

The National Center on Criminal Justice & Disabilities Webinar Series

*Crime Victims with Disabilities: An Overview for
Professionals in the Criminal Justice System*
February 27, 2014



NCCJD is pleased to introduce:

Dr. Nora J. Baladerian
Licensed Psychologist
Director:
Disability and Abuse Project
Los Angeles, CA

© 2014 Spectrum Institute



Let's Hear from You

Polling Questions



National Center on
Criminal Justice & Disability

Achieve with us.

WHAT ARE THE ISSUES?



Points to Consider

- 1. Barriers to Abuse; Discussions & Action**
- 2. Known incidence and prevalence**
- 3. Reporting of abuse**
- 4. Response to reports of abuse (agency)**
- 5. Law Enforcement Response**
- 6. Victim Services**
- 7. Trauma-Informed Care Giving**
- 8. Risk Reduction and Prevention**

1. Barriers to Abuse Discussions & Action



Barriers to Abuse Discussions & Action

- Personal Fears
- Personal lack of education/information
- Ickiness of the topic (Taboo, too scary)
- Feeling that abuse cannot be effectively “handled” at the agency level (feel powerless to address it)
- Too hard to believe that abuse of people with disabilities could actually happen

Barriers to Abuse Discussions & Action

Personal Fears

- Many do not want to discuss abuse because it reminds them of their own history of abuse
- Some people cannot tolerate such discussions for a variety of reasons (akin to fear of hospitals)
- Many feel so helpless about abuse, they cannot imagine being able to do anything about it
- They believe they would not know what to do if they were faced with dealing with the abuse of someone they know

Barriers to Abuse Discussions & Action

Personal lack of education/information

- Mostly, people would rather not think about abuse, and eschew seeking education and information about the topic.
- They require support in facing ugly realities.
- When abuse is placed in the context of other unwanted events such as natural disasters, it becomes a bit more tolerable, especially in a framework of being able to do something about it.

Barriers to Abuse Discussions & Action

Ickiness of the topic (Taboo, too scary)

- Talking about physical abuse, financial abuse, verbal abuse, and emotional abuse is not easy.
- “Bullying”, however is a word that has found acceptance, and folks are able to discuss this.
- Sexual abuse demands talk about sex, which still remains scary and a cultural taboo.
- Social inhibitors are clearly in place...which protect the predators. These must be identified & overcome. (See Risk Reduction Workbook for Parents and Service Providers for identification of Social Inhibitors).

