Responding to Crime Victims with Disabilities: The Perspective of Law Enforcement

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Responding to Crime Victims with Disabilities: The Perspective of Law Enforcement

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This focus group study identified methods and techniques to improve the criminal justice system’s response to crime victims with disabilities. Twenty-five city and county law enforcement officers from two northwestern settings participated in focus groups. A police officer co-facilitated the groups. Results indicate increased vulnerability of people with disabilities and explain barriers law enforcement faces in its service to crime victims with disabilities. Researchers, the disability community, and law enforcement need to work together to develop and implement efficient, effective, and realistic methods to improve the response of the criminal justice system to the victimization of people with disabilities.

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Compared to the general population, people with disabilities face an increased risk for criminal victimization, yet they are less likely to report crimes to the police (National Council on Disability, 2007). The National Sheriffs' Association (2008, p. 14) attributes the elevated risk, in part, to perpetrators who “specifically target this population under the assumption that victims will be unable to escape or report the crime”. Research suggests that people with disabilities consider reporting violence to the police to be ineffective (Powers et al., 2002; Saxton et al., 2001). Furthermore, law enforcement officers are confronted by numerous challenges in facilitating the reporting of crimes by persons with disabilities (Sorensen, 2001). These barriers contribute to the incomplete gathering of information from crime victims, compromise efforts to apprehend and successfully prosecute perpetrators, and impede the provision of appropriate disability-related supports that could increase victims’ safety.

**BACKGROUND**

**Perspective of People with Disabilities**

Individuals with disabilities face a myriad of psychosocial and disability-related barriers to reporting interpersonal crimes. These barriers include: mobility and/or communication limitations, social and/or physical isolation, feelings of shame and self-blame, lack of knowledge about the criminal justice system, and reluctance to report perpetrators who are family members or primary caregivers (Tyiska, 2001). In addition, people with disabilities may have difficulty labeling behavior such as rough treatment or the withholding of medication as abusive because they have come to accept it as typical treatment, and current laws do not consistently recognize certain abusive behaviors as criminal misconduct. Fear of retribution from family members, primary caregivers, and administrators at supported or institutional residential facilities constitutes another barrier to crime reporting (Helm, 1990). Individuals with disabilities who depend on their perpetrators for support with essential activities of daily life (e.g., eating, dressing) may fear “destitution if their offender is arrested and convicted—leading many crime victims with disabilities to live lives of silent desperation and hopelessness in the face of long-term, repeat victimization” (National Council on Disability, 2007, p. 2).

The reluctance of individuals with disabilities to report crimes has been linked to concerns of not being believed, appearing to lack credibility in
the eyes of the law, being unable to provide enough evidence to make a valid report, having complaints defined as less than criminal, and being referred to Adult Protective Services, as opposed to law enforcement agencies (Sobsey & Doe, 1991; Sorenson, 2001), many people with disabilities may be concerned that appropriate accommodations, such as a sign language interpreter or alternate format materials such as Braille or plain language, may not be provided by law enforcement agencies, making it difficult, if not impossible, for the person with a disability to adequately report the crime and interact with law enforcement. Furthermore, many people with disabilities are concerned that law enforcement officials will misinterpret their situation by incorrectly assuming that people with disabilities cannot live safely in their communities or manage their lives, including the ability to care for their children. The result of these incorrect assumptions may lead law enforcement agencies to unjustly place people with disabilities in an institution, or recommend that custody of their children be forcibly taken away from them (Saxton et al., 2001; Saxton et al., 2006).

Finally, crime victims with disabilities are also concerned with having their disability status documented in crime reports and subsequently becoming a part of the public record, which in turn, could lead to further discrimination. Despite research showing that many cases of crime against people with disabilities go unidentified, undocumented, and unreported (Sobsey & Doe, 1991; Wilson & Brewer, 1992), there is no authoritative data on the numbers of crime victims with disabilities (Tyiska, 2001). Crime victims in the general population can occasionally be identified through the examination of police records; however, this method is unreliable for determining the rate of crimes perpetrated against people with disabilities, because, generally, it is not standard protocol for a police report to document the presence of a disability (Nosek, Howland, & Hughes, 2001).

