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Crossing Boundaries and Consent: sex offending and criminalised disabled adults

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I bleed

I cannot bear to see the pain in your eyes
As you smile, a bit too brightly and tell me you're alright
But I can see your pain
And it slices to my core
The tears I cry I hide inside,
Not wanting to cause more.
I know you walk this path alone I cannot come with you.
I have my own.
I want to reach and hold you until the pain has gone.
But I stand back and it's hard to watch you walk away, alone.
My heartstrings stretch out to reach you, and snap like brittle glass,
crashing around my feet and stepping on the shards.
I bleed

(Elaine, Mother of a criminalised disabled son, Harry)ⁱ

Black Black Heart

Black black heart, blood red tears tumble - I am numb
Black black heart, my anger rages - I am numb.
I look through your eyes, into your soul.
I see me. I am here with you. I see you.
Recall yesterday? Do you? Your blood red beating heart.
Corners of my beating heart, I see it in you.
Fading light, broken, torn.

Black black heart, paralysed to mend.
Your pain is my pain.
I know you; I know this pain.
I am broken, I am whole.
You are broken, I will fix.
Black black heart, beat.
Beat. Beat. Beat.
Live.

(Mother of a victim of rape)ⁱⁱ

Preface

I begin this chapter with these two poems written by women who have vicariously experienced sexual assault, as mothers. One mother, Elaine, has a son Harry, a criminalised disabled adult, who has been incarcerated for sexual assault, and the other has a daughter, *my daughter*, a disabled woman who has experienced rape and sexual assault. Harry told me in his interview 'she wanted me', that she consented to sex, yet the 15-year-old girl accused him of rape. My daughter told me she said no, yet did not know what to do after no. She did not consent. Elaine

was heartbroken to see her son become criminalised as a young man, to want to take his own life, and to be charged of a sex crime and go to prison. She wrote the poem because of her desperate emotional pain, and to express herself. For me, I did not intend to write the poem, yet the events that occurred in 2022 led me to know more about sexual assault than I could have imagined.

To that point, my knowledge about this type of sexual assault and criminalised disabled men came from reading literature, listening to, and engaging with, participants in my research. Authenticity and positionality have always been key to how I tell stories, and for the purpose of this chapter, it is no different (e.g., Rogers, 2019, 2021). Even though I started to reflect on my data, on my participants lives and the writing of this chapter long before the horrific events of 2022, I am no longer the same person. My lens has shifted. What has not changed is my commitment to this research and the telling of criminalised disabled men's lives. Returning to the poems, they tell us that the impacts of sexual assault infect those who love the perpetrator and the victim respectively, and that the emotional responses, darkness, pain, and suffering occur, regardless. This chapter tells the story of what lies beneath these poems. Consent to sex is complex in these cases. No always means no, but we do need to understand what has gone wrong, to the point where disabled men spend a lifetime in and out of carceral enclosures, institutionalised, and with declining mental health.

Introduction

Challenges associated with sex and violence have been an area of peripheral interest to me for over 20 years. During my doctoral research, some mothers with disabled children spoke to me of their concerns over inappropriate sexualised behaviour and aggression on the part of their child. Tracy told me that when her son was eight or nine years old, he approached the babysitter and 'held a knife at her throat and said, "I'm going to fucking kill you"' (Rogers, 2007: 75). She also told me about times when he behaved in violent and threatening ways towards her, and his siblings (ibid: 154-155). Tracy went as far as to say, 'I hope that if he ends up in prison it's for theft or vandalism [and not] at the cost of somebody's life, through his rage, stupidity, or whatever' (Rogers, in press). In a similar way, Lynne, said about her son's behaviour, 'he was touching girls in assembly and erm, he didn't seem able to stop it, I mean he didn't rape anybody [...] he was saying sexual things to them (Rogers 2007: 75). Later in the interview Lynne again said, 'I just did not know what to do, he was suspended for touching girls at school' (ibid: 152). This subject matter was not one I pursued at the time. However, it was because of these maternal narratives, and other intimacy research (e.g., Rogers and Tuckwell, 2016), I begun to follow up on disability and criminal pathways, and as a result this chapter (see also Rogers in press), draws upon the research funded by The Leverhulme Trust.

