

Disability Hate Crime: A Crisis of Justice

Respond is a charity which provides support to people with learning disabilities who have experienced abuse and trauma. In September I joined the organisation as its Policy & Campaigns Officer, with a dual mission to campaign against forced marriage and disability hate crime.

Just days after I started, the damning verdict of the inquest into the deaths of Fiona Pilkington and her disabled daughter Frankie was delivered, causing a national scandal. The Guardian dubbed it a 'Stephen Lawrence moment for disability hate crime' and Respond was contacted by journalists and two documentary makers keen to make television programmes on the issue.

The sense of urgency was palpable and a few weeks later I received an invitation to speak at a 'Westminster Briefing' entitled: 'Overcoming a crisis of justice: Ensuring prevention and protection from disability hate crime'. Having never been to a 'Westminster Briefing', I'd imagined a large audience of MPs, civil servants, Councillors, police chiefs and policy-makers. So it was something of an anti-climax to find myself in a small meeting room just off Trafalgar Square, addressing 35 delegates, mostly from other disability organisations and services. The Briefing had, it turned out, not been organised by anyone within Parliament, but by a private company.

The absence of politicians and law enforcers was disappointing, given the calibre and expertise of the Speakers: e.g. Mark Goldring, Chief Executive of MENCAP, and Katherine Quarmby, author of 'Getting Away with Murder' (SCOPE's comprehensive report into disability hate crime). I'm not sure if any of the other Speakers shared my frustration but we were all passionate about disability hate crime and determined to make the best of it. The speeches were certainly heartfelt, instructive and thought provoking. However, as the Briefing was held under the 'Chatham House Rule' (which places restrictions on reporting) I can only report what was said in this article, not by whom.

Several Speakers (including myself) mentioned 'Mate Crime' - a great phrase (apparently coined by the ARC Safety Net Project www.arcuk.org.uk/safetynet) to describe the abuse of people with learning disabilities by people who pose as their friends. This is where disability hate crime differs from other hate crimes. It's often more intimate in nature with perpetrators known to their victims, whereas many homophobic, religious and racially motivated hate crimes are committed by strangers.

Mate crime is extremely common. I know one learning disabled guy - let's call him Peter - whose 'friends' would literally queue outside his flat on a daily basis. Peter enjoyed the attention he got from 'splashing his cash' around and wasn't able to recognise it as exploitation. So it took the direct intervention of staff to get it stopped - which underlines just how much people need our support.

People with learning disabilities often form inappropriate and unhealthy relationships. This can be frustrating and hard to understand. However, we

should be wary of falling into the trap of judging people with learning disabilities by our own standards. Instead, we need to emphasise the context in which this happens. The fact is that people with learning disabilities are socially isolated and, in many cases, extremely lonely. They may also lack the cognitive ability to distinguish people who genuinely care about them from those who do not. Loneliness and low self-esteem can lead to people grasping whatever crumbs of companionship are on offer. The mindset being: 'better to have horrible friends than no friends at all'.

It should also be born in mind that Peter's case above was a relatively mild example of mate crime. Over the last few years a number of people with learning disabilities have been tortured and murdered by people they considered friends. Two were murdered by people they called their 'carers'. Cases like these are often marked by a gradual escalation - with perpetrators committing increasingly violent acts – sometimes egged on by others. This is why it's crucial to act early.

At single issue conferences there's sometimes a tendency for Speakers to cover the same ground. I was keen to avoid this, so when preparing my own speech on disability hate crime I'd tried to think of a less familiar angle. I'd struggled at first, but then my thoughts turned to the two filmmakers who'd contacted Respond after the Fiona Pilkington inquest. They were looking for victims with learning disabilities who were willing to speak on camera, and confident I could find some, I'd agreed to help. However, after a month of frantic ringing around, I'd been met with a deafening silence. I found this surprising - given the prevalence of hate crime, and the eagerness of many people with learning disabilities to appear on telly. Why was this, I wondered? The more I thought about it, the more it bothered me – so I decided to ask several colleagues at Respond and other organisations for their opinions.