**Perspective of Law Enforcement**

Police may not have the requisite experience or training to know how to effectively work with crime victims with disabilities. For example, police officers may not know how to communicate with a victim who has an intellectual disability (ID). Furthermore, police officers may lack knowledge of appropriate referrals and advocacy resources for this population (Thompson, Thomas, & Fernandez, 1994). From a survey of 124 police officers' disability-related knowledge and perceived competence in responding to crime victims with disabilities, Modell and Mak (2008) concluded that the officers had trouble distinguishing among disability types, and they perceived people with disabilities as being different from the norm. Most officers viewed themselves as competent, yet most reported having little or no training regarding crime victims with disabilities and expressed a desire
for more training in this area. In Modell and Mak’s (2008) work, four themes emerged regarding specific training and skills needed to respond to people with disabilities: (1) training on characteristics and classification of disability, (2) patience skills, (3) resources and referral systems, and (4) communication skills. The authors concluded that police training should also emphasize diversity acceptance, differentiation between mental illness and other disabilities, and appropriate responses to crime victims with varying types of disabilities.

Perception of people with disabilities also plays an important role. Until the passage of the Americans with Disabilities Act (ADA), and the resultant increase in the numbers of people with diverse disabilities living and participating in the general community, the criminal justice system seemed to misperceive that people with disabilities gained protection against crime victimization by virtue of family or institutional systems (Houchins, 2000). Sorenson (2001) suggests that law enforcement personnel may incorrectly undervalue the abilities of disabled crime victims by viewing these victims as unreliable witnesses or by perceiving crimes against people with disabilities less seriously than crimes committed against people in the general population.

Despite evidence of low rates of crime-reporting by people with disabilities, little is known about barriers experienced by police when taking a report and investigating interpersonal violent crimes against victims with disabilities. Therefore, the twofold purpose of this study was to: (1) identify the barriers and facilitators for recognizing and reporting violence against people with disabilities, and (2) determine ways to improve training, practices and policies related to the response of the criminal justice system to victims with disabilities. Focus groups have demonstrated the capacity to generate insights into the attitudes, perceptions, and opinions of the participants (Krueger & Casey, 2000), and thus form the methodological backbone of our qualitative study.

METHODS

Participants

Recruitment. A police chief from a large urban city, a police chief from a small city, and a rural county sheriff accepted the invitation to participate in the study by helping to recruit their law enforcement staff. At one site, project staff contacted interested officers after receiving their names and contact information from the police department. At the other sites, officers were enrolled after responding to written or verbal announcements distributed through their stations. In all cases, officers were permitted to participate in the focus groups while on duty. The study was approved by three institutional review boards, and all 25 officers who participated provided written informed consent.
Eligibility criteria. To be eligible, an officer must have had: (1) at least two years experience as a patrol officer or crime investigator and (2) professional experience in the past five years working with interpersonal crime victims with disabilities, and/or personal experience as either a person with a disability or as a family member or friend of a person with a disability who had experience with abuse or violence that was reported to the police. We define “interpersonal crime” here as any crime occurring against an individual by someone the person knows. This excludes property crimes and other crimes in which the victim does not personally know the perpetrator.

Participant demographics. The 25 participants were predominantly male (92%), white (68%), and educated, with most having at least a college degree (54%). Participants’ demographic characteristics are presented in Tables 1 and 2.

Procedures
Twenty-five law enforcement officers participated in five focus groups held in two northwestern cities at either police stations or a sheriff’s office. A

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>Participant Demographic Descriptions</th>
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<tbody>
<tr>
<td>Descriptives (N = 25)</td>
<td>Mean (sd)</td>
</tr>
<tr>
<td>Age</td>
<td>44 (8.83)</td>
</tr>
<tr>
<td>Years as Patrol Officer</td>
<td>11.60 (4.74)</td>
</tr>
<tr>
<td>Years as an Investigator</td>
<td>3.52 (4.89)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE 2</th>
<th>Participant Demographic Frequencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequencies (N = 25)</td>
<td>Frequency</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>2</td>
</tr>
<tr>
<td>Male</td>
<td>23</td>
</tr>
<tr>
<td>Ethnicity/Race</td>
<td></td>
</tr>
<tr>
<td>American Indian/Native American</td>
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</tr>
<tr>
<td>Black/African American</td>
<td>2</td>
</tr>
<tr>
<td>White</td>
<td>17</td>
</tr>
<tr>
<td>Other</td>
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</tr>
<tr>
<td>Don’t want to say</td>
<td>1</td>
</tr>
<tr>
<td>Hispanic</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>No</td>
<td>22</td>
</tr>
<tr>
<td>Education</td>
<td></td>
</tr>
<tr>
<td>High School/GED</td>
<td>4</td>
</tr>
<tr>
<td>Some college</td>
<td>7</td>
</tr>
<tr>
<td>Completed 4 yrs college</td>
<td>9</td>
</tr>
<tr>
<td>Attended graduate school</td>
<td>4</td>
</tr>
<tr>
<td>Don’t want to say</td>
<td>0</td>
</tr>
</tbody>
</table>
researcher and a police officer not working with the participating agencies, but with disability experience, conducted all of the focus groups. At the beginning of each group, the facilitators introduced themselves, provided information on the nature and purpose of the study, and identified the sponsor of the study. Sequencing from general to specific questions, the co-leaders used planned, open-ended, and structured questions, inviting the participants to respond from their own perspectives and situations (Krueger & Casey, 2000). The respondents were asked to share information about their perceptions of the barriers and facilitators facing law enforcement officers when responding to interpersonal violence perpetrated against people with disabilities. They were also asked to suggest ways for improving training, practices, and policies related to the response of the criminal justice system to victims with disabilities.