Barriers to Abuse

Discussions & Action

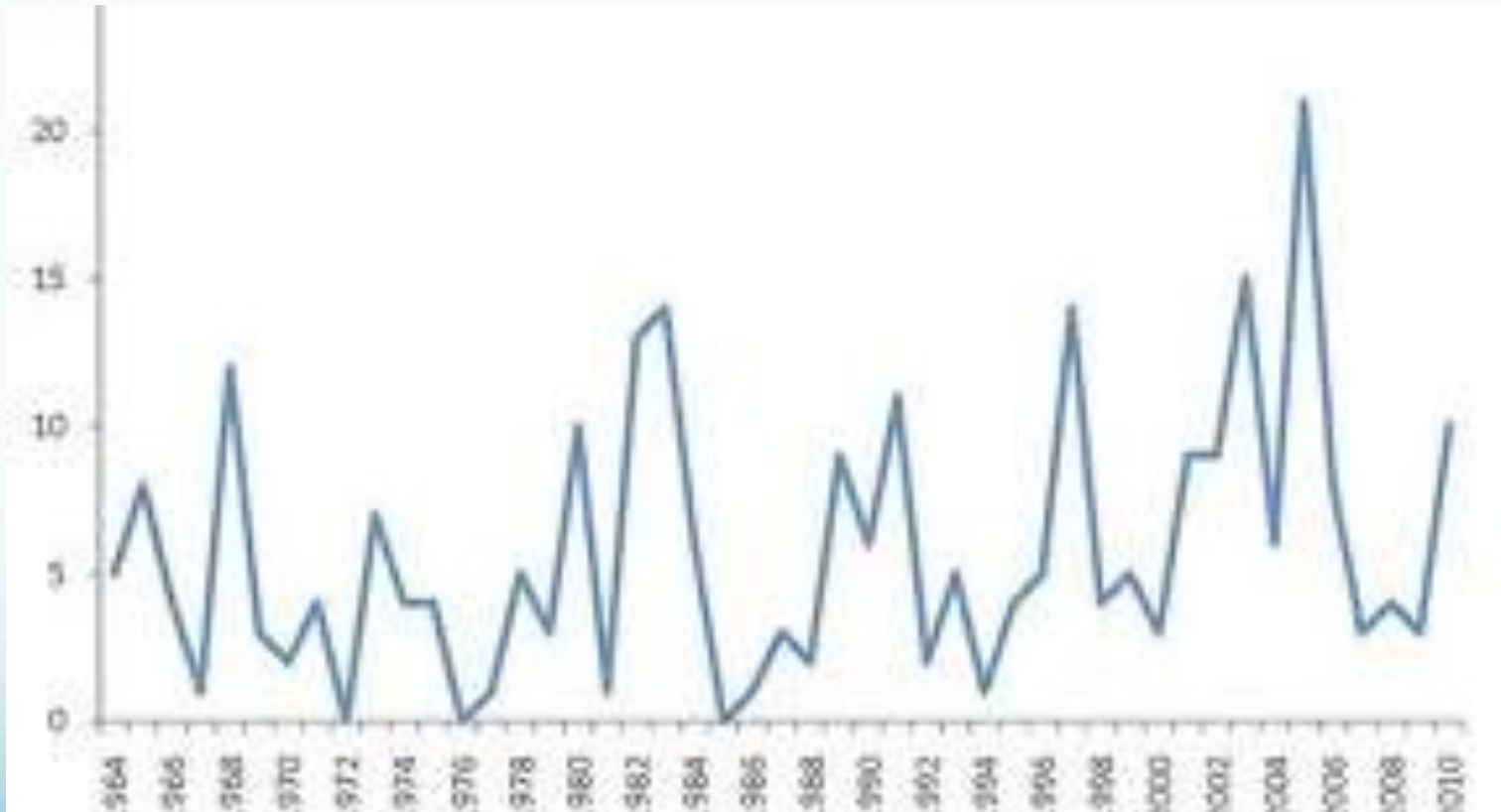
- Feeling that abuse cannot be effectively “handled” at the agency level
 - Agencies are like individuals, and many have not aggressively embraced development of policies and practices that make their agency one where it is well known that abuse is not tolerated, is quickly responded to, and reports are made immediately.
 - Guidelines for designing effective policies are available... and they are not costly. They require simply time and effort...and the will to address the problem.

Barriers to Abuse Discussions & Action

Too hard to believe that abuse of people with disabilities could actually happen!

- Parents just can not conceive of the possibility that anyone could abuse their child
- Not only parents, but law enforcement officers, prosecutors, attorneys and other social service workers **JUST CANNOT BELIEVE IT...AND ACT ON THEIR DISBELIEF**
- Mandated reporters just cannot believe what they are told, and dismiss the victim's report thus abandoning the victim. They create a believable scenario by saying the victim or parent made it up. Then *they* feel better...but not the victim
- This applies to all others who respond to abuse reports from hotline workers to detectives, lawyers, and judges
- Unable to believe the reality of the victim's report, nothing is done to support the victim who is then left without any help, and worse, believed to be a fabricator. Similar to those who could not believe the reports of Nazi tortures.

2. Known incidence and prevalence



Known incidence and prevalence

KINDS OF ABUSE

- Physical abuse
- Emotional
- Verbal
- Sexual
- Financial
- These include bullying (verbal/emotional) and trafficking (all of the above).

AND

NEGLECT

Physical
Emotional

Known incidence and prevalence

Those most likely to abuse:

- Family and household members
- Service providers
 - School personnel
 - Transportation personnel
 - Day program, residential, support (ILS)
- Anyone given an authority over another
 - Practitioners with “solo” access
 - Camp staff

Perpetrators

- Only 3% are caught and prosecuted
- Access is through looking normal, being nice, seeming to be trustworthy and helpful
- Any gender, age, social class, race
- Often stable, employed, respected community member
- Pedophilia is considered an immutable pathology... but they do not feel they are doing anything wrong. Thus can easily pass a polygraph test.

