation of HIPA concluded that significant support existed within the PSNI, the NIHE and also victims. Thus, *it is fair to conclude that there is enough evidence for it to be continued.*

At the same time, however, the evaluation drew attention to a number of areas in awareness of HIPA, communication and training which would benefit from improvement. These included a need for each agency to properly understand their roles and responsibilities; a need to establish good, effective communication lines and to keep in regular contact regarding timescales, inspections, work-in-progress and completions; a need to consider how best to speed-up the timescale from a victim reporting an incident to HIPA measures being in place (e.g. NIHE/PSNI communication, consent process, property access and language problems); and, considering hosting training and information sharing events, where the experiences of victims and deliverers, and ideas for progressing and improving HIPA, can be shared.

These conclusions focussing on strategic awareness, communication and inclusive training programmes may provide a useful set of directions for the work generally of developing awareness of hate crime and supporting those most effected by it.

In acknowledging the need for training, it should be noted each PSNI officer receives training in disability awareness during their recruitment training. In addition, officers are assessed, for disability awareness, during student entry level selection, ongoing training and for various promotion settings.

Nevertheless, as the PSNI comes into contact with the ‘whole community’, and approximately one in five of the community in Northern Ireland is disabled,⁴⁵ the training needs to prepare officers for all the issues they will face including those issues related to people with disabilities.. While the training is overseen by the NIPB, it is useful to note how the PSNI tries to keep aware of issues for disabled through consulting with its own officers who have a disability as well as the IAG.

While on the subject of training, HIMLO’s were asked whether they thought there was a need for hate crime awareness training in the community and, if so, what would they include in it. The few responses returned indicated there is a need for such training as:

We need to persuade the community that hate incidents are as socially unacceptable as drink driving, smoking etc.

It was further suggested that training could include topics such as What is hate crime? What are its effects on an individual and the community? When and how to report it? It should also contain relevant contact details, police action, statistics and supporting agencies. Another HIMLO thought:

genuine personal accounts of victims (should be included) to highlight the hurt, fear and trauma of hate.

In light of all this, there is much to be acknowledged and affirmed. However, at the same time, many of the positive features of this work does not appear to be known by people living with disability or the organisations which support them. The general stance is more one of frustration and a lack of confidence in the PSNI’s interest in the life of someone with a disability.

⁴⁵ Source Northern Ireland Survey of people with Activity Limitations and Disability www.equality.nisra.gov.uk/Household%20Prevalence%20Report.DOC

Nevertheless, while noting this, it is acknowledged that it is not the PSNI who decides how to progress a case as this responsibility lies with the Public Prosecution Service. Thus, when the PSNI investigation is complete, it is sent to the PPS for their decision on whether or not to prosecute. Should the PPS take the case to court, there are a range of policies, protocols and resources available to facilitate the needs victims including Braille, deaf link officers (trained to Level 2), minicom and training in disability awareness. Despite these, however, it has been pointed out that court is an adversarial place and process where the duty of a defence barrister is to defend the rights and interests of the client. Given such a threatening environment, the stress for someone with a disability can be even more acute and affecting.

When considering the role of the PPS and the court process, a degree of the uncertainty and complexity of dealing with hate crimes become all the more apparent. It is understood that even if the PPS decides there is sufficient evidence to warrant progressing to trial, this is done at the outset on the basis of the action committed rather than the motivation behind the incident. So for example, if someone is accused of assault against someone with a disability, the person is prosecuted for the assault. It is only when the accused is found guilty that at the point of sentencing a crime may be deemed to be a hate crime and an ‘enhanced sentencing’ levy can be applied by the judge. Thus, up to the point of sentencing ‘an assault is an assault’. As a result, it could be argued that two cases have to be won in court; one that finds someone guilty of a crime; and, secondly, that the motivation was one of hate⁴⁶.

Summary

This section began by highlighting how the research did not interview anyone who had followed the judicial process though from reporting an incident to the delivery of enhanced sentence for hate motivation. It is perhaps not surprising then that the PSNI is seen as the almost singular agency involved with hate crime. At the same time, it is

⁴⁶ Statistics on prosecutions for offences aggravated by hostility (hate crimes) have been published by the PPS as part of their annual report since 2007-2008. See <http://www.ppsni.gov.uk/site/?catid=123&l2=True&l3=True>

noted that a small number of people were interviewed who had been to court for other reasons and some of their experiences were helpful.

The relationship with the PSNI is not always a comfortable one for people with a disability. While wanting to be supportive of their role, the communication frequently given was one of unawareness, frustration and lack of confidence. At the same time, the part played by the PSNI in trying to facilitate reporting needs of those who are victims of hate crime has been helpful and useful. However, this research finds anecdotal evidence to suggest the systems and procedures are not always carried out in line with operational practice standards. This being the case, the annual statistics collated and published by the PSNI cannot be considered fully reflective of the level of hate crime against those with a disability.