A court reporter recorded, transcribed, and provided verbatim transcripts of the focus groups. Although the group leaders were identified by name on the transcripts, all identifying information of the participants was omitted from the transcripts. In fact, the focus group participants used numbers rather than names during the group discussion so that their names were not revealed to other participants or to the court reporter. At the end of each focus group, participants completed an anonymous questionnaire that asked for their age, gender, race/ethnicity, education, and the number of years in law enforcement.

Analysis

A constant comparative content analyses method was used to establish themes from the data (Lincoln & Guba, 1985). First, two researchers and one research assistant read each of the five transcripts to obtain an overview of the topics discussed during the focus groups (Krueger & Casey, 2000). Next, two researchers, using procedures described by Lincoln and Guba (1985), scrutinized words, phrases, and passages, and compared transcripts with one another to identify common themes represented in the collective interviews. Then they conducted line-by-line coding to identify preliminary themes. During this phase, the two researchers transcribed direct quotations to be considered later for interpretive purposes. The initial categories, which were expanded as new themes emerged, were treated as provisional, especially across study sites, pending their repeated observations in the transcripts. When the analyses did not result in a change of themes, and the researchers and the police officer who had co-facilitated the focus groups achieved a consensus on the themes, the interpretive structure was considered final. This systematic approach allows themes relevant to the research investigation to emerge on their own. This method contrasts with the process
of testing for a specific set of themes, which would identify the researchers’
themes of interest prior to data collection and analyses.

RESULTS

Analyses of the interview data resulted in 17 themes that were supported
across both study sites. The themes were organized into three major cate-
gories that described the barriers and facilitators for identifying and reporting
violence against people with disabilities. These three categories were (1) the
situational context, (2) multiple challenges, and (3) investigational and
prosecutorial difficulties. Another category that identified ways to improve
training, practice, and policies in responding to crimes against people with
disabilities was also included. Each category is described and illustrated in
detail next.

The Situational Context

The officers’ personal and professional experiences with people with dis-
abilities varied. The majority described having frequent, sometimes daily,
professional contact with crime victims with disabilities. Several described
personal experiences with people with disabilities, including working with
Special Olympics and coaching police station employees with disabilities.
Four participants reported having close family members with disabilities,
and a fifth participant reported being a service provider to people with
brain injuries prior to becoming a law enforcement officer. For a few offi-
cers, dealing with crime suspects with confirmed or suspected disabilities
was their primary professional exposure to people with disabilities.

Three themes illustrated the complex situational context within which
police officers work. The first theme addressed the vulnerability of people
with disabilities to experience being a victim of crime. The second theme
described how the situational context is shaped by the influence of mutual
attitudes between law enforcement officers and people with disabilities.
The third theme represented the underreporting of crimes against people
with disabilities.

Vulnerability of people with disabilities to crime. Overall, the extent of
crime perpetrated against people with disabilities and their vulnerability to
being victimized was omnipresent. One officer summarized the vulnerability
of people with disabilities in this way:

Because there are so many people that take advantage of everyone in
the city that has a disability any way they can, whether it’s stealing from
them, or living in their area, or even being, you know, abusive or violent with them.

Another officer referred to the fact that no one in his community watches out for people with disabilities, making them easy targets for repeated violence. The following was one example:

There was a young man, and I think he was maybe 19 and he had an apartment. He was learning disabled of some form. And he had a caretaker, but he was basically living on his own near an area where there are a lot of people that are not very good. And so he was taken advantage of on a daily basis.