Perpetrator Thinking

- Doesn't care if child/adult victim or parent is hurt
- Makes victim feel special
- Learns victim's likes/dislikes
- Isolates victim for their activities...benign at the beginning
- Expands time with victim from normal job to extra service (coaching, careproviding)
- Says things to keep you off guard, for example, maligning predators

Perpetrator Thinking

- Makes it difficult for parent/careprovider to protest or report
- Convinces victim that the victim is responsible for his behavior
- Convinces victim no one will believe him/her
- Threaten victim/family with physical violence if they tell
- Normalizes the conduct “everyone does this”

Known incidence and prevalence

STATISTICS!!!

Abuse of people with disabilities

- **DATA IS COLLECTED IN AGE COHORTS:**
- **CHILD ABUSE:** newborn to 18
- The National Child Abuse and Neglect Data System (NCANDS) collects data on child maltreatment from the States on a voluntary basis. The data collected includes information on the characteristics of maltreatment reports, children who were the subject of these reports, services that were provided, and the perpetrators of the maltreatment. www.nrccwdt.org/ncands/
- **VULNERABLE ADULTS:** 18-64
- **ELDER ABUSE:** 64 +
- At present there is no data collection system like NCANDS for those over 18 (Exciting New Pilot Study!)

Abuse of people with disabilities

DATA IS COLLECTED :

- From Child Protective Service agencies
- From Adult Protective Service agencies
- A major gap is the lack of victim data from law enforcement agencies
- Obtaining such data would require the Uniform Crime Report (UCR) form to include such data points. A change in the UCR form literally requires an act of Congress. *HOW CAN THIS BE DONE?*

Abuse among the non-disabled population

- In the United States, it is estimated that 1 in 4 girls and 1 in 6 boys will be sexually abused before the age of 18.
- In the United States, it is estimated that 1 in 6 women will be sexually assaulted (raped) and 1 in 33 men will be sexually assaulted in their lifetime.
- It is likely that several if not many of those here today have been victims of sexual assault.

Children with disabilities are abused
more than generic kids by a factor
of

- 1.7 DHHS/NCCAN (Westat Inc., 1991)
- 3.4 Boystown Research Hospital (Sullivan & Knutson, 2000)

Adults with disabilities are abused more than their generic counterparts

- Annually abuse is reported among vulnerable adults, elders and children:
 - 5 million vulnerable adults
 - 2 million elders
 - 1 million children
- 2 million + 1 million = 3 million children/elders abused compared to **5 million** adults with disabilities who are abused
- From this data, we discover that adults with disabilities are abused more than children and elders combined!

(Petersilia, 2000)

(NCPEA, 2013)

(NACC, n.d.)

© 2014 Spectrum Institute

Bureau of Justice Statistics

Highlights of 2012 Report

- Mandated by Crime Victims with Disabilities Awareness Act (PL 105-301), 1998
 - This is their third report
 - Addresses those 12 years of age and above
 - Data are age-adjusted to compensate for the fact that there are more people with disabilities in the upper age range
 - Household telephone survey excludes institutions
- (Criminal Victimization, 2012) © 2014 Spectrum Institute

