Hate Crime: Case Study Of The Death Of Sophie Lancaster And Her Partner Robert Maltby

In this essay, I will be discussing a specific hate crime incident. I will also assess what happened, how it occurred, and how that incident co-exists with the empirical data and the intersectionality behind the specific incident. I will be looking at the Punks, Goths and Emos identity, clarifying the importance and relate it to my case. The case will be observed from an investigative standpoint while gathering facts and determine the major factors that are involved in this specific hate crime. I will also examine the confirmation of this assumption by analysing the key characteristics of the attack on Lancaster and the extent and impact of the harassment of goths and 'alternatives' more in depth. Nonetheless it is about viewing the targeting of 'differences' as being the key concept of what is and is not classified as a hate crime.

A hate crime is an issue where a person from another community for example the LGBT+ community is being targeted/attacked because of their sexual orientation, or a person who is attacked because of their race. This is because it could be a socio-economic perspective or the class in which people are currently such as a working class who causes a hate crime on someone who does not come from a working class or a different case entirely. Hall, N, (2013) explores the definition of a hate crime. In addition, (Craig,2008) states that he defines a hate crime as "an illegal involving intentional selection of a victim based on a perpetrator bias or prejudice against the actual or perceived status of the victim." (Hall, N. 2013)

The incident I will be looking at is the death of Sophie Lancaster and her partner Robert Maltby who suffered severe injuries after they were both attacked because of their 'alternative gothic appearances', by a gang of teenage boys while walking through Stubbeylee Park, in Lancashire, August 11, 2007. This case made national headlines as the extreme level of brutality of the attack upon her and her partner and the fact that they solely had been attacked due to their 'alternative' gothic appearance leading to someone's death. Sophie and Rob dressed in their own unique way, expressing their individuality as creative artistic people.

During the last ten years there has been a rise in hate crimes in the United Kingdom including a variety of shocking cases that have helped to bring the issue to light. Similar hate crime cases were the homophobic murder of Jody Dobrowski in London on 15th October 2005. Dobrowski was a 24year old assistant bar manager who was murdered in South London. On October the 14th, around midnight he was beaten to death kicked and punched to an extent he could not be recognised by two men who believed Dobrowski to be gay. He was pronounced dead in the early hours of 15 October. Tests were carried out at St. Georges hospital in South London revealed Dobrowski had a broken nose, swollen brain and widespread bruising to his neck, spine and groin. His family couldn't even identify him due to being beaten so badly and his face being so badly disfigured therefore he had to be identified through fingerprints (BBC News, 2006). Also, another case was the racist killing of Anthony walker in Liverpool 2005. Violent hate crimes have since featured in news headlines since the first decade of the 21st century.

On the other hand, a similar case to these was the attack upon Sophie Lancaster on August 2007 in Lancashire. Just as in the examples given above Lancaster was crucially beaten in a public place by a group of males who didn't know her and was beaten with such brutality that

Lancaster lost her life. Never the less while the victims in the first two examples were targeted because of their differentials and in the eyes of the assaulters despised minority outgroups, Lancaster was attacked for not other apparent reason but only because she stood out from the norm; she was different, and her gothic appearance hastened her victimisation (Garland, 2010). Hodkinson suggested, “Sophie Lancaster did not die because of her race, religion or sexuality. She died because she was a goth’ (M. Hodkinson, 2008). Her boyfriend, Robert Maltby, also a goth, was hospitalised in the same incident. This case is especially more interesting for hate crime scholars because while disabled, gay and minority ethnic groups are routinely viewed as hate crime victim groups and are included under relevant legislation, goths or those belonging to “alternative” subcultures are not.

At the trial of Lancaster’s attackers, the governing judge, Anthony Russell QC, made a point of labelling the murder a ‘hate crime’ (BBC News, 2008), bracketing it with cases, like those of Martin, Dobrowski and Walker, that are clear-cut examples of the phenomena. The meaning of Judge Russell’s words is that for a criminal incident to be considered as a hate crime, the most crucial factor is that the victim was most likely deliberately singled out because of their perceived or definite difference, even if the deference was due to their membership of a subcultural grouping than an “recognised” minority hate crime victim group that has a history of marginalisation and discrimination (Perry, 2001). It is therefore known that by focusing upon the nature and experiences of goths and ‘alternative’ victims of targeted violence, the concept of hate crime itself can be inspected and challenged.

