

ROUTLEDGE ADVANCES IN DISABILITY STUDIES

# Disability, Hate Crime and Violence

Edited by  
Alan Roulstone and Hannah Mason-Bish

# **Disability, Hate Crime and Violence**

**Edited by  
Alan Roulstone and  
Hannah Mason-Bish**



First published 2013

by Routledge

2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Simultaneously published in the USA and Canada

by Routledge

711 Third Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

© 2013 selection and editorial material, Alan Roulstone and Hannah  
Mason-Bish; individual chapters, the contributors

The right of the editors to be identified as the authors of the editorial  
material, and of the authors for their individual chapters, has been asserted  
in accordance with sections 77 and 78 of the Copyright, Designs and  
Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or  
utilised in any form or by any electronic, mechanical, or other means, now  
known or hereafter invented, including photocopying and recording, or in  
any information storage or retrieval system, without permission in writing  
from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or  
registered trademarks, and are used only for identification and explanation  
without intent to infringe.

*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloging-in-Publication Data*

Disability, hate crime and violence / edited by Alan Roulstone and  
Hannah Mason-Bish.

p. cm. -- (Routledge advances in disability studies)

1. People with disabilities--Crimes against--Great Britain. 2. People with  
disabilities--Violence against--Great Britain. 3. Hate crimes--Great Britain.

I. Roulstone, Alan, 1962- II. Mason-Bish, Hannah.

HV6250.4.H35D57 2012

362.4--dc23

2012004330

ISBN: 978-0-415-67431-7 (hbk)

ISBN: 978-0-203-10446-0 (ebk)

Typeset in Times

by Taylor & Francis Books



Printed and bound in Great Britain by  
TJ International Ltd, Padstow, Cornwall

# Disability, Hate Crime and Violence

This book provides a comprehensive and interdisciplinary examination of disability, hate crime and violence, exploring its emergence on the policy agenda. Engaging with the latest debates in criminology, disability and violence studies, it goes beyond conventional notions of hate crime to look at violences in their myriad forms as they are seen to impact upon disabled people's lives.

Despite a raft of relevant policy and legislation, few have attempted to draw together research on the disabled as victims of hate crime and violence. This innovative volume conceptualises issues of disability, hate crime and violence and connects empirical research with theoretical insights. Making links between criminal justice policy, social care and welfare, it highlights areas of best practice and makes suggestions for policy and legislative reform. *Disability, Hate Crime and Violence* is written in accessible language, with minimal jargon and an international focus. Each chapter is grounded in research and practice, with relevant policy and legislation clearly signposted throughout.

*Disability, Hate Crime and Violence* provides a much needed theoretical and practical investigation of the key issues around disabled hate crime and violence and is an important work for students and academics researching and studying disability studies, criminology, social policy and sociology, as well as those with an interest in domestic violence studies and broader historical and philosophical constructions of disability, violence and social harms.

**Alan Roulstone** is Professor of Disability Policy at Northumbria University, UK.

**Hannah Mason-Bish** is Senior Lecturer in Criminology at the University of Roehampton, UK.

## **Routledge Advances in Disability Studies**

*New titles*

**Towards a Contextual Psychology of Disablism**

*Brian Watermeyer*

**Disability, Hate Crime and Violence**

*Edited by*

*Alan Roulstone and Hannah Mason-Bish*

*Forthcoming titles*

**Intellectual Disability and Social Theory**

**Philosophical Debates on Being Human**

*Chrissie Rogers*

# Acknowledgements

The editors would like to thank all of the contributors whose ideas and insights have made this book possible. With many demands on their time, we are grateful for their efforts which have made the book a success. Thanks also to Grace McInnes and James Watson at Routledge for their patient support and guidance. Alan wishes to thank Guy and Jo for their love and forbearance in providing the space for this and other projects. Hannah wishes to thank Alex for his love, support and encouragement during the book's development. We wish to remember those disabled people who have passed on during the completion of the book and whose efforts have created the terrain on which to tackle the wider barriers that have historically faced disabled people; your role will never be forgotten, Vic Finkelstein, Rowan Jade, Nasa Begum and Richard Smith. The lives of disabled people needlessly lost to hate crimes are of course central to this book and this collection aims to record the lives of those disabled people society should have done more to protect.

