

Media reporting and disability hate crime

Katharine Quarmby

Introduction

The criminologist, Professor Robert Reiner, puts it well: “The mass media are saturated with news and fiction stories graphically portraying the violence and anguish suffered by those experiencing crime.” He explains that crime stories have “long been sources of popular spectacle and entertainment, even before the rise of the mass media” but that in recent years, with the rise of “infotainment” and the police turning to the media to assist their investigations, the “media and criminal justice systems are penetrating each other increasingly” (Reiner, 2007). Reiner’s theory has been backed up and confirmed, of course, by recent events in Britain where it has become clear how closely one tabloid newspaper, particularly the News of the World (and its owner, News International), was linked to the Metropolitan Police (BBC, 2011)

This media saturation theory holds very true of crime stories involving disabled people, which are often reported extensively, in the tabloid and broadsheet press, radio and TV, particularly when they involve sexual overtones, torture or, as is too often the case, culminate in murder. The role of the media in highlighting crimes, and sometimes challenging the criminal justice system’s response to them, is also generally accepted as being potentially powerful. One particularly powerful example is that of the observational documentaries made by Roger Graef, documenting police officers from the Thames Valley force, in his words, “aggressively interviewing” an alleged rape victim (Graef, 2008). The resulting press furore about the documentary series kick-started a process of reform within the police service, which has, as a result, overhauled the treatment of women alleging sexual assaults and rape (Gregory and Lees, 1999).

Another example is the growing disquiet of the media, albeit over an extended time period, about the botched investigation by the Metropolitan police, into the alleged murder of Stephen Lawrence in 1993 – one that I, and others, would argue was the first crime to be identified in the public eye as a hate crime in the UK (Iganski, 2008).

It is also likely that the media’s role in highlighting social injustice could become even more powerful, as social networking has created new forms of journalism, including both “citizen journalism” and “blogging”, accessible to all, including the victims or friends of victims. However, despite the increasing influence of the Internet and such social networks that can give victims

unmediated access to public opinion, it is important to state that older forms of media, in particular print (tabloids and the middle market newspaper-I would avoid naming a particular paper for legal reasons), TV and radio remain extremely powerful. They both shape public opinion and can put pressure on those in positions of power to bring about reform.

The Influence of the Media

Theories about the influence of the media on audiences have developed over the last ninety years. The first such theory, known as the Hypodermic Needle or Magic Bullet Theory, suggests that the media can directly, and powerfully, influence the general public. It was developed after academics studied the influence of propaganda during World War 1 (and after others studied the effect of a broadcast by Orson Welles, of HG Wells' classic text, the War of the Worlds). It suggests that a media message is effectively injected into the brain of a largely passive audience, whose members all behave in the same way. Although the theory has been discredited by subsequent academic research, it remains popular in the media itself, where commentators often directly link the effect of violent video games to heightened levels of aggression in children (Berger, 1995)

Paul F. Lazarsfeld's book, *The People's Choice*, was published soon after, about the 1940 presidential election, in which he argued that peer group influence was more powerful than that of the media. He argued that so-called "opinion leaders" were aware of the mass media, and then interpreted it to others, and called this observation The Two Step Flow Theory (Lazarsfeld, Berelson and Gaudet, 1944). Perhaps a more helpful interpretation in understanding the role of the media on disability hate crime is the 'Agenda Setting Function Theory'. The theory was developed by Maxwell McCombs and Donald Shaw, from their observations of voters in North Carolina in the 1968 presidential campaign, and asserted that based on their study the media was able to set an agenda, but cannot dictate how or what they think about that agenda – i.e. what they do with the information they are given by the media (McCombs and Shaw, 1972).

No one theory, of course, can explain how society (particularly British, rather than American society, where most studies have been carried out), interprets what the media itself decides is important. All of the theories above hold sway to some extent. However, they interact with cultural and historical archetypes of disability which are also extremely influential- they can be mirrored in what journalists write. So how has the power of the media worked in the field of disability hate crime thus far? I argue in this chapter that although it is a potentially powerful tool which could be used to set a new and more positive agenda to reframe disability and bring about positive change, it is also one

that has, until recently, remained largely unharnessed. Indeed, I also argue that the media can also create new “harms”, by creating new, pernicious stereotypes of disabled people that make them more likely, rather than less, to experience more crime. But pressure has been exerted to some extent; the criminal justice system, in particular, has started to respond to media and activist pressure to reform its response to disability hate crime.

Aims

In this chapter I analyse how the media has reported disability hate crime and other targeted violence in the past. I also investigate whether media reporting has changed since 2007, and I ask what effect the emergence of new forms of media is having on images of disability generally and disability hate crime in particular. I also deconstruct some of the most enduring images of disabled people in the media, and ask whether those stereotypes are impairing our ability to challenge disability hate crime.

In order to illustrate my points I carried out a number of content analyses of the British media, on key occasions over the last few years, to examine how particular stories involving disabled people were treated, and whether reporting has changed since disability hate crime has been more widely understood in the media. I looked at a wide range of stories from the broadsheet, tabloid, local and online press.

