

**Breaking the Silence  
on Crime Victims with Disabilities in the United States**

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*Joint Statement*

*by the*

*National Council on Disability,*

*Association of University Centers on Disabilities,*

*and the*

*National Center for Victims of Crime*



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## **Introduction**

The National Council on Disability ([www.ncd.gov](http://www.ncd.gov)) is an independent federal agency mandated to advise the President and Congress on the diverse needs of persons with disabilities and to promote policies and practices that empower individuals with disabilities. The Association of University Centers on Disabilities ([www.aucd.org](http://www.aucd.org)) supports member programs to enhance the quality of life for persons with developmental disabilities. The National Center for Victims of Crime ([www.ncvc.org](http://www.ncvc.org)) is the nation's leading resource and advocacy organization dedicated to helping victims of crime rebuild their lives.

In releasing this joint statement, the National Council on Disability, the Association of University Centers on Disabilities, and the National Center for Victims of Crime announce their partnership to break the silence about criminal victimization of individuals with disabilities in the United States. The ultimate goal of this partnership is to foster greater public awareness about crime victims with disabilities and to forge a national commitment to better serve this particularly vulnerable population.

## **Crime Victimization in the United States**

In 2005, Americans experienced 23 million violent and non-violent crimes, fewer than half of which were reported to law enforcement.<sup>1</sup> This translates into one crime every five seconds in communities across the United States. The leading risk factor for becoming a victim of crime is now understood to be previous victimization. Individuals who become targets of repeat victimization may be unable to protect themselves, especially if no protective measures are taken to prevent subsequent offenses.<sup>2</sup>

Crime can have life-changing consequences for the health, well-being, and financial stability of victims who may struggle for weeks, months, and years with the aftermath of victimization.<sup>3</sup> Many crime victims suffer decreased productivity, lowered academic performance, severe loss of confidence, and ongoing psychological effects.<sup>4</sup> Mental illness, suicide, and drug and alcohol abuse are far more common among crime victims than among the

general public. Battered women, for example, are five times more likely to attempt suicide, 15 times more likely to abuse alcohol, four times more likely to abuse drugs, and three times more likely to be diagnosed as depressed or psychotic than non-battered women.<sup>5</sup>

While the long-term impact of crime on individual victims can be profound, an enormous toll is also exacted on families, communities, and society at large—especially when victims do not receive the services and support they need to repair the harm. Without timely intervention, the consequences of crime can worsen, necessitating more costly and difficult intervention later on.

### **Persons with Disabilities**

In 2002, 51.2 million people (18.1 percent of the U.S. population) reported some level of disability and 32.5 million (11.5 percent of the U.S. population) reported a severe disability.<sup>6</sup> (Census numbers exclude children under age six and individuals who reside in institutional settings.) A direct relationship exists between age and disability, with the disability rate for each age group successively higher than for the preceding younger group. With a disability rate of 19.4 percent, for example, people 45 to 54 years old were more than twice as likely to have a disability as people under 15 (8.4 percent) and half as likely as people 65 to 69 years old (38.4 percent). People 80 and older had the highest disability rate (71.7 percent).<sup>7</sup>

Individuals with disabilities often experience overt and subtle forms of marginalization that preclude them from fully participating in their communities. This marginalization takes shape through greatly reduced access to the wide range of services, programs, and activities available to members of the community, including safe and affordable housing, transportation, employment opportunities, social services, recreation, education (particularly adult and continuing education), and opportunities to participate in the political process.