Considering sex crimes therefore, new criminal justice policies have emerged that are aimed directly at individuals who have been convicted of a sex offence (Lussier and Beauregard, 2018). The carceral logics bound up in these policies are based on the notion that individuals are characterised by some fixed and stable predisposition to commit a sex offence. Along with public calls for tougher sentencing, a 'new penology' focusses on retribution and moral panic rather than rehabilitation. Criminal conviction can carry disadvantages long after release (Ben-Moshe 2020, Hamilton et al. 2021). From 2016, I carried out 43 in-depth life-story interviews and photo-elicitationⁱⁱⁱ with criminalised disabled people, who have raped, sexually assaulted and/or or carried out other crimes, mothers of offenders who fit within these categories, and professionals who work with them (Rogers, 2018, 2020). For this chapter, the narratives in my study indicate that whilst unacceptable, underage sexual assault, violence, grooming, rape, and sexting, is carried out by someone who has misunderstood social and sexual cues. However

early identification of complex difficulties had been noted yet left largely unchallenged. Furthermore, their experience of the criminal justice system has been experienced as frightening and harm inducing, yet on release, *with support*, no further sex crimes occurred. By exploring what happened as a precursor to these events and how then becoming embroiled in the criminal justice system is experienced, we can begin to understand sex offending trajectories in the context of consent, as well as prevent the incarceration of disabled people. This chapter first contextualises the area of disability, criminalisation, and sex offending, and then goes on to discuss narratives around sexual assault and rape.

Contextualising criminalized disabled adults and sex offending

Stigmatised identities, social control, injustice, and the social/political gaze occur as persistent themes throughout much socio-political and criminological work (e.g., Foucault 1989, 1999, Ugelvik 2015), where emphasis on ‘monstrous’ humans are commonly surveyed, and yet carceral enclosures and court diversion are considered problematic (Steele 2017, 2020, Victor and Waldram, 2015, Waldram 2009). Whilst sociological research is referred to in these texts, disability, particularly learning disability and/or autism, does not feature in the same way as classed, gendered and racialised injustices. Scholarship referring to intellectually disabled people, and autistic adults who have additional learning difficulties, especially those who have committed sexual offences, is often pathologizing (Goddard 1916, Radzinowicz 1957, Sutherland 1950, Wootton, 1959), situated within forensic psychology, and focuses on health, treatment, and assessment (e.g., Lievesley et al., 2018, Hocken et al., 2020), where arguably the criminalised disabled offender needs a cure, and is to be fixed. Considering disability, mental health and crime, during the eighteenth and into the nineteenth century, labels such as ‘mad’, ‘bad’, ‘imbecile’, ‘lunatic’, ‘dull’, ‘cretin’ ‘idiot’ and ‘feeble-minded’, were all medically legitimate terms for those whose behaviour or ability was outside of the norms of society. Enlightenment philosophy promoted science, truth, reason and rationality, all of which have been persistently privileged (Jarrett 2020).

Scientism dominated knowledge production, which included medicine and health and the importance of ‘the cure’. For example, concerning serious crime and disability, over a century ago Henry Herbert Goddard (1915) asks the question ‘what shall be done with these criminal imbeciles?’ He goes on to say, ‘Of all persons in the world, the criminal imbecile should be placed in custody under conditions that will forever make it impossible for him to repeat his offense’ (1915: 102). Critical here is that Goddard suggests that those who have committed serious crimes due to anger or perverted rationality, could re-enter society: they could be treated or rehabilitated. Yet he rejects this could be the case for intellectually disabled people, saying that it would never be safe for them to live amongst others in society and besides, public others would want these criminalised disabled people to be ‘committed to an institution for mental defectives, where they will be constantly guarded and prevented from doing injury’ (ibid, 103). By the middle of the twentieth century a study of sexual offences in England and Wales found 16% of offenders were said to be below average intelligence and some were ‘borderline mental defectives including those who had attended special schools for backward children; and few were later certified and sent to institutions’ (Radzinowicz 1957: 244). Their crimes were ‘often the result of an inability to assess social relations properly, a lack of knowledge of sexual matters or an inadequate resistance to adverse influences’ (ibid).