I conclude that media reporting of disability hate crimes is changing, albeit slowly, but that reporting of disability in other fields (particularly around disability benefits) is creating new, negative stereotypes of disabled people (Garthwaite, 2011) which in turn, I argue, creates new opportunities for hate crimes to occur. I also conclude that the Internet, whilst being a potential force for good, is also being used by some unscrupulous individuals to perpetuate damaging stereotypes of disabled people and, in many cases to mock, or even torture them for pleasure and broadcast the results, with virtual impunity

History

I was the first British journalist to investigate the social problem of disability hate crime. I started my investigations in the summer of 2007, when I looked at the case of a young man with epilepsy, Kevin Davies, who was tortured and kept in a shed until he died. His assailants escaped murder charges, were charged with lesser offences and are now out of prison. That crime, like so many others I have identified, was never investigated, prosecuted or sentenced as a hate crime. The first article I wrote about this subject, identifying the similarities between the violent deaths of five men with learning difficulties was headlined: “If these are not hate crimes, what are? (Quarmby,

2007) Since covering Kevin's case and those four others, I have written around thirty articles on this subject. In 2008 I wrote the first pan-disability report on disability hate crime, *Getting Away with Murder*, for the UK's Disabled People's Council (UKDPC), *Disability Now* magazine and Scope. In 2011 my book, *Scapegoat: why we are failing disabled people?*, was published. It offers a critical analysis of the history of violence against disabled people, including recent cases and reaction to them in the press. In the book I also look at how pernicious images of disabled people, including the scapegoat, the sinner, the freak, the victim, and, more recently, the scrounger, are disseminated by the media and, as a result, remain extremely powerful (Quarmby, 2011).

When I first started investigating such crimes, they were never described as disability hate crimes – it was an invisible concept in the media, despite its existence in criminal law. I had to start from scratch and search under other words, which were concealing disability hate crimes from general view. These included “bullying” for people with learning difficulties”, “vulnerable” for almost all disabled people, and “motiveless” for almost all crimes against them.

As I wrote in the report, *Getting Away with Murder*, I identified a striking pattern in how newspapers report crimes against disabled people – and in how police, prosecutors and the judiciary choose to describe such crimes in press releases, in court and directly to journalists in interviews.

The judge presiding in the case of hate crime victim Barrie-John Horrell, who was killed in July 2006, dubbed him “vulnerable and defenceless” (BBC, 2006). Mr Horrell was abducted from his house by people he considered to be friends, hit with a brick, robbed, falsely called a paedophile and strangled, a crime the judge called “senseless”. Detective Inspector Geoff Brookes, who investigated the torture and death of Kevin Davies in September 2006, said that only the guilty trio could say “exactly what motivated them”, (BBC, 2007) with the judge dubbing Kevin “vulnerable, gullible and naïve”. The judges sentencing those responsible for the murder of Rikki Judkins (Lancaster Guardian, 2007) and the manslaughter of Raymond Atherton, also called both men “vulnerable”. This pattern held true for almost all other crimes against disabled people I identified in that report, and in *Disability Now's* Hate Crime Dossier, which was published some months earlier (Quarmby, 2008a).

I also looked at language, such as “bullying”, which is often used to describe attacks on people with learning difficulties. I wrote in *Getting Away with Murder*: “This is then reflected in media reporting, where reporters will often describe people with learning difficulties as “having the mental age of a child” (Quarmby, 2008b). Such language encourages the infantilisation of disabled victims of crime within the criminal justice system and masks the gravity of

their experiences. It can lead to front-line police officers, faced with a victim saying that they are being 'bullied', failing to take a crime seriously and then record or investigate it appropriately (ibid)." Unfortunately little has changed – the language used to describe disabled people, and what happens to them, remains limited and stereotyped.

To illustrate and test the assertions I have made above in greater depth, I carried out a content analysis of news stories in the mainstream media about the case of Brent Martin, a young man from Sunderland with learning difficulties, who was robbed, beaten, chased and eventually kicked to death in 2007 by three people who he considered to be his (new) friends. I chose this case because it was a very clear example of a disability hate crime, in my view, but was not viewed as such, by police, prosecutors or the judiciary. For example, the senior investigating officer in that case, Barbara Franklin, referred to local children 'bullying' disabled people. Brent Martin had, in fact, been a victim of a sustained, sadistic attack – the full extent of which could never be adequately conveyed by the school-yard term 'bullying' (Quarmby, 2008b).

I examined newspaper reporting of the murder trial, between the dates of conviction and sentence, to look at what language was used to describe Brent, what happened to him, his attackers, and how the murder was described in the press. I accessed newspaper articles from the *Telegraph* (1 March 2008) the *Sun* (1 March 2008), the *Mirror* (23rd January 2008), the local press, *Journal Live* (23rd January 2008), the *Express* (29 February 2008), the *Sun* (22 January 2008), BBC Online, (22 January 2008) and the *Times* (March 1st, 2008). In Journallive, Brent was described as "suffering" from his disability and as being a "trusting disabled man". The murder was described as "sickening". The *Express* described Brent as a "vulnerable disabled man"; the *Sun* newspaper also described him as "vulnerable" and "defenceless" and the crime as "brutal". BBC Online (2008) also described Brent as "vulnerable". *The Times* described Brent as "suffering" from his impairment and the *Telegraph* also described him, in the words of the judge, as "an extremely vulnerable victim".

