Cumbria Hate Crime Project
Summary Report

Prepared on behalf of:
Cumbria Equality and Diversity Partnership

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Introduction:

The Innovation in Society Unit within the Lancashire Law School at the University of Central Lancashire has been working in conjunction with the Cumbria Equality and Diversity Partnership to facilitate a study of Disability Hate Crime within Cumbria.

The multi-agency steering committee for this project was led by the Crown Prosecution Service in association with Cumbria Constabulary/Police Authority with participation from a number of other regional stakeholders including:

- Cumbria County Council
- Cumbria Disability Network
- Cumbria Improvement and Efficiency Partnership
- Cumbria Probation Trust
- Mencap

The intention of the study was to deliver a countywide picture of the current challenges facing the disabled community in Cumbria in relation to the phenomenon of Disability Hate Crime. Working together in partnership these agencies developed and deployed a combination of surveys and focus groups with residents of the county who had previously been identified as having a disability.

The analysis of the research conducted was resourced by the University of Central Lancashire via The When Law and Hate Collide project (JUST/2009/DAP3/AG/1221) and Advancing Higher Education Access for the Disabled (AHEAD-EU) (45626-1-2008-UK-ERAMUND EM4EA) project. Both projects are funded by the European Commission and led by the Innovation in Society Unit of the Lancashire Law School along with partners at the University of Gothenburg (Sweden) and the Goethe University of Frankfurt (Germany).

This report is an indicative summary of the results and is intended to highlight some of the key issues that arose from the study, and to identify areas for further work. Neither the study nor this report is intended to present a statistical review of hate crime, rather it is intended to take a snap shot of the experiences of disabled people within the county and to assist agencies to understand the impact that disability hate crime has on individuals and the community. A full report will be produced in and published later in 2011.
What is Disability Hate Crime?

Disability Hate Crime, or an offence motivated due to an individual’s disability, is explicitly legislated against in the Criminal Justice Act 2003 (s146)\(^1\). This ensures that additional sentencing tariffs are available to the Judiciary when presiding over a case where guilt has been proven/admitted and the victim’s disability has been deemed to be a motivating factor within the offence.

The law is supported by the Crown Prosecution Services (CPS) own working definition of hate crime which focuses on the victim’s perception of the offence and the offender’s motivation.\(^2\) Throughout this report we have chosen to capitalise Disability Hate Crime to emphasise the importance of this phenomenon.

Methodology

The agencies that conducted the Cumbria Hate Crime Project used a survey (deployed in two versions to include a version that was accessible to those with learning disabilities and other mental impairments) and focus groups to engage with disabled people on the subject of Disability Hate Crime. The survey consisted of a mix of open and closed questions and was distributed via online survey tool Survey Monkey. The focus groups were facilitated by support staff working in disability support facilities using a reduced version of the survey as guide to their questions.

The survey consisted of 22 questions of which eight explored the respondents’ fears and perceptions of crime whilst the remaining 14 questions probed the respondents’ views and experiences of actual offences. The survey had 122 responses, of which no personal identifiable information or demographic data was recorded. It is important to recognise that whilst the number of responses is small, the value of the study is found in the narratives that it creates and the themes it identifies. As such, the results of the study should be viewed as indicative and presenting the experiences of individuals in a manner that can be used to frame the future work of the agencies involved.


\(^2\) “Any Criminal offence, which is perceived , by the victim or any other person, to be motivated by hostility or prejudice based upon a person’s disability or perceived disability” CPS Hate Crime Leaflet
Summary Results

When analysing the data collected by the agencies that form the Cumbria Equality and Diversity Partnership it was found that the two components of the study (the Survey and the focus groups) generated responses that were likely to be useful in a number of different policy and practice development contexts. The results identify a number of key areas which would, resource permitting, lend themselves to further, more intensive study. The focus groups provided some wider commentary on Disability Hate Crime in Cumbria, and provided further, in depth examples, of personal experiences of this phenomenon and multi agency responses to it.