In over 100 years, the terms for categorising disability and impairment might have changed, but how criminalised disabled people are treated, managed, administered before and/or after a diagnosis is still deeply problematic (Ben-Moshe 2017, 2020, Steele 2020). Especially if we deem locked wards, secure units, and imprisonment for public protection (IPP) sentences all

part of processing criminalised disabled men and women (Edgar et al. 2020, Fish 2018). Reflecting upon this disability context, sex offenders generally are considered as ‘the rigid, unchangeable pariah in such a system, depicted as being gripped by a nature or biology that is completely depraved and thus, intolerable’ and always a threat (Spencer, 2009: 219). So much so, the dangerous sex offender is not only perceived as monstrous, but as a ‘ghostly being; a roving, lurking, nearly omnipresent individual that is difficult to locate or contain’ (Werth, 2022: 3). Once returned to the community, the dangerous sex offender is imagined as certain to strike again and as Robert Werth (2022: 3) suggests his research participants, parole personnel, ‘blur the boundaries between happening and not happening’ as they have a feeling, a sense that something, an event has occurred, leaving the dangerous sex offender always at risk of reincarceration for even the most minor misdemeanour. The disabled adult who has carried out a sex offence is placed in an illusory waiting room, seemingly unable to control urges, and therefore likely to strike again, inevitably to return to a carceral enclosure.

Similarly, Jill Peay (2016: 138) proposes, a lack of rationality, or volitional control feeds perceived dangerousness of disabled offenders, perhaps making them

both less culpable and more amenable to therapeutic or rehabilitative endeavours, drawing on our humanitarian instincts. These two contrasting images – of threat and illness – constantly shift the shape of the disordered offender, evoking changing emotional response in us, and making ‘them’ ungraspable or unknowable to a system that aspires to work with presumed certainties.

Notably, disabled people, particularly those who have additional learning disabilities, have been locked away, incarcerated, and institutionalised throughout history. Furthermore, there has been very little political movement to do anything about this, largely based on these concerns over the unknowable, ungraspable, uncertainties that besiege them.

People who are disabled *and* break the law, markedly those who commit a sex offence, often find themselves embroiled in a never-ending criminal justice process, as well as experience moral exile from communities, families, and friends (Hamilton et al. 2021). They are incarcerated, sometimes on (in the UK) imprisonment for public protection (IPPs) for years, making them further institutionalized and therefore far less able to lead a meaningful life on release (Edgar et al. 2020, Ben-Moshe, 2020). Liat Ben-Moshe (2020) connects deinstitutionalisation and prison abolition in a genealogical mapping of carceral logics and enclosures. Arguably, for abolitionist scholars, incarceration is against humanity, and no longer ought the trope the ‘dangerous few’ justify the existence of prisons, secure hospitals, residential schools and group homes.

It is indeed suggested that prisons are full of the ‘Mad, Bad and Sad’ (Weare 2017). This being the case, at least two thirds of prisoners should not be in prison. Notably, prison abolitionists suggest much of criminal justice reform focusses on the “‘Non, non, nons” (nonviolent, nonserious, and nonsexual offences’ (Ben-Moshe, 2020: 123). Despite this, those who are defined as having disabling conditions such as mental ill-health or are neurodiverse can often end up in more secure and punitive enclosures, and/or are highly medicated, due to either behaviour that is considered as, or is challenging and disruptive, or assumed vulnerability, theirs, and others (Ben-Moshe, 2020, Ben-Moshe et al., 2014). Caitlin Gormley (2017: 66) states for disabled offenders, ‘imprisonment creates new forms of disability, [as] systematic marginalisation, routinised forms of oppression and exclusion places them at higher risk of being manipulated, victimised, and disadvantaged throughout the social fabric of prison’; even more so than their non-disabled peers.