Being vulnerable to theft was the most frequently described issue for people with disabilities. Typically, the perpetrator was someone known to the victim, such as a caregiver or acquaintance. Shame and embarrassment regarding the theft frequently kept victims and/or their families from reporting the crime.

The officers discussed cases of sexual assault, particularly in the context of victims who were unable to consent to sexual activity. For example, one officer explained:

We have had [reported cases of] sexual intercourse without consent of those that are handicapped, either physically or mentally, [because] they have been unable to say no. Or [reports of] those that are mentally deficient to the point they don’t know what consent is. And they can’t consent, so we get those cases all of the time.

The importance of not re-victimizing crime victims with disabilities was stated poignantly by this officer:

If we don’t do something, if we keep doing what we’re going to do now, we’re missing cases, and things aren’t getting done, and these people are victimized and who are they calling for help? And I just really wonder sometimes how many people have called for help and not gotten service. And they already lead kind of a tortured life in our society, and so now we’ve just added more torture onto their life because they were brave enough to call, and now what happened?

Attitudes shaping the situational context. Focus group members described how they thought people with disabilities perceived them, as well as their own attitudes toward people with disabilities. The general impression was that police were negatively perceived by people with disabilities, often designated as “the bad people,” due to prior negative experiences
with the police or the connection between police involvement and a traumatic event. Other explanations included the policy of “officer safety first,” people’s general fear of police, and unintentional intimidation on the part of the officer. An officer described attending a meeting where one of the female participants who used a wheelchair told about falling out of her chair, having an anxiety attack, and calling 911.

... and she was relieved that the fireman had arrived and not the police, because had the police showed up in that state they would have arrested her and taken her to jail.

People with mental health disabilities, especially those who are homeless, were identified as particularly reluctant to talk to the police. As one officer said:

It seems like some [people with disabilities] maybe have a fear of the police, and so maybe we don’t always get everything we need out of them when it comes to them being a victim.

The focus group members acknowledged that police have both negative and positive attitudes toward people with disabilities. Being a microcosm of the general population, police were seen as having the potential to discriminate against people with disabilities. As one officer who was a parent of a child with a disability stated:

Because I think there’s a tendency in our society that—you know, people treat the disabled, oftentimes, like “Oh, God. Don’t get too close to me. It might be contagious.”

The context of an officer’s life influenced their attitudes toward people with disabilities. One officer summed it up by saying, “I think as police officers we deal with the bottom 5% of humanity.”

Another officer described how this influenced his approach toward people with disabilities:

You’re like, “This person’s drunk or dumb as a rock,” and you blow them off and say, “Why don’t you come on down,” you know, “Stop drinking, come on down, and we’ll take your report,” and maybe it was not alcohol at all. It’s... It’s not that they’re stupid or blowing me off or not paying attention to me, it’s that they have a disability.

People with disabilities as suspected perpetrators. While the primary focus of this study is to document the experiences of law enforcement with crime victims with disabilities, some participants also discussed
experience with, or attitudes toward, suspected perpetrators with disabilities. Participants described how people go into law enforcement because of a desire to help people, and in the case of people with disabilities, may take the person’s disability into account when deciding whether or not to make an arrest. One officer said:

We all go above and beyond to try and make it a better situation, where we might not arrest someone with a disability to, kind of, give them the benefit of the doubt, knowing that jail is not always the best spot for them.

Similarly, several officers described the failure to arrest suspects with disabilities due to disability-related barriers and officer apprehension about managing a wheelchair or being unable to communicate with a deaf person.

Underreporting of Crimes Against People with Disabilities

Despite a consensus that people with disabilities were more likely to be victims of crime, participants expressed concern that crimes against people with disabilities were underreported. Several acknowledged that the absence of any systematic method of tracking crimes against people with disabilities made it impossible to determine the extent of underreporting. As one officer said:

You know, people with disabilities, I’m sure they’re victims of crime more frequently than they report. So I don’t know who they tell, if they tell anybody, or, really, who they trust.

The reluctance to report crimes was attributed to people having negative attitudes toward police, as described in the previous section, as well as having feelings of embarrassment or shame. In the case of people with mental health disabilities, sometimes they did not know that they should report. One officer summarized how multiple factors most likely impact a person’s decision to report:

... what they’ve been through, some of these people have just been through the system a million times over with very little results. You know, you go through some of the mental health system, or the welfare, of SSI, whatever it is in your particular state, and after a while, you probably—like most people, you come away disappointed. You don’t have a lot of faith in systems or the system in general. So you think, well, why bother? Is it going to help? Is it the same old, same old?
Multiple Challenges

Participants identified several challenges that create barriers to identifying and reporting violence against people with disabilities. The main themes were:

- the difficulty identifying people with disabilities;
- the particular challenges of people with mental health disabilities;
- legal and confidentiality issues;
- communication difficulties; and
- lack of resources.