This content analysis clearly supports my conclusions in *Getting Away with Murder* and *Scapegoat*: that using euphemisms to describe harassment and assault as 'bullying' [did this term get used in the papers listed above?], rape and torture as 'abuse', or victims as 'vulnerable' results in crimes against disabled people being seen as fundamentally different to those experienced by non-disabled people. These crimes are not, despite newspaper reports and handwringing by police and prosecutors, "motiveless" acts carried out on "vulnerable" people who should be tucked away at home or in institutions – but they are, far too often, described as such. Indeed, as I argued at the time

“The fact that so few disability hate crimes are named as such in court means that the true motive behind these crimes is not acknowledged. Those who commit such crimes are not challenged in their offending behaviour, unlike those committing racially motivated offences or domestic violence, who can be compelled to attend courses that address their hostility. As a result, society is unaware of the scale of the problem of disability hate crime – fuelling the common belief that the crime does not exist” (Quarmby, 2008b).

I contend, instead, that identifying potential hate crimes as such, and calling them hate crimes, as well as describing crimes, where appropriate, as “targeted”, would be more helpful. The term “vulnerable” should be used more sparingly and appropriately but not as a synonymous term for disability.

Other crimes of targeted violence are also regularly described, instead, as anti-social behaviour (ASB) or safeguarding issues by police, prosecutors and local authorities. One of the most notorious cases where disability hate crime was, in my view, wrongly categorised as ASB was that of Fiona Pilkington and her children, who were targeted by neighbours for eleven years in Barwell, just outside Leicester. Indeed, the Independent Police Complaints Commission report into the case establishes that neither hate crime nor anti-social behaviour co-ordinators were called on by Leicestershire Police (IPCC, 2011).

To illustrate this point, I carried out a further content analysis of the mainstream media at the time of the verdict reached by the inquest into the death of Fiona Pilkington and her daughter, Frankie Hardwick. I looked at the media coverage in the *Independent*, (29 September 2009), BBC Online on the same date, the *Mirror* (28 and 29 September 2009), the *Times* (29 September 2009), the *Express* on the same date, the *Guardian* (28 September 2009) and the *Daily Mail* (29 September 2009). I wanted to analyse whether media reporting had taken on the notion of “disability hate crime” since I first used it, two summers earlier.

All the newspapers expressed their horror at the story, with extensive coverage and, in a number of cases, comment articles as well as news reporting. The *Daily Mail* led with the Home Secretary’s attack on anti-social behaviour, which he linked with the case. The newspaper also named a family that is said to have been behind the “torment”, describing the youths who harassed her as “cretinous” (Greenhill and Clarke, 2009). The newspaper also said that Frankie had a “mental age” of just four. Its comment piece opined that the story illustrated a “tragic lesson in official neglect (Daily Mail, 2009)”. The *Independent* took a different line. It included comments from disability charities which (rightly) called the case a disability hate crime and included a comment piece from Alice Maynard, chair of the disability charity, Scope, on

the issue, as well as profiling the family said to be behind the problems and the apology of the police chief in the area. In its comment piece, it referred to comments by some that the tragedy should have been treated as a hate crime, but concluded that the affair illustrated the “inadequate competence of public servants charged with upholding the rule of law and protecting the vulnerable (Independent, 2009).” BBC Online also covered comments from charities about the tragedy being a hate crime, as well as the issue of anti-social behaviour. The *Mirror* said that the police had not picked up on the “vulnerability” of the family and stressed the anti-social nature of the “abuse” the family had endured. One of its headlines ran: “Backlash over bullied family deaths” (BBC, 2009). The *Times* also covered the story and called the gang responsible “thuggish”, also referring to the apology of the police chief for not responding better to “low-level anti-social behaviour” (Times, 2009). The *Express* blamed the deaths on Britain’s “job culture” and ran a “have your say” special, asking “Are jobs on Britain’s streets out of control?” (which produced no less than six pages of reader comments) (Express, 2009). The *Guardian* reported the case extensively, asking whether it was a “Stephen Lawrence moment for disability hate crime” in its headline, but also reporting in the threat of anti-social behaviour (Guardian, 2009). Lastly, the *Telegraph*, which also covered the case in detail, concentrating on whether it was anti-social behaviour and also running a “have your say” section on the matter, ran a comment piece, claiming that the case should not be captured by hate crime activists, but should be seen as a plea for “equal respect”, not special treatment. (Telegraph, 2009).

This relates to a wider issue, which is that public discourse on disability remains very restricted. There is a paucity of work analysing representations of disabled people in the media but what there is suggests that disabled people are represented in a number of ways, all of which are stereotypical and most of which are negative (Cumberbatch and Negrine, 1992). This is particularly true in the few cases where persons with a disability appear in media. The Canadian Association of Broadcasters report found that disabled “individuals are viewed as the objects of pity and depicted as having the same attributes and characteristics no matter what the disability may be (CAB, 2005).” Similarly, the website *Media and Disability*, a partnership organisation advocating for broader representation of people with disabilities, points out that “disabled people, when they feature at all, continue to be all too often portrayed as either remarkable and heroic, or dependent victims (Media and Disability, 2007) .”

Not only are disabled people routinely stereotyped but the full range of disabilities is not reflected in media portrayals. Lynne Roper of Stirling Media Research Institute, in her article “Disability in Media,” notes that “wheelchairs tend to predominate... since they are an iconic sign of disability. Most actors

playing disabled characters are, however, not disabled. The wheelchair allows the character to be obviously disabled, whilst still looking 'normal', and does not therefore present any major challenges for audience identification (Roper, 2006)." This, of course, means that when a victim of hate crime has an impairment which the media is not so well aware of (such as autism, or a learning difficulty), journalists find it hard to see that they, too, could be targeted for their impairment.