When it comes to rape and sexual assault, it involves two (or more) people, at least an alleged victim, and an alleged offender, who may or may not be known to each other. Often when known to each other it is not to discover if an act occurred, but ‘rather to determine whether the alleged victim consented or not’ (Deslauriers-Varin et al, 2018: 300). In stranger rape cases, it is more often about gathering ‘information that facilitates the identification of the alleged offender (ibid). Adding further complexity, such as intellectual disability and/or mental ill-health, for example, Jill Peay (2016) suggests courts of law and criminal justice struggle with this awkward fit, due to the intersection between disability and offending, thwarting matters concerned with consent and understanding. Below, I go on to discuss some of these matters.

Narratives of sex offending

For participants in my research, struggling with relationships, including sexual consent is complicated. Negotiating rules and regulations as well as understanding consequences of their actions, however, can be life changing for all involved. For example, some criminalised disabled participants talk of ‘friends’, but misinterpret what friendship, intimacy and sexual norms entail. In the narratives below, we recognise much of this with Ellis, Hugh and Harry^{iv}. Ellis for example, was accused of sexual assault twice. He told me after the second offence, ‘I was arrested again, taken down to the police station, and all my clothes were taken to forensics, and stuff like that and apparently I raped her in the park’. For us here, it is not about whether the rape happened, but that Ellis seemed to narrate a lack of ownership over this accusation in a matter-of-fact way. He said, ‘*apparently* I raped her’, implying that he did not believe it happened at all, or that he did not consider this attack to be a sex crime? He seemed unsure, and therefore consent does not even come into play here, for him as a relationship norm.

This is a multifarious situation, however having complex needs does not absolve anyone from a crime committed, but it does mean the need to understand with care (Rogers, 2016). As care is not ‘a type of secondary moral question, or the work of the least well off in society. Care is a central concern of human life. It is time that we began to change our political and social institutions to reflect this truth’ (Tronto, 1993:180). The narratives from life stories told in this chapter, are their ‘truth’. The unimaginable life changing events for any victim is important, but I am discussing sex offending in relation to consent, from the accused men, mothers of perpetrators of a sex crime, and professionals who work them.

Like Ellis above, Hugh was also accused of sexual assault, when he was 19, and a few years later of rape. Hugh said his victim ‘gave me the wrong signal’ and ‘I thought that she quite liked me’. He went on to say, ‘they believed her, they would not believe me, so I got arrested for something like, er sexual, yeah yeah, sexual harassment and I think I’m o- I’m on the sex offenders list as well’. I asked Hugh if this woman was a girlfriend, and he said, ‘er w-well, I thought, I thought that, I thought that she was [...] I’m not meant to sorta like be anywhere near her’. Ellis and Hugh said they did not commit a sex crime. They suggest that if they did have sex, it was consensual. Yet Ellis and Hugh were placed on the sex offender’s register impacting on their interaction with the community, their life chances, and their mental health (Hamilton et al. 2021), as both talked about extreme forms of self-harm. Ellis told me he took an overdose, but clarified that with, ‘I didn’t wanna end my life, I just wanted to end the pain’ and Hugh said, ‘I tried to k-kill myself’.

Reflecting further on what sex and intimacy involves, when it comes to consent, Harry’s story of sexual assault goes beyond the accusation. He told me that he had met a young woman, and they did get intimate. He revealed ‘I began to push the [sexual] boundaries, and I thought nowt

about it, two weeks later, I've got the coppers at my door'. He was so shocked as he had not considered his behaviour to be anything other than consensual sex and said,

I can remember sitting in the cell and I overheard, and they were like "oh it's for the rape of a 15-year-old" and I was just like, whoosh, they've got the wrong bloke here, [...] and all these questions ganning round in my head and obviously they fucking put us in a cell for 8 hours before I got interviewed, so I told them everything [...] well I obviously didn't rape her.