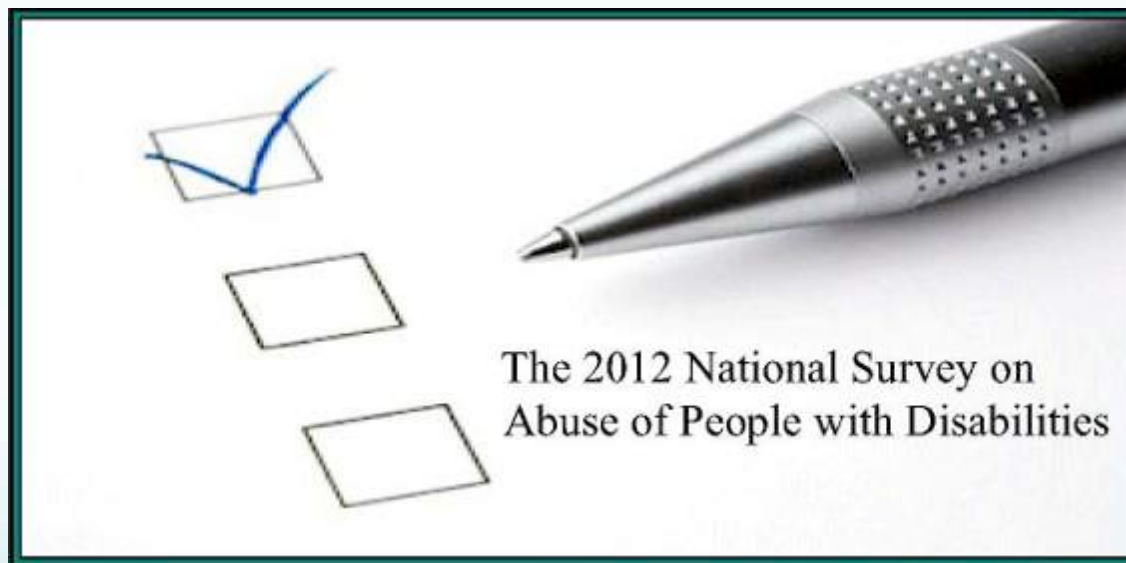
Bureau of Justice Statistics

Highlights of 2012 Report

- Age adjusted rate of **violent crime** against persons with disabilities (28 per 1000) was **nearly twice the rate** for Neurotypicals (NTs)* (15 per 1000).
- Serious violence (**rape/sexual assault, robbery and aggravated assault**) = 50% of violence, an increase from 36% in 2009
- Serious violent victimization (see above) was **16** per 1,000 persons with disabilities compared to **5** per 1,000 NTs, over 3 times the rate for NT's.

*A term used to refer to people without disabilities.

2012 National Survey on Abuse of People with Disabilities



Survey Overview

2012 National Survey on Abuse of People with Disabilities

Opened May Day closed November 15, 2012

7,289 Responses

Over 2500 responses from individuals with disabilities and their families

This cohort was selected for analysis for the First Report

Abuse is prevalent and pervasive!

- *Over 70% of respondents with disabilities were victims of abuse*
- *63% of parents/family said their loved one was abused*



It happens in many ways...

- *87% emotional and verbal abuse*
- *51% physical abuse*
- *42% sexual abuse*
- *32% financial abuse*



It happens frequently

- *90% of victims suffered abuse on multiple occasions*
- *57% more than 20 times*
- *46% too many times to count*



Failure to report abuse

- *Nearly half of victims did not report abuse to authorities*
- *Most thought it would be futile to do so*



Inadequate Response

- *54% of those who did report, said nothing happened*
- *In fewer than 10% of reported cases were perpetrators arrested*



*83% of victims
said therapy was
helpful*

But . . .

*66% of victims
not referred to a
therapist*



Fewer than 10% of victims of sexual or physical abuse received benefits from a crime victim program



3. Reporting of abuse



Reporting of abuse

Reporting by victims, family members

- Often victims and family members are not aware of how or to whom to report suspected abuse;
- Often victims and family members are afraid to report suspected abuse for fear of loss of services and support for their children

Reporting by mandated reporters

- *Mandated reporting is a seriously flawed process as they:*
 - Do not understand what their duties are
 - Experience significant disincentives to report
 - Do not understand how or to whom to report
 - There are few prosecutions for failure to report

Cascade of System Failures

When reports to police/CPS/APS are made, often:

- Investigators do not speak to the victim
- Investigators do not have training in how to work with children and adults with cognitive and/or communication disabilities
- Investigators often do not seek support in how to conduct the interviews but speak only to those with the victim but not the victim, or create their own interviewing method on the spot
- They then “clear the case” as no viable evidence or witness has been identified by them: Thus no conviction, no justice, no resolution for the victim

4. Response to reports of abuse (Agency)



Response to reports of abuse

Developmental Disability State Agency Response:

- The State Departments have rules and regulations regarding the reporting of abuse, and management of these reports Special Incident Reports (SIRs) at the local and state levels.
- However, the response does not necessarily provide effective investigation, nor does it result in direct assistance to the victims in terms of therapy and separation from the perpetrator.