To test whether these images were represented in media reporting in the UK, I conducted another content analysis of newspapers on and around June 28th, 2010, when the Chancellor of the Exchequer, George Osborne, announced a crackdown on incapacity benefit fraud (an out-of-work benefit paid to many disabled people based on a medical assessment of eligibility).

I looked at coverage of the so-called crackdown in the *Independent* (28th June 2010), the *Telegraph* (26th June 2010 and 28th June 2010), the *Guardian* (28th June 2010), the *Mirror* (28th June 2010), BBC Online (28th June 2010) and the *Daily Mail* (28th June 2010). I found that two images were particularly prevalent: that of the "villain" – the disabled person who didn't deserve state help and was falsely claiming it and the second was of the disabled person as "victim", unable to speak for themselves and wholly dependent on public alms.

The *Daily Mail*, for instance, made much of the fact that many people on Incapacity Benefit were receiving it for being obese or having headaches. "Following an admission by the last government that one million of the 2.6million claiming incapacity benefit were actually fit to work, Mr Osborne. said the issue could no longer be 'ducked' (Daily Mail, 2010)."

The newspaper illustrated its coverage with an image of one Martin Crowson, handling an alligator, whilst claiming he was too sick to walk more than 50 yards (a story that was judiciously recycled from five years earlier, when the Daily Mail first ran it) (Daily Mail, *ibid*). Other headlines in that day's coverage included: "New figures reveal payouts of £1.8bn for stress and depression", "1,000 claimants got £5m for being 'too fat' to work" and "£10m went to those incapacitated by headaches".

The *Daily Telegraph* also covered the issue in some detail, reporting Mr Osborne saying that incapacity benefit could no longer be "ducked" and reported on the drive to test 10,000 claimants a week "to determine exactly how many genuinely need state help." It also reported the data that claimed that 1.8bn was paid to those suffering from "depression, anxiety and stress" (Telegraph, 2010). Its leader described the initiative as the start of a "welfare revolution" in a headline and praised the astuteness of the Chancellor, in tackling "the most politically sensitive" welfare cut (i.e. incapacity benefit) first

of all (Telegraph, *ibid*). The *Guardian* covered the issue in detail, explaining the history behind the initiative (New Labour had also tried to cut the incapacity benefit bill). Its headline read: “Welfare crackdown begins with drive to reduce incapacity benefit claims². (Guardian, 2010). The *Mirror* described the plans in a short article as “another attack on benefit claimants...The Chancellor said he would use the summer to work out cuts to incapacity benefit and other welfare payments...The latest focus will be on 2.6million incapacity benefit claimants (Mirror, 2010).” BBC Online reported Mr Osborne as saying: “We have got to...make sure it [benefit] protects those with disabilities and protects those who can’t work but also encourages those who can work into work” and reported what the opposition was saying in equal detail (BBC, 2010a). Taken as a whole, it is important to note that the excoriation of those receiving disability benefits has continued unabated, despite the fact that all of those facing re-assessment were once assessed as eligible for the benefit – and that the National Audit Office has also admitted that it had previously over-estimated claims of disability benefit fraud. National Audit Office (2009)

Coalition politicians have made much of people falsely claiming disability benefits. This had two effects. Last August, shortly after the crackdown was announced, two newspapers, the *Sun* and the *Express*, launched campaigns or wars on “scroungers”. The *Sun* newspaper declared “war on benefit scroungers”, saying: “They cannot be bothered to find a job or they claim to be sick when they are perfectly capable of work because they prefer to sit at home watching widescreen TVs - paid for by you (Sun, 2010). This was followed, a couple of weeks later, by the *Express* warning that “scroungers who play the benefits system to milk incapacity benefit” will be put back on the dole and forced out to work (Express, 2010). This is part of an increasing numbers of negative reports calling people on incapacity benefit and disability living allowance “benefit cheats”.

Such rhetoric fuels anxiety amongst disabled people and their families, but as of yet there is no definitive evidence that it has led to physical violence. However, the charity Mind, which supports people with mental health conditions, says that it has received “numerous calls” suggesting that such rhetoric is creating a witch-hunt against those dubbed by many in the media “scroungers and “cheats” (Corlett, 2010). This, in turn, Mind argued, in its submission to the Equality and Human Rights Commission inquiry into disability targeted harassment, is creating a “biased, unjust and misrepresented view of a group who are already vulnerable and marginalised in society. One person with a mental health condition told the charity: “Tabloids [...] are actively [...] encouraging people to shop the apparent easy-to-spot cheats directly to the paper. With mental illness, it is not that easy and this targeting feels unacceptable. I fear this will increase hate crime and

further alienate those with mental illness who are on benefits.” Another said, movingly, that life was now “barely tolerable” and added that they felt like an “object of hate and derision with no escape. I worked for as long as my body could stand it and I do not need someone with no comprehension of my daily life, telling me that I am a 'scrounger' and languishing on benefits”, adding that many with hidden disabilities now find themselves “the victims of an orchestrated hate campaign and what I can only describe as institutional bullying” (MIND, 2010).