Harry was sentenced to three years for this offence and went to an adult prison. Even though Harry admitted to having, according to him, consensual sex with this woman, she was under 16. He was therefore charged with having sex with a minor. Like Ellis and Hugh, Harry too has attempted to take his own life.

These narratives confront us, because they involve a sex crime (alleged or otherwise) as the perpetrator is judged or imagined as the most monstrous of humans (Werth 2022). Furthermore, when it comes to intellectual disability or irrational behaviour, the possibility of reason (or lack of) and therefore affect (Van Gelder, 2013) can lend itself to the justification of medical intervention and indeterminate sentences for public protection (IPP). Furthermore, despite the abolition of IPPs in 2012, 'their legacy lives on' and 'concerns have now emerged about the high recall rates, with the number of IPP offenders being recalled to prison' (Trebilcock and Weston 2020: 89). This is confirmed with the narratives heard about in my research as well as Werth's (2022) data about how criminal justice professionals imagine criminal activity occurs even if there is little evidence to prove this is the case.

We have heard a little about what has occurred in terms of consent to sex (or lack of), criminalisation, and mental health for Ellis, Hugh, and Harry. But what happens before all of this; before a disabled person is criminalised? Perhaps we can gain some understanding by listening to mothers of criminalised disabled adults and professionals who work with them. Below, are examples from mothers whose sons were criminalised for sex offending. Significantly, from a young age support was requested by Elaine and Sorch, yet very little was forthcoming. Elaine told me that Harry (Elaine is his mother), who we heard from above, was previously accused of sexual assault at the age of 11, but nothing came of it. Elaine continued, 'Harry's teacher said, "we'll send him for counselling", but I knew he hadn't done it, but thought, oh aye, if it does the job'. Elaine went on to talk about when Harry was a young teenager, he was always in trouble, and was suspended from school and told me 'I had to really fight. They weren't listening to me, to the help he needed. He ended up going to the one-to-one unit'. Elaine spoke of how Harry's violence escalated and said, 'he'd smash the place up, get violent [...] he was suicidal, he tried to commit suicide, I didn't know what I'd come home to'. Harry and Elaine were in a cycle of violence that started from a young age. Furthermore, Harry's behaviour towards women did result in him having a custodial sentence for sexual assault despite Elaine speaking to the teachers, the school administrators and social care staff, years before.

In a similar way, and reflecting upon early years, Sorch, told me about how her son dealt with his emotions. Her son who is autistic and has been through the criminal justice system and incarcerated for 'grooming' young teenage girls says about him when he was 10 years old, he had this 'cage in the back of his head'. She said, 'in the cage there's a monster, and for 90% of the time it's locked up and can't get out'. Sorch said her son was so terrified of it, that when the monster comes out, 'he goes in the cage, and shuts himself in and the monster takes over. He's described this to me. Yeah, and it's how I made more sense of it'. Sorch went on to talk about what happened after her son's 'monster' had finished. She said: 'it calms down, they

swap places again. [...] Once he's processed it, then he's like "I shouldn't have done that mum, I know I shouldn't have done that." Although SORCHA and her son were evidently experiencing challenges from a young age, she suggested because her son was violent, predominantly towards girls, he was 'made out to be the demon child of the school' and had several school exclusions in the mid-2000s as a 10-year-old boy.