Although they will be individually described, there was a great deal of overlap between the themes. For example, not being able to communicate with a person with a hearing disability was related to not having resources to hire interpreters.

Difficulty identifying people with disabilities. The difficulty of identifying whether a person has a disability was frequently mentioned. One officer put it this way, “So it’s very hard because you don’t want to assume and you don’t want to offend somebody because somebody can take offense to that, ‘Are you handicapped?’ ‘What do you mean,’ you know. So it’s very touchy.”

Identifying cognitive, mental health and learning disabilities were described as the most challenging since they may not be obvious, as a missing limb or a wheelchair might be. Further complicating the issue is the reluctance of some victims to not acknowledge their disability for fear they won’t be taken seriously or will be viewed differently than a victim without a disability, which can result in the following situation:

And then when you arrive on a scene and you’re not sure maybe what this person’s disability is, you know, and unless there’s somebody there that can sit down and really kind of explain what is going on with this person and how best to communicate with them without actually speaking for him.

Suggestions to facilitate the identification of people with disabilities included flagging the database with a brief paragraph about people with disabilities, and working with people with disabilities to self-identify their disabilities with the understanding that it would make it easier for the police to be helpful. Despite support for both ideas, the potential liability of each was discussed but without clear resolution.

Mental health disabilities. Effectively responding to people with mental health disabilities was clearly described as the most challenging barrier. As one participant said, “I think mental health is the fire that everybody feels
compelled to put out at the moment.” Another added, “The mental health
disabilities are probably the most difficult to deal with way beyond the physical
disabilities.” Several officers described the expectation that they should be
able to distinguish between different mental health disabilities but lacked the
time and training to adequately do it. One officer summed it up:

... how you interact with someone that’s a schizophrenic may be a lot
different than someone that’s a manic depressant ... You are asking an
officer to diagnose them right there and treat them different. That’s not
something a psychologist would immediately diagnose. You have to talk
a while and get some background. We don’t have that time. I don’t think
it’s feasible.

Compounding the problem is the dearth of community mental health
services. An officer described it this way, “So we’re constantly dealing with
those [released from the mental hospital] ... that may be on medication or
may not be on medication. And we see the same people a lot.”

Legal issues. Various laws and maintaining confidentiality of crime vic-
lems can be barriers to best serving victims with disabilities. Police officers
must grapple with HIPAA (Health Insurance Portability and Accountability
Act), and other laws and policies that can impede making a complete police
report, in order to ensure a thorough investigation. For example, although
the police officer may know from the victim’s actions that he or she has a
brain injury or other disability, the victim may not disclose having a disabil-
ity. Therefore, the responding officer is not permitted to note the observation
of disability in his or her report to detectives, despite the fact the informa-
tion could greatly impact the investigation. Some said doing so would open
up the possibility for liability. As one officer put it, “and our intentions may
be extremely goodhearted and with the best of intentions of helping this
person, but it could come back to haunt us.”

Communication. Communication was described as the “best tool” an
officer could have to find out what happened, learn about physical evi-
dence and where to locate witnesses, and “get the story.” That said, multiple
challenges to communication were described. One participant captured both
aspects of the communication issue: “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.” It was recognized
that sometimes the victim’s underlying disabling condition is exacerbated in
a crisis situation, making it even more difficult to communicate.

Experience in the field was recognized as critical to developing
communication skills. One officer used this metaphor:

... [we] have all these tools on the belt we wear. But the one skill we
cannot practice and develop, other than in the field, is communication
skills, and we don't have a practice range you can go to and verbally shoot back and forth at people with words.

Effective listening also was described as an important skill. One participant described it as follows, “A big part of communication is listening and getting a feel for them real quick so that you know how you might want to phrase things.” Another skill was figuring out how to deal with challenging situations, whether it involved reading lips, writing notes, finding someone to support the victim, or accommodating a person’s needs, as this officer described:

Instead of asking someone to describe the guy . . . you can ask questions like, “Well who does he remind you of?” “Well, he looks like Chichi from the Rodriguez family on TV,” and you can get additional information by simply coming at it from a different approach.

