

Taylor, P., Corteen, K., Ogden, C., & Morley, S. (2012) 'Standing by': disability hate crime and the police in England. *Criminal Justice Matters*, 87(1), 46-47.

## 'Standing' by: disability hate crime and the police in England

Paul Taylor, Karen Corteen, Cassandra Ogden & Sharon Morley

This article discusses the Don't Stand By: Hate Crime Research Report (DSB) (Mencap, 2011), which documents failings in policing practices related to reporting and responding to disability hate crime. Such failings, we argue, constitute not so much direct discrimination but acts of 'normalcy'. Normalcy is the process whereby taken for granted ideas about what is normal become naturalised; in this respect being non-disabled is seen as normal. Acts of normalcy, whilst less tangible, are by no means less violent or harmful than acts of 'real discrimination' or 'real violence' (Goodley and Rumswick-Cole, 2011). Systemic and cultural normalcy within the police is not new, as can be seen in the case of Stephen Lawrence.

The relationship between police services and the public has a checkered history. The Macpherson Report (1999) into the death of black teenager Stephen Lawrence constituted one of the most significant examples of a critique of policing practice. Stephen Lawrence did not conform to 'normalistic' characteristics that identify victims as being mostly white; however, he did reflect the normalized characteristics of a suspect or offender: blackness and youth. Such normalcy in this tragic event resulted in dire consequences during and after Stephen Lawrence's subjection to a racist hate crime. The report focused on a number of institutional shortcomings in the way that the police managed the investigation into Stephen Lawrence's murder and the relationship between the police and ethnic minority communities.

Drawing on the Macpherson Report and the DSB report this article discusses the significance of this normalisation process on police practices regarding disability hate crime.

### Disability and normalcy

Whilst 'Disabilism' can be defined as an act of discrimination against a person or group based on their physical or intellectual impairment, 'ableism' can be seen as an oppressive act against the same people, through a process of normalising behaviours and perception of certain bodies vis-à-vis others. Ableism arises from a dichotomous understanding of the impaired individual as a disabled 'other', in contrast to the hyper-normal able-bodied or able-minded individual. An able-bodied individual achieves the 'desirable' characteristics of normalcy; the disabled individual does not. Disabled people may therefore be regarded as lacking the essential characteristics of what it is to be human and, within a police context, unworthy of protection. Ableism could lead to prioritising the needs of the 'normal', non-disabled victim and to demonising the disabled 'other' as perpetrator of crime.

Deconstructing phenomena through an ableist agenda allows us to see more clearly how disability is devalued through systematic and cultural normalcy. Ableist normalcy can cause a failure to recognize impairment; even when a disability is recognised, it may be responded to in an (intended or unintended) inappropriate, even negative manner. A normalistic framework enables a critical exploration of disability based on the cultural hegemony of ableism (Goodley, 2011).

### Key findings

Although the Don't Stand By report highlights a number of improvements in the way in which police services tackle disability hate crime, it is evident that further improvements are necessary. The report maintains that the infrastructure for tackling disability hate crime, particularly hate crime against people with a learning disability, is inconsistent, with many of the consulted police services having no specialist hate crime officers or units in place. Further, very few services have partnerships in place to address issues relating to disability hate crime and many of those consulted do not appear to have any disability specific procedures in place for recording and investigating reported cases. Most police services also reported that police officers could do better at recording disability hate crimes. Fewer than half of the consulted police services have dedicated victim support officers or victim departments. Overall, the report found that much more needs to be done to ensure that police officers are better equipped to work with disability hate crime victims, particularly victims with a learning disability.

### Responses

Responses to disability hate crime by public sector agencies have recently experienced increased attention through the media, research and reports. Police services and professional agencies (for example, social services) have come under scrutiny for the quality of the service that they provide to the victims of this type of crime.

The cases of Fiona Pilkington, who killed herself and her disabled daughter following 30 reported incidences of anti-social behaviour (ASB) and harassment, and the prolonged torture and murder of Michael Gilbert by a

family he was living with, are just two tragic examples where disability and vulnerability were not given the deserved recognition. The two cases were referred to the Independent Police Complaints Commission (IPCC), and in both cases failures in responses and information communication led to 'missed opportunities' to intervene and for vulnerable adults to access protection.