The conclusions we reached were no less damning than the verdict delivered by the Pilkington inquest and I included them in my speech:

- People with learning disabilities have become so accustomed to hate crime (e.g. verbal abuse) that they are failing to recognise it themselves
- The status of people with learning disabilities is so low that people with a learning disability can't bring themselves to acknowledge that they have one
- Their experiences and memories are too painful to talk about
- They feel ashamed, and are reluctant to see themselves as weak or victims
- Being filmed would be too exposing, they don't want to advertise themselves as being vulnerable

I went on to describe the mistreatment that people receive at the hands of the criminal justice system, which I argued was abuse in itself. Many people with learning disabilities have a deep mistrust of the legal process, and for good reason:

- At the police station they are not believed or considered credible
- If they actually get to court they will struggle to understand the process and much of the language used
- In the witness box they may be cross examined by hostile barristers who will do their best to confuse them, make an issue of their learning disability, and question their credibility
- Judges, juries and barristers often have a prejudiced and distorted view of people with learning disabilities
- Sentences are too low

There are of course many fantastic police officers out there, working hard to serve the community, but reality is that many police officers – especially those on the front desk at police stations – do not treat people with learning disabilities in the same way they treat other victims of crime. Many in fact seem to regard them as an entirely separate category of (sub)human being. To illustrate this I related an anonymous case history, provided by a colleague from another learning disability organisation:

A young woman with a learning disability had been threatened with a gun, to force her to engage in prostitution (the latest in a long history of such incidents). She was supported by a member of staff to report this crime to the local police. The nature of the woman's learning disability meant that she needs support to be able to give a coherent statement, but the position of the police was that this was not permissible as the staff member would be seen as 'interfering' with the interview process. They were sympathetic but adamant there was nothing they could do. The irony is that had this woman been *accused* of a crime, the police would have been obliged to have an 'appropriate adult' present during an interview. Now where's the sense in that?

I should point out here that a high ranking government official who was present at the Briefing was appalled by this case, and assured us that the actions of the police officers in this case were completely inappropriate. This was echoed by a police officer I spoke to later that day who advised me that staff need to challenge such behaviour and, if necessary, make a formal complaint. Nevertheless, for those of us who work with people with learning disabilities these stories are far too common. Clearly institutional disablism is rife, and the police need to tackle this in the same way that institutional racism was confronted in the wake of the Stephen Lawrence enquiry.

Little has been done however, and, as far as I'm aware, the police have yet to acknowledge that institutional disablism exists - especially in relation to people with learning disabilities. Partly I suspect because people with learning disabilities are far less vocal and able to mobilise in the way that other minority groups are.

Most worryingly of all there's a pervasive and pernicious attitude within the criminal justice system, that vulnerability invites abuse. To put it bluntly, that disabled people are 'asking for it'. This takes the focus away from offenders and places it on the victim: "move house", people are advised, "stay indoors", or "walk a different route" – resulting in a significantly diminished quality of life for people who already face considerable disadvantage. The SCOPE Report 'Getting Away with Murder' makes this point eloquently: "The view that crimes against disabled people are inevitable has striking parallels with crimes against women. Both groups are given the message that they are innately vulnerable and that they should modify what they do and where they go in order to protect themselves. ... It is not women or disabled people who should have their freedom of movement or association restricted, it is those that wish them harm".

The 'Crisis of Justice' under debate at the Briefing was illustrated perhaps most clearly by one Speaker who compared the cases of Philip Laing and Anthony Anderson. Laing had urinated on a war memorial, Anderson on a person – a dying disabled woman (his neighbour). Both men were charged with the same offence: 'Outraging Public Decency'. Shockingly, this was the most serious charge the police and CPS had been able to bring against Anderson. He was subsequently sentenced to 3 years imprisonment. But no charges were brought against two accomplices who'd filmed the incident on a mobile phone - they got off scot free.

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