The situation with SORCHA's son was such that he was charged with grooming when he was in his late teens. He sent 'dick pics' to a small group of 13-year-old girls, who according to him were his 'friends'. The transcripts of the text messages, SORCHA told me, said such things as 'I love you; I want to be with you, and other more sexualised narratives. Read out in court, in the cold light of day, these seem wholly in keeping with how someone grooming might lure a victim in. Yet it is not uncommon for disabled adults, especially those with a learning disability to talk of love, especially if you like someone and they seem to like you. Equally it is not unusual for disabled adults to misunderstand social or sexual cues or have little perception about chronological age (Rogers 2016, Vinter and Dillon 2020). Arguably, if consent and intimacy work was carried out with these young men and if these mothers were listened to, the sex crimes might have been reduced, if not avoided. Moreover, there would be fewer victims of rape and sexual assault.

The rules around who does what with whom can seem blurred and confusing for disabled adults, as described by KIP, who works with men who have been through the CJS and been charged with sexual offences. KIP recollected about one man, 'he started to share about the love of his life and about how he'd had an amazing time with her, but his mum had insisted that erm, they didn't see each other anymore'. KIP went on to tell me that this man said, "'that's the trouble, you know, mums and daughters'", and I was like "ah, she was your sister, I get it" [...] I'd been listening to him tell me about the love of his life and it was his sister!' KIP was talking about a criminalised disabled man, who did not, at the point of their first interaction, quite understand why he was criminalised.

Notably, KIP goes on to talk about what comes before these offences, as he attempts to enable healthy relationships and integration into the community. However once incarcerated, whether in prison, or some other carceral enclosure, it is perhaps unrealistic to undo the grave impacts of institutionalisation from a young age (Ben-Moshe 2020) evidenced below, as KIP speaks about another man,

We talked to him a lot about relationships, and kind of what comes after 'hello'. No one actually ever bothers to sit down and talk to people that have, have been segregated.

[...] They've spent all their time in, you know, special school and then special college. What is evident here is that if someone has been institutionalised or excluded, from a young age, for example, in 'special education', pupil referral units or residential settings, and then becomes incarcerated in a secure hospital or prison as an adult, living 'in the community' is threatening, especially if deinstitutionalisation is predicated by a lack of care (Tronto 1993) According to KIP, these men can learn to be in the community, to understand what consent means, but institutionalisation has had a hugely negative impact upon learning social and sexual norms. Ben-Moshe (2020: 79) says, 'In segregated settings like group homes and sheltered workshops, all life's activities, including eating, hygiene, sexuality and intimacy, are policed and surveilled constantly'. She goes on to say that those who work with disabled people in these environments 'become authorised to regulate sexual behaviours, even if no behaviours are present' (ibid) (see also Werth, 2022).

However, Kip, reflecting further on the criminalised disabled men who live supported in the community said,

I always say to them ‘you’re not special, just quite unfortunately you haven’t had those same experiences and now you’re a 20-year-old man playing catch up’ So you’re, you’re still going through your 13, 14-year-old adolescence but actually as a 20-year-old man that’s pretty scary to watch.

Similarly, Malcom a retired prison inspectorate talking about misunderstandings, institutionalisation and learning difficulties, sums up,

I mean one guy had about eight different warnings, he had quite significant learning difficulties and he would touch women inappropriately, grope them and so on in public. I mean one guy I work with now, he looks strange, dribbles, and when you talk to him, he’ll test out if he can give you a cuddle. He’ll tell you about a girlfriend who he’s only met once, and he’s been arrested a number of times.

Malcolm is confirming what we have heard above, about friendships and intimacy confusion, as well as perhaps a lack of social and sexual awareness.

Jean-Louis Van Gelder (2013: 749), in his research about criminal decision-making talks of emotional competence or lack thereof, suggesting many individuals struggle to adaptively deal with their problems. His description of such has resonance with the narratives above, but also in the following examples, as the

hot, affective, impulsive or heuristic, mode – is fast, requires little or no cognitive effort, employs heuristic judgements, and has a low threshold for processing incoming information. The opposite holds for the other – cool, cognitive, rule-based, systematic – mode of processing, which is associated with effortful, systematic judgements and decisions based on extensive thinking (ibid: 751-752).