# Abbreviations

ACPO	Association of Chief Police Officers
ASB/O	Anti-Social Behaviour/Order
BSL	British Sign Language
BCS	British Crime Survey
BCODP	British Council of Disabled People
BBC	British Broadcasting Corporation
CBT	Cognitive Behavioural Therapy
CDRP	Crime and Disorder Reduction Partnership
CJA	Criminal Justice Act (2003)
CJS	Criminal Justice System
COP	Community of Practice
CPA	Care Programme Approach
DDA	Disability Discrimination Act (1995, 2005)
DHCN	Disability Hate Crime Network
DoH	Department of Health
DPM	Disabled People's Movement
DPO	Disabled People's Organisation
DPP	Director of Public Prosecution
DRC	Disability Rights Commission
DWP	Department for Work and Pensions
EHRC	Equality and Human Rights Commission
ESRC	Economic and Social Research Council
FBI	Federal Bureau of Investigation
GAD	Greenwich Association of Disabled People
IPCC	Independent Police Complaints Authority
LGBT	Lesbian, Gay, Bisexual and Transgender
MoJ	Ministry of Justice
MPS	Metropolitan Police Service
NAO	National Audit Office
NGO	Non-Governmental Organisation
NHS	National Health Service
NPIA	National Police Improvement Agency
ODI	Office for Disability Issues

OfCOM	Office of Communications
OSCE	Office for Security and Cooperation in Europe
PiP	Personal Independence Payment
PMSU	Prime Minister's Strategy Unit
POVA	Protection of Vulnerable Adults
PPU	Public Protection Unit
PTSD	Post-Traumatic Stress Disorder
SCR	Serious Case Review
ULO	User-Led Organisation
UN	United Nations
UKCDP	United Kingdom Council of Disabled People



# Contents

*Acknowledgements*

vii

*Abbreviations*

viii

Introduction: disability, hate crime and violence	1
ALAN ROULSTONE AND HANNAH MASON-BISH	

<b>PART I</b>	<b>9</b>
<b>Conceptualising disablist hate crime</b>	

1	Conceptual issues in the construction of disability hate crime	11
	HANNAH MASON-BISH	
2	Vulnerable to misinterpretation: disabled people, 'vulnerability', hate crime and the fight for legal recognition	25
	ALAN ROULSTONE AND KIM SADIQUE	
3	The wrong war? Critically examining the 'fight against disability hate crime'	40
	JOANNA PERRY	
4	Disability and the continuum of violence	52
	ANDREA HOLLOMOTZ	
5	Media reporting and disability hate crime	64
	KATHARINE QUARMBY	
6	International perspectives on disability hate crime	80
	MARK SHERRY	

<b>PART II</b>	<b>93</b>
<b>Responses to disablist hate crime</b>	

7	Disablist violence in the US: unacknowledged hate crime	95
	JACK LEVIN	

vi *Contents*

8	Disabled women and domestic violence: increased risk but fewer services	106
	RAVI K. THIARA AND GILL HAGUE	
9	Disability hate crime: a campaign perspective	118
	ANNE NOVIS	
10	A case for engagement: the role of the UK Disability Hate Crime Network (DHCN)	126
	STEPHEN BROOKES	
11	Hate crime or mate crime? Disablist hostility, contempt and ridicule	135
	PAM THOMAS	
12	Making disablist hate crime visible: addressing the challenges of improving reporting	147
	CHIH HOONG SIN	
13	Civil courage, civil societies and good samaritans: a response to disablist hate crime	166
	TOBY BRANDON AND SARAH KEYES	
14	After disablist hate crime: which interventions really work to resist victimhood and build resilience with survivors	177
	SUSIE BALDERSTON	
	<i>Index</i>	193

# Introduction

## Disability, Hate Crime and Violence

*Alan Roulstone, Northumbria University,  
UK and Hannah Mason-Bish, University of  
Roehampton, UK*

Half a century old, the Holocaust still mocks the idea of civilization and threatens our sense of ourselves as spiritual creatures. Its undiminished impact on human memory leaves wide open the unsettled and unsettling question of why this should be so.

(Langer, 1994: 184)

### Introduction and aims

The question of disability, hate crime and violence has received little concerted attention in academic, policy and practice activity to date. The small quantity of work that has been completed has been largely in North America and often linked to wider oppressions – race, gender, sexual orientation. These intersectional issues are very important and this collection of works will continue in this tradition of acknowledging the multiple motivations to harm others based on their perceived difference. The advent of a collected edition that aims to bring together international perspectives, which foregrounds disability and which looks at issues and solutions to disablist hate crime, is therefore well overdue. The book aims to add to criminology, disability studies, sociology and policy studies in pulling together work from a range of disciplines and perspectives. A key message of the book is that there is no ‘one best way’ to reduce disablist hate crime. Education, self-empowerment, effective public protection, publicity campaigns, a responsive, timely and culturally sensitive criminal justice system are all important weapons in the fight against categorical, targeted crimes.