But there was also a more direct reaction by the public to the launch of the ‘crackdown’ in June 2010. George Osborne called for members of the public to contribute their own ideas about how to save benefits money by contributing to the Spending Challenge pages on the Treasury website. The general atmosphere of hostility towards disabled people, created, at least in part, by media reporting and newspaper campaigns, then spilled over into downright hate language. The Spending Challenge website, which was not moderated, opened for business on or around July 9, 2010 (Treasury, 2011). It was soon displaying vicious comments about disabled people; a few weeks after the crackdown had been announced. One writer argued that all disabled people should be sterilised. Another said: “depression is not a disability, neither is stupidity.” Many suggested that disabled people got too many perks and were particularly exercised about disabled car parking spaces (Pring & Novis, 2010). Many others described disabled people as either “too lazy to work” or as “spongers”. Some were even more vicious (Pring, 2010). Another suggested, extraordinarily, that disabled people should be used as weapons of war. “Those who can work that upon rigorous medical examination turn out to be just thick or bone idle to undertake intensive (sic) course in employability, where they will learn to be punctual, meticulous, smartly dressed, articulate, and gain working attitude. Those who repeatedly fail the course to be deployed in Afghanistan as IED deterrents. (ibid)”. It says something about how seriously the government took such comments, that it took several days before the comments were removed. The website was finally suspended on July 15th, after the Equality and Human Rights Commission passed the comments to its legal enforcement team for “consideration” and after the Treasury had been criticised by many disability groups.

The influence and role of the Internet

When I was drawing up recommendations for my report, *Getting Away with Murder*, I talked to police officers and politicians about whether the law on incitement — particularly relating to whether inciting hatred using the Internet

— should be broadened to include crimes against disabled people. At that time I was unable to find evidence that the Internet was being used routinely to mock, taunt, bully or harass disabled children and adults — and to incite others to similar acts or to physical violence. So I didn't include a recommendation that the legislation be broadened, as there wasn't evidence that the law was needed.

This isn't true any more. Four years on, during the course of research for my book, *Scapegoat*, I came to the conclusion that there is increasing evidence that the Internet (and, to a lesser extent, television) is being used as a very modern freakshow where disabled people can be mocked, as well as being a place where disabled children are being bullied, and disabled people harassed with virtual impunity. As in the past, when disabled men and women were exploited for the amusement of society as freaks, they are being used, now, as unwilling stars in virtual reality shows — then transmitted to millions without any regulation. Disabled people who also use chat rooms, Facebook and other social networks are often targeted for the amusement of others.

In November 2010, I came across a website, based in the US on which anonymous users were encouraged to add to a so-called "torture thread" about disabled people. The webmaster asked for "stories how you maltreated, bullied or tortured your retarded friends, classmates, children." Contributors came back with accounts of theft, assaults, putting faeces in milk for a school-mate and throwing rocks at disabled people. Some contributors boasted of serially raping other classmates with learning difficulties. (I passed details onto the police about this site, which is being investigated, as is another site, which had encouraged attacks on deaf people).

In another case, a deaf woman, Jane Williams who is confined to her house, has reported a two year campaign of harassment conducted through a well-known social network. She was targeted by a fellow user. He created a website in her name, captured her account details, and started to spread rumours about her. Tim McSharry, head of disability at the charity, Access Committee for Leeds, that has supported her, says that although the perpetrator was convicted of harassment, he did not stop: "The perpetrator then took action to report Jane to the DWP for fraudulently claiming benefits" (of which she was completely cleared).

In another example, Index on Censorship, the charity, expressed its alarm and horror when three executives for the internet service provider, Google, were convicted in February 2010 of violation of privacy laws in Italy. The charity denounced the court's "flagrant disregard for free expression". The case had been brought by a disability charity, which claimed that Google was culpable for not gaining the consent of all parties in a video before it was

uploaded to Google Video. The video showed a young boy with autism being beaten, humiliated and insulted by a group of youths at school in Turin, Italy. The charity also claimed that Google had been slow to react when asked to remove the clip. The video was, briefly, rated as the funniest video in Google Italia, and was one of the most downloaded before it was removed (Mendez, 2010). In another recent case, communicated to the Disability Hate Crime Network's founder, Stephen Brookes, a young man with Aspergers was bullied so badly, first at school, then on the Internet by the same people, that he hanged himself. Police are investigating.

It is very difficult, though not impossible, to regulate Internet Service Providers (Index on Censorship, 2010). Google, YouTube (also owned by Google), Facebook and other sites have, just in the last two years, become major broadcasters and publishers — with unmoderated content being uploaded by the public every day — videos, audio, animations, and blogs. But they are almost completely unregulated — unlike terrestrial broadcasters and publishers. This lack of regulation allows broadcasts of attacks on disabled people without serious fear of prosecution.

Christine Lakinski a disabled women, for instance, was filmed as she was urinated on and covered with shaving foam. The man who filmed it yelled: "This is YouTube material!" He was arrested before the film could be uploaded. The phone has never been found. In another incident, in Melbourne, Australia, around the same time, a group of high school students assaulted a disabled girl, urinated on her, set her hair on fire, sexually assaulted her and then posted their exploits on YouTube (Militec, 2006). In another case, a group was created on Italian Facebook, suggesting that children with Down Syndrome should be used for target practice.