9. The Role of Disability Support Organisations

The research assumed that there would be a clear identification of the need for a range of support services for victims of hate crime which would be facilitated by appropriate disability support organisations. However, as has been noted throughout the report, quite apart from having understanding of the impact of hate crime on service users, the awareness of hate crime itself is patchy through out the sector.

Nevertheless, it is still useful to consider who people have sought help from and what type of support has been sought. Some of the issues that need to be considered are: What type of support is needed? What information have people been made aware of concerning hate crime? Do support organisations produce any relevant literature or resources? How aware of disability hate crime are relevant voluntary sector organisations? What support is provided? Are there any networks of support for people who have been victims of hate crime or their families or carers?

a. Individuals living with a disability

The individuals living with a disability interviewed for this research offered little comment about the awareness of the various support organisation's of issues of hate crime other than to register a belief that they are not considered particularly aware of the issue. This may not be surprising given the general lack of awareness of hate crime legislation and policy, the small number of disability hate crimes recorded by the police and the minimal promotion and engagement by disability support organisations with the issue.

It is notable that individuals identified several other categories of individual to whom they would go apart from the PSNI. These included the local councillor, MP, community social workers, community psychiatric nurse, other organisational staff members, others who might act as an advocate and the management of the establishment where the incident occurred. Here, however, the issue of awareness and training needs to be raised again as members of a mental health service user group

reported an experience where a community psychiatric nurse was told about an incident but did not pursue it as they had apparently thought the person had been hallucinating due to medication. In another situation it was thought local councillors would be ‘as much help as the PSNI’.

While recognising the potential benefit for someone with a disability being able to tell another individual what has happened to them, at least two significant issues arose. Firstly, care needs to be taken in understanding why a person is sharing their story. It may, or may not, be the case that they hope the person with whom they share their experience is being asked to make contact with the PSNI, or other relevant authority, to report the incident. In other words, just because someone tells another person what has happened to them, it cannot be automatically assumed that permission is also being given to pass their story on to any other party.

The second issue relates to confidentiality and the understanding of what will happen to any information given. Thus, in a discussion with a group of mental health service users the issue was raised concerning whether or not a social worker could, or would, report any incident reported to them to another person. The general feeling was that *‘if you told the social worker in confidence then you would expect confidentiality’* and that they should not report anything without the person’s permission.

Here, however, the requirement to report under the Protection of Children and Vulnerable Adults (NI) Order 2003⁴⁷ is probably not greatly appreciated. In other words, confidentiality can only be offered within the parameters of the law which means that if a social worker, or any other person, becomes aware of an incident against a child or vulnerable adult, then they are legally obliged to report it, irrespective of the wishes of the individual.

⁴⁷ http://www.dhsspsni.gov.uk/prot_children_vulnerable_adults.pdf

At the same time, however, members of a mixed disability group, with no experience of hate crime, commented that if anything happened in the workplace it would be dealt with through Human Resource policies and procedures – harassment, grievance and disciplinary – but there was not thought to be any expectation of reporting incidents to the PSNI.

For others, if it was possible to contact the PSNI via a third party it would be helpful but there again the general thought expressed was, *‘What’s the point?’ ‘What can the PSNI do anyway?’* The need for evidence *‘is always there and can’t always be provided’*. Nevertheless, there is an issue concerning what a victim of hate crime wants or expects to happen as a result of reporting.

Even though support organisations may not have a clear understanding of the legislative and policy framework underpinning responses to hate crime, individuals do recognise the role they can play in regards to advocacy. There was also some confidence expressed that *‘the support organisations who needed to know would know’*. Some mental health service users named Calms and Mind Yourself in this respect. A member from a different group thought the Cedar Foundation would be aware because they are *‘more in the know than us’* especially in relation to benefits.

It has been pointed out that advocacy is an independent process of representing people’s wishes without judgement through enabling their views and concerns to be expressed; information and services to be accessed; rights and responsibilities to be defended and promoted; and, choices and options to be explored so that they might know empowerment, autonomy, citizenship and inclusion.⁴⁸ Given that many support organisations see themselves as offering advocacy services, it may be they could build on this provision so as to encourage better reporting of hate crime while advocating for those who experience it as they engage with the criminal justice system. However, while suggesting this, cognisance needs to be taken of the concern expressed that organisations may not have sufficient capacity and/ or resources to develop this role.