Whilst the murder of Stephen Lawrence and the cases mentioned above differ significantly, some similarities can be observed in the responses to minority social groups. Both present a catalyst for debate when considering the role of normalcy in professional practices and organisational structures that hamper equitable resourcing and effective communication.

Macpherson identified a number of procedural and systematic failures in the recording of events and evidence in the early stages of the Stephen Lawrence investigation; there were occasions where systems in place to communicate relevant information were dysfunctional or users were not trained adequately. An IPCC report (2011a) into the Pilkington family tragedy highlights that the linking of incidents and mapping of cases of ASB was sporadic and problematic. Communicating the escalation of the ASB and harassment was not clearly or effectively undertaken. Likewise, in the case of Michael Gilbert, a number of reported assaults and abductions of Gilbert prior to his death were investigated; the IPCC (2011b) notes that proceedings had been hampered inadvertently through problems of inaccurate information being passed between public agencies. Such examples are further reinforced in the DSB report, which reveals that there is little consistency between the participating 14 police services on the services they have in place to tackle hate crime.

The institutional agendas of the police in the cases of Pilkington and Gilbert bear resemblance to the criticisms of the Macpherson Report. In both instances, the police have come under scrutiny for their approach in dealing with minority social groups. In the case of Stephen Lawrence, it was race that influenced the conduct of the investigation and the systematic and cultural normalistic assumption of the black offender and white victim. With regard to disability hate crime it is normalcy and able-ism which is a dominant discourse, pervading informal and formal organizational structures. The obstacle that vulnerable groups face in this case is that they are not necessarily identified as deserving of specialist attention or tailored interventions; or even that they are not recognised. The consequence of this, as seen in the case of Fiona Pilkington, is that the needs of the victim are not clearly identified in a timely manner (IPCC, 2011a).

### Mental vulnerability

Those who are considered as mentally vulnerable (through mental illness or learning disability) in the criminal justice system have received very little attention until recently. The Bradley Report (2009) undertook a comprehensive evaluation of the experience of the mentally vulnerable as suspect, defendant or offender in the criminal justice process. This is a much needed report that identifies several key areas for service reform and is of key importance in the structuring of services and criminal justice policies. Whilst it documents the importance of the victim in the criminal justice process, the dominance of a focus on the suspect, accused and convicted individual overshadows the plight of the victim who experiences disability hate crime (the exception being the introduction in 2005 of section 146 in the Criminal Justice Act 2003).

Neglect in this area is indicated by the DSB report where it suggests that levels of actual disability hate crime are very difficult to quantify. Among other issues, public agencies find they are unable to determine the effective resourcing of schemes to combat disability hate crime. The hazard is that without robust and rigorous methodologies that understand and embrace difference, such as learning disabilities, such agencies will remain at fault of not providing equitable services to a diversified and distinctly heterogeneous society.

### In conclusion

In a diverse society it is important to ensure inclusive, equitable and specialised public services. This is important on the grounds of equal opportunities and equal rights to protection from, prevention of, and just responses to, violence and victimisation, including hate crime. However, cultures of normalcy within and without institutions and normalistic practices can have the opposite effect, as they may inflict violence on those they purport to serve (Goodley and Runswick-Cole, 2011). That cultural and systematic manifestations of normalcy exist and need to be challenged and changed is indisputable.

### References

- Bradley, K. (2009), *The Bradley Report: Lord Bradley's Review of People with Mental Health Problems or Learning Disabilities in the Criminal Justice System*, London: Department of Health.
- Goodley, D. (2011), *Disability Studies: An Interdisciplinary Introduction*, London: Sage Publications.

Taylor, P., Corteen, K., Ogden, C., & Morley, S. (2012) 'Standing by': disability hate crime and the police in England. *Criminal Justice Matters*, 87(1), 46-47.

- Goodley, D. and Runswick-Cole, K. (2011), 'The Violence of Disablism', *Sociology of Health and Illness*. Vol. 33,(4), pp. 602-617.
- Independent Police Complaints Commission (2011a), IPCC Report into the Contact Between Fiona Pilkington and Leicestershire Constabulary 2004-2007.
- Independent Police Complaints Commission (2011b), News: IPCC publishes findings into police response to incidents involving Michael Gilbert, July 7.
- Macpherson, Sir W. (1999), *The Stephen Lawrence Inquiry: The Report of an Inquiry*, London: The Stationery Office.
- Mencap (2011), *Don't Stand By: Hate Crime Research Report*, London: Mencap.