Online harassment is pernicious, can be long-lasting, and many police forces are still playing catch-up in their knowledge and training of how to tackle it. However, if the online evidence trail is preserved, it can be investigated and prosecuted. It has, in the past, been difficult to get Internet Service Providers and social networking sites to act, when abuse is alleged. This is partly because many are based in America, and UK court orders have to be dealt with there, causing delay. But it is far from impossible, and the CPS has recently published new guidance on harassment, including cyber-stalking (Crown Prosecution Service, 2010).

The role of regulation

Regulation of the media is key if we are to protect groups that are either (correctly) described as vulnerable, such as children or those who have traditionally been targeted for harassment, such as disabled people, minority

ethnic groups, gay people and certain religious groups. It is imperfect, but it helps, as the regulation of TV shows clearly. In 2010, on Channel 4's Big Brother's 'Big Mouth', ex-footballer and actor Vinnie Jones mocked presenter Davina McCall, saying that she walked like a "retard". Channel 4 was initially unrepentant, claiming that participants had the right to freedom of expression "without censure". However, after numerous complaints by disabled people and charities, the broadcaster eventually apologised, admitted its initial defensive stance was a mistake and cut the offending item from its recorded programme. Vinnie Jones also saw the error of his ways, with his spokesman saying: "On behalf of Vinnie Jones I'd like to apologise for any offense caused by comments made on Big Brother's Big Mouth on January 29th 2010. While the show was live and the conversation was unscripted and off the cuff, Vinnie in no way meant to upset anyone and fully appreciates the choice of word was inappropriate" (Quarmby 2010)

The complaints also went to the broadcasting regulator, Ofcom. It ruled against the first complaint by Nicky Clark, a mother of two disabled children and a promoter of disabled talent on-screen. Ofcom said that although the matter was "sensitive" the word was not aimed against people with a learning disability. But the matter didn't end there. Undeterred by the ruling, Louise Wallis, from a charity for people with learning difficulties, Respond, and a group of disabled people, demonstrated outside Ofcom's headquarters. Backed up with an energetic online campaign by Mencap, Ofcom eventually backtracked, and ruled against Channel 4.

But the situation in the mainstream media is better because of regulation. Broadcasters can, and are, censored, both by the regulator and the mainstream media. But this is not so on the Internet. The new *de facto* broadcasters and publishers are hiding behind the "right to free expression".

Positive progress

Despite so many setbacks, I am, on the whole, optimistic that there has been progress within the media to understand disability hate crime and to put pressure on institutions responding to it. Journalists have become much more au fait with the term and some have helped to expose the problem with a number of documentaries and articles. In January 2010 Simon Green's documentary, *Why do you hate me?*, about his life as a wheelchair user in Bridgend, Wales, showed in unflinching detail just how many insults he has to endure going about his everyday business (BBC, 2010b). Rosa Monckton's documentary, *Tormented Lives*, broadcast on BBC1 on October 19, 2010, looked at every day for people with learning difficulties and concluded that many lived under what amounted to siege conditions (BBC, 2010c).

As I argued at the beginning, social media/networks do allow for victims to communicate with each other and to seek help from those they trust. The Disability Hate Crime Network, an online forum for those affected by and challenging disability hate crime, now has nearly 2000 members. It is an increasingly important forum for debate, case sharing and challenge.

Conclusion

I believe that the media can be a great force for good in exposing the harms of disability hate crime. Some journalists have started to expose the issue: that, in turn, puts legitimate pressure on the criminal justice system to respond. In my role as one of the (volunteer) co-ordinators at the online forum on Facebook, The Disability Hate Crime Network, play a part in publicising cases and allowing a safe place where disabled people can get advice on where to go if they need help, as well as getting those in power to respond. That's the good side of the Internet revolution.

But the media can be a force for harm too, in that newspapers and broadcasters are tremendously powerful in their ability to perpetuate and create new, negative stereotypes of disabled people. Disabled people, regulators and politicians all have a role in holding the media to account. However, journalism holds up a mirror to attitudes in society. Until our attitudes towards disabled people change in society, discrimination and prejudice will continue to flourish and the crimes that they foster, crimes of hate, will not be eradicated.

References

Adams, S., (2008) 'Jail for disabled man's 'sadistic' murders', *The Telegraph*, available at: <http://www.telegraph.co.uk/news/uknews/1580367/Jail-for-disabled-mans-sadistic-murderers.html>

BBC (1999), 'Stephen Lawrence: Timeline of Events', *BBC Online*, 1999, available at: http://news.bbc.co.uk/1/hi/english/static/stephen_lawrence/timeline.htm [accessed 20 July 2011].

BBC News Online, 2007, 'Hillside murderers get life terms', available at: http://news.bbc.co.uk/1/hi/wales/south_east/6624515.stm [accessed 23 March 2011].

BBC, (2007), 'Three jailed over shed prisoner', available at: <http://news.bbc.co.uk/1/hi/england/gloucestershire/6284184.stm> [accessed 23 March 2011].

BBC (2008), 'Boy convicted of '£5 bet' murder', *BBC Online*, 22 January, available at: <http://news.bbc.co.uk/1/hi/england/wear/7202351.stm>

BBC, (2010a) 'Duncan Smith denies sickness benefit test to triple', 28 June, available at: <http://www.bbc.co.uk/news/10431024> [accessed 20 July 2011].

