

## Supporting Victims With Disabilities



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## 2000 Census



- 2.5 million "AI/AN alone"
- 4.1 million "AI/AN alone or in combination with another race"
- More than 500 Tribes, Pueblos, Villages
- Urban, rural, and reservation
- Sovereign Nations
- American with Disabilities Act does not apply to Tribes

## AI/AN Health Statistics

- 26% of AI/AN have a significant disability
- Twice the rate of accidents, injuries, and disease than other U.S. populations
- Twice the rate of vehicle accident injuries
- Twice the rate of firearms related death and injury
- 2 – 3 x diabetes than U.S. population
- 2 x cardiovascular disease

## More AI/AN Health Statistics

- Higher rates of maternal & infant mortality
- Higher rates of t.b., teen suicide, kidney failure and other complications from diabetes
- Lower life expectancy
- Recent Northern N..M. Study: Average age of disability = 49
- #1 = blindness #2 = hearing impediments

## Poverty and Disability

- AI/AN have the highest poverty rate in the United States (26% which is twice the national average)
- “poverty, income and wealth inequality, poor quality of life, racism, sex discrimination, and low socioeconomic status are the major risk factors for ill health and health inequalities.” National Association of County and City Health Officials 2002

## U.S. News and World Report 10-4-2004

- “The health status of the more than 2.5 million tribal members is worse than that of any other U.S. minority or majority group.”
- Shortage of IHS doctors, nurses, pharmacists, & dentists
- Long waits
- Antiquated equipment

## U.S. Surgeon General 1999 Report “Mental Health: Culture, Race and Ethnicity

- Native people have less access to and availability of mental health services
- Minorities receive poorer quality of mental health care
- Minorities are underrepresented in mental health research

## Access to Health Services

- IHS not fully funded to meet needs (assistive devices, specialists, etc.)
- Urban Indians often lack health insurance and may live too far to access IHS
- Inaccessible transportation
- Inaccessible buildings (Architectural barriers)
- Inaccessible communication systems (phones may not be existent)
- Lack of interpreters
- Cultural barriers (Attitudinal barriers)

## Bureau of Justice Statistics

- For the years 1992 through 1996 the average annual rate of violent victimizations among Indians (including Alaska Natives and Aleuts) was 124 per 1,000 residents ages 12 years old and older, compared to 61 violent victimizations per 1,000 blacks, 49 per 1,000 whites and 29 per 1,000 Asians.

## BJS Findings cont'd

- "Both male and female American Indians experience violent crime at higher rates than people of other races and are more likely to experience interracial violence."
- AI/AN with annual incomes under \$10,000 had the highest rate of violent crime victimization of any group

## Crime Against Native Women

- Native women have highest rate of violent crime victimization
- Native women have highest rate of sexual assault, stalking, and domestic violence
- Native women more likely to suffer a sexual assault by multiple perpetrators and in a public place
- Majority of Perpetrators = non-Indians which raises jurisdictional issues

## Statistics on Native People With Severe Disabilities

- 11.7 percent of American Indians, Eskimos or Aleuts have severe disabilities (compared with 7.4 percent of Anglos)  
National Organization for Victim Assistance
- 26% of AI/AN have a significant disability
- The percentage of people with a disability increases with age.

## OJP/OVC 2003 Report

First Response To Victims of Crime Who Have A Disability

- Risk of crime victimization of people with disabilities is higher than that of the general population
- People with disabilities are often repeatedly victimized by the same perpetrator

## Crime Causing Disability

- At least 6 million serious injuries occur each year due to crime, resulting in either temporary or permanent disability National Organization For Victim Assistance
- As many as 50 percent of patients who are long-term residents of hospitals and specialized rehabilitation centers are there due to crime-related injuries National Rehabilitation Information Center (NARIC)

## Crimes Against Persons With Disabilities

- 90% of perpetrators of all crimes against people with disabilities are known to the person with the disability
- who are the perpetrators?
- Financial abuse as well as violent crime
- Financial abuse in Indian country: when the entire family depends on the disabled person's resources

## “Hate Crimes”

Disability Rights Commission of Great Britain

- 47% of all people with disabilities experience “hate crimes” because of their disability
- 31% of those experiencing hate crimes are victimized at least once per month
- These hate crimes include threats and intimidation (verbal attacks, taunts, name calling, threats), assaults (spitting, physical attacks, hitting, pushing, shoving and kicking), robbery, damage to property, harassment
- Feel unprotected and vulnerable
- Modify their routine or move



## Women With Disabilities and Crime

- Women with physical disabilities are more likely to experience physical and sexual abuse
- 13% of women with physical disabilities experienced physical or sexual abuse in the past year
- Women with disabilities are at the same risk for emotional, physical, and sexual abuse from their intimate partners than the general population but they are more likely to be abused for significantly longer periods of time.
- Reasons?