All crimes have victims and wider social costs; the authors of this collection share a philosophical view, however, that harming individuals simply because they belong to a socially stigmatised ‘category’ is especially heinous.

The book limits itself to hate crimes that are targeted at disabled people – which includes people with learning difficulties, manifest/known-about mental health problems, physical impairment and social learning difficulty (for example Asperger’s/Autism). As stated above, writers do however draw down parallels with race, LGBT and gender hate crimes (Dunbar, E, 2006; Herek and Gillis, 1999; Iganski, 1999). Power relations in domestic violence are also

drawn upon in some chapters where parallel dynamics are seen to exist with disablist hate crime or where domestic violence is perpetrated against a disabled 'friend', relative or partner. Hate crimes in institutional, high street and domestic contexts are all included in this collected work. We could have drawn on other forms of hate crime which highlight other stigmatised differences – for example, that made clear in the death of Sophie Lancaster, where sub-cultural differences were the pretext for horrendous violence; space, however, does not permit that analysis here. This in no way aims to create a hierarchy of importance, but simply reflects the expertise and focus contained in the book.

As some readers will be new to the field of disability-related work, a brief note on terminology is important. Following the social model of disability, authors distinguish between impairment – the difference of body, brain and intellect – and disability, which is seen as the range of barriers that confront people with impairments, including negative attitudes, structured disadvantage, a hostile media and internalised oppression that may result from these barriers. Where references are made to US work, the term 'people with disabilities' is sometimes used in the literature. We obviously respect this linguistic difference, but point out that it ostensibly equates to people with impairments in reality. For authenticity we have, however, kept this terminology intact in referring to some US-based work. In this broader vein the authors prefer the term disablist hate crime to make clear that our disablist hate crime and violence are part of a much broader set of exclusions that a disablist society exhibits. We include the term violence alongside hate as violence may take forms that are hidden, repeat or low-grade but which taken together make life intolerably difficult for disabled people – as was the case in the Pilkington-Hardwick deaths. The inclusion of violence also allows better links to be made to the wider violence literature which has been so important in framing this edited collection. The term 'hate' and 'hate crime' are of course deeply problematical and some authors choose to place the terms in scare quotes for that reason. The book explores alternative language and the morphing of the term in criminal justice practice into hostility at street level. For now, however, the term is a useful shorthand, whilst it is important to engage critically with current constructions of 'hate crime'. Alternatives are offered up – for example, targeted (EHRC, 2010), motivated (Berk, Boyd and Hamner, 1992); bias crimes (Murray, 1992).

The book aims to explore all contemporary forms of violence and hate directed at disabled people in 'advanced' societies. We do not argue that violence and abuse against disabled people is new; indeed there is much evidence of the historic violence against disabled people. One key factor in the shift to community-based social care was the outrage expressed over the severe and sustained abuse against disabled people in Ely, Farleigh and Normansfield hospitals. The twentieth century, of course, witnessed an attempt to exterminate those deemed to be *unnütze esser* or 'useless eaters' by the Third Reich. Together these are poignant reminders that deep-seated hatred of difference sits beneath the veneer of some aspects of civilisation. Economic crises seem in part to exacerbate these destructive binary viewpoints of useful and useless.

Current media discourses are making plain that people who would hitherto have comfortably been counted as disabled are now being highlighted as faux disabled or simply a drain on UK PLC (Garthwaite, 2011).

Hate crimes are diverse. The continued evidence of institutional violence in the recent Winterbourne View and related cases requires that such violence be accounted for despite the large-scale decarceration of many disabled people. Most of the hate and violence that is explored in this collection is, however, perpetrated in 'high street', local estates and domestic contexts. Although a small amount of evidence exists around disablist hate in the workplace, the evidence base is not sufficient to underpin a robust offering in this area currently. The evidence focuses on adult abuse and the book makes no claims as to offering evidence in abuse in childhood, although some evidence points to lifelong abuse for some disabled people.

The need to examine crimes of violence against disabled people is in part due to their neglect criminologically. As a field of study, criminology aims to examine constructions of crime and to provide a critical assessment of society's responses to crime. Disablist crimes have remained largely on the periphery of criminological inquiry. Where they have been considered, it has been in the wider context of 'crimes of the home', where some academics have begun to explore abuses occurring against vulnerable groups, including older people, children and, sometimes, disabled people. This has tended to be within an institution or care home setting. Typically this research has found a natural home within social care scholarship. What this has meant is that criminal justice responses to disablist crime have not been subject to critical examination until recently. While this collection does indeed examine crimes within 'private' settings, it also seeks to widen the boundary to 'public' settings and to look at the potential for criminal justice solutions and the need for change. It is hoped that this provides a more holistic approach to dealing with disablist crime which encompasses social care, criminal justice, health and social policy solutions.