BBC, (2010b), 'Secret film uncovers 'disabled hate crime' in Wales', *BBC News Online*, available at: <http://news.bbc.co.uk/1/hi/wales/8437523.stm>
<http://www.bbc.co.uk/programmes/b00vhls2>

The stories were all accessed on 31 January, 2011.

BBC, (2010c) *Tormented Lives*, broadcast on BBC1 on October 19, 2010

BBC News, (2011), 'Q&A: News of the World phone-hacking scandal', available at: <http://www.bbc.co.uk/news/uk-11195407> [accessed 20 July 2011].

Berger, A. A. (1995). *Essentials of Mass Communication Theory*. London: SAGE Publications

Bird, F., Jenkins, R., Ford, R., (2009) 'Pilkington inquest: police failings blamed in car blaze deaths', *The Times*, 29 September, available at: <http://www.timesonline.co.uk/tol/news/uk/crime/article6852880.ece> [accessed 20 July 2011].

Brown, M., (2010) '500,000 benefits scroungers will be made to seek work', *Daily Express*, available at: <http://www.express.co.uk/posts/view/200030/500-000-benefit-scroungers-will-be-made-to-seek-work>, [accessed January 31, 2011].

<http://www.ldtonline.co.uk/2011/04/people-on-benefits-open-to-abuse-or-attack-mencap-fears/> Burleigh, M, (2002), *Death and Deliverance*, London: Pan, 43

Canadian Association of Broadcasters (2005) *The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming*. Toronto: CAB/ACR

http://www.cab-acr.ca/english/research/05/sub_sep1605.htm

Chapman, J., (2010) "Osborne begins crackdown on incapacity benefit cheats with plans to treble assessments, *Daily Mail*, 28 June, available at: <http://www.dailymail.co.uk/news/article-1290165/George-Osborne-begins-crackdown-incapacity-benefit-cheats.html> [accessed 20 July 2011].

Corlett, S (2010) Personal communication, Mind, 16 November 2010

Crown Prosecution Service (2010) CPS introduces "ground-breaking" legal guidance on stalking. Available at:

http://www.cps.gov.uk/news/press_releases/138_10/index.html

Cumberbatch, G & Negrine, R., (1992), *Images of Disability on Television*, London: Routledge

Daily Express, (2009) Are jobs on Britain's streets out of control?, 29 September, *Daily Express*, available at: <http://www.express.co.uk/posts/view/130787> [accessed 20 July 2011].

Daily Mail, (2009) 'A tragic lesson in official neglect', 29 September, *Daily Mail*, available at: <http://www.dailymail.co.uk/debate/article-1216800/MAIL-COMMENT-A-tragic-lesson-official-neglect.html> [accessed 20 July 2011].

Daily Mail, (2010) 'Too ill to work ... but not to grab an alligator: 'Disabled' soldier who claimed £17,000 in benefits is caught out by holiday snap', 28 June; <http://www.dailymail.co.uk/news/article-352515/Benefit-cheat-snapped-alligator-wrestling.html>;

Garthwaite, K (2011) 'The Language of Shirkers and Scroungers: Talking about Illness, Disability and Coalition Welfare Reform'. *Disability and Society*. Vol 26, No.3 pp 369-72.

Graef, R., (2008), 'Don't blind-drunk women who cry rape bear any responsibility for what happens to them?', *Daily Mail* [online], 13 August, available at: <http://www.dailymail.co.uk/news/article-1044160/Dont-blind-drunk-women-rape-bear-responsibility-happens-them.html> [accessed 20 July 2011].

Greenhill, S., Clarke, N., (2009) 'No excuses': Home Secretary attacks police and council over failures that led to deaths of tormented mother and daughter', in *Daily Mail*, 29 September, available at: <http://www.dailymail.co.uk/news/article-1216065/Fiona-Pilkington-How-police-council-left-feral-families-terrorise-mother-disabled-daughter.html> [accessed 20 July 2011].

Gregory, J., and Lees, S., (1999), *Policing Sexual Assault*, London: Routledge

Haller, B., (2010), *Disability in an Ableist world*, Louisville, KY: Avocado Press; <http://media-and-disability.blogspot.com/2010/09/highlights-of-2010-survey-of-people.html>

Hands, L., (2008) 'Judge calls for figures on spiralling youth homicides', *Journallive*, 23 January; available at: <http://www.journallive.co.uk/north-east-news/todays-news/2008/01/23/sickening-murder-has-jurors-in-tears-61634-20382381/>

HM Treasury (2010) *The Spending Challenge*
http://www.hm-treasury.gov.uk/spend_spendingchallenge.htm

Iganski, P., (2008), *Hate Crime and the City*, Bristol: Policy Press.

Independent newspaper, (2009) 'Tragic lessons of a shameful saga', *The Independent*, 29 September, available at: <http://www.independent.co.uk/opinion/leading-articles/leading-article-tragic-lessons-of-a-shameful-saga-1794719.html> [accessed 20 July 2011].

Jenkins, R., (2007), 'Feral' youths beat victim to death after months of abuse', *The Times*, 4 April, available at: www.timesonline.co.uk/tol/news/uk/crime/article1610309.ece;

Lancaster Guardian (2007), 'The killers who boasted of their senseless crime', 22 February, *The Lancaster Guardian*, available at: http://www.lancasterguardian.co.uk/news/lancaster-and-district/news/the_killers_who_boasted_of_their_senseless_crime_1_1168887 [accessed 23 March 2011].