Response to reports of abuse

Disability Service Centers (Regional Centers - California)

- Many have policies and rules that abuse and neglect must be reported to them as well as to the licensing entity; but does not result in any protective or supportive or therapeutic service or intervention by the Center.
- They may not report to the local law enforcement agency, and may not require the agency to discharge those who have engaged in the abuse. Employment law may allow the perpetrators to simply get another job. Without involvement with law enforcement, there is no justice for the victim, nor is there access to victim services.

5. Law Enforcement Response



Law Enforcement Response

- Training Programs: Longevity & Effectiveness
- First Responders (VIDEO & TRAINING GUIDE)
- Forensic Interviewing (BOOK, VIDEO & TRAINING GUIDE)
- Prosecuting Cases for People with Disabilities (two part DVD by CDAA)
- And many others (see Resources)
- Prosecution
- Sentencing
- Background checks & deficiencies*

*All these resources will be included within NCCJD web site

Law Enforcement Response

Training Programs: Longevity & Effectiveness

- Training programs are not universally mandated
- There are no “one size fits all” training programs that are utilized around the country. There are scattered efforts, some that focus on one type of disability (autism, for example); some Law Enforcement Agencies (LEAs) have received training over the years in working with individuals with mental illness, and thus believe that their training needs have been met (Los Angeles Police Department).
- Difficulties arise in that most departments are very small, and assignments can change from one month to the next, with the trained person(s) moving out of crimes against the person to traffic or narcotics, or other important area of LEA.
- Some resources are available but must be utilized! These can help the first responder as well as later forensic interviews, investigations, and preparing a report to the prosecutor.

(Detective Gil Escontrias, Personal Communication, 2013)

Law Enforcement Response

Background checks & deficiencies

- With the information that of 3% of pedophiles are caught and convicted, it is clear that the other 97% will not show up on a background check.
- Many other offenses, including abuse, neglect and other crimes may also not show up on background checks due to laws that manage the data. For example, someone who commits a crime in one state, may simply move to another state where the conviction and sentencing may not show up. A national database is needed.

6. Victim Services



Victim Services

ACCESS IS KEY!

- In order to access Victims of Crime program services, one must know about them. Lack of access to this information seems to be a national norm.
- Both victim advocacy and disability advocacy agencies should do their part to reach out to victims of crime programs in their areas.
- Marsy's Law which mandates the provision of such information to crime victims may not be universally enforced

(Victims' Bill of Rights Act of 2008: Marsy's Law, State of California)

7. Trauma-Informed Care Giving



Trauma-Informed Care Giving

- Residential programs, Work programs, Day programs, and Independent Living Programs serving individuals with Intellectual and Developmental Disabilities I/DD are serving traumatized individuals.
- With our recognition of the extent of victimization among members of the population, every program and service should conduct their work using the principles of trauma-informed care.

Trauma-Informed Care Giving

- When services are delivered by those trained in Trauma Informed Care principles and practices, healing can begin
- When services are NOT delivered using TIC, the meaning of a person's moods, mood changes, preferences, etc. may be misinterpreted and misunderstood.
- Terms such as “acting out” fail to discern what it is the individual may be acting out...sadness, terror, etc., and the staff may inadvertently contribute to the individual's distress

8. Risk Reduction and Prevention



Risk Reduction and Prevention

- Risk Reduction: Individual Response Plan (IRP)
- Prevention & Community Efforts
- Parent Preparation
- TEN TIPS

Risk Reduction and Prevention

Risk Reduction: IRP – Individual Response Plans

- Each family with a disability should be encouraged to address the risk of abuse
- They should be given access to information that encourages them to design a risk-reduction plan (IRP) for their child, that can help reduce the risk that abuse will happen and reduce the impact of abuse should it occur
- The parents should know what to do if abuse is disclosed, witnessed or discovered.

Risk Reduction and Prevention

- Prevention & Community Efforts
 - School-based abuse prevention programs and community-based efforts are most frequently focused on providing services to children and families after abuse has happened.
 - In most programs, abuse-response training programs do not include responses that children with disabilities can do...or even children without disabilities. More effort is required to design individualized approaches based on the child/adult's skills and personality.