⁴⁸ The MIND Guide to Advocacy 2006 - <http://www.mind.org.uk/Information/Booklets/Mind+guide+to/advocacy.htm>

b. Support Organisations/ Agencies

A number of support organisations including Disability Action, the Centre for Independent Living, Mencap, the Royal National Institute for the Blind and the Royal National Institute for the Deaf have been very aware of disability hate crime and lobbied for disability to be one of the categories included in the CJO. In this they have played a major part in the legislative and policy responses to hate crime. Subsequently government drew together a number of people and agencies for a policy consultation and Mencap had just completed a study indicating the experience of victimisation endured by people with learning disability. The consultative group was taken by the low level of figures returned by the Mencap study. As it was not known why the figures appeared so low, it was queried whether this was actually the case, or, *'did they indicate a distrust of the system and criminal justice service'?*

Very few other disability support organisations appear to have any awareness of hate crime or the legislative and policy framework underpinning it. At the same time, there is awareness that increasing longevity has particular community safety implications for those with a disability as well as the population at large.

We do not know of any needs that our service users would have in regard to hate crime awareness... The voluntary and community sector is not aware of safety issues and disability hate crime (Board Member, mixed disability support organisation).

That said, there is perhaps a query concerning where responsibility is thought to lie for ensuring support organisations are informed and aware. So in this regard, the lack of contact with any judicial agencies, including the PSNI and the CSU, is noted. Given the level of input to disability issues and care by social services, could the task of ensuring organisational awareness of hate crime be considered the responsibility of the Health and Social Services? In some scenarios this may be a valid query given the relationship of Social Services with Child and Vulnerable Adult protection, its role in supporting families with members who have a disability, its service and residential care provision and its role in partnership working with other government departments.

It is already thought that good practice can be learnt from the DHSSPS and for example the anti-domestic violence campaign developed in partnership with Women's Aid. The importance of proper consultation should always be remembered so that needs, can be addressed, appropriately. For example mention was made of a previous disability campaign which didn't include text phone numbers and it was found they could not be added retrospectively to the campaign material. It is emphasised that this is a public service issue in relation to accessible information and services. Consequently, if it cannot be done right at the outset, an attitude of '*Who cares?*' and '*Why bother?*' can become more manifest.

At the same time, however, it is pointed out that people with disability and their support organisations are always hard to reach; and in this regard, it is acknowledged in the sector that even government has had difficulty effectively disseminating information to disability groups across Northern Ireland. One reason that mitigates against effective dissemination of information is the fact that there are so many different communities and support organisations to reach.

Equally, communication between groups is not particularly effective. Yet the benefit of sharing communication was recognised by one hidden disability group, which became aware of the 'Message in a Bottle' community safety resource through discussion with another group. The issues are two-fold: first an issue of what exists by way of information concerning hate crime and second the channels available for effective dissemination. This situation is further complicated by the contention that there is no single disability sector with a joined up process of service delivery.

There is a constant need to disseminate info throughout the disability sector in a variety of ways – but even then need to be aware of how this can be broken down into specific communities so as to reach everyone. It is not helped by the fact 'there is no disability sector' – no joined up process of service delivery - it can become a situation of more competition [between organisations] and at same time, however, even within the voluntary sector there is hierarchy of organisations with disability groups not being at top (Director, mixed disability support organisation).

According to the majority of organisations interviewed, no information is being received from any body or agency concerning hate crime. At the same time, none of those interviewed appeared to have any of their own specific information on hate crime. This was surprising given on the one hand the range and quantity of information and resources available from the CSU and the PSNI, and on the other the expressed awareness and concern about the community safety issues affecting each organisation's clients. Nevertheless, a commitment to be involved in advocacy was made by organisations if, and when, any of their clients was to bring the issue or personal experience of hate crime to their attention. While expressing such a commitment, a number of organisations also pointed to their limited capacity and resource availability to further develop such a commitment.

Our organisation does not produce any information, material/ projects/ programmes specifically on community safety and hate crimes issues (Board Member, mixed disability support organisation).

It is thought that people are not that aware – including ourselves; however, would become quickly aware if an issue was presented by a client (Manager, hidden disability support organisation).

c. Criminal Justice Agencies

Very few comments were offered by criminal justice representatives concerning the awareness they perceived support organisations had of hate crime. Nevertheless, such insight is available when the discussions held at the IAG on Disability are taken into consideration. Where this is the case, the uncertainty of definition and terminology, as well as issues to do with non-reporting become apparent, and illustrate the lack of awareness of hate crime within disability support organisations.

At the same time, the CSU and PSNI carry a significant amount of information leaflets, posters and newsletters. While much of the CSU Virtual Library is still under

construction, a range of useful Guides, Community Safety policies and Audit practices are available online under the Publications tab.⁴⁹ In addition, a number of other agencies, including the PSNI, CJINI and CJSNI⁵⁰ have websites carrying further information and resources on community safety, hate crime and a description of what happens from reporting an incident through to post-trial arrangements. Few groups appear to be aware of this information or resources.

