

## Special Populations and Law Enforcement: A Focus on the Interactions between People with Disabilities and Law Enforcement

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With deinstitutionalization in the not-so-distant past, breaking down physical barriers as well as attitudinal barriers has been a goal that disability advocates have been actively promoting hoping to break through those old fashioned lock-em-up mindsets and to promote a life that is independent and free from navigation by others. In the past few years, some disability associations have recognized that violence is a barrier to this long sought-after independence. With this recognition, there have been programs developed for law enforcement to address situations where violence is being perpetrated against a person or group of persons with disabilities. The purpose of this article is to examine six individual cases where violence and disabilities are factors and observe the interactions of law enforcement and the person with the disability.

### Case Examination

#### *Case 1: Betsy*

Betsy is a 69-year-old woman with cardiovascular disease and ovarian cancer who went to the hospital after her middle son tried to suffocate her with a pillow. Betsy informed them that her son was drinking and she suspected that he was abusing drugs. The police were called and dispatched to the hospital. They were polite and courteous when addressing Betsy with their questions. They called a victim advocate to come down to the hospital and speak with Betsy about services for filing a restraining order against her son. They took time to explain to Betsy her rights as a victim and explained any accommodations she may need as she was currently

going through chemotherapy. They dispatched officers over to where her son was living, made contact, and arrested him. They informed Betsy, who was relieved that she did not have to go home in fear that he would come back.

After law enforcement officers left, Betsy described her feelings as being treated very well, especially after being so shook up from the situation with her son. She stated law enforcement was mindful of her condition and seemed to do anything they could to accommodate her and make her feel comfortable, even explaining in detail her rights as a victim of domestic violence when she didn't understand.

### *Case 2: Charlene*

Charlene is a 45-year-old woman who was physically abused by her husband of six years. Charlene has a physical disability from a car accident she had been involved in years previously. She has rods and pins in her left leg, hip, foot, arm and part of her back. She called law enforcement that responded and arrested her husband upon arrival after observing him threatening to kill Charlene. They explained to Charlene the rights of domestic violence victims and told her to call a victim service provider to file a restraining order.

Charlene followed the officer's instructions and was able to obtain a restraining order. The order was written so her husband could return once to gather his belongings with law enforcement accompaniment. Upon arrival to gather his items, the officers held Charlene outside in front of her house and allowed her husband to go in and take his possessions. While inside, Charlene's husband broke several items that were not his and proceeded to break out two back windows. When Charlene asked law enforcement officers to intervene, they informed her that there was nothing they could do. Noticeably upset, Charlene continued pleading with law enforcement stating that it would be hard for her to clean the glass with her disability. The

officers replied that if she could not properly care for herself because of her disability then she should be placed into a nursing home. At that point, her husband came outside with a few bags of his items and left with law enforcement.

In retrospect, Charlene thought she followed the proper protocol by issuing a complaint with internal affairs at the police agency regarding her treatment. The complaint was looked over and filed with internal affairs and no follow-up was ever done, even when the victim service advocate was contacted. The internal affairs department said the complaint was unfounded but would be kept on file. Charlene was understandably upset and had received help from her family to clean up the house and board the windows.

### *Case 3: Jermaine*

Jermaine is a 23-year-old man who has an severe emotional disability from being a child survivor of physical abuse. Jermaine was shot 5 times after a family gathering when his uncle picked up another young man known around the neighborhood for gang activity. The young man tried to rob Jermaine in the car. His uncle jumped from the car upon hearing the commotion. When Jermaine didn't move fast enough for him, the young man shot Jermaine in the left ear, side of his neck, twice in the back of the head, and once in the shoulder. Jermaine fell out of the car where he then took Jermaine's wallet, necklace, and watch; stole the car, and left Jermaine in the middle of the street. Jermaine was able to crawl to a nearby house and bang on the door for help. Police came; Jermaine was transported to a nearby hospital by the trauma helicopter, and treated in the trauma department. When police came to the hospital to get Jermaine's version of events, he was unable to properly respond to them. The officer left his card and informed the family to have Jermaine contact him once he was able to recall the events. Two months later, Jermaine was finally released from the hospital and immediately called the officer to report on

the events that had occurred. The officer stated he had already made his report but needed Jermaine to come down to the police station for another reason. Jermaine ordered a copy of the police report and called his victim advocate to attend the meeting with him. Jermaine received the copy of the report and called the victim advocate frantic. The police report was conflicting; they had taken a statement from the man who shot him which stated that Jermaine was the one who had initiated the shooting.