Risk Reduction and Prevention

Parent Preparation

- In most disability services agencies, parents are not provided information about the epidemic of abuse. Thus when it occurs they are blindsided, do not quickly recognize signs of abuse and at a loss as to what to do. These agencies should implement parent preparation and education strategies.
- One easy thing they can do is distribute the TEN TIPS flyer, a one-page educational piece available at www.disability.gov and www.disabilityandabuse.org

TEN TIPS

For Parents or Family Members of Individuals with I/DD (abbreviated version)

1. Know and believe that abuse can happen to your loved one.
2. Become familiar with signs of abuse, including: signs of injury, changes in behavior, mood, communication, sleep or eating patterns.
3. When you suspect something is wrong, honor your feeling and take action. See #4.
4. When you suspect abuse, call a Child or Adult Protective Services Agency and the police.

TEN TIPS

For Parents or Family Members of Individuals with I/DD

5. Do not discuss your suspicions with anyone at the program where you believe abuse is occurring as they may not respond appropriately.
6. Remove your loved one from the program immediately.
7. If there are injuries or physical conditions, take your loved one to a physician. Take your loved one to a mental health practitioner who can document the changes in behavior and mood and who can document what your loved one's memories are of the abuse.

TEN TIPS

For Parents or Family Members of Individuals with I/DD

8. Create a detailed journal document in which you write all of your activities, document all of your conversations, and changes in your loved one. Notify your disability services center's case manager.
9. Notify your disability services agency (in CA the Regional Center).
10. Get a police report. Contact the Victims of Crime program in your area, and get therapy.

Barriers to Abuse Discussions & Action

Too hard to believe that abuse of people with disabilities could actually happen!

- Parents just can not conceive of the possibility that anyone could abuse their child
- Not only parents, but law enforcement officers, prosecutors, attorneys and other social service workers **JUST CANNOT BELIEVE IT...AND ACT ON THEIR DISBELIEF**
- Mandated reporters just cannot believe what they are told, and dismiss the victim's report thus abandoning the victim. They create a believable scenario by saying the victim or parent made it up. Then *they* feel better...but not the victim
- This applies to all others who respond to abuse reports from hotline workers to detectives, lawyers, and judges
- Unable to believe the reality of the victim's report, nothing is done to support the victim who is then left without any help, and worse, believed to be a fabricator. Similar to those who could not believe the reports of Nazi tortures.

SOLUTIONS

(Yes, there really are some!)

- Not more laws...implementation of existing laws!
- Training all service providers, family members and people with disabilities
- Increasing public awareness
- Training all criminal and civil law representatives
- Creating effective data collection systems
- Ensuring a viable communication system for victims with disabilities
- Conducting non-verbal IQ testing with non-verbal individuals
- Complying with ADA Requirements

RESOURCES

www.disabilityandabuse.org

- Active national discussion group
- Weekly newsfeed
- National list of consultants
- Resources (includes DVDs and books mentioned in this presentation)
- 2012 National Survey: The First Report
- TEN TIPS

www.thearc.org/NCCJD

The Arc's National Center on Criminal Justice and Disability (NCCJD) is a national clearinghouse on the topic of people with disabilities in the criminal justice system, and provides a robust resource library, I&R and technical assistance, webinars like this one, and is developing training materials and other publications over the two year project to address both victim and suspect/offender issues

RESOURCES

U. S. Department of Justice: Office for Victims of Crime

VICTIMS WITH DISABILITIES: MultiDisciplinary, Collaborative First Response (VIDEO & TRAINING GUIDE)

VICTIMS WITH DISABILITIES: The Forensic Interview (VIDEO & TRAINING GUIDE)

Serving Crime Victims with Disabilities: The Time is Now

Serving Crime Victims with Disabilities: Meet Us Where We Are

- **California District Attorney's Association**

Crime Victims with Disabilities: What the Prosecutor Needs to Know (two part DVD by CDAA) <http://www.cdaa.org/>

- **LEANONUS** – has a variety of products developed under an OVC grant. <http://www.leanonus.org/resourcesinfo.html>

