**Your letterhead**

**Law Enforcement Responses to Disabled Americans:  Promising Approaches for Protecting Public Safety**

Submission for Senate Hearing Before the Senate Judiciary Subcommittee on the

Constitution, Civil Rights, and Human Rights April 29, 2014

*“On January 11, 2013 in a Maryland movie theater, a 26-year-old man with Down syndrome cried out for his mommy in the final moments of his life and started a movement. The death of Ethan Saylor at the hands of sheriff's deputies who were trying to evict him from the theater he entered without a ticket has become a significant event for people in the disability community who push for equality and inclusion as a civil rights issue. Ethan Saylor is their Emmett Till.*

*For me, the Saylor story is deeply troubling and personal. My 10-year-old daughter has Down syndrome. She is witty and sunny most of the time but there are moments when she is obstinate and difficult — much like any child. But the behaviors sometimes take extra effort to work around.*

*That kind of understanding and patience should have been afforded Ethan Saylor, who had an IQ of 40.*

*Instead, off-duty Frederick County Sheriff's deputies were summoned to oust Saylor when he wanted to watch "Zero Dark Thirty" a second time, without a ticket. As deputies went in, Saylor's aide pleaded for everyone to wait it out and allow her to deal with the situation. His mother was on the way. The aide warned that Saylor would "freak out" if touched.*

*Deputies dismissed her advice and told her to stay out of the theater. They went in, ordered Saylor to leave, then grabbed him when he refused and began swearing at them.*

*Deputies cuffed him, and Saylor struggled and cried, saying, "Mommy, mommy. It hurts." As officers wrestled with 294-pound Saylor, he fell to the ground with a deputy on his back. He soon stopped breathing and died. An autopsy later revealed his larynx was crushed.”-Denver Post 1/11/14*

Could this have ended differently if those officers had been trained in the proper way to interact with individuals with disabilities? Unfortunately, we will never know but Niagara University through the scale up and expansion of impact of its unique First Responder Disability Awareness Training (FR DAT) program intends to do everything possible to prevent this from happening to another family. The key is education and training that has staying power.