For example, I have heard from criminalised disabled men who have told me they raped or sexually assaulted a woman or child, seemingly without thoughts of repercussions, at least for the victim (see also, Courtney et al. 2006). As Vincent recalled what happened when he was in his ‘friends’ bedroom, in the group home. He told me, ‘I borrowed a CD off her, and I listened to it, and I took it back to her bedroom, and she put me in an awkward position. She said, ‘if you leave the bedroom, I’ll tell the staff you raped me, and if you stay, I’ll tell the staff you raped me’, so I raped her anyway’. As a result of this sexual assault, Vincent told me he was remanded in custody, but said ‘they didn’t think prison was suitable for me, so they sent me to a locked home, as I was 16’. It was from there that Vincent was moved around from one carceral enclosure to another. I asked Vincent if he had raped anyone before, and he said ‘nope’. He told me that he knew rape was forced, non-consensual sex and said that he ‘was honest with em (the police) but at the time they didn’t know anything about learning disability people’. Notably, Van Gelder’s (2013) hot and cold impulses, does not really work for my participants narratives, as Vincent’s actions seem cold and measured, yet too, impulsive and in the moment. Arguably it is both.

Likewise, Warren seems evidently impulsive as he told me he

committed a serious offence, it got me, got me arrested and stuff, got me remanded into prisons, you know, indecent assault, er a 25-year-old female, indecent assault, yeah, but it was that, it was that serious that they, I probably did get done for rape, but in my eyes, in my head, it was indecent assault. [...] I was on the street, in the- the open. Daytime, you know. I saw this lady, she was walking her dog, that’s what she was doing. She walked up this grass verge off a main road. [...] I was com- coming up. I seen her cutting off, and then I cut off, and then it happened you know. She got dragged to gr-

ground, and er I was touching her private parts and stuff, and i-i-it's it just, it's, it weren't like I, you know, it's jus- it's just weird, it really is.

Somewhat like Ellis above, Warren distances himself from the event, by saying '*she* got dragged', but went on to say, 'I was touching her'. I asked how did this incident get reported? And he said, 'she went to the police. I didn't beat her up, but the police were in the area within, within a matter of no time, then I got caught, yeah'. I asked if he confessed and Warren replied, 'yeah yeah [...] they put me straight on remand, remanded to er, that was the first time yeah, remand centre. I was there quite a long time [...] and then I was, I was taken, I was sort of sentenced to this hospital, to go to this hospital into er, an adolescent unit as I must have been 17. I got to a certain age, they had to release me from that, you know so I ended up, I was, I were classed as homeless cause I had nowhere to go.

Warren carried out a serious offence, as a 17-year-old, was incarcerated in a secure hospital adolescent unit, then he seemed to drop of any care and support with nowhere to live on release as an adult.

The fact that Warren was left to his own devices, with nowhere to live and no support, is significant, as we understand families and relationships are important factor in desistance (Farmer 2017, Hamilton et al. 2021, Saunders 2020). This lack of care and support post release had terrible impacts on other victims as Warren told me about further offending.

It was on a kid this time, it was a sexual assault, more or less, yeah, same, more or less yeah, same. They said, they did they said, the victim says that she saw me riding a mountain bike, you know, they were, these were in a park, a local park it happened, it was sunny like it is now. [...] There was two of 'em yeah two, two girls, yeah, the other one run off! [...] probably about same age, 10? The police come the next day, [...] he took a swing at me, you know, he hit me, like and he hit my head that hard that I fell over the other side of my bed, yeah he hit me yeah like, it was a DCI, he just whacked me in my face.