### **Crime Victims with Disabilities**

Very little reliable national data exists on crimes against persons with disabilities in the United States. The limited size and scope of the studies conducted to date preclude generalizing research results to the nation as a whole. Data that has been collected suggest that, when compared with the general population, persons with disabilities are victimized at much higher rates:

- Children with a reported disability are 68 percent more likely to be victims of maltreatment than children with no reported disability.<sup>8</sup>
- Women with developmental disabilities are at a 4 to 10 times greater risk of sexual assault than women in the general population.<sup>9</sup>
- More than one-fourth of persons with severe mental illness were victims of a violent crime in the past year, a rate more than 11 times that of the general population.<sup>10</sup>
- From 15,000 to 19,000 people with developmental disabilities are raped each year in the United States.<sup>11</sup>

Crime victims with disabilities may experience victimization at the hands of family caregivers, intimate partners, or personal assistance service professionals. In fact, more than half of all abuse of people with disabilities is estimated to be perpetrated by family members and peers with disabilities. Service providers (e.g., paid or unpaid caregivers, healthcare workers, and providers of other community services, such as transportation) are generally believed responsible for the other half.<sup>12</sup>

Crime victims who are physically, financially, and emotionally dependent on an offender are far less likely to report a crime to authorities, seek justice, or access victim service assistance. These crime victims often fear retaliation by their offender or 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.

In an effort to close the research gap on crime victims with disabilities, in 1998 Congress enacted the Crime Victims with Disabilities Awareness Act, (CVDAA).<sup>13</sup> This measure directed the U.S. Department of Justice to conduct a study about crimes against people with developmental disabilities and to gather statistics on this population through the National Crime Victim Survey, the nation’s primary source of crime victim data. Unfortunately, efforts to fully implement CVDAA have not been successful.

## **Provider Issues**

Crime victim service providers—also known as victim advocates and victim/witness assistants—help crime victims cope with the aftermath of crime and navigate the criminal justice system. Crime victim service providers in the United States incorporate, by and large, a “victim-centered” approach that recognizes the individual circumstances and needs of every crime

victim, educates victims about their options, and supports victims' decisions in a non-blaming, non-judgmental manner—an approach that is especially well suited to supporting crime victims with disabilities.

Located in a wide variety of settings (such as prosecutors' offices, police departments, probation offices, domestic violence shelters, and rape crisis centers), victim service providers offer crime victims a wide range of support services: safety planning, crisis intervention, emergency housing, supportive counseling, information about legal rights, assistance accessing victim compensation, court accompaniment, financial assistance, assistance with funeral arrangements, and information about what to expect at different stages of a criminal case.

Crime victim service agencies in the United States have made some headway in serving crime victims with disabilities; however, much remains to be done to build the capacity of the crime victim assistance field to support this population. For example, we need to increase awareness among crime victim service agencies that they are subject to federal civil rights laws which protect members of the disability community from discrimination. Discrimination in a disability rights context frequently entails policies, programs, services, or activities that deny full and equal participation by persons with disabilities, even when such results are not intended.

The Americans with Disabilities Act of 1990<sup>14</sup> prohibits discrimination within the areas of employment, state and local government programs and services, places of public accommodation, transportation, and telecommunications.<sup>15</sup> Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities by any entity receiving federal funds.<sup>16</sup> Additionally, programs providing temporary housing to crime victims are subject to the Fair Housing Act (as amended in 1988) which contains anti-discrimination provisions on the basis of disability.<sup>17</sup>

Crime victim service agencies also need to develop best practices to address the specific needs of different disability groups. Although some victim service providers may think they do not have the resources to meet the needs of crime victims with disabilities, they may not realize a vast array of resources is available to assist them in expanding accessibility as they strive to serve every segment of the community, especially the most vulnerable among us.

## **A Roadmap to the Future**

The ultimate goal of the partnership between the National Council on Disability, the Association of University Centers on Disabilities, and the National Center for Victims of Crime is to foster greater public awareness about crime victims with disabilities and to forge a national commitment to better serve this particularly vulnerable population. We call on elected officials at the national, state, and local levels; directors of social service agencies; disability providers; disability activists; law enforcement officers and prosecutors; victim service providers; leaders of social service, academic, and business institutions; media representatives; and members of the general public to join us in a comprehensive effort to effect positive and meaningful change in the following priority areas:

- **Public Education—to raise awareness about the circumstances and needs of persons with disabilities who have been victimized by crime.** Greater understanding by the general public, elected officials and other policy makers, the media, and those in the disability, criminal justice, and victim services communities is foundational to addressing the myriad unmet needs of this vulnerable and underserved population. Extensive outreach also is needed to educate crime victims with disabilities about their rights as victims and where they can go for help.
- **Research—to engage in national research that will establish the prevalence and consequences of crime against persons with disabilities and identify best practices for crime prevention and crime victim services to members of the disability community.** We need a much clearer picture of the number of crime victims with disabilities, the rates and types of victimization among different disability groups, the behavior of offenders and the settings in which victimization occurs, the availability and quality of services for crime victims with disabilities, and barriers to accessing these services. Sound public policy, resource allocation, and program development must be informed by current, scientifically valid data.
- **Public Policy—to adopt public policies that integrate crime victims with disabilities and their needs into the current framework of federal, state, and local services.** We must fully engage the political and policy development process to ensure adequate resources are directed to addressing the needs of crime victims with disabilities. Policies and laws that protect victims of crime must be inclusive of crime victims with disabilities.

Furthermore, laws and policies that address disability issues should acknowledge and be sensitive to crime victimization issues, as appropriate.

- **Programs and Services—to improve the number of and access to appropriate programs and services that will help crime victims with disabilities rebuild their lives.** We must launch a national effort to ensure that crime victims with disabilities have full access to crime victims’ rights, protections, and services that have greatly expanded since the advent of the crime victims’ rights movement nearly three decades ago. Extensive training of crime victim service providers, law enforcement officers, prosecutors, and judges is needed to ensure the full participation of victims with disabilities in the criminal justice system. Disability professionals also need thorough training on recognizing and responding to victimization in the populations with which they work, including making appropriate referrals to crime victim service providers in their community.
- **National Leadership—to foster the development of leaders who will serve as agents of change on behalf of crime victims with disabilities.** This partnership envisions a national forum for leadership and constituents that serves as a unified and pro-active voice for crime victims with disabilities, a vehicle to exchange and share information on supporting this population, and a platform to advance a national dialogue on crime victims with disabilities.

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<sup>1</sup> Shannan M. Catalano, “Criminal Victimization, 2005,” (Washington, DC: Bureau of Justice Statistics, 2006), <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv05.pdf> (accessed January 22, 2007).

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- <sup>3</sup> Judith Lewis Herman, *Trauma and Recovery*, (New York: Basic Books, 1992).
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- <sup>5</sup> Evan Stark and Anne Flitcraft, *Women at Risk* (Thousand Oaks, CA: Sage Publications, 1996), 163.
- <sup>6</sup> Erika Steinmetz, "Americans with Disabilities: 2002," (Washington DC: U.S. Census Bureau, May 2006), <http://www.census.gov/prod/2006pubs/p70-107.pdf> (accessed January 22, 2007).
- <sup>7</sup> *Ibid.*, Figure 2.
- <sup>8</sup> Children's Bureau, "Child Maltreatment, 2004," (Washington, DC: U.S. Department of Health and Human Services, 2005), 27, <http://www.acf.hhs.gov/programs/cb/pubs/cm04.pdf> (accessed May 11, 2007).
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- <sup>10</sup> L.A. Teplin et al., "Crime Victimization in Adults with Severe Mental Illness: Comparison with the National Crime Victimization Survey," *Archives of General Psychiatry* 62, number 8 (2005).
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- <sup>12</sup> D. Sobsey and T. Doe, "Patterns of Sexual Abuse and Assault," *Journal of Sexuality and Disability* 9 (1991): 243-259.
- <sup>13</sup> Pub.L. 105-301.
- <sup>14</sup> Pub.L. 101-336.
- <sup>15</sup> 42 U.S.C. §12101 et. seq.
- <sup>16</sup> 29 U.S.C. §794
- <sup>17</sup> 42 U.S.C. §§3601 et. seq.