Summary

This section has sought to describe the awareness of hate crime held by relevant support organisations. In general individuals with a disability did not think that disability support organisations were generally aware of disability hate crime issues, but at the same time, it was recognised that there are a number of other people and agencies to whom people experiencing problems of hate crime could report their problems. However, this raised issues of confidentiality and an individual's understanding of what would happen to information if it was shared with a third party. It was recognised that support organisation's could play a role by developing advocacy processes, although this raises issues of capacity and resources.

Beyond a small number of key support organisations, a limited awareness and engagement with hate crime appears to be the disappointing reality. Yet the issue remains of who carries responsibility for ensuring support organisations are aware of the relevant legislation and procedural practices of criminal justice agencies? This weakness is not helped by the contention that there is no single 'disability sector' with a joined up approach to the provision of services and information. Nevertheless, quite apart from the strategic responsibility, there are recognised benefits in partnerships though it is recognised these involve requirements by way of cross-cutting communication systems that are not currently evident.

⁴⁹ <http://www.communitysafetyni.gov.uk/lib.htm>

⁵⁰ <http://www.cjsni.gov.uk/index.cfm/area/information/page/home>

Criminal justice agencies seemed to have little knowledge of the awareness disability support organisations had of disability hate crime. While noting this, cognisance should be taken of the fact that this lack of knowledge was one of the reasons why this research was undertaken by OFMdFM, CSU and the PSNI. At the same time, the discussions at the IAG indicate that there are issues held in common with support organisations, such as terminology and definition, which require consideration. Finally, it also appears to be the case that disability support groups are not aware of the significant amount of information and resources already available through the criminal justice agencies.

10. Public Awareness of Hate Crime

Having focussed on the level of awareness, concerning hate crime by those with a disability, disability support organisations and the criminal justice agencies, attention is now given to the awareness of the wider public. This was done by considering how aware the wider public is about the issue of disability hate crime? What can be done to raise awareness of the issue? Who should do this?

a. Individuals living with a disability

The awareness of disability hate crime within the wider public was not thought to be high by people with a disability. This is perhaps not surprising given how little awareness exists even among individuals living with a disability. Interestingly, the research took place during the PSNI's most recent anti-hate crime advertising campaign; but a negligible number of individuals indicated any awareness of it. Indeed, some stated they had not realised there had been a recent campaign though ironically they were able to describe the images of a previous campaign which had been on television involving *'children in a playground'*. Some were able to link this to bullying and others related an awareness of a campaign aimed at the implications of *'stoning the fire brigade'*. Among those with no awareness of the campaign, there was still a belief expressed that there is not *'enough information about hate crime and what it is'*.

Quite apart from the specific need to promote an awareness of hate crime and its impact on people, there is a general need to promote awareness of disability. One client of a mental health service told a story of meeting some ladies who were visitors to the group: *'Isn't it wonderful what these people can do?'* someone asked him. *'I am one of these people'* was his reply. They were left with *'their jaw having dropped to the floor'*.

A need for better advertising on television, billboards and schools was expressed. At the same time, it was recognised that any advertising needs to be representative of the

community and it was suggested that any promotion needs to be about respect and *'seeing the whole person'*. It was commented that awareness of hate crime against disabled people would develop if it was highlighted in a way similar to the campaigns against domestic violence.

It was not easy at the outset for some people to think what could be done to improve awareness of hate crime; though whatever needed to happen there was a belief it needed to begin in the schools: *'Education fixes it'* (Mental health service user). It should begin with primary schools and be for both *'Protestants and Roman Catholics'*. At the same time it was also important to ensure that the message was got across to parents and children as well as schools.

One group acknowledged that the level of awareness might be different if something had happened to one of them personally but apart from that maybe the issue needs more publicity. Individuals were invited to suggest what they would include in a poster campaign if they were preparing one. A suggestion made by one person with a learning disability was that it should show something of how to *'love everybody'*. Another person suggested it would be good to show someone from the PSNI *'embracing someone in a wheelchair'* so that they might feel freer to report to them. Another member of learning disability group, who had spoken about how uncomfortable she felt with people staring at her, suggested she would make a poster based on *'not staring'*. Other statements made for promoting anti-hate crime included:

- *Only having a laugh?!*
- *Who do you think schizophrenics are like?*
- *Leave us alone!*
- *Don't discriminate!*
- *Don't bully us!*
- *Have you experienced mental health crime?*
- *Respect people for their difference.*
- *What do you do with joyriders?*

- *Who pays for the damage?*

At the same time the difficulty of labelling and stereotyping in the media was seen as a frustration, particularly when someone with a disability is the butt of someone's jokes:

One of the 'issues that gets on my wick' is broadcasters who make jokes about mental health – these are the kind of things that could set you back ... it seems the broadcasters are mostly ones in UK ... have a feeling 'that shouldn't be allowed to do it as it could be breaching a law but people should know better' (Member, mental health service).

b. Organisational

The organisations who responded to this query appear to consider there is very little awareness of disability hate crime among the wider public.