Initial Headline 1: Living in Fear

Of those surveyed approximately one third (61.2%) have reported being in fear of becoming a victim of disability hate crime. It is well know that the fear of crime can have a significant impact and effect upon an individual’s day to day activities3. The Cumbria survey found that nearly one fifth of all respondents (19.1%) fear being a victim of Disability Hate Crime on a daily basis, and over one third (36.4%) of respondents fear being a victim of such an offence at least once a week. When reflecting on the cause of their fear: groups of young strangers were highlighted as a major cause of this kind of fear.

Of course it should not be assumed that all disabled people live in fear of being a victim of a crime because of their disability as 37.3% of respondents indicated they had never feared being a victim in this manner. However, it is clear that for the vast majority of respondents fear being a victim of crime because of their disability. For these individuals it is clear that this fear can have a significant impact upon their day to day life. For example, 22.1% of those who answered the question, and (12.3% of overall respondents) reported moving house as a result of this fear of crime due to their disability. Whilst for any person this is an upheaval and likely to cause stress when the individual is disabled the impact is likely to be felt more so due to the fact that, depending upon the nature of the disability there may be a number of additional issues, including the fact that:

- The home is likely to have adaptations;
- The local community is likely to include formal and informal support networks;
- The geography of the local area may be important for managing the disability; and/or
- The stress of moving can exacerbate some mental health issues4

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4 http://www.inclusionnorth.org/documents/HateCrimeGoodPracticeGuide.pdf accessed 27th may 2011
The decision to move house is an extreme example, but it is clear that the changing of behaviour is a common reaction to this fear. For example of those respondents who answered that they did fear being the victim of a crime because of their disability: 47.1% of respondents showed they had changed the way do things generally and 45.6% stopped going to certain places as a result of their fear (respondents were allowed to indicate if more than one heading applied).

Respondents also had the chance to indicate other things they had done to stop them being frighten of possibly being a victim of a crime because of their disability. Looking at the range of responses to this question we see thematic responses that point to disabled people restricting their lives and opportunities, as shown by the following examples:

“Stopped going out” (P2.Q6.1)
“Stopped going out to play” (P2.Q6.2)
“Walked out of my job” (P2.Q6.5)
“Finished at work because of Employer” (P2.Q6.6)
“If I am in a group I feel OK” (P2.Q6.9)
“Phone Mum - "There are kids on the street, I can't get past them" - Mum then comes to meet me” (P2.Q6.10)
“I ignore it I lock myself in my house” (P2.Q6.11)

These examples are just a snapshot, but they demonstrate a number of key issues that point to underlying trend of: restriction of freedoms, reduction of independence, reduction of social/personal development opportunities (including employment opportunities). In follow-up questions, a number of respondents also indicated that there were certain times in which they did not wish to go out (usually in the evening or after dark), some respondents indicated they rarely left the house. Again, highlighting the way in which fear of being targeted because of their disability is impacting on the lives of a cross-section of disabled people within Cumbria.

It is clear that further work is needed to explore the way in which agencies can work with communities to find ways to combat this kind of fear.

Linked with this sense of “fear” is a sense of vulnerability (as self identified by participants in both the surveys and the focus groups). This was reported by those with both visible and non-visible disabilities. The theme of vulnerability can be found implicitly throughout both the survey and the focus group responses, but is also explicitly raised in a number of contexts:
"Didn't report my incidents. I am scared to carry a white cane or symbol as it will identify me as visually impaired and I fear being a victim of DHC. Then when I don't use a cane people are very abusive and I lose even more confidence." (P3.Q22.19)

“Choose not to go out late at night as I feel vulnerable” (P2.Q8.50)

“The two [being disabled and being a victim] go hand in hand, people see you’re vulnerable and do [crime] more” (FG.29.9.Q3.3)

There is a distinction to be drawn between the disabled person perceiving themselves as being vulnerable, and those in the community perceiving themselves as such. The Crown Prosecution Service have acknowledged this and offer advice that “a disabled person is not vulnerable [or an] easy target per se. It is the particular situation in which they may find themselves and which is then exploited that makes them vulnerable to be targeted for some types of criminal offences.”

