



The Arc and United Cerebral Palsy California Collaboration

September 9, 2019

Honorable Gavin Newsom
State Capitol

Subject: SB 338 (Hueso), the Senior and Disability Justice Act - CO-SPONSOR

Dear Governor Newsom:

The Arc and United Cerebral Palsy California Collaboration, a coalition of people with intellectual and all developmental disabilities and their families, friends and service providers, with 38 chapters and affiliates throughout the state, is proud to be a sponsor of Senator Hueso's bill.

Adults and children with disabilities -- including intellectual and developmental disabilities, mental illness and other diseases, temporary and permanent injuries, and disabilities caused by aging -- are victimized by major crimes including abuse, sexual assault, domestic violence and hate crimes at much higher rates than the general population. Section 1(b) of SB 338 spells out some of the recent, grim statistics.

An extensive academic review found:

“Across a variety of studies, the officially reported violence against persons with disabilities is simply alarming (Petersilia 2001). Moreover, evidence suggests that officially reported violence against people with disabilities, and criminal victimization more generally, is merely the tip of the iceberg as most violence against people with disabilities goes unreported. Lack of reporting occurs for a variety of reasons, including a belief that the criminal justice system cannot—or will not—serve those with disabilities. Therefore, it is entirely appropriate to refer to people with disabilities who are victimized as ‘invisible victims.’”ⁱ

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The same study found “numerous challenges related to working within the [California] criminal justice system,” including:

- “Quite often there is a failure to pursue cases perceived to lack a credible victim (i.e. a victim with certain types of disabilities).
- “Cases are dropped due to mistakes that occurred during the investigation process; and
- “Cases are not investigated due to concern over jurisdictional issues.”ⁱⁱ

The 2012 National Survey on Abuse of People with Disabilities found that, of those surveyed, 42.8 percent reported that “nothing happened” as a result of their reports to law enforcement; just 7.8 percent reported that a suspect was arrested.ⁱⁱⁱ

The laws and legal tools available to law enforcement agencies to protect people with disabilities are scattered throughout the codes, with insufficient law enforcement training requirements and no effective accountability mechanisms. SB 338 will make law enforcement agencies aware of all existing laws and tools to protect people with disabilities and elders. It will strongly encourage them to adopt comprehensive formal policies on these crimes, guiding officers on enforcement and including training requirements and specific, locally developed accountability protocols.

SB 338 is based largely on the 2018 San Diego County Elder and Dependent Adult Abuse Blueprint.

We believe that SB 338 will result in a real culture change in California law enforcement toward truly equal protection of people with disabilities and also build community confidence in the criminal justice system, leading to more reporting and much more cooperation with law enforcement.

Sincerely,



Teresa Anderson
Public Policy Director
The Arc/UCP CA Collaboration

cc: The Honorable Ben Hueso

ⁱ *Crime Victims with Disabilities Specialists Program, A Report to the California Department of Mental Health*, Valerie Jenness, University of California Irvine, and Nancy Naples, University of Connecticut, 2003, p 4.

ⁱⁱ *Ibid.*, p. 88

ⁱⁱⁱ *Abuse of People with Disabilities: Victims and Their Families Speak Out*, Spectrum Institute Disability and Abuse Project, Nora Baladerian, Thomas F. Colman, Jim Stream, 2013, p. 31