

## What Attorneys Need to Know About Crime Against Persons With Disabilities

In comparison to the general population, individuals with disabilities are at greater risk of abuse and tend to be abused more frequently and for longer periods of time. By presenting alarming data, attorneys can assist in developing best practices and techniques to aid these victims.

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Many attorneys are familiar with the Americans with Disabilities Act (ADA)(42 USC § 12131, et seq.) and the Rehabilitation Act (29 USC § 794), two statutes that prohibit discrimination against individuals based on disability. These laws protect all people with disabilities in the United States.

In comparison to the general population, individuals with disabilities are at greater risk of abuse and tend to be abused more frequently and for longer periods of time. Additionally, individuals with disabilities are less likely to have access to the justice system. People with disabilities are entitled to care and protection, whether their disability is physical, mental or developmental.

New data regarding crimes against persons with disabilities, 2009-2019, was just released by the Bureau of Justice Statistics. For criminal law attorneys or others who work with this population, highlights of the report are eye-opening.

Based National Crime Victimization Survey (NCVS) data from 2017-2019 there was a statistically significantly higher rate of crime for individuals with disabilities as compared to the age adjusted category of individuals without disabilities regardless of the crime type.

The violent crime rate against those with disabilities was 46.2 (per 1,000 age 12 or older). The rate for those without disabilities was 12.3 (per 1,000 age adjusted rate). This means that the rate of violent crimes against individuals with disabilities was nearly four times the age-adjusted rate for persons without disabilities.

Similarly, there was a statistically significantly higher rate of violent crime (rape/sexual assault, robbery, aggravated assault, excluding simple assault) against those individuals with a disability—17.9 (per 1,000)—as compared to 4.0 (per 1,000-aged adjusted) for those without disabilities. Again, this means that the rate of violent crime (excluding simple assault) of individuals with disabilities was four times the rate than the age-adjusted rate for persons without disabilities.

Finally, the rate of simple assault against persons with disabilities 28.3 (per 1,000) was statistically significantly higher, or, more than three times the age adjusted rate of persons without disabilities 8.3 (per 1,000).

Strikingly, even though individuals with disabilities only accounted for 12% of the population, they were the victims of 26% of the incidents of violent crimes.

There was a statistically significantly higher rate of violent victimization for females with a disability 49.4 (per 1,000) as compared to 11.3 (per 1,000) for females without a disability. These findings were similar for males. There was a statistically significantly higher rate of violent victimization for males with a disability, 42.7 (per 1,000), as compared to 13.4 (per 1,000) for males without a disability.

This data indicates that for both genders, disability status puts the individual at a higher risk of exposure to violent victimization. Disability status, regardless of racial group, puts the individual at higher risk for violent victimization.

Relatives committed a statistically significantly higher percentage of violent victimizations against those with disabilities, 14.4%, as compared to individuals without disabilities, 6.5%.

Interestingly, police were at the scene of a statistically much higher percentage of violent crimes against those without a disability, 8.6%, as compared to those with a disability, 2.8%.

Violent crime against individuals with disabilities, 37.9%, was statistically significantly less likely to be reported to the police as

compared to those individuals without disabilities, 44.7%. These reporting trends indicate that crimes against those with disabilities are likely under-reported.

Individuals with disabilities are often more susceptible to abuse as they may be viewed as weak, vulnerable or less likely to report the abuse. Often isolated and dependent on a small support network, abuse can be easily hidden as victims may have limited access to police or social services personnel who can intervene on their behalf. Possible limited ability to communicate, paired with the fear that they may not be believed, often results in persons with disabilities who are victims of crime being characterized as “invisible.”

By presenting data about the number and types of crimes perpetrated on this population, attorneys and others can hopefully assist in developing best practices and techniques to aid these victims.

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