

MIAMI INCLUSION ALLIANCE By: Sharon Langer Esq.

Research shows that almost half of those who abuse people with disabilities are in positions of power such as personal care attendants, transportation providers, and health care providers. The organizations responsible for hiring these positions have a critical role to play in preventing abuse and holding their employees accountable when they do abuse, yet gaps and barriers exist that prevent them from doing so. Among them: information on abuse and how to prevent it, is rarely included in employee trainings and when allegations of abuse, including those involving staff, are brought to the attention of the organization, they are often treated as administrative and not criminal issues. Generally, an accused staff member is terminated but no charges are brought and law enforcement is rarely called. Background checks of potential employees are becoming more common; however, a criminal check only reveals convictions, which are rare in cases involving victims with disabilities because these cases rarely reach the criminal justice system.

The Result is that few cases involving victims with disabilities make it to the criminal justice system and lead to arrest of the person(s) responsible and even fewer are prosecuted. These challenges leave many victim/survivors with disabilities feeling dissatisfied, traumatized, and at a loss for a solution. The fact that there might be minimal to no consequences for the people responsible for the abuse, increase the likelihood that their abusive behavior will continue.

I wrote last month about the young woman in a coma that was sexually assaulted leading to the birth of a child. While we do not know the outcome of the criminal investigation, we know that more needs to be done at the intersection of abuse of persons with disabilities and criminal justice. The conversation must begin with the needs of the victim be our prime concern.