Our organisation does not think that community safety and hate crime is regarded as a problem by the public (Board Member, mixed disability organisation).

Again given the level of awareness within the organisations themselves of the issue, it is perhaps not surprising so many considered the general public were not aware of the issue(s).

In addition, it was informative to hear how little awareness the organisations had of the recent PSNI anti-hate crime advertising campaign. Only a very small number of those interviewed were able to provide any information about the campaign generally and specifically describe the poster designed for disability.

In this regard, the issue of consultation during the design stage of the campaign was raised. *'What consultation took place for creating the posters?'* was a query raised. For some it was not even a situation of asking the question, it is their belief *'no*

consultation’ took place when the anti-hate crime campaign was being developed. However, the PSNI indicate that consultation did indeed take place with all the IAG’s effected by hate crime issues. This highlights that effective consultation needs to take place if there is a serious commitment to ensuring individual needs are to be addressed. It would seem this is not an unusual occurrence. The example of traffic campaigns was also raised as one which shows particular images of ‘*disability*’ that lead to complaints about how disabled people are portrayed. Thus, the impression is given that those with disabilities are not really being considered as central to the development of any campaign, rather ‘*that people with disabilities are a bolt on*’.

In addition to the production of the posters in the campaign, there was a query concerning whether or not disability groups received copies of the poster for distribution and / or display. Again, none of those interviewed had received any copies nor did they have them on display or available.

With regards to promoting and improving awareness it was thought there could be key roles for organisations within the disability sector and others that have a disability remit. At the same time, it was stated the PSNI had a responsibility to liaise with the voluntary and community sector so that people could be informed and encouraged to use the various mechanisms available.

The importance of education programmes and integration processes were also recognised as ways in which the awareness of hate crime could be promoted. The benefit of targeting schools for education and awareness programmes was frequently noted. While perhaps more focussed on disability awareness generally rather than specifically on hate crime, the value of integration was also acknowledged by a group which develops partnerships across the community through a wide range of activities. In addition, it was mentioned that awareness could be promoted by support organisations talking about the issue when given the opportunity to go out to groups for meetings.

The role the media could play was acknowledged although there was a concern that even though there is benefit in developing advertising campaigns in magazines the labelling of people with disability is to be avoided. In terms of other print media, many of the support organisations have newsletters and websites and these could be useful vehicles for promoting the issue. In particular, it was a noted possibility that the PSNI could use these for disseminating information. The opportunity for promoting awareness provided by television was considered to be helpful as *'people with disability watch a lot of TV'*.

For one organisation, an effective way of raising awareness of hate crime would simply be through gaining *'a higher profile of cases of disability hate crime'*.⁵¹

c. Criminal Justice Agencies

The PSNI Community Safety branch commissioned the *'Nobody Deserves This'* anti-hate crime advertising campaign. Individual posters were produced representing situations experienced as hate crime on basis of sectarianism, faith, racism, homophobia and disability.⁵² The posters were displayed in a range of public contexts such as bus shelters, pubs and toilets as a means of trying to maximise their capacity to develop awareness of hate crime and how it might be reported to the PSNI. At the end of the campaign a formal evaluation was carried out.⁵³

The evaluation targeted geographical areas where the advertising had been displayed and also the immigrant/ black and Minority Ethnic community, the Lesbian Gay and Bisexual community and the general Northern Ireland population. In total, the introduction states two hundred and seven interviews⁵⁴ were carried out, *'To understand impact of new anti-hate crime advertising campaign on attitudes and*

⁵¹ For example from the Hate Crime Dossier produced by Disability Now

<http://www.disabilitynow.org.uk/the-hate-crime-dossier>

⁵² http://www.psni.police.uk/index/hate_crimes.htm

⁵³ Previous campaign - <http://www.psni.police.uk/hate-crime-new-poster.pdf>

Most recent - http://www.psni.police.uk/index/hate_crimes.htm

⁵⁴ While noting two hundred and seven interviews in the introduction of the evaluation, it appears a counting error exists in that the individual figures total to two hundred and nine which is the number used throughout the report.

behaviour'. According to the evaluation, 8 in 10 respondents (80%) stated that they had heard of the phrase '*Hate Crime*', which was most generally understood as '*hatred based on race/country of origin*' (36%), '*hatred against anyone who is different*' (20%), '*hatred based on a person's sexual orientation*' (19%), '*hatred due to a person's religious beliefs*' (18%) and a '*general hate of people*' (11%).

When asked what they considered to be a crime, almost all respondents (95%) believed physical assault motivated by '*racism, sectarianism or homophobia*' to be a crime. Eight out of ten respondents thought verbal abuse motivated by racism, sectarianism or homophobia to be a crime, while 81% of respondents who were spontaneously aware of the advertising agreed that hate crimes should be reported to the police.

