



## **SB 338 (Hueso) - Senior and Disability Justice Act**

### **“Protecting California’s Most Vulnerable Populations”**

As Passed by the Legislature 2019

#### **Summary**

SB 338 seeks to protect California’s most vulnerable populations from major crimes. It will create the Senior and Disability Justice Act which will give local law enforcement agencies tools to better protect senior citizens and adults and children with disabilities from abuse, sexual assault, domestic violence, human trafficking, hate crimes and homicide.

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

#### **Why this bill is needed**

Protecting California’s most vulnerable populations is a duty of the utmost importance to society. Two overlapping at-risk population groups are senior Californians and Californians with disabilities.

The criminals who commit crimes against seniors and people with disabilities often go free to continue their crimes, for reasons that include lack of reporting to law enforcement agencies, lack of law enforcement agency response or investigation of reports, jurisdictional confusion, and lack of officer training.

#### *Elder Abuse*

California’s senior population is growing faster than any other age group and California will soon be confronted with a demographic shift of epic proportions. Between now and 2026, the number of Californians 65 and older is expected to climb by 2.1 million, according to projections by the state Department of Finance.<sup>1</sup> In California, while a thousand people a day are turning 65, the state has fallen behind in allocating resources to prepare for this large-scale demographic transition. As an example, recent reports have indicated that elder abuse and crimes against seniors in California has increased in many counties.

In the last five years, San Diego County saw a 37% increase in crimes against seniors.<sup>2</sup> Fortunately, in response to this dramatic increase San Diego County District Attorney Summer Stephan launched a highly successful initiative, known as the ‘blueprint’, to address the rapid increase in elder abuse cases.

#### *Crimes Against Adults and Children with Disabilities*

Another of California’s most vulnerable populations are Californians with disabilities. People with disabilities, including disabilities caused by advanced age, are victimized by violent crimes 3.4 times the rate of people without disabilities. For those with cognitive disabilities such as dementia, intellectual disabilities, and mental illness, the rate is more than 5.5 times the rate of those with no disabilities.

People with disabilities are victimized by rape and sexual assault at more than 3.5 times the rate of people without disabilities — 7 times more in the case of people with intellectual disabilities. Almost 90% of women with intellectual disabilities will be sexually assaulted in their lifetimes.

Crimes motivated by anti-disability bias – the invisible hate crimes - are also rampant and grossly under-reported. The U.S. Department of Justice in 2017 estimated 40,000 anti-disability hate crimes per year nationally, often involving extraordinary sadism. However, the same year, the number reported by law enforcement agencies was only 116. The same year in California, law enforcement agencies reported just four anti-disability hate crimes.

Seniors and others with disabilities are also at high risk of domestic violence or human trafficking.



A 2012 survey of abuse victims with disabilities found that 42.8% of those who reported the crimes to police said “nothing happened.” Just 7.8% said a suspect was arrested.

### **What the bill does**

For the first time anywhere, this bill lists all California laws protecting seniors and people with disabilities, including broader major laws as they specifically affect these vulnerable populations.

Every city police department and county sheriff's department that adopts or revises an elder and dependent adult abuse policy – virtually every local law enforcement agency – will be required to adopt a policy informing officers of these laws and guiding them on how to respond to these crimes. This includes:

- Training all officers in handling these cases, with advanced training for specialized officers in each agency
- Investigating every report of these crimes.
- Mandatory arrests of perpetrators and emergency protective orders when necessary to protect victims or others.
- Outreach to the community to encourage crime prevention and reporting to law enforcement agencies.
- Locally developed accountability protocols.

The bill also encourages law enforcement cooperation with other agencies such as adult and child protective services and long-term care ombudsman programs, but clarifies that law enforcement agencies have responsibility for criminal investigations.

### **History of the bill**

Passed Senate Public Safety Committee 6-0

Passed Senate 38-0

Passed Assembly Aging and Long-Term Care Committee 7-0

Passed Assembly Public Safety Committee 8-0

Passed Assembly 79-0

### **Support**

**California Alliance for Retired Americans** (co-sponsor)

**Elder & Health Law Clinic, McGeorge School of Law** (co-sponsor)

**The Arc & United Cerebral Palsy California Collaboration** (co-sponsor)

Alzheimer's Association

Association of Regional Center Agencies

California Association of Joint Powers Authorities

California Commission on Aging

California Elder Justice Coalition

California Long Term Care Ombudsman Association

California Senior Legislature

Cal TASH

Congress of California Seniors

Crime Victims United of California

Disability Action Coalition

Educate.Advocate

Empower Family California

Exceptional Family Resource Center, San Diego

National Adult Protective Services Association

National Association of Social Workers - California

Office of the State Long-Term Care Ombudsman

Peace Officers Research Association of California

Professional Fiduciary Association of California

Riverside Sheriffs' Association

San Diego County Democratic Central Committee

San Diego County District Attorney's Office

San Diego Democrats for Equality

San Diego Regional Center

State Council on Development Disabilities

The Arc of San Diego

The Arc of Ventura County

The Neighborhood House Association, San Diego

United Domestic Workers of America-AFSCME,

Local 3930

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<sup>i</sup> *California's senior population is growing faster than any other age group. How the next governor responds is crucial*, by Melanie Mason, Los Angeles Times, Oct. 7 2018.

<sup>ii</sup> *In San Diego County, a Battle Against Elder Abuse*, by Alex Halperin, U.S. News & World Report, April 2, 2018