This guidance is intended to both empower disabled people, and make clear that the vulnerability is a function of the situation (and the behaviour of the offender), not the individual. However, there is a need for further work to explore the extent to which disabled people do feel vulnerable, and how this impacts on their fear of being a victim of crime and their general ability to enjoy their day to day lives.

5 http://www.cps.gov.uk/legal/d_to_g/disability_hate_crime_/a06 accessed 3rd June 2011
Contrasting with the concept of a fear of crime, 51.5% respondents believed *that they have been a victim of crime because of their disability* and this is important because according to CPS policy a person needs only to perceive the offence to be due to their disability in order for the incident to be logged as a ‘disability hate crime’. In a follow-up question it was found that those who had been a victim of crime were far more likely to communicate this fact to a relative or family member than to the Police or other agency. Only 18.2% of respondents said they had/would report a hate crime to the Police, whereas 60.6% said they had/would report a hate crime to a relative or family member. Whilst the most 2010/11 crime statistics within the County demonstrate that hate crime (of all varieties) is “down by 15.3 per cent, from 248 to 210”\(^6\), the responses to the survey demonstrates that there is a risk that these official figures do not represent the true picture of hate crime. A small number of respondents indicated that they were the victim of a crime because of their disability on a daily basis, indicating the possibility of some patterns of victimhood that are ongoing and unreported. The vast majority of participants within the focus groups also indicated that they had been the victim of hate crime (but no information is available as to whether they reported it, or the timescale within which it happened). However, this does further support the supposition that there are more disability hate crimes taking place than are either reported or recorded.

Future research should seek to explore whether the study participants were the victim of a Disability Hate Crime within a set of reporting dates that are notionally coterminous with the official reporting statistics so that agencies involved can try to assess the level of non-reporting within the County. Non-reporting of crimes of this sort is a continuing challenge for Police and other agencies throughout the country and is not just a Cumbria problem. According to the 2006/2007 British Crime Survey the most common reasons for not reporting a hate crime were that:

- The victim perceived offence would be seen to be too trivial;
- No loss occurred in the incident; and/or
- They believed the police would not be able to do anything about the incident.

Within the British Crime Survey, these reasons accounted for 71% of respondents’ reasons for non-reporting, a further 19% felt the incident was a private matter and they wished to deal with the incident themselves.\(^7\) Work is needed to explore the reasons for non-reporting of

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\(^6\) Cumbria Police, Crime and Anti-Social Behaviour Down in Cumbria, April 2011

hate crimes within the disabled community to ascertain if there is any difference from the national norm. Some commentary from within the survey suggested that agencies could do more to make victims feel that they were being taken seriously. For example:

“I have reported crimes to the Police many times. I have Made a lot of video statements. On-one has ever gone to court because they just call me a liar. There are never any witnesses so the CPS won’t take things any further. One policeman told my Mother it’s naive to think that these things won’t happen to her if she’s out there on her own. It’s lucky that nothing much worse has happened. I just want to live my life without being humiliated, harassed and constantly abused.” (P3.Q22.6)

“I reported and incident of name calling to [Cumbria] Police. This happens when I go to my friends, it’s their neighbours who call me names, they say I should be locked in a mental home. I told the Police who went to see these people, but they lied about me and said I had put two fingers up at them. The Police (Community Support Officer) said they couldn’t do anything and this has happened more than once” (P3.Q22.8)

“When reporting abuse of parking facilities and parking over dropped kerbs, treated by the Police as time wasting. When travelling by train - Guard was reluctant to keep space clear, even to the point of not letting me on the train. Fighting with ladies pushing buggy’s to use the wheelchair users space. Driver not interested, Police not interested. Verbal abuse to me and my carer is not acceptable but the Police’s indifference makes me reluctant to report such incidents. SHAME ON YOU !!” (P3.Q22.9).

These examples demonstrate cases in which the victim perceives that they are being the victim of a crime caused by their disability, but does not feel that the agencies involved are treating them appropriately. There is a need for further work to explore the cause of these perceptions among members of the disabled community. It is also necessary to ascertain if there are specific support needs that this community has which are not being met. Agencies will wish to assure themselves that they have robust procedures and processes in place for engaging with the disabled communities as these kinds of experiences closely resemble those widely reported in the media in the context of the watershed Disability Hate Crime case of Fiona Pilkington. Participants in the focus groups also spoke positively about the level of support that they received from police, but also showed some concern that their

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complaints might not always be taken seriously and were worried about the consequences of complaining.