Looking at Her Majesty’s hate Crime statistics for the year 2018/19 there were 103,379 hate crimes recorded by the police in England and Wales in 2018/19 which shows an increase of ten per cent compared with 2017/18(94,121 offences). While there’s increases in hate crimes over the last five years, they have mainly been driven by improvements in crime recording by the police. There had been spikes in hate crime following certain events such as the EU Referendum and the terrorist attacks in 2017. Majorly majority of the cases were race hate crimes, accounting for around three-quarters of offences (76%; 78,991 offences). These have increased by 11 per cent between 2017/18 and 2018/19. Religious hate crimes increased by three per cent to 8,566 offences, sexual orientation hate crimes increased 25 per cent to 14,491, disability hate crimes by 14 per cent to 8,256 and transgender identity hate crimes by 37 per cent to 2,333. About twelve per cent of hate crime offences in 2018/19 were found to having involved more than one motivating factor, but the majority of these were hate crimes related both to race and religion. Over 54% of the hate crimes recorder by the police were for public order offences and an additional third 36% were for violence against the person offences. Five per cent were recorded as criminal damage and arson offences. (HM Government, 2019).

After spending the evening on the 10 August 2007 at a friend’s place in a different area of the town Bacup, Lancashire from where they resided. 21-year-old Robert Maltby and his partner Sophie Lancaster 20, They had decided to walk home and stopped at a 24hour petrol station on their way back (Court of Appeal, 2008). While they were there they had bumped into a group of local youths, with who they chatted to kindly strolling along with them to the skate ramp area of the local Stubbylee park. Then, referring to Maltby, one of the youths asked his friends: ‘Shall we batter him?’ before another youth ran across and, without aggravation punched Maltby in the face. Thus, triggered a violent assault upon the defenceless Maltby by five youths. The Court of Appeal is described as follows; Maltby was brought to the ground punched and kicked. When on the ground he was kicked savagely to the head and body and at least one of the perpetrators stamped on his head. Miss Lancaster then with outstanding courage rushed to give

him whatever assistance she could, and as he laid inclined, she cradled her boyfriends head in her lap, screaming for help and shouting at the offenders to leave him alone. Ryan Herbert and Brendan Harris then turned their attention to Lancaster and she too was subjected to a horrify violent attack that involved kicking and stamping until she too was in her turn beaten until she was unconscious (Court of Appeal, 2008).

A horrified witness came forward later. A 15-year-old boy told police that Lancaster's offenders were 'running over and just kicking her in the head and jumping up and down on her head' and another bystander, a 14-year-old girl, said that she: 'started crying because I'd never seen anything like that. They were all just booting them. They were making loads of noises, screaming noises' (Wainwright, 2008).

A 999 call that was made by a panic-stricken teenage witness, was played to the court at the subsequent trial of the perpetrators, painted a horrifying picture of the scene: 'We need an ambulance at Bacup Park, this Mosher's just been banged because he's a Mosher. It's a Mosher just been banged for no reason. His girlfriend is on the floor as well. They're still breathing but they are full of blood. Please just send an ambulance quick. She's choking on her blood … it's all over their hands, all coming out of their eyes, all out their nose and everything. Please just help us quick, please, please' (BBC News, 2008).

After leaving the scene of the assault the attackers appeared to revel in what they had done, telling friends that they had 'done something good', and that: 'There's two moshers nearly dead up Bacup Park – you want to see them – they're a right mess' (Wainwright, 2008). A male witness said they behaved in a "giddy way", hyperactive and bouncing around doing silly things, it was as though they were boasting what they had done' (Court of Appeal, 2008).

A paramedic made an arrival in Stubbylee Park they exposed Maltby and Lancaster lying together, unconscious and drenched with blood. Their injuries were so severe that the paramedics could not work out the sex of either of them. (Wainwright, 2008). They were both then rushed to hospital and placed in intensive care, where it was that Maltby had 22 separate injuries, including multiple bruises, cuts and swelling; Lancaster had 17 similar injured sites. In both cases the key target of the assault had been their heads (Court of Appeal, 2008).