Although seemingly spontaneous, Warren was matter of fact about relaying this memory to me, displaying a combination of hot *and* cold impulses (Van Gelder, 2014), as he went on to tell me that he was sentenced to six years. For some of that time he was in the young offender's institution, but then went onto an adult prison. He told me he was 'frightened in the adult prison', and that he was 'refused parole because I didn't have no fixed abode to come out to'. So, this time, Warren was not given parole, due to having nowhere to live (Hamilton et al. 2021), but rather than this focus, perhaps we might want to consider what support, what care practices need to be in place to enable reintegration into the community on release, rather than waiting for a sentence to end? It seems, building and maintaining relationships, including families and friendships is critical for remaining out of prison and in the community, but that also public others free themselves from the fear of the 'dangerous few' (Ben-Moshe 2020, Farmer 2017, Hamilton et al. 2021, Saunders 2020).

Concluding remarks

For criminalised disabled men who have sexually offended, the ongoing and long-term consequences are significant. These consequences include exclusion, stigmatisation, surveillance, and registration (Hamilton et al. 2021, Rolfe and Tewksbury, 2018, Rolfe, et al. 2016). As Hamilton and colleagues (2021) have found, collateral consequences for sex offenders are two-fold, as formal consequences include policy and legal requirements, for example, registration, fixed abode and so on, but informal consequences around social control are attempting to limit community participation and are often implemented by friends, family, employers, local community members, 'out of self-protection or a desire to distance themselves from the "deviant" individual' (Hamilton et al. 2021: 2) (c.f. Uggen and Stewart 2014, Rolfe

and Tewksbury 2018). Formal consequences are often operationalised via legal procedures, and include additional punishment, yet significantly in the aftermath of punishment it is likely consequences fall into the informal category and are often unintended and long lasting (Hamilton et al. 2021), such as homelessness, discrimination, loss, harassment, abuse, mental ill health, and relationship challenges (c.f. Rolfe and Tewksbury 2018). As James Waldram suggest, for sexual offenders ‘moral exile remains as they face a hostile community’ (2009: 225). Furthermore, maintaining relationships is critical for remaining out of prison and in the community (Farmer 2017, Saunders 2020).

The narratives here indicate that whilst unacceptable, underage sex, violence, grooming, rape, sexting is carried out by someone who has misunderstood social and sexual cues, although not exclusively. Therefore, understanding consent in this context is complex. For my participants negotiating rules and regulations as well as understanding consequences of their actions because of their disabling condition, is challenging. For example, as we have heard, several offender participants struggled with what ‘being a friend’ means, to the detriment of their route through the criminal justice process. To come back to the poems that opened the chapter, this research cannot necessarily help those who are already a victim of sexual assault and their families, carers and support networks, but it can impact on the early identification of problems that occur around friendships, intimacy, sex and violence moving forward. The poems are a reminder that whilst we need to talk about criminalised disabled adults, it is always in context. Intimate relationships are often surveyed in the public sphere when sexual activity is experienced or understood as problematic, dangerous or risky and consent is absent or unknowable. Some adults might always need additional support, as with some participants in my research; but that does not mean they ought to be in carceral enclosures, indefinitely.

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ⁱ I interviewed Harry in 2016 when he was 22. He had been in prison for arson and a sex offence. I interviewed Elaine (his mother) on the same day and again carried out follow up interviews with her. Harry is back in prison at the time of writing this. He has diagnoses of attention deficit, and other mental health challenges, and attended a ‘special education’ school and a pupil referral unit.

ⁱⁱ My adult learning disabled daughter, 35 at the time, was raped twice and sexually assaulted once, over a period of three weeks in 2022, in public toilets. The perpetrator is autistic man over 10 years younger. The police interviewed her while I was present. No retelling of her story ever changed. We did not pursue a criminal investigation based on her wishes, and in support of her mental health. My daughter fully consents to the inclusion of this narrative; indeed, currently she says she would like to tell her own story at some point as difficult as that might be. That will always remain up to her.

ⁱⁱⁱ Kate Herrity and colleagues (2021: xxiv) suggest, ‘our language and disciplines have been constructed through very particular conceptions of the world in which the sensory has been relegated to an amorphous, intangible, and unmeasurable realm. But we do not experience the world singularly’.

^{iv} To understand more about these men, I have written pen portraits elsewhere, (Rogers, in press).