Time was repeatedly mentioned as a needed element to work through challenging situations. However, lack of time was frequently cited as a common barrier to effective communication. As one officer stated, “You don’t have time to communicate with people.” Another stated:

It comes back to the communication thing, whether it’s getting help communicating with a person, or getting people to slow down and take the time to gather—speak to the victim and the family to get the information they need.

Lack of resources. The lack of resources to support both victims with disabilities, and the criminal justice system, was universally acknowledged. The added burden of not having adequate resources was captured by these officers:

. . . but the resources behind us are so critical to us being able to try to take some of this burden back or put it where it needs to be, and not on the shoulders of police officers who are out there every day having to answer these calls.

Similarly, another participant stated, “If we have somebody with a disability, there’s nothing here, period. It’s just not available. It’s never been given a thought. And it is needed.”

Fragmentation of services, lack of coordination, inaccurate information, and constantly changing services were identified as barriers to utilizing existing resources. As one officer said, “The resources come and go so much and we’ll get comfortable with one, and it disappears on us. And it was doing good, and all of a sudden, bam, it’s gone.”
Suggested facilitators for improving access to resources included having specially trained officers and/or civilians to work with crime victims with disabilities. These would be people with awareness and connection with resources and with policies and procedures in place for knowing which resources to contact for assistance with a particular incident. Creating a “bridge” between police departments and community agencies was identified as one way to facilitate access to resources by developing a network, or kinship.

Investigational and prosecutorial difficulties. For crime victims with disabilities, the process of conducting an interview, writing a report, having an investigation, and moving to prosecution was uniformly seen as long and arduous. Every aspect of the process was viewed as different. One officer asked and answered his own question: “Are the investigative techniques working with the community [disability community] different from working with the rest of the community? And I say absolutely, absolutely. It’s hugely different.”

The length of time needed to interview, conduct the investigation and mount the prosecution was described as long, and in some cases, a waste of time, because “it’s not going anywhere.” The following example was given:

One thing that clearly happens with our disabled community is the prosecutorial process is so slow. By the time it gets to court, many times those caregivers are gone, because they’re making $3.75/hour and they don’t hang around for the 18 months it takes to get to trial, and they’re gone, and the witnesses are gone. And that’s a terrible problem we have, specifically with the prosecutorial end.

The major themes in this category were: (1) barriers to interviewing; (2) barriers to reporting; (3) investigational barriers; and (4) prosecutorial barriers.

Barriers to interviewing. Many barriers to interviewing crime victims with disabilities were described. Most of them revolved around communication, mental health, and cognitive challenges. Frustration was expressed about getting declaratory evidence, and the time it takes. As one officer said, “Well, it takes a lot of time and expertise to get it, but it is still there.” Another officer pointed out:

But the key on these investigations is time, and I know patrol officers feel like, “I’ve got to get this call done and move on.” And at some point the administration is going to have to realize that if you get one of these [person with a disability] calls, you’re going to be tied up for a long time.

Lack of fundamental training on interviewing was mentioned as a barrier, especially in working with victims with disabilities. One officer expressed his frustration:
I was doing this interview and didn’t realize I was supposed to remove the victim from the caseworker and perhaps I would have had a better interview or cleaner interview if I would have had her separated from her caseworker.

Facilitators to obtaining a good interview were having adequate time, establishing rapport with the victim, having specially trained officers who can communicate with victims with disabilities, and having patience.

Barriers to reporting. The dilemma of how much to include in the report about the victim’s disability in order to not jeopardize their chances of pursuing charges was frequently described. For instance:

And the reporting part, it can happen, but we’ve talked about how sensitive can we get and still be able to, if we’re trying to make a case against a person that has victimized them, make it stick.

On the other hand, officers were criticized for not including more information as illustrated by this officer:

And I hear from the investigators all the time. “Could you tell these guys to put it in the report,” or, “It wasn’t in the report,” or, you know, “I got the case the next morning and there was no mention of the victim’s disability,” or that they were deaf, or they were on meds, that they sleep in, or it’s a better time for them.

Another issue was uncertainty about the outcome of reports: “You write your reports, send them on in—you’re kind of done with it unless you get subpoenaed to court.”

Barriers to investigation. Time was the key barrier to investigation. There was an overarching concern that time often was wasted on investigating crimes against people with disabilities because the case was not likely to result in an arrest or conviction. Time was also needed to do a thorough investigation, as pointed out by this officer:

... the supervisors are going to have to realize that in order to do a good investigation for people with disabilities, it’s not going to be a 20- or 30-minute call. It’s going to take some time. It may take you 20 or 30 minutes just to get them comfortable.