* **Everyone** needs disability awareness training; this is not unique to first responders. However, emergency personnel’s presence at situations that call for a response to challenging behaviors, alleged criminal conduct, physical and medical needs, assistance in a matter, or service and protection, are imperative to the well-being and quality of life for the vulnerable individual(s) in which they come into contact. The intent of any training should recognize that (most) individuals in law enforcement want to do the right thing; however, the unique, perplexing encounters that may call for split second decision-making can put an officer in a difficult spot. Our program exists so that all first responders, but especially police officers, are able to respond in a manner that allows for both parties to be safe and treated in the appropriate manner.
* “First Responders” is a term used to describe police, firefighters, emergency medical services (EMS), and 911 operators/dispatchers who are the first contact either via 911 or through arrival on the scene of medical or other emergencies.
* While **Ethan’s case** has garnered national attention, it is not the only instance where a first responder has inappropriately responded to an IWD and the result has been negative. However, to fault first responders would not be prudent. You can’t properly respond to an incident if you were never trained in how to do so, if your state’s criminal justice mandated training did not include a detailed section on disability awareness, if your Chief was never given the opportunity to send their personnel to a program. While some states include training for law enforcement in response to individuals with disabilities (IWDs), it is either not enough, buried within hundreds of hours of recruit training, doesn’t allow for on-going education, or is not delivered effectively. NU FR DAT’s **website (**[**www.fr-dat.com**](http://www.fr-dat.com)) has, under *Articles of Interest*, some 30 cases whereby law enforcement was challenged and may have responded in a manner that was not effective, resulting in injury to an IWD (both physical and mental), death of an IWD (across the disability spectrum), false arrest, civil lawsuits costing municipalities millions of dollars, officers losing their job and some even serving time.
* Society has many faults when it comes to proper response and interaction with IWDs which is manifested by misperception, misunderstanding, lack of awareness, viewing and IWD as a lesser person, sympathetic response as opposed to empathetic, fear of the unknown, and avoidance. However, for first responders to come into situations with these areas not being eradicated from their minds, the probability of an inappropriate interaction rises dramatically.
* IWDs may require response that would vary from everyday encounters. If emergency personnel are not comprehensively educated on this topic, results can be negative, some even catastrophic.
* Research shows that individuals with disabilities (IWDs) are **seven times more likely the victim of a crime** than other individuals while **50-80% of an officer’s day will be in contact with an individual with a disability.** Yet First Responders seldom have sufficient training to interact effectively with people with developmental disabilities.
* Historically, most individuals with developmental disabilities who required out of home placement resided in large institutional settings, some of which mirrored self-contained communities with emergency and other personnel available within the institution 24 hours a day, 7 days a week.
* **One of five Americans has a disability**, and it is on the rise. Current numbers include **1 in 68 children have autism**, **3% of the population has an intellectual disability**, **one on 10 Americans will have a seizure,** and **30 million people have ambulation challenges**, to name a few. That said many disabilities such as Tourette syndrome, traumatic brain injury, ADHD, and learning disability has a high incidence of encounters with law enforcement. All will present differently and have the potential to be challenging for an untrained officer.
* Today, most individuals with developmental disabilities live with their families, others in the community, or independently per their choice. Along with the rewards of community living, people with disabilities face increased risks of needing the assistance of First Responders.
* According to the US Bureau of Justice Statistics, an **estimated 1.3 million nonfatal violent crimes occurred against persons with disabilities** **in 2012** nationwide.
* **In 2012, the rate of violent crime against persons with disabilities was 34 per 1,000, compared to 23 per 1,000 for persons without disabilities**. Because persons with disabilities are generally much older than those without, the age distribution differs considerably between these two groups, making direct comparisons misleading. To compare rates, each group was adjusted to have a similar age distribution, **making the age-adjusted rate of violent crime against persons with disabilities (60 per 1,000) nearly three times higher than the rate for persons without disabilities (22 per 1,000).** The age-adjusted rate of serious violent crime—rape or other sexual assault, robbery and aggravated assault against persons with disabilities (22 per 1,000) was nearly four times higher than that for persons without disabilities (6 per 1,000) in 2012.
* Among persons with disabilities, **those with cognitive disabilities had the highest unadjusted rate of violent victimization (63 per 1,000).** During 2012, about half (52 percent) of violent crime victims with disabilities had more than one disability. **Violent crime against persons with one disability type increased from 2011 (37 per 1,000) to 2012 (53 per 1,000),** while the rate among persons with multiple disability types remained stable during the same period.
* Other 2012 findings include: **Persons with disabilities experienced an estimated 233,000 robberies, 195,200 aggravated assaults, 838,600 simple assaults and 80,100 rapes or other sexual assaults;** Among persons with disabilities, whites were more likely than blacks to experience a violent crime; Hispanics with disabilities had a lower rate of violent victimization than non-Hispanics with disabilities; and, among persons ages 12-15, the unadjusted rate of violent victimization was three times higher for persons with disabilities than for persons without disabilities.
* Individuals with disabilities who are offenders will also have challenges in the judicial system, many of them at every level of it.
* Law enforcement will also be responding to IWDs when they are in need of assistance or in crisis. Individuals with autism and dementia may wander and first responders are called to find them. People who use wheelchairs may get stuck and need assistance, individuals with speech impairments will pose challenges, a need to be able to know basic sign language will be expected when interacting with a deaf person, etiquette and interaction skills with someone who is blind, to name a few.
* The **Americans with Disabilities Act (ADA)** already addresses some of these matters but often times officers are not kept abreast of how this impacts their responsibilities. The Department of Justice (DOJ) has some materials that assist in educating officers on how to be sure they both uphold the ADA and don’t violate it.
* Still, incredibly, first responders, emergency managers, and municipal employees/elected officials receive no formal mandated training in proper response to IWDs.
* According to FEMA**, an average of an estimated 1,700 residential building fires involving individuals with mental disabilities are reported each year with an estimated 85 deaths and 250 injuries while an estimated 700 building fires involving individuals with physical disabilities are reported each year with an estimated 160 deaths and 200 injuries**
* This, in combination with the documented tragedies resulting from inappropriate first responder contacts with IWDs nationwide, indicates a clear need for expanded training for first responders and aligned emergency personnel.