Lazarsfeld, Paul F.; Berelson, Bernard; and Gaudet, Hazel. (1944). *The People's Choice: How the Voter Makes Up His Mind in a Presidential Campaign*. New York: Duell, Sloan and Pearce.
http://www.agendasetting.com/res_theory.php

McCombs, M.E., and D.L. Shaw. (1972) 'The Agenda-Setting Function of Mass Media'. *Public Opinion Quarterly*, Vol. 36 p. 176-187.

Mendez, R (2010) 'Responsibility For Privacy Violations In User Generated Content Providers. Master's Thesis. Available at:
<http://www.chiefprivacyofficers.com/uploads/2/6/6/5/2665080/thesis.pdf>
<http://blog.indexoncensorship.org/2010/02/25/google-italy-disability-privacy/>

Militec, D (2006) 'Outrage over teenage girl's Assault Recorded on DVD' Available at:
<http://www.theage.com.au/news/national/outcry-over-teenage-girls-assault-recorded-on-dvd/2006/10/24/1161455722271.html>
<http://www.cbc.ca/world/story/2010/02/24/italy-google-autism.html> URL not working-please check this

Mind (2010) *Response to the EHRC Targeted Harassment Inquiry*. London: Mind.

Mirror newspaper (2009) 'Backlash over Bullied family death', 29 September, *The Mirror*, available at:
<http://www.mirror.co.uk/news/latest/2009/09/29/backlash-over-bullied-family-deaths-115875-21709008/> [accessed 20 July 2011]

Mirror newspaper (2010) 'George Osborne warns incapacity benefits to be slashed', *The Mirror*, 28 June, available at:
<http://www.mirror.co.uk/news/top-stories/2010/06/28/incapacity-benefits-to-be-slashed-115875-22366143/> [accessed 20 July 2011].

National Audit Office (2009) NAO Resource Account. London: NAO.

Quarmby, K (2007) 'If these aren't hate crimes what are?' Added Available at:
http://archive.disabilitynow.org.uk/search/z07_09_Se/hatecrimes.shtml

Quarmby, K., (2008a) "No hiding place", January, *Disability Now magazine*, available at: <http://www.disabilitynow.org.uk/the-hate-crime-dossier> [accessed 20 July 2011].

Quarmby, K., (2008b), *Getting Away with Murder*, London: Scope

Quarmby, K (2010) The Retard Controversy Over the Water. Huffington Post, February 18. Available at:

http://www.huffingtonpost.com/katharine-quarmby/the-retard-controversy-ov_b_467766.html

Quarmby, K., (2011) *Scapegoat: why we are failing disabled people*, London: Portobello Press

Porter, A., (2010) 'Millions face incapacity benefit cuts as welfare reforms speed up', *The Telegraph*, 28 June, available at:

<http://www.telegraph.co.uk/news/politics/7858141/Millions-face-incapacity-benefit-cuts-as-welfare-reforms-speed-up.html> [accessed 20 July 2011].

Pring, J & Novis, A (2010) Personal communication, 16 November 2010

<http://www.disabledgo.com/blog/2010/07/treasury-fails-to-remove-disablist-comments-from-cuts-website/>

Reiner, R (2007)., Media-made criminality: the representation of crime in the mass media. In Maguire, M and Morgan, R and Reiner, R, (eds.) *The Oxford handbook of criminology*. Oxford University Press, Oxford, UK,

Roper, L (2006) Available at:

http://www.mediaed.org.uk/posted_documents/DisabilityinMedia.htm

Sloan, J.,(2010) 'Help us stop £1.5bn benefits scroungers,' *The Sun*, , available at: <http://www.thesun.co.uk/sol/homepage/features/3091717/The-Sun-declares-war-on-Britains-benefits-culture.html>, accessed January 31, 2011 [accessed 20 July 2011].

Sun newspaper, (2008) 'Yobs killed disabled man', *The Sun*, 22 January, available at: <http://www.thesun.co.uk/sol/homepage/news/article713830.ece> [accessed 20 July 2011].

Telegraph newspaper (2010), 'The welfare revolution is only just beginning', 28 June. Available at <http://www.telegraph.co.uk/comment/telegraph-view/7859619/The-welfare-revolution-is-only-just-beginning.html> [accessed 20 July 2011].

West, S., (2009)'The Pilkington case was a murder, not a hate crime for Guardian readers to fuss over;', *Telegraph*, 29 September, available at: <http://blogs.telegraph.co.uk/news/edwest/100011932/the-pilkington-case-was->

[murder-not-a-hate-crime-for-guardian-readers-to-fuss-over/](#) [accessed 20 July 2011].

Williams, R., (2009) 'Pilkington case may be a Lawrence moment for disability hate crime', 29 September, *The Guardian*, available at: <http://www.guardian.co.uk/uk/2009/sep/28/fiona-pilkington-inquest-disability-hate> [accessed 20 July 2011].

Wintour, P., Elliot, L., Sparrow, A., (2010) 'Welfare crackdown begins with drive to reduce incapacity benefit claims', 28 June, *The Guardian*, available at: <http://www.guardian.co.uk/politics/2010/jun/28/welfare-incapacity-benefit-claimants-assessment> [accessed 20 July 2011].