STATEMENT FOR THE RECORD
Law Enforcement Responses to Disabled Americans: Promising Approaches for Protecting Public Safety

Hearing before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights

Chair: Senator Dick Durbin

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Statement for the Record by:

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I would like to thank Chair Durbin and other members of the Subcommittee for holding this important hearing. People with disabilities represent approximately 19% of the U.S. non-institutionalized civilian population (Brault, 2012). Crimes committed against this population constitute serious human rights violations, and measures must be taken to address this problem.

Due to multiple vulnerabilities for abuse, people with disabilities experience violence at elevated and disproportionate rates when compared to people without disabilities. A literature review on the prevalence of interpersonal violence against people with diverse disabilities yielded lifetime rates ranging from 26 percent to 90 percent among women with disabilities and from 28.7 percent to 86.7 percent among men with disabilities. Another study reported more than 25 percent of individuals with severe mental illness had been crime victims, a rate eleven times greater than that estimated in the general population.

I invite the Subcommittee to consider the following priorities when addressing the response of law enforcement to Americans with disabilities:

**Need for Specialized Officer Training**

Evidence suggests that, as first responders, law enforcement officers need specialized disability-related training designed to improve their responses to people with mental illness and other disabilities. Few departments provide adequate training. Although some police officers disagree on the need or time available for additional training, there is substantial evidence that most officers acknowledge the importance of educational and training programs. For example, a survey of 125 police officers found that more than 90 percent agreed that mental health training was either fairly or very important. Officer training programs have been found to increase knowledge and reduce negative attitudes toward persons with mental illness. Additionally, officers require training on responding to people with intellectual and developmental disabilities who may more readily provide confessions, accept blame, and have difficulty understanding compared to other people.

Although evidence suggests that most law enforcement agencies provide some training on mental health issues, little is known about the nature and amount of the training. According a national study of 84 law enforcement agencies, the extent of training on mental health issues averaged 6.5 hours in academy training and one hour in-service training for police officers. More than a third did not provide post-academy training on disability issues. A national survey found that only 56 of 133 departments provided disability awareness officer training at an average of 1.5 hours per year.

Providing police officers with basic information about disability and people with disabilities based on information generated with and by the disability community can reduce the possibility of misunderstandings between both parties and the incidences of police response based on disability-related myths and stereotypes. Evidence strongly suggests that crimes against people
with disabilities often go underreported. According to one study, the majority of sexual victimization crimes against individuals with developmental disabilities did not get reported. The Protection and Advocacy, Inc. noted that approximately 71% of crimes against Californians with severe developmental disabilities went unreported. People with disabilities have identified barriers to reporting crime and expressed fears and concerns related to disability identification and disclosure, understanding the crime victim, credibility and victim blaming, communication challenges, and the provision of accommodations and supports. These fears and concerns represent significant topics that should be addressed in officer training.

**Need for Police Departments to Maintain Protocols for Responding to People with Disabilities**

Title II of the Americans with Disabilities Act (ADA) is the Federal law that prohibits discrimination against people with disabilities in State and local governments including law enforcement agencies. This law requires police departments to make reasonable modifications to their policies, procedures, and practices to provide accommodations to crime victims with disabilities, unless the modifications would fundamentally change the service, program, or activity provided by the agency.

Research supports the need to create or improve the protocols for responding to people with mental illness and other disabilities. A recent study found that the majority of the 133 law enforcement departments surveyed lacked such protocols. Additionally, police departments may lack a formal policy or a specialized team in place for responding to individuals in mental health crises. Findings from an earlier survey indicated that more than half of the 174 police departments had no specialized plan for responding to incidents involving persons with suspected mental health problems.

**Need for Improved Relations between Law Enforcement and the Disability Community**

Strengthening the relationships between law enforcement and disability service providers and disability community non-profits could help inform and train both sides. Such relationships could foster collaborations that ultimately could benefit crime victims with disabilities and alleged offenders with disabilities as well as potentially enhance officer and citizen safety. Efficient, effective, and realistic strategies could evolve as people initiate and maintain relationships. Crime victims with disabilities have suggested that people with disabilities and police officers meet one other informally in the community rather than only when reporting a crime as well as the potential benefit of holding community events or a class where people from both communities could interact and learn from one another. The following quotation by a police officer illustrates the need for improved relations and training: “The person we’re talking to is a victim of a crime, and maybe they don’t feel comfortable communicating with us, or we don’t have the skills to communicate with them.”

According to an anecdotal report, a community task force comprised of disability organizations and services, law enforcement, and community organizations and members served as a forum for people to learn about one another and their respective organizations, and ways they could work together for the safety and well-being of the entire community. This community-based approach
provided shared ownership of decisions and products generated by the task force, expedited future problem solving, and mitigated the "us-them" relationship that can exist between the police and citizens in the community. Providing face-to-face social and educational opportunities for people with disabilities and law enforcement officials could also help reduce fear or negative attitudes of one another. Officers could use those opportunities to provide individuals with disabilities information aimed at lowering the risk of victimization, offer strategies to increase to enhance their personal safety, and provide information on how to ask for help or report a crime.

I urge the Committee to mandate adequate disability-sensitive training for police officers, require that police departments develop and maintain protocols for responding to people with disabilities, and recommend that law enforcement strengthen their relationships with the disability community.

Sincerely,

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References