**In September 2010 Niagara University (NU)** was awarded a three year $550,000 grant from **the NYS Developmental Disabilities Planning Council (DDPC) to address the lack of training and understanding of how to properly respond to IWDs with the intent to develop curriculum for the training of police officers, firefighters, EMS, and 911 operators in the State of New York. Although some states have versions of this program, no state has developed a fully comprehensive program.** The program is a **Train the Trainer model**, which is the only way to reach first responders in mass. It incorporates a Trainer network that allows for FR to connect with IWDs to co-present on disability specific topics and sections. NYS DDPC researched and found no state to have comprehensive mandated training.

Consider that in **New York State** there are 588 police departments and sheriff’s offices with more than 62,300 sworn full- and part-time officers, 45 law enforcement training academies, 2,135 fire departments and EMS agencies with more than 175,000 responder personnel statewide; thousands of 911 operators and hundreds of individuals responsible for emergency management of municipalities. The numbers and the training schedules that are utilized by firefighters (FF), law enforcement (LE), and EMS agencies are non-traditional. In essence, to train one police department (PD) of 100 officers will take a week, the schedule would be set by them, and there would be an expectation that this is offered at no charge. It is simply not practical. Couple this with the feeling that the best people to train FF and LE are themselves, and the odds are against any group to make a dent in their regions FR departments. Law enforcement receives two hours of mandated training on individuals with disabilities in the basic course (out of 639 hours). FR-DAT has reached (to date) over 800 representatives from 51 emergency management agencies, 70 law enforcement departments, and 75 FF/EMS departments through a combination of direct and train-the-trainer formats.

NU has also taken the measure to ensure some form of on-going education. They have done this through the following;

* The trainer manuals have additional materials on disabilities, the ADA, victimization/abuse, service animals as well as resources via websites per discipline.
* NU has developed a resource manual for every attendee that is a quick reference guide on everything disability related specific to first responders
* NU has developed an extensive website that allows for FR to continue educating themselves on everything relative to proper response. NU will develop state-specific links to adjust to the differences (i.e. laws, service providers, parent groups) across borders.
* NU maintains a relationship with all trainers, allowing for inquiries to be answered, new material to be shared, current trends and topics to be disseminated, and tracking of training conducted to be incorporated into the database. This ensures they are always connected to ‘homebase’ and their responsibilities are carried out.
* Working with the support of **the NYS Office of Persons with Developmental Disabilities (OPWDD)**, the end product includes, but not be limited to, class room training, a train the trainer program, on-line training, database of all departments and councils, extensive resources, comprehensive website, and regional disability contacts and information Research by DDPC staff indicated that there was no program or state in the country that addressed the complete issue eclectically.
* Through the Disability Awareness Training at NU, New York is the only state in the nation to have a comprehensive program that covers the disability spectrum and works with and through state offices and associations.

CUSTOMIZE this testimony from your perspective relative to NU’s program. Some areas to consider would be:

* If you attended training your personal feelings on it
* Areas that have challenged you as a first responder and how trainng and awareness would have assited you
* General feeling on the need for this training. If disability is in your life, include personal perspective that can be related to your job or role.
* If you are active with NU as an advisory council member, contributor, consultant, or other capacity whereby you can vouch on our behalf.

Respectfully submitted,

Include your name, title, place of employ or organization, full address, phone contact, and email

Thank you!