Upon arrival at the police department, Jermaine was questioned as if he was the perpetrator and was accused of owning a gun that was used in a home invasion found under the passenger seat of the car where he was sitting. When trying to explain to the officer that he had no knowledge of a gun nor was he the owner of the car that he was in, the officer brought out a brown bag and told the victim that he needed DNA to prove his innocence.

Jermaine's reaction to this accusatory stance was feeling re-victimized by law enforcement. Jermaine stated that he was the victim and they made him feel as if he was the perpetrator. They were more interested in his DNA to prove his innocence than they were in hearing his version of events. Although they did arrest the man who shot Jermaine, they only filed aggravated assault charges against him instead of attempted murder. The victim asked why it was filed that way instead of the latter; and was told that he was lucky they did not bring charges against him. Jermaine's DNA came back negative two weeks later. Jermaine to this day, has not been heard about his version of what took place.

#### *Case 4: Kate*

Kate a 34-year-old deaf woman called police through relay service from her TTY and was hung up on 3 times before making contact in order to make a report. Kate's husband of three years forced her to have sex in front of their three small children. Kate told the dispatcher that

she was deaf and needed an American Sign Language interpreter. When law enforcement arrived, they did not bring an interpreter. Kate's husband, who is not deaf, did all the talking to law enforcement and dismissed Kate as "deaf and dumb" and informed police that although she seems ok, she has mental problems. Law enforcement tried to talk to her by speaking very loudly while gesturing with their hands which t Kate could not understand. When contacting a victim services provider, Kate was given an interpreter and was able to vividly describe her story. Law enforcement was again called and a formal report was made with Kate's story. Police stated they did not have enough evidence for probable cause to arrest her husband but encouraged her to file a restraining order.

Kate followed the Americans with Disabilities Act and received an interpreter. She felt that the officers needed more training on how to deal with victims who are deaf. After the police left, her husband became more abusive towards her. She had to take her children and leave the home to stay with friends. She filed a restraining order and was approved. Kate also reported that the law enforcement dispatchers needed training on receiving relay calls for deaf and hard of hearing victims.

#### *Case 5: Lisa*

Lisa is a 41-year-old woman that has been using a wheelchair after having a stroke in her late twenties. Lisa contacted police after she woke up to her roommate beating her in the face, head, and neck with a baseball bat. The roommate fled from the scene when police arrived. They were able to locate him at a relative's house and took him into custody. The officer asked Lisa what her disability was and how he could make things easier for her. Lisa informed the officer that she was unable to understand complex instructions. The officer explained Lisa's rights as a victim in plain simple language she could understand. She also informed the officer that due to

her brain surgeries, she had a hard time recalling things immediately after they happen. The officer gave Lisa a case card and informed her that he would be available to make a supplement to the report as she was able to recall the events as they happened or any other pertinent information.

Lisa was very happy with the way her case was handled. She was grateful to the officer for accommodating her specific disability. She admitted that she was surprised he asked her what her disability was because most people avoided asking and usually did not accommodate her needs even when she voiced them. Lisa was extremely satisfied with the way law enforcement interacted with her and had nothing but positive comments to say with the way her case was handled by their agency.

#### *Case 6: Cindy*

Cindy is a 59-year-old woman who was being verbally and physically assaulted by her live-in ex husband. Cindy's husband drinks often and has had drug abuse problems in the past. Cindy has had three strokes in which he denied her getting speech or physical therapy. She has a hard time communicating because she is unable to form full sentences. She is able to say specific words in hopes that someone will be able to piece together the story for her. She also has an unsteady gait due to her left side being affected. Cindy calls the police at least twice a week when her husband binge drinks to get their assistance in defusing an argument. Typically, her husband flees the scene and Cindy is advised to get a restraining order. The last time Cindy called the police her husband decided to remain and waited for them to arrive. He informed the police that Cindy was drunk, which was why she couldn't walk or speak properly. The police threatened to take both Cindy and her husband to jail if the calls continued. Law enforcement did not even take a statement from Cindy.