REFERENCES

- Baladerian, N. (1985). *SURVIVOR, A Guidebook for Victims of Sexual Assault with Developmental Disabilities*. Los Angeles Commission on Assaults Against Women.
- Baladerian, N. (2014). *A Risk Reduction Workbook for Parents and Service Agencies*. The Disability and Abuse Project. Retrieved on 2/18/14 from <http://www.disabilityandabuse.org/books>
- Baladerian, N., Coleman, T., Stream, J., (2013). Abuse of People with Disabilities
Victims and Their Families Speak Out: A Report on the 2012 National Survey on Abuse of People with Disabilities. Retrieved on 2/18/14 from <http://www.disabilityandabuse.org/survey>
- Centers for Disease Control and Prevention. (2005). *Adverse Childhood Experiences Study: Data and Statistics*, Atlanta, GA, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Retrieved January 12, 2009 from: <http://www.cdc.gov/nccdphp/ace/prevalence.htm>
- Child Maltreatment (2011). *Summary of Key Findings*. Retrieved on 2/5/14 from <https://www.childwelfare.gov>

REFERENCES

Jensen, C.J., (2013). Center for Behavioral Intervention. *Protecting your Children*. Retrieved on 2/15/14 from:

<http://www.wcsap.org/sites/wcsap.huang.radicaldesigns.org/files/uploads/documents/ProtectingYourChildren.pdf>

National Association of Counsel for Children (n.d.) *Child Maltreatment*

Retrieved on 2/17/14 from

<http://www.naccchildlaw.org/?page=childmaltreatment>

National Committee for the Prevention of Elder Abuse (2013) *The Essentials for Preventing Elder Abuse*. MetLife. Retrieved on 2/16/14 from

<https://www.metlife.com/assets/cao/mmi/publications/essentials/mmi-preventing-elder-abuse-essentials.pdf>

Petersilia, J. (n.d.) *When Justice Sleeps: Violence and Abuse Against the Developmentally Disabled*. PowerPoint presentation. Irvine, CA: University of California, Irvine. Retrieved on 2/16/14 from

<http://ucicorrections.seweb.uci.edu>

REFERENCES

Phoenix, O. (2013). Webinar, *Creating Trauma-Informed Services and Organizations: Outreach, Assessment, Advocacy, and Service Delivery*. Retrieved on 2/1/14 from www.olgaphoenix.com/webinars

Sobsey, D. & Doe, T. (1991). Patterns of sexual abuse and assault. *Journal of Sexuality and Disability*, 9(3), 243-259.

Sullivan, P. M., & Knutson J. F. (1998). The association between child maltreatment and disabilities in a hospital-based epidemiological study. *Child Abuse and Neglect*, 22, 271-288.

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2012) NCJ 240299 *Crime Against Persons with Disabilities, 2009-2011 - Statistical Tables*. Retrieved on 2/3/14 from <http://www.bjs.gov/content/pub/pdf/capd0911st.pdf>

Victims' Bill of Rights Act of 2008: Marsy's Law, State of California

Westat Inc. (1994). A Report on the Maltreatment of Children With Disabilities. Washington, DC: *National Center on Child Abuse and Neglect*.

Q & A

Dr. Nora J. Baladerian

- www.norabaladerian.com (includes CV)
- www.disabilityandabuse.org
 - Disability and Abuse Project
 - 2100 Sawtelle Blvd. #204
 - Los Angeles, CA 90025
 - 310 473 6768 FAX: 310 754 2388
- EMAIL: nora.baladerian@verizon.net

NCCJD Announces March Webinar

Can You Hear Me? Connecting the Dots and Building Collaboration to Support People with Disabilities Who Experience Sexual Violence

*Beverly L. Frantz, Ph.D., Institute on Disabilities,
Temple University*

Date: Thursday, March 27

Time: 12:30 CST, 1:30 EST

Link to register:

<https://thearc.webex.com/mw03071/mywebex/default.do?siteurl=thearc&service=10>

Get Connected, Stay Involved!

- Sign up to receive email alerts
- Use I&R/TA service, and refer others
- Learn about latest products and services
- Learn how to be an effective advocate for people with disabilities in the criminal justice system
- Stay up-to-date about the latest in policy/legislative developments
- Share your story and raise awareness

Contact us:

NCCJDinfo@thearc.org



Achieve with us.

Thank you!

Please fill out brief survey:

<http://fs8.formsite.com/thearcwebinar/form50/index.html>

**Visit NCCJD's Website
(launched yesterday!)**

<http://www.thearc.org/NCCJD>

Contact us at:

NCCJDInfo@thearc.org



Achieve with us.