Understandably, not having enough time was extremely frustrating. An officer expressed it this way, “So it makes it difficult because we want to help. We are the underdog. We want to take care of people, and we only have a limited amount of time.”

Barriers to prosecution. Uncertainty about the outcome was a significant barrier. There was uncertainty about whether the DA would perceive
the case as too difficult, too hard to win, or needing to be a “slam dunk” to go anywhere. It was described in this way:

If we can’t put it through the 12 people and have them believe beyond a reasonable doubt, they’re not going to push it usually. It kind of just depends on the prosecutor and the timing and importance of the case.

Contributing to this uncertainty was a perception that attorneys and judges are not trained to understand the disability-related issues. Another source of uncertainty was the moral issue of the cost to the victims, and whether it was worth it to victims to have to explain what happened to a grand jury, or trial jury, and relive the crime.

Several facilitators to improving the investigational and prosecutorial process were identified. Having adequate time to do their job was the most obvious and yet an unrealistically attainable strategy. Establishing partnerships with community agencies to provide support working with victims with disabilities was frequently mentioned, especially during the investigational process. Similarly, having a specialty unit with investigators who work with crime victims with disabilities was often identified as a possible solution.

Improving Training, Practice, and Policies

Training. There was consensus that additional training focused on working with people with disabilities was not realistic because of the complexity of information needed to understand the diversity of disabilities and lack of time. One officer described the problem this way:

... it’s not realistic to think we can train up officers to reach the high levels of being able to deal with a whole bunch of disabilities. In reality, that would be like trying to train officers to speak a hundred different languages or something.

Other officers worried about the risk of too much specific training on disability. As one said:

If you start emphasizing a particular pattern for police officers that deal with disability you probably are not going to be able to cover it all. We have to react to the situation, not to what’s written down in a guideline.

Alternatives to training included raising general awareness about disability during academy training, experience, and hiring people with common sense. One officer summed it up:
Training is great, but there’s only so many hours in a day, and we have to have cops on the street. I think it’s a lot more efficient to hire people with common sense that can learn from what they are doing.

Practice. The primary suggestions for improving practice centered on working more directly with people with disabilities and becoming more familiar with community resources. A few suggestions were aimed at having people with disabilities become more knowledgeable about what they need to do to report a crime. Ideally, this would result in contacting the police, which in some cases might involve first going to a “middle man or agency” who would facilitate reporting to the police. The majority of suggestions, however, focused on finding ways to interact with the disability community that are not crisis-oriented, or when there is ample time to talk and become acquainted with one another in order to break down barriers. An officer framed it like this:

Most of us jump at the opportunity to have some sort of interaction with people in a non-traumatic situation, [let them] see that we are people, we have family, and we have feelings. Once that’s done, people with disabilities will have more confidence in being able to report things to us.

Another strategy was building relationships with disability communities, outside of reporting or investigative duties, similar to the relationships that police departments have with schools. One officer described the effectiveness of a relationship between the police and a non-profit organization that provides sheltered and community employment and other supports to people with disabilities in the community:

And we get calls from them [organization] a lot about things going on, and they are really good actually because they work with them [people with disabilities] every day, and so they know their behaviors. You can be talking to them and they’re like, yeah, he always acts like this towards so and so ... We get a lot of stuff like that.

Policy recommendations. The most consistent policy recommendation was to have specially trained officers who work with officers and crime victims with disabilities. This idea was seen as much more feasible than training an entire police force. It was also seen as a collaborative model, as described by this officer:

Let’s say you’ve got some officers that are specially trained in interviewing disabled people or some sort of skills like that, maybe by policy make it so that they come in and they deal with the disabled victim, but the primary officer is still responsible for processing the scene, gathering the
DISCUSSION

The broad categories and their more specific themes that emerged through data analysis provide several interesting points for discussion. Chief among them is the interplay between perceived lack of resources and training, professional standards, ethics, and procedures, and frustration resulting from communication difficulties. Unlike Modell and Mak’s (2008) study, the law enforcement officers in our focus groups seemed to report more frustration with the system than with the crime victims with disabilities themselves. For instance, rather than blaming an individual with a disability for poor communication, the officers focused more on the systemic barriers resulting from police culture (e.g., the pressure to handle a call quickly), police policy (e.g., restrictions on including disability status and possible accommodations in a police report), and lack of disability-specific training. In other words, the officers were careful not to re-victimize crime victims with disabilities due to the presence of a disability. Participants who reported having close family members with disabilities or previous professional experience as a disability services provider seemed particularly aware of the public stigma surrounding disability.