When Cindy is asked what she thinks of law enforcement and the handling of her case, she responded with the words horrible, waste, and terrible. In my lengthy conversation with Cindy, I was able to ascertain that this pattern has gone on for a long time. She keeps being told by law enforcement to get a restraining order or to leave the premises but the reality is, Cindy has no where to go outside of a nursing home. Her husband provides her medications, food, and pays more than half the bills for their apartment. If Cindy were to move out, she would not be able to survive on her Social Security Disability check.

### Discussion

The interactions between law enforcement and those with disabilities varies; not so much by the specific disability or situation but by the knowledge of the law enforcement officer on how to recognize and deal with people with disabilities. It appears that the better handled situations were those in which the law enforcement officer asked the victim if they had a disability and/or understood a disability to be present and offered to make any necessary accommodations for that person. The main focus is the ability of the officer to identify and accommodate. It is NOT considered rude or offensive by the person with a disability to ask if they have a disability or require any special accommodations. The person requesting help would be grateful and not insulted.

Some officers are able to speak to people with disabilities; they have received and are currently using good practices of sensitivity training to better serve people with disabilities. In the above cases, it should be noted that the law enforcement officers should have interviewed all parties involved separately and with proper interpreting if needed. In most cases involving people with disabilities, the abuser is known to the victim. When communication is difficult to establish with a victim, law enforcement has been known to use whomever they are able to

communicate with, and unfortunately this is sometimes the abuser, as illustrated in the Cindy and Kate's cases above.

Some specific disabilities need to be focused on such as the high number of unreported domestic violence cases in the deaf culture which is partially due to the lack of education and misperception of what services are available to deaf and hard of hearing people.

Another specific disability needing attention not only with law enforcement but also in the prosecution of cases is people with developmental disabilities. The attitudinal barrier with these cases is that people with developmental disabilities are regarded as unreliable and un-credible to stand trial. However, there have been several innovations by prosecutors on how to establish credibility and proof that although the person with a developmental disability may not think along the same lines as a person that does not have a developmental disability, they could still maintain right from wrong.

It is recommended that all law enforcement agencies provide sensitivity training pertaining to people with disabilities to improve service delivery and reduce the potential for re-victimization. As a victim services provider specializing in people with disabilities, my main goal is to improve interactions between law enforcement and people with disabilities. Wouldn't it be wonderful if victims of crime with disabilities were just regarded as human beings needing help like everyone else? Victim specific positions for the disabled would, in essence, be eliminated and all victims with or without disabilities would receive the justice, care and special attention they deserve.

Diane Green received her Ph.D in Social Work from the University of Texas at Austin and her MSW from the University of Central Florida. Cr. Green's research and scholarly interests include victims of crime, stress and coping, grief and loss, end-of-life issues, and HIV/AIDS. Dr. Green's practice experience includes administration, direct services in group homes for foster care, juvenile delinquents, hospice, and Clinical Director of a Child/Adolescent Psychiatric Hospital.

Brandy Macaluso currently works as a crime victim practitioner specializing in people with disabilities at a disability rights agency. She received her Bachelor's Degree in Social Work from Florida Atlantic University and is a current member in good standing of the National Social Work Honors Society. Brandy is the co-chair of the Palm Beach County Human Trafficking Working Group, a member of the Palm Beach County Domestic Violence Council, and a member of the Palm Beach County Victims' Rights Coalition. She is a certified trainer of domestic violence and disability advocates regarding identifying victims, the person's rights according to the Rehabilitation Act and Americans with Disabilities Act, and their rights as a victim of violent crime.

### Recommended Resources

[National Center For Victims of Crime](#)

[Office for Victims of Crime Home](#)

[Abused \*\*Deaf\*\* Women's Advocacy Services](#)

[MINCAVA Electronic Clearinghouse: Document Library](#)

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