Given this evidence, the research it was suggested that '*the advertising campaign has been a success*'. The reasons for this conclusion include:

- Half the sample (50%) were spontaneously aware of hate crime advertising; a figure which rose to 54% under Prompted Awareness.
- Hate crime is '*front of mind*', the results of the survey revealed that 80% of respondents had heard of the phrase '*Hate Crime*' and this rose to 94% amongst those who had seen the hate crime advertising.

While offering these conclusions, it is also useful to note the accompanying caveat suggesting some of these figures may be due to the interviews being carried out in places where the advertising was found. As a corollary, no-one at a local council community safety conference workshop on hate crime was able to identify any of the posters and did not show any awareness of the recent campaign.

Whatever weight is placed on the conclusions, it is important to recognize the negligible awareness that people with a disability may experience hate crime as well as the BME and LGB communities and the target groups for the evaluation did not include anyone living with a disability. Given that disability hate crime was one of the

primary concerns of the campaign it does seem surprising that no input was sought from anyone from that group. Furthermore as the NISALD estimated that one in five of the population of Northern Ireland is disabled there is a question about sample bias if none of the two hundred and nine people interviewed had a disability of some description.

The absence of disability from the listing of hate crimes also raises questions about the awareness of the wider public concerning this aspect of hate crime, and one could infer that hate crime is not thought to impact on the lives of people with disability. In the evaluation, disability is invisible; apart from one place where people were asked to indicate whether or not they agreed with the statement '*Crimes / incidents against persons with a disability is on the increase*'. In response 50% agreed that it is on the increase, 46% disagreed and 4% said they did not know. At the least this question indicates some level of awareness of disability and hate crime by the general public. One interesting dimension of the evaluation is that just over a fifth of the sample indicated a belief the advertising would facilitate attitudinal change towards hate crime by '*increasing awareness*', '*getting across the point that it is wrong*' and the '*hope that it will educate people*'.

While noting this, there is a challenge involved with raising awareness without at the same time raising the possibility or fear of the possibility of more attacks. There is safety at times in anonymity, which can be lost when people are faced with the vulnerability of someone with a disability. Thus, the point has been well made that however awareness is raised, care needs to be taken to ensure the strategy is led by the needs and wishes of the person with a disability / victim.

The IAG also suggested the posters could have been given more circulation and prominence if particular '*hot spots*' had been identified; and, if they had been placed in shopping centres, Accident and Emergency departments, Job Centres, Health Centres, TV slots, places of community awareness, taxi companies, libraries, Citizen's Advice Bureaux, supermarkets and the staff rooms and canteens of places of

employment. The benefit of using a mixture of different media formats to convey the information was referenced, eg cartoons.

Without detracting from the campaign, the need for some form of follow up was highlighted. It was suggested that there could be school projects, competitions and a series of weeks aimed at promoting the PSNI's Citizenship and Safety Education material and resources at targeted groups within the context of the National Curriculum. This could be facilitated by PSNI school liaison officers, who are attached to 92% of schools across Northern Ireland.

CSP managers, DPP managers and HIMLO's were all asked about the need for hate crime awareness training and what would they include in any training programme. Among the ten CSP managers survey returns, the responses given were 'possibly' (1), 'Yes' (5) and 'definitely' (1). In one instance, it was suggested *'this is primarily a Good Relations field and any training should be focused via this service delivery'*, and in another it was stated:

There may be a need to this type of training but the target audience would need to be decided prior to development of such training. In addition, any good relations training must also be considered prior to implementation.

In terms of the content, it was proposed that hate crime awareness training *'needs to tackle attitudes and be directed at the most fundamental level in order to properly deal with the problems which exist in parts of our local community'*. At the same time, there is awareness that hate crime is not just about sectarianism and other forms of hate crime need to be highlighted.

I think a lot of people still think of hate crime as being sectarian related and not yet fully aware of the other categories (CSP Manager).

Taking these issues into account, it was thought hate crime awareness training topics should include

- Awareness raising;
- What is hate crime?
- Why does it happen?
- Fundamental principles of each topic;
- Statistics from the area of issues being addressed;
- Visible examples and anecdotal information;
- Demographic changes occurring locally;
- The impact on victims and families;
- What can be learnt from different cultures and vice versa;
- Promote positive input from minority ethnic communities eg economic / cultural etc;
- Include minority ethnic communities in event;
- Q & A session with a victim and if possible with a reformed offender;
- Board blasting for ideas to help try to get the message across;
- Examples of actual programmes or good practice approaches; and,
- Solutions to the issues experienced.

When talking to DPP managers one referred to holding a consultation with deaf people about safety issues where *'they pointed out that their issues / fears and concerns are exactly the same as the non-disabled community but with the added hurdles of communication and physical access to services'*. With one exception, where it was considered awareness raising was needed rather than training, those who responded indicated the need for anti-hate crime awareness training. A further caveat suggested training was not needed for the DPP's or the PSNI but for general statutory and voluntary sectors.