Hate crime scholarship is one area where disablist crime has recently become more of a focus. Emerging as a response to the racist murder of Stephen Lawrence in 1993, the British Government sought to create legislation which would punish crime demonstrating racist hostility more harshly. This has since been expanded to include religion, sexual orientation and disability. The statutes were accompanied by a raft of policy designed to change policing practice and to encourage community cohesion and reporting of hate crimes generally. Since this development, academics have begun to examine hate crime more closely. Some of this research has taken the form of a critical assessment of the merits of punishing hate and a close inspection of the policy reforms. Others have been prompted to look at victims of hate crime and the harm caused to them by prejudicial and bigoted violence and harassment. Much of this research focused on racist crimes and it is only recently that disablist hate has featured in scholarly hate crime texts.

The reason for this omission could in part be due to the history of tensions between police and minority ethnic communities which sparked the emergence

of hate crime legislation in the first place. Previous research into racist violence provided a backdrop from which scholars could make connections with new policy developments. However, academics who have looked at disablist hate have noted that it might have unique – or at least different – nuances when compared with other forms. The victim and perpetrator might have a personal relationship; the victim might have difficulty accessing the police; the perpetrator might perceive the victim as ‘vulnerable’ rather than being motivated by hostility. Furthermore, it is only in recent years that the larger charities have begun to examine disablist hate crime. Disability campaign organisations Mencap, Mind and Scope have all now carried out surveys and interviews with victims in an attempt to understand and highlight victim experiences. This collection is therefore a timely pursuit because disablist hate crime is now an area of academic, campaign and government interest. Yet our understanding of it is only in its infancy. A focus on disability and hate crime forces an examination of the construction of the category of hate crime; it challenges assumptions about the nature of violence and our responses to it.

The book also makes a contribution to victimology and theoretical understandings about the nature of victims (Williams, 1999; Williams and Goodman-Chong, 2009). The status of crime victims has changed significantly over the last fifty years, with governments initiating a raft of measures to give victims increasing rights to justice. A growth of victimology texts has documented the development of victim support services, campaign movements and high profile cases which have led to this shift in focus. There is also now a wealth of studies into specific forms of victimhood, including domestic violence victims, children and minority ethnic groups. Disability remains somewhat on the margins of victimology studies and few have looked at the position of disabled people within the wider discourse of victims’ rights. As such this collection should be viewed as a critical victimology study in itself by seeking to examine the specific needs of disabled victims of hate and violence and to challenge essentialist understandings of disability. It seeks to understand the ‘lived reality’ of victimhood by including the words of campaigners and activists and recognising the importance of a recognition of the rights of disabled victims and the responsibility of the state to provide these.

### **The book’s structure explained**

This edited collection is constituted of two parts: the first part conceptualises disablist hate crime, while the second part explores the experience, impact and responses to disablist hate crime. Chapter 1 of **Part 1** is provided by Mason-Bish, who provides an overview of issues that relate to disablist hate crime – its form, significance and its social costs. Drawing on her own research, Mason-Bish highlights the reality that disablist hate crime appears last on the list for policy and criminal justice practitioner attention. She highlights the continued challenges if disablist hate crime is to get up to

speed in the second decade of the twenty-first century. Chapter 2 by Roulstone and Sadique explores the jurisprudential limits of current hate crime constructions of disablist hate crime provision. They unpack discourses of vulnerability and hostility and highlight the urgent need to challenge both terms if disablist hate crime policy and practice are to mirror realities of disablist hate crime in wider society.

Chapter 3 by Perry offers a thoughtful reflection on the nature of prejudice and hate. This chapter uses insights from Galtung's typology of violence to critically examine 'disability hate crime' as a description and prescription for violence against disabled people. In so doing it asks for a broader reappraisal of the harms against disabled people more generally. Chapter 4 by Hollomotz explores the nature and responses to sexual violence and abuse against people with learning difficulties. Like Perry, Hollomotz argues that these institutional violences need to be read in the context of a broader loss of liberties, and abuse experienced by people with learning difficulties. Chapter 5 by Quarmby is a detailed content analyses of press coverage of disablist hate crimes. The chapter analyses how the media has reported disability hate crime and other targeted violence in the past. It also investigates whether media reporting has changed since 2007, and asks what effect the emergence of new forms of media is having on images of disability generally and disability hate crime in particular. Quarmby acknowledges that the media can be progressive, but that they currently are a part of the problem of unregulated negative portrayal of disability which may add to hate acts. Chapter 6 by the US writer Sherry provides a comparative appraisal of hate crime constructions and recording. His appraisal notes that hate crime has been recorded for much longer in the USA, but that both the USA and UK still have a long way to go in accurately comprehend disablist hate crime.

