

How Misunderstanding Disability Leads to Police Violence

Americans with disabilities are victims of violent crimes at nearly three times the rate of their peers.

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Ethan Saylor died of asphyxia on Jan. 12, 2013, after three sheriff's deputies tried to forcibly remove him from a movie theater. (Saylor Family/AP)

On April 29, the Senate Judiciary Committee [met to discuss](#) law-enforcement responses to disabled Americans. The committee, chaired by democratic Senator Dick Durbin from Illinois, met against the backdrop of the death of [James Boyd, a homeless man who had been in and out of psychiatric hospitals, shot to death by police in Albuquerque](#), and [Ethan Saylor](#), a man with Down syndrome who suffocated to death while handcuffed by off-duty deputies working as security guards in a Maryland movie theater. They are just two of many [people with psychiatric or intellectual disabilities](#) killed by law enforcement.

In the face of these deaths and many others, the senators and witnesses all argued that something must be done. Suggested solutions included increased funding and support for Crisis Intervention Teams (CIT) training and the Justice and Mental Health Collaboration Act, which would improve access to mental health services for people who come into contact with the criminal justice system and provide law enforcement officers tools to identify and respond to mental-health issues.

While the hearing focused on troubling, high profile, and tragic cases such as those of Boyd and Saylor, the scope of the problem extends to virtually every kind of disability. Encounters with police have also taken an unnecessarily violent turn for people with disabilities that are not psychiatric or intellectual, including conditions that are physical or sensory:

- In 2008, [Ernest Griglen was removed from his car](#) by police who thought he was intoxicated. He was subsequently beaten. Griglen was, in fact, quite sober, but he is diabetic and was in insulin shock. Judging by media reports alone, people who are diabetic are [often mistaken](#) as [threatening](#) or [drunk](#).
- In 2009, [Antonio Love felt sick](#) and went into a Dollar General store to use the bathroom. Time passed and he didn't come out, so the store manager called the police. The officers knocked on the bathroom door, ordered him to come out, but got no response. They sprayed pepper spray under the door, opened it with a tire iron, then tasered Love repeatedly. Love is deaf. He couldn't hear the police. Again, if news reports are any indication, deaf people are too frequently [treated as non-compliant](#) and [tasered or beaten](#) by police.
- In 2010, [Garry Palmer was driving home](#) from visiting his wife's grave when a dog darted in front of his truck and was hit. Palmer reported the accident as he should have, but because he was slurring his words and shaking, he was arrested for drunk driving. Palmer has cerebral palsy.

- In January 2014, [Robert Marzullo filed a lawsuit](#) citing battery, excessive force, false imprisonment, unlawful seizure and supervisory liability against the town of Hamden, Connecticut and its police department. News reports reveal that Marzullo was tasered by two police officers while having an epileptic seizure in his car.

While specific details vary by case, the common threads that link these stories together are often disconcerting. Law enforcement officials expect and demand compliance, but when they don't recognize a person's disability in the course of an interaction, the consequences can be tragic. Misconceptions or assumptions can lead to overreactions that culminate in unnecessary arrest, use of pepper spray, or individuals being tasered.

Sadly, while incidences of this sort aren't necessarily new, for many of us, learning about them is. The Internet, social media, and ubiquitous cell phones have helped catapult stories that were once easily restricted to local police blotters to unprecedented national prominence.

As National Council on Disability (NCD) Executive Director Rebecca Cokley wrote in her testimony to the Senate Judiciary subcommittee, "misunderstandings, fears, and stereotypes about disability have led to tragic outcomes throughout U.S. history. During the American Eugenics movement, pseudo-scientific 'evidence' gave way to popular myths linking disability and criminality, and the inheritability of both." As a result, people with disabilities were devalued, isolated from the rest of society, prevented from attending school, getting married or becoming active and engaged in their communities.

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Fortunately people with disabilities now enjoy far greater civil rights that have come hard fought in the least 50 years. However, harmful attitudes and assumptions, once established, can be difficult to replace even in the face of evidence to the contrary.

In the [latest data released](#) by the U.S. Department of Justice's Bureau of Justice Statistics, Americans with disabilities are victims of violent crimes at nearly three times the rate of their peers without disabilities. In 2012 alone, 1.3 million nonfatal violent crimes were perpetrated against people with disabilities aged 12 or older. [Statistics bear out](#) that people with disabilities are far more likely to be the victims of crimes than the perpetrators of them, and therefore are arguably in greater need of supportive relationships with and understanding from law enforcement.

Disability is varied and complex. Sometimes disability is visibly apparent, making it easier for law enforcement, to see—if not misinterpret. For others, disability is invisible. Whether it is written in the genetic code and is a companion since birth, or becomes a part of one's experience later because of age, accident, or public service during the course of our natural lifespan many of us will move in and out of states of disability, whether it is due to breaking a limb, becoming diabetic, or conditions related to aging.

The disabled community relies on law enforcement as the first line of defense and protection in countless situations of varying complexity. Strengthening this important relationship could be a step toward preventing the sort of misunderstandings that can result in tragedy.

As Patti Saylor, Ethan's mother, testified at Tuesday's hearing:

“When you know someone with a disability and have a relationship with that person, it changes your whole being and perspective. At the local level, we have a real opportunity to build relationships with our local law enforcement and public sector officials, the ones that are on the frontlines serving our communities... Local disability advocacy organizations and providers should build lasting relationships with their local law enforcement and public sector officials. It doesn't take an act of Congress, federal or state mandate, or even money to make you realize that relationships are everything.”

The recent hearing by the Senate Judiciary Committee is an important first sentence in an ongoing dialogue about how law enforcement officials relate to people with psychiatric, developmental, and physical disabilities. Non-compliance isn't automatically criminal, and if more police understood that, it could minimize the violence.

At the end of the hearing, Senator Al Franken remarked, “I think we need CIT training for every law enforcement official.” CIT training is one component, along with increased community support, public engagement, and funding. These are all steps we can take to try to decrease the likelihood of more mistreatment of those like Saylor and Boyd.

But as long as disability is misunderstood and criminalized, even unintentionally, nearly everyone will be at increased risk.