“Maybe they would think we were silly and it wasn’t a crime” (FG12.10.5.1)

“I would be worried the person may find out and it might make things worse” (FG12.10.5.2)

“You might be threatened if you told the Police” (FG12.10.5.3)

“I’ve been through hell and know what happens” (FG12.10.5.5)

Both the Police and the CPS within Cumbria have wide ranging measures in place to engage with the community on the issue of hate crime, including a range of engagement programmes that target school children and community groups, in addition to programmes that ensure awareness among practitioners that individual officers are properly engaged with the issues faced by disabled people. It is clear that more work is needed to broaden the impact of these programmes, and raise awareness of these activities. As seen below, two respondents propose interventions that are broadly similar to those already in existence.

“Talk to people about what help they can get. Training for support staff - if they don’t know how can they help. Disability Awareness raising in Schools. Start telling them when they are young i.e. in Primary School. People telling real life stories about their experiences is very moving and powerful” (P3.Q22.7)

“Thank you for addressing these issues. Would it be possible to raise the awareness to the General Public regarding these issues? Perhaps a short Film or Docu/Drama could be produced which could be shown in Schools, Cinemas etc” (P3.Q22.32)

In addition, more effort is needed to promote the positive activities by the agencies active in the region, and to promote examples of success. As one victim explained:

“Since my wife died I have been receiving help and advice from the Police. I have multiple disabilities and they are fitting a key safe, arranging for a trusted person so that emergency services get into my house if the need to. It would be good if the Police offered this to all vulnerable people to ensure they felt safe in their homes” (P3.Q22.26).
Some respondents internalised the problem of disability hate crime and saw it as a function of their life. This included demonstrating coping strategies which helped them to ignore negative treatment by others.

“I know about it but think people with disabilities grow a very thick skin and just laugh it off”. (FG21.10.1.1)

“I don’t think sometimes people don’t mean to upset you, they just don’t know how to deal with you”. (FG21.10.1.2)

“Don’t ‘fear’ as I have coping strategies but I am subconsciously (aware of feeling vulnerable) approximately once per week”. (FGS.2.2)

In some cases respondents internalised the process to the extent of blaming themselves for being a victim. as in the case of the following person (who’s survey was completed by a carer):

“This [respondent] is autistic - Groups of teenagers and youngsters harass and bully her. Has been stoned on one occasion. She does not report anything because she thinks it's her fault.” (P3.Q22.28)

There is a need to ensure that all members of the community are able to engage with the agencies, and to ensure they are able to recognise that they have been a victim of a hate crime.

Whatever the reason for non-engagement with the official agencies, it is clear that there are disabled people within the county who are experiencing Disability Hate Crime in some way but are not receiving the support that they need to deal with it. Those who had been the victim of crime demonstrated similar changes in their behaviour to those who were living in fear of being a victim of hate crime, including taking the decision to move house (18.9% of respondents who answered the question) and restricting their movements. Again, this points to an underlying trend that sees disabled people restricting their freedoms, reducing their independence, and reducing their social/personal development opportunities.
Conclusions

The purpose of this report was to identify an initial snapshot of the experiences of disabled people in Cumbria and to explore the way in which they experience Disability Hate Crime. It is clear that work needs to be done to encourage more reporting of Disability Hate Crime by the victims, and to ensure that members of the community feel both confident and comfortable with engaging with the appropriate agencies.

Regardless of reporting levels, there are people with disabilities in Cumbria who as a result of either the perceived threat or actual experience of Disability Hate Crime are:

- Restricting their freedoms;
- Reducing their independence; and
- Reducing their social and personal development opportunities

It is therefore important for all agencies and sectors of the community to work together to explore the realities of the experience of these people, and to quantify the impact that their experiences have on their lives and the local community, so as to make sure that no victim feels excluded by the system.