**Part 2** explores responses to disablist hate crime. Part 2 of the book begins with Chapter 7, another US focused approach which explores the day-to-day realities and weaknesses of response to disablist hate crime. Levin explores parallels and differences in response to other hate crime streams such as race and religious hate crime. He argues that manifestations and responses to disablist hate crime are very different, whilst disablist hate crime gets little relative attention in the criminal justice system, despite good evidential systems. Chapter 8 by Thiara and Hague offers insights from three empirical studies conducted into domestic and gendered violence against disabled women. The chapter provides a very stark picture of the current threadbare infrastructure of support for disabled women and the notable lack of women's aid and refuge for disabled women who experience domestic hate crime. Chapter 9 is an exploration of Novis's important work with the Metropolitan Police's Independent Advisory Group (IAG) in responding to disablist hate crime. Novis, a disabled person who has faced repeated hate crime, relates her experiences of setting up and working with the IAG. Despite good work, she argues there is still a very long road to travel if disabled people are to be taken seriously in the reporting of, and in the criminal justice response to, disablist

hate crime. Chapter 10 is also presented by a disabled person who has experienced disablist hate crime. Brookes explores the background to and development of the Disability Hate Crime Network (DHCN) in responding to disablist hate crime. He relates how the network aims to highlight good and poor practice and aims to hold the police, CPS and policymakers to account for decisions on sentencing. The network has had a key role in taking forward developments in hate crime policy.

Chapter 11 by Thomas explores the contentious notion of 'mate crime'. Mate crime is an as yet under-recognised phenomenon where non-disabled people deliberately befriend and often groom a disabled person in order to exploit them. Although the notion of mate crime divides critical opinion there are now a number of key cases in where disabled people have been serially abused via this method of grooming and pretence. Chapter 13 brings together notions of civil courage and critical theatre as tools for better responses to disablist hate crime. Brandon and Keyes, working with the disabled theatre company The Lawnmowers, explore the use of civil courage (and Good Samaritan principles) and their value in reducing hate crime. The innovative use of theatre to spread messages about and reduce crime make this a very novel addition to the field. Chapter 12 is provided by Balderston, who explores what works in reducing disablist hate crime. Drawing on gender, deaf studies and notions of intersectionality, Balderston makes plain the importance of victim support, which in turn requires a longer-term change in attitude to difference and tolerance if deeper held views and violence are to be confronted.

## References

- Berk, R. A., Boyd, E. A and Hamner, K. M (1992) 'Thinking more clearly about Hate Motivated Crimes'. In Herek, G. M and Berrill, K. T. *Hate Crimes*. London: Sage.
- Burleigh, M (1994) *Death and Deliverance: Euthanasia in Germany 1900–1945*. Cambridge, England: Cambridge University Press.
- Dunbar, E (2006) 'Race, Gender, and Sexual Orientation in Hate Crime Victimization: Identity Politics or Identity Risk?'. *Violence and Victims* 21 (3) pp. 321–27.
- EHRC (2010) 'Tackling the Challenge of Targeted Harassment'. London: EHRC. Available at: <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/tackling-the-challenge-of-targeted-harassment/>.
- Garthwaite, K (2011) 'The language of shirkers and scroungers? Talking about illness, disability and coalition welfare reform'. *Disability and Society*, Volume 26, Issue 3, 2011, pp. 369–372.
- Herek, G. M., Gillis, J. R and Cogan, J. C (1999) 'Psychological Sequelae of Hate Crime Victimization Among Lesbian, Gay, and Bisexual Adults'. *Journal of Consulting and Clinical Psychology* 67 (6) pp. 945–51.
- Iganski, P (1999) 'Why Make Hate a Crime'. *Critical Social Policy* 19 (3) pp. 386–95.
- Langer, L. L (1994) *Remembering Survival in Holocaust remembrance: the shapes of memory*. Cambridge: Blackwell.



- Murray, J. G (1992) 'Bias Crimes: What do Haters Deserve?' *Criminal Justice Ethics*. 11 (2) pp. 20–23.
- Williams, B. (1999) *Working with Victims of Crime: Policies, Politics and Practice*. London: Jessica Kingsley.
- Williams, B and Goodman-Chong, H (2009) *Victims and Victimisation: A Reader*. Maidenhead: Open University Press.