In addition, the officers discussed reasons that crime victims with disabilities might be exceptionally wary of reporting crimes, and seemed to respect those as legitimate concerns within the disability community. Along the same lines, most officers reported that the most effective ways to ameliorate these barriers would include some sort of informal, community-based interaction with the disability community, allowing law enforcement and people with disabilities to gain connection and understanding on a more individual, “human” level. This suggests that formal training may not be the only way to improve crime reporting and trust of law enforcement officials among people with disabilities. The process of handling disability within a law enforcement setting is a both a systematic and cultural issue that cannot be addressed by formal training alone.

Building effective relationships between law enforcement and the disability community has the potential not only to increase the civil and criminal reporting, investigation, and prosecution of interpersonal crimes against people with disabilities, but also to reduce trauma and re-victimization in this community. Improved communication and more positive interactions between the groups may result in better access to, and improved, responses from the criminal justice system for people with disabilities. This in turn may lead both to better, more accurate reporting rates among crime victims,
and fewer repeat offenses by perpetrators who may perceive people with disabilities as “easy targets” who are unlikely to report crimes.

The analyses also revealed the complex issue of disability reporting and identification within the context of crime reports. On one hand, individuals with disabilities are often reluctant to identify themselves as having a disability for fear of discrimination or maltreatment, and reporting suspected or confirmed disability in records might violate patient privacy protections. Conversely, the law enforcement officers in our study frequently reported feeling hampered by a lack of knowledge regarding specific types of disabilities and how to best accommodate people with different types of disabilities, especially when crime victims are reluctant, unwilling, or unable to self-report their disabilities.

Strengths and Limitations of the Present Study

This study has multiple strengths, particularly in the areas of participant selection and other aspects of study design. One of the prominent strengths is that two individuals with complementary skills and knowledge facilitated the focus groups. One person, who had both a disability and an extensive background in law enforcement, co-facilitated the groups with a member of the research team. This procedure ensured that the facilitators would be comfortable with both the “culture” of law enforcement and the lived experience of disability, hopefully creating a more comfortable and open forum for the participants. An additional strength of this study is that it involved participants from a large metropolitan area and a small city in a different northwestern state. This design offers more generalized results than would a study which involved only participants from one location or precinct. Likewise, the study also benefited from the inclusion of patrol officers, investigators, and city and county officers, allowing a wide range of viewpoints, experiences, and seniority.

Despite these strengths, this study also has several limitations. A key limitation is that no law enforcement officials from extremely rural and frontier areas, such as small, isolated towns, participated. Officers from these geographic locales would have likely provided a new and differing perspective on working with victims with disabilities in small, close-knit communities with limited formal resources. Also, another potential limitation of the study is the exclusion of participants who did not have personal or professional experience with individuals with disabilities. Being able to examine any differences and similarities in perspectives between these two groups may have provided valuable information as to how people with disabilities are viewed by law enforcement officers with little experience working with them. Such a diverse group may have also produced interesting feedback related to training preferences for working with interpersonal
crime victims and suspected perpetrators with disabilities. Finally, the overwhelmingly male make-up of our sample resulted in a potential gender bias, and future research should examine these questions with additional female members of law enforcement as well.

Future Directions for Research and Practice

The results of this study suggest the existence of significant barriers to consistent, mutually beneficial interactions between people with disabilities and members of law enforcement agencies. Researchers, law enforcement officials, and disability advocates should work together to develop and test efficient, effective, and realistic ways of closing the gaps between these two groups, and offer relevant and useful information on interacting effectively with people with diverse disabilities. Likewise, disability groups should receive appropriate information on relating to law enforcement. Common efforts should also be made to provide social and educational opportunities for people with disabilities and law enforcement officials outside of crime-related situations.

Future research should also address the experiences of female law enforcement officers and those who work in extremely rural settings. It is recommended that the relationship between people with disabilities and law enforcement across differing geographic regions be investigated in order to enhance knowledge of the issue as a whole. This body of research could play a significant role in better understanding the experiences of crime victims with disabilities and the law enforcement officials in their communities. Likewise, further research in this area could systematically evaluate and reduce the physical, programmatic, and attitudinal barriers discussed by the participants in this study. Such research could provide both an avenue for direct change and key background information for the implementation of more targeted, relevant policies related to crime victims with disabilities.

REFERENCES