In terms of the content of any training, it was thought it would need to be prepared in partnership with the PSNI, CSU and GR working group. Also, it was noted *'any training would be designed to address the issues that are evident in specific communities and it would respect the sensitivities of the issues to be explored, discussed and tackled'*. If the issue was one of tackling hate crime in an area, one DPP manager suggested:

First it would be necessary to identify and agree what the problems or issues are, generally and then specifically to the area. Second, to explore potential solutions. Third, to explore who can contribute to resolving such problems/issues. Fourth, to encourage active support/commitment of individuals/organisations etc who may be able to contribute to resolving problem(s) etc.

Another DPP manager considered anti hate crime awareness training would not fall within the remit of the role but rather '*within the current remit of the Community Safety Partnership*'. The issue of who is responsible for any such training is important and requires attention.

It was further suggested training could make use of guest speakers/experts and personal stories of those affected. Including topics such as:

- What is hate crime – along with providing the legal definitions,
- Types of hate crime - including local examples,
- How to report it,
- How is it counted and dealt with by the police,
- What is the legal procedure,
- How can it be addressed locally (there is no point in a Northern Ireland strategy if it does not have local identity).
- What services are provided by the various agencies.

Summary

In light of the information gathered, the awareness of the wider public on issues of hate crime against disabled people would appear to range from limited to non-existent. Among people with a disability it was thought there is a need to develop awareness of disability, quite apart from the specific issue of hate crime. The benefit of advertising was noted for improving public awareness though there was negligible awareness of the recent '*Nobody Deserves This*' anti-hate crime campaign among individuals or support organisations. The evaluation of the campaign concludes it had

a successful outcome in raising awareness of hate crime. While this may be the case, it is noted that there was virtually no disability dimension to the evaluation.

At the same time, the importance of effective consultation with the people living with a disability was commented upon otherwise it can appear *'that people with disabilities are a bolt on'*. The lack of an effective dissemination process for getting information to support groups and individuals was also raised.

Education is thought to be important for developing awareness and encouraging better relationships. In this, the work of PSNI Education Advisor in promoting and delivering Citizenship and Safety Education would appear to have significant potential. According to a senior PSNI officer, this work is already taking place in over 90% of schools. However, this should not be limited to education at schools level. There is need across all sections and sectors within the community for such training and awareness raising; though it would be helpful here again to have a clear strategy along with line management accountability to a single point of reference, as well as a curriculum.

11. Recommendations

OFMdfM

1. The OFMdfM should be responsible for monitoring progress in responding to issues raised in this report and should convene a working group of partner agencies on a bi-annual basis to this end.
2. Recognition should be given to the issues raised in this report to ensure that people with a disability are better informed of the issue of disability hate crime and are appropriately encouraged and enabled to report hate crimes to the PSNI.
3. There should be a 'joined up' strategy for raising awareness of disability hate crime led by a disability 'champion'. This should have a remit for working (a) within the CJSNI, (b) among disability support organisations and (c) with the general public. It should ensure that all concerned with disability hate crime are kept informed of any developments in policy and legislation, and statistics on incidents, responses and prosecutions. This process will need to be resourced and kept under review.
4. All disability support organisations should be informed about the significance of disability hate crime and should be encouraged to work with the PSNI to improve reporting and recording of incidents against the person and / or property. Disability support organisations should be encouraged to report instances of criminal damage to the PSNI as hate crimes where they feel the incident may have been connected to, or directed at the disabled persons using their facilities.
5. Clear statements of definitions and terminology with respect to disability hate crime needs to be prepared and disseminated as widely as possible to individuals, disability support organisations and within the criminal justice sector.

6. Consideration should be given to developing general awareness of disability hate crime, through advertising campaigns. Any such campaigns must involve effective consultation with individual members of the disabled population.

PSNI

7. The PSNI should work with disability support organisations to establish protocols and procedures for third party reporting of disability hate crimes.
8. The operational systems and processes used by PSNI for recording and reviewing disability hate crimes should be reviewed against the standards of best practice.
9. HIMLO's play a key function in supporting those most affected by disability hate crimes. The PSNI should review the awareness of disability hate crime among HIMLOs and develop appropriate training as necessary.

Criminal Justice Sector

10. The research has identified a range of issues that impact on the effective engagement between people with a disability and the criminal justice sector. There is a need to more generally 'disability proof' the criminal justice system to take into consideration the specific and particular needs of people with different forms of disability.
11. The agencies within the criminal justice sector should review their communication channels with disability organisations to ensure that their information and awareness raising resources are disseminated to all who would benefit from them.
12. Hate crime, including disability hate crime, should be a standing item on the business agenda of every formal DPP, CSP and GR partnership meeting.