After a few days Maltby progressively began to show he is recovering and was released from hospital on the 24 August although the damage inflicted upon his physical and mental health was long-term. Lancaster, however had never regained conscious and she had died in her mother's arms on the same day Maltby left the hospital (Court of Appeal, 2008). At the trial of the five attackers the Judge Anthony Russell QC described the attack as: "the worst case of causing grievous bodily harm with intent by kicking that I have ever come across in 30years of practise as a criminal barrister and in my career as a judge' (Court of Appeal, 2008). Michael Sharrock, QC, from prosecution, said that Maltby and Lancaster had been targeted 'not for anything they had said or done but because they dressed differently' (Jenkins, 2008). Judge Russell corresponded telling the defendants: I am satisfied that the only reason for this solely unprovoked attack, was that Robert and Sophie Lancaster were singled out for their appearance alone because they looked and dressed differently from you and your friends. I regard this as a serious aggravating feature of this case, which is to be equated with other hate crimes such as those where people of different races, religions, or sexual orientation are attacked because of their difference (Court of Appeal, 2008).

The focus for Judge Russel was defining characteristics of a hate crime is that victims are a target because of their difference, of any kind. By this means drawing distinction between his views. Hate crimes are viewed as a mechanism by which powerful social groupings can oppress already marginalised minorities. There could be issues like dominance, hierarchy, and power as (Perry, 2009) states. A vital indicator of what differentiates hate crime from other forms of violence and harassment, for Judge Russel the key concept was that, in the case of homophobic or racist assault, for example, the victims were targeted because they were different from the perceived accepted norm, which is the fascinating aspect.

At the trial Brendan Harris and Ryan Herbert, the two ringleaders of the violence, were convicted of the murder of Lancaster and given prison sentences of 18 and 16 years respectively. The other offenders, Daniel Mallett and brothers Joseph and Danny Hulme, were sentenced to between four and five years each for grievous bodily harm with intent upon Maltby. The case shocked and divided the residents of Bacup, geographically remote, poor and virtually monoethnic. The most vital aspect is the nature of anti-goth victimisation and its similarity to be recognised as hate crimes that have been debated. The key characteristics of goth subculture, including the ‘challenging’ fashions, make-up and hairstyles worn by many adherents, the genderless dress of males and the relatively isolated but close-knit nature of the modern goth scene. Overall, the assault upon Maltby and Lancaster appears to have some similarities with crimes commonly viewed and nominated as “hate crimes”. For example, the victims involved in these extreme events were apart of a marginalised social “Outgroup” which is often the key recipient of harassment.

Maltby and Lancaster had been mistreated on several previous occasion due to their gothic appearances (Purdy, 2008). Indeed, Hodkinson found that minority ethnic families ‘get firebombed out of their houses and given a whack with a baseball bat to make sure they get the message’ to leave Bacup (M. Hodkinson, 2008), and recommended that this fear of difference and enmity towards ‘others’ and ‘outsiders’ commonly manifested itself in the harassment of goths. The victimisation of Maltby and Lancaster was part of a widespread pattern of such abuse (Bowling, 1999).

Also, the fact that Maltby and Lancaster were priory known to their attackers, meaning that the assault shared the ‘Stranger Danger’ facet of recognised hate crimes (Saucier et al., 2006). On the other hand, while the use of unnecessary violence may not in itself be an indicator of whether the attacks should be seen as a hate crime or not. The level of savagery and brutality of the attack upon Maltby and Lancaster reminiscent of the extreme nature of violent homophobic hate crimes (Chakraborti and Garland, 2009). Furthermore, the aftermath of other similar cases of hate crime on the surviving victim was left with psychological scarring and furthermore the incident impacted significantly on the feelings of safety and security of the victims’ wider community in this case, goths (Purdy, 2008). The murder of Sophie Lancaster undoubtedly sent shock through the goth and alternative communities, mainly because of its brutal nature and partly because, as the judge in the original trial of the Bacup attackers stated, she was targeted because of her distinctive appearance. For Judge Russell, this was a ‘serious aggravating feature’ which should ‘be equated with other hate crimes such as those where people of different races, religions, or sexual orientation are attacked because they are different’ (Court of Appeal, 2008).

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