## Standing Together Against Rape Study in Anchorage

- Women with a mental disability have 4 x rate of sexual assault than those without
- Women with blindness since birth: 50% have suffered at least one forced sexual assault

## MR/DD Crime Statistics

- 39 – 68 % of girls with DD will be sexually abused before age 18 Roeher Inst. Study
- 16 – 30 % of boys with DD will be sexually abused before age 18 Roeher Inst. Study
- Persons with MR/DD 11 x higher risk for sexual abuse
- 13 x higher risk for robbery
- 50% of women with DD who have been sexually assaulted have been sexually assaulted greater than 10 times
- Children with MR/DD have rates of child abuse and neglect that are 2 to 3 times higher than other children

## Crime Against Children With Disabilities

- Of the total population of children who had been physically or sexually abused 15-17 % had disabilities
- That number includes only reported cases (not including children in institutions) National Center on Child Abuse and Neglect, 1993

## Children with Disabilities cont'd

- 147 per 1000 abused children become developmentally disabled as a result of abuse and/or as a result of lack of adequate pre and perinatal care
  - Maternal behavior, accident, and injury during pregnancy can cause developmental disabilities (alcohol and substance abuse, etc.)
  - Pregnancy as risk factor for domestic violence
  - 11% of all people with cerebral palsy have cerebral palsy as a result of physical abuse
- United Cerebral Palsy Association Study

## Why Are People With Disabilities More Likely To Be Crime Victims?

- OVC says:
- Persons with mental disabilities can be less likely to recognize and avoid danger
- Persons with physical disabilities may be less able to protect themselves or escape harm
- May be less able to contact law enforcement
- Law enforcement needs increased education on responding (repeat offenders issues)
- Caregivers may be perpetrators/dependence
- Lack of shelter or other accommodations
- Other reasons?( Live in high risk environments, sex education, praised for compliance, etc.)

## Reporting

- 71% of violent crime against people with severe mental retardation is unreported
- 3% of sexual assault against persons with developmental disabilities is reported Victims of Crime Committee of the Criminal Justice Task Force for Persons with Disabilities, (California, January 1997)
- USDOJ/OVC: persons with disabilities may be less able to contact law enforcement to report crime
- Other reasons for underreporting by AI/AN?
- Crime Victims With Disabilities Act – include data on crime victims with disabilities

## Prosecution of Crimes Against People With DD/MR

- When a perpetrator is convicted for a crime against a person with DD/MR they often receive a lighter sentence:
  - "difficult to investigate,"
  - "consent issues with the victim,"
  - negative stereotypes of people with disabilities (people with DD/MR "less credible"),
  - people with DD/MR may be intimidated by the judicial process
  - manipulation by the perpetrator

## Prosecution of Crimes Against People With Physical Disabilities



- lack of interpreters
- Lack of alternative formats for information (police reports and other victim rights information – ADA doesn't apply to Tribes),
- building and accessibility issues
- Dependence (economic, physical, no accessible shelter, etc.) on care giver perpetrator may = recanting victim
- Perpetrator as "interpreter"
- Other issues?

## Civil "Remedies"



- Crimes against people with disabilities often handled civilly or administratively instead of criminally
- Guardian and conservator proceedings for adults (APS instead of rather than in conjunction with law enforcement investigation)
- Out of home placement (dependency, foster care, etc. for children and institutionalization)
- Involuntary civil commitment for mental illness
- What message does this send?

## Child Custody Issues

A faint background image of a pair of scales of justice, symbolizing law and equity.

- Native victims of domestic violence with disabilities find that child custody often given to the batterer
- Indian Child Welfare Act issues when Native child with a disability placed with other than his or her biological parent

## What Can Tribal Communities Do?

A faint background image of a pair of scales of justice, symbolizing law and equity.

- Prosecute crimes
- Additional enhanced criminal penalties for crimes against victims with significant disabilities
- Education on appropriate touch
- Screening of caregivers
- **Mandatory reporting** "An individual struggling to maintain independence may perceive mandatory reporting as excessive "protectionism," while others believe that the legal requirement to report crimes against "vulnerable adults" is integral to ensuring their safety." NOVA

## What to do cont'd

- Independent Living Centers
- Better screening by legal services providers, social services providers
- Personal safety training
- Multi-disciplinary teams with independent review when there are unexplained deaths, injuries, pregnancies, and STD's
- Abuse prevention education for families and care givers (increased reporting goal)
- Courts more accessible (victim testimony, interpreters, info in alternative formats, etc.)

## What to do cont'd

- Law enforcement officer with sufficient training dedicated to investigation of crimes against people with disabilities (office at ILC?)
- Law enforcement, prosecution, courts, service provider, community education and training
- Shelter and other living accommodation accessibility
- Cross disciplinary cooperation (health care, social services, legal system)
- Listen to people with disabilities for suggestions on improving the system

## Issues

- Who pays for services for abused victims with disabilities residing on reservations? The Tribe? The State? IHS?
- What is the standard for neglect for low-income reservation communities?
- What constitutes financial abuse when families often pool their resources?

## Dependency-Stress Model

- People with disabilities are dependent on their caregivers to such an extent that it causes stress. Caregivers abuse the person in their care because they have difficulties coping with the stress.
- What is wrong with this model?



## Power and Control Model

- When one person has significantly more power in the relationship than the other person, abuse is more likely to occur.