Disability Support Organisations

13. Disability support organisations should review their institutional and staff awareness of disability hate crime and produce appropriate information resources to inform their staff and members of hate crime legislation; what to do if they are victims of hate crimes; and, who to contact, etc.
14. Disability support organisations should review their understanding and practice of advocacy and/or third-party reporting of hate crimes, highlighting any capacity and/or resource deficits in their ability to provide such services.
15. The training and education needs for individuals, organisations and criminal justice agencies might best be facilitated by an ‘accrediting’ body holding named responsibility for ensuring quality as well as a database register of programme resources for the general public, individuals with a disability, support organisations and the criminal justice sector.
16. It is important that people’s stories relating to experiences of hate incidents are gathered, collated and disseminated as widely as possible. Disability support organisations should be encouraged to highlight the issue through their own publications, annual reports and websites.
17. Consideration should be given to collating and publishing statistics, including on the implementation of Joint Protocols, incidents at supported living accommodation and other places identifiable as places where those with a disability live, work and socialise.

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Appendix 1

Organisations who contributed to the research

Action Mental Health (AMH)
Action MS
An Munia Tuber
ARC
Ballymena Disability Forum
Ballymoney Borough Council, Community Safety Partnership
Belfast City Council, Community Safety and Good Relations
British Limbless Ex-Service Men's Association (BLESMA)
Cause
Cedar Foundation
Centre for Independent Living (CIL)
Community Safety Unit (CSU), Northern Ireland Office
Coalition on Sexual Orientation (CoSo)
Criminal Justice Inspection Northern Ireland (CJINI)
Cunamh
Deaf Association of Northern Ireland (DANI)
Dee Street Community Centre
Disability Action
Disability Matters North Down (DMND)
Epilepsy Action
Fermanagh Voluntary Association of the Disabled
Headway
Independent Advisory Group (IAG), PSNI
Leonard Cheshire Disability
Life after Mental Health Problems (LAMP)
Lisburn Disability Steering Group
Lisburn Disability Network
Magherafelt Disability Forum

Mencap
MS Society
Muscular Dystrophy
North-west Forum for Disability
Northern Ireland Institute for the Disabled
Northern Ireland Policing Board (NIPB)
Parkinson's Society
Police Service of Northern Ireland (PSNI)
Rethink
Royal National Institute for the Blind (RNIB)
St Joseph's Deaf Group
Stepping Stones
Tell It Like It Is (TILII)
The Network Club
Victim's Support Northern Ireland
William Keown Trust

Appendix 2

List of Agencies, Organisations and Groups Interviewed

1. Focus Group Participants

Group	Physical	Sensory	Learning Disabled	Mental Health	Acquired	Hidden	Generic
LCD	4						
Mencap			14				
Disability Matters North Down							10
Rethink				8			
Action MS						8	
Cedar Foundation							8
Tell It like It Is (TILII)			9				
Conflict Related							7
Headway					6		
Deaf Association Northern Ireland		2					
St Joseph's Deaf Group		11					
Disability Forum - Magherafelt							6
Cheshire House (LCD) – Derry							6
The Klub	2						
RNIB		5					
RNIB Employability & Skills Project - Derry		12					
Disability Steering Group	2						
LAMP				6			
Institute for the Disabled - Bangor	4						
The Network Club							10
Lisburn City Stars			10				
Fermanagh Voluntary Association of the Disabled							8
Action for Mental Health - Newry				8			
Action for Mental Health - Foyle				6			
Totals	12	30	33	28	6	8	55
						Total =	172

2. Organisations Interviewed

Group	Physical	Sensory	Learning Disabled	Mental Health	Acquired	Hidden	Generic
CIL	1						
Epilepsy Action						1	
Parkinson's Society						1	
CAUSE				1			
Stepping Stones			1				
POISE - ARC			1				
MS Society						1	
William Keown Trust							1
Muscular Dystrophy	1						
CoSo							1
Disability Action							1
NW Forum for Disability							1
An Munia Tober							1
Leonard Cheshire							1
Totals	2		2	1		3	6
						Total =	14

3. Criminal Justice Agencies Interviewed

Agency	Numbers
PSNI	1
CSU	3
CSP	1
PSNI – HIMLO's	1 formal interview 4 informal discussion by phone
NIPB	1
IAG	6
CJI	1

In addition

Belfast City Council Conference Workshops	2 attended
Questionnaire sent out to every HIMLO	2 returns
Questionnaire sent out to all DPP managers (26) <i>(Ards, Armagh, Ballymoney, Down, Fermanagh, Moyle & Newtownabbey)</i>	7 returns
Questionnaire sent out to 29 CSP managers in 26 councils <i>(Antrim, Ballymena, Ballymoney, Craigavon, Down, Dungannon, Fermanagh, Larne, Limavady & Newtownabbey)</i>	10 returns

4. NISALD

Three individuals returned contact permission forms. Each one was contacted but found to have no information relevant to the research.