



Prevalence of disabled people involved in Spanish Civil Guard's police activity



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ABSTRACT

Improving interventions with victims and offenders with disabilities requires analysis of the degree of prevalence of crimes in which these people are involved. For this purpose, data regarding interventions made by the Spanish Civil Guard between 2008 and 2010, in which 2099 people had some kind of disability, have been collected and analyzed, with particular regard to criminal offenses (felonies and/or misdemeanors). In this study, the relationship between the types of disability a person has and other variables like their connection to the incident, their gender, age, the relationship between victim and perpetrator, and the time and place of the events were all taken into consideration. The results show that most of the victims with disabilities served by the Spanish Civil Guard were male. The interventions were mainly aid and rescues. Criminal offenses were only 20% of the events.

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1. Introduction

Since the adoption of the Convention on the Rights of Persons with Disabilities, approved by the United Nations in December 2006, the legal field has adopted its guidelines. It defines people with disabilities as “those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various attitudinal and environmental barriers may hinder their full and effective participation in society on an equal basis with others. “However, only in recent years have investigations been studied with regard to the vulnerability of people with disabilities involved in police actions, especially for those with an intellectual disability or ID (Berástegui & Gómez-Bengoechea, 2006; Fyson & Cromby, 2010; Recio, Alemany, & Manzanero, 2012; Sullivan & Knutson, 2000; Westcott & Jones, 1999). Data derived from these studies report prevalence rates of up to ten times higher than people without an ID, especially in sexual offenses (Brown, Stein, & Turk, 1995; Harrell et al., 2012; McCarthy & Thompson, 1997; Sobsey, 1994; Verdugo, Alcedo, Bermejo, & Aguado, 1999, 2002). Horner-Johnson and Drum (2006) reviewed the literature on the prevalence of abuse of people with an ID between 1995 and 2005. They found that (although studies were few and the methodologically was poor) studies confirmed that this was the most vulnerable population. People with disabilities are more likely to be victims of crime are due to their: (a) high

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dependency, (b) lack of privacy caused by their need for care from others, (c) lack of social skills especially communication skills, and (d) ignorance of their rights (Cambridge & Carnaby, 2000; Cooke & Standen, 2002; Sobsey & Varnhagen, 1991; Tharinger, Horton, & Millea, 1990; Verdugo et al., 2002).

However, people with disabilities can also be perpetrators of criminal offenses and they can be sentenced to imprisonment (Barron, Hassiotis, & Banes, 2004; Cockram, 2005; Herrington, 2009; Holland, Clare, & Mukhopadhyay, 2002; Söndena, Rasmussen, Palmstierna, & Nøttestad, 2008). Regarding interactions between police and people with an ID, whether victims or perpetrators, it is agreed that there is not sufficient training (Bailey, Barr, & Bunting, 2001; Crown Prosecution Service, 2009; Henshaw & Thomas, 2011). This is especially evident when obtaining their witness statements (Cedeberg & Lamb, 2008; Cedeberg, Danielsson, La Rooy, & Lamb, 2009; Clare & Gudjonsson, 1995; Stacey, 1999), and the same could be said for the other actors in the criminal proceedings, including lawyers, judges, and prosecutors (Mecier & Crocker, 2010; Vanny, Levy, Greenberg, & Hayes, 2009). Therefore, specific guidelines for this necessity are already being produced and distributed (Ministry of Justice, 2011) via the *Police Intervention Guide for People with Intellectual Disability* which has been developed in Spain (Alemany et al., 2012).

In Spain, with the exceptions of the work of Verdugo, Bermejo, and Fuertes (1995), Verdugo et al. (2002), there are no academic studies nor government studies that quantify the involvement of disabled people in police actions. Better statistics are needed (Huete & Quezada, 2011). Today, the most recent study conducted in Spain on disabilities (which does not mention police work) is the *Survey on Disability, Personal Autonomy and Dependency Situations* (EDAD) of the National Statistics Institute (INE, 2008). Just as its two preceding surveys EDDM-1986 and EDDes-1999, EDAD-2008 has a broad-based sample. This makes it one of the most relevant worldwide statistical surveys on disability, following in the footsteps of the two predecessors. Unlike previous work which only assessed the situation of people living in family homes, EDAD-2008 was conducted in two phases: the first one, called EDAD-homes, was addressed to family housing comprising of 96,000 households and approximately 260,000 people. The second phase, called EDAD-centers, was addressed to 800 permanent residences for people with disabilities (homes for the elderly, disabled centers, psychiatric hospitals and geriatric hospitals), which provided an additional sample of 11,000 people.

From the integrated results of EDAD-home and EDAD-centers it can be estimated that in 2008 there were a total of 4.1 million people with disabilities in Spain. This represented a prevalence of disability for the entire Spanish population of 8.99%, 7.66% being men and 10.27% being women (nearly 2.5 million women, compared to 1.6 million men).

The National Observatory on Disability or OED (Olivenza Report, 2011) explores these numbers, and other detailed studies regarding the territorial distribution (Gispert et al., 2009) and problems of other particularly vulnerable groups such as the elderly (Graciani, Banegas, López-García, & Rodríguez-Artalejo, 2004). However, as mentioned before, no police studies have been conducted on the problems of people with disabilities in Spain. The crime rate in Spain is provided by the Secretary of State for Security of the Department of State through the Crime Statistics System or SEC (INT/2783/2009 Order of 29 September). Since this study began data were available only through 2011 (Ministerio del Interior, 2011a, 2011b, Statistical Yearbook Crime and Balance). However, information regarding the disability could not be found because the system does not have a field to specify whether the people involved in the police intervention have some type of disability or not. The absence of such statistics goes against the mandate of the Convention on the Rights of Persons with Disabilities of 2006. It specified in Paragraph 1 of Article 31 that the States Parties must undertake collection of appropriate information (including statistical studies and general research), which enable them to formulate and implement appropriate policies.

Precisely knowing the extent of the presence of people with disabilities involved in police actions according to their type of disability, their territorial distribution, their age and sex can help make decisions about the adaptations that police officers could incorporate in order to provide better care to this collective. This would effect other mandates of the Convention as set out in Articles 13 (Access to justice¹) and 16 (Freedom from exploitation, violence and abuse). In turn, better police attention could help reduce the “dark rate” that covers cases in which a disabled person is a victim of some kind of abuse and it goes unreported. When specialized care services or police are informed of an alleged crime it is normally done by a third party (usually a family member or professional near the victim) who witnessed it. Unfortunately, it is suspected that there are many cases in which these witnesses decide that it is better not to report the alleged crime due to the lack of the victim's credibility (Henry, Ridley, Perry, & Crane, 2011; Manzanero, Contreras, Alemany, Quintana, & Recio, 2013; Peled, Iarocci, & Cannolly, 2004). The inability of the welfare system and/or police to properly accommodate this complaint and provide the necessary support during the process are also a problem (Manzanero, Contreras, Recio, Alemany, & Martorell, 2012). Furthermore, the lack of information, lack of awareness campaigns and scarce resources to integrate people with disabilities, among other things, cause most people to not know their reality and they form their attitudes based on myths and false beliefs. Moreover, the victim often experiences a serious emotional impact sometimes aggravated by contact with the unknown legal framework in addition to physical, economic, psychological and social damage after the crime is committed. Victims with disabilities are rarely explained the framework, nor are they asked if they want to participate in it. This must be

¹ Article 13 – Access to justice (1) States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages. (2) In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

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