

Shadow Report
Police Violence Against People with Disabilities
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There is very little data collected on a national level about police because police departments either do not collect this data or report it. In 1994, the Crime Control Act required the Attorney General to collect data about how many people are killed by police each year, and publish an annual report. However, the Department of Justice has not issued this report because police departments would not report the data.

The Bureau of Justice Statistics surveyed 6,000 people and estimated that 500,000 persons each year are "hit, held, pushed, choked, threatened with a flashlight, threatened or sprayed with pepper spray, threatened with a gun or other form of force"¹ by the police. The FBI Uniform Crime Reports states that about 300 "justified homicides" by police occur each year, but does not record police killings considered unjustified.²

Thus, studies on police violence often have to rely primarily on media reports and surveys. A Portland Press Herald/Maine Sunday Telegram investigation found no federal accounting of or reliable national data on police shootings of peoples with psychiatric disabilities. But in its review of available reports, concluded that half of the people who suffer from police violence have psychiatric disabilities.³ This investigation did not include people with developmental and physical disabilities. Thus, if this findings of this investigation is accurate, the majority of people killed by the police have disabilities. Some of the recent examples of police violence against people with disabilities demonstrates how disability increases vulnerability to police violence.

* Kelly Thomas (Fullerton, CA: 2011) was a homeless person with a psychiatric disability. He was walking past a Fullerton where police officers were searching for someone causing a disturbance in the area. The police received a complaint that someone was breaking into cars. They found Thomas and started searching through his personal belongings. Without provocation, the police then told Thomas that they were going to "f-- him up." When Thomas started to walk away, several police officers jumped on him and brutally beat him into a coma. He died 5 days later. Although two police officers were charged with his murder, both were acquitted.

* John T. Williams (Seattle, WA: 2010) was a deaf 50-year-old seventh generation Nitinaht carver of the Nuuchah-nulth First Nations. He was walking down a street with a pocketknife and a piece of wood in his hands. He walked passed a police car and the officer noticed him carrying a knife in his hand. The officer yelled at Williams to "put the knife down." Williams was unable to hear him. The officer shot him five times. John died from his wounds. .

* Robert Ethan Saylor (Frederick, MD: 2013) was a 26-year-old young man with Down's syndrome. Saylor was waiting in the movie theater after the movie ended while his aide left to get the car ready. An employee approached Saylor and said he would have to buy another ticket

¹www.ojp.usdoj.gov/bjs/abstract/puof.htm.

²www.fbi.gov/ucr/99cius.htm,

³Kelley Bouchard, "Across Nation, Unsettling Acceptance When Mentally Ill in Crisis are Killed," *Portland Press Herald* December 12, 2013 found in <http://www.pressherald.com/news/Shoot-Across-nation-a-grim-acceptance-when-mentally-ill-shot-down.html?pagenum=1>

or leave the theater. When Ethan, who was waiting for his aide, wouldn't leave, theater security called the police. Four police officers dragged Saylor from theater, threw him face down to the ground, and all four sat on him. They handcuffed his arms behind his back so he could not breathe. By the time the police turned him over, Saylor was dead. The officers were not disciplined.

* Jesse Kersey (Dayton, OH: 2011) is a 17-year-old young man with developmental disabilities. Kersey was riding his bike when a police officer saw Kersey and tried to speak with him. When Kersey spoke, the officer could not understand him. Kersey then rode home to get his mom to translate for him. The officer thought Jesse was being disrespected and chased after him. The officer met up with another officer and called backup to subdue Kersey. The officers tasered, pepper sprayed and beat Kersey. They then arrested him and his mother who tried to protect her son.

* Evelyn Towry (Bonner, ID: 2010) is an 8-year-old girl with autism. Evelyn was going to attend a Christmas party at her elementary school. Evelyn wore a cow outfit for the party. Her teachers thought Evelyn's outfit was inappropriate and confined her to a room by herself to wait alone until the party ended. Evelyn tried to leave the room when the teachers started grabbing her, causing Evelyn to scream and spit at the teachers. The teachers called the police to arrest Evelyn without her parents' knowledge. The police arrived, arrested Evelyn, and charged her for battery for spitting at the teachers.

* Benny Warr (Rochester, NY, 2013): NY Police officers assaulted Benny Warr, a disabled man in a motorized wheelchair, who was waiting for the bus near the intersection of Jefferson. The incident was videotaped, demonstrating that Warr did nothing to warrant the attack. Police officers lifted Warr out of his wheelchair, threw him to the ground and kicked him.

* Dwight Harris (Washington, DC: 2011): Dwight Harris, who uses a wheelchair, was thrown to the ground so hard by the police that blood began pooling around his head. The incident was videotaped, indicating he had done nothing to warrant the attack. The Department of Justice declined to prosecute the police officers for the attack.

* Mohamed Bah (New York, NY: 2012) was a Guinean immigrant in his twenties with a psychiatric disability. He was a half-time college student and a half-time taxi driver. Bah called his mother for support one day when he was feeling anxious. His mother thought he sounded very depressed and was worried that he would do something drastic, so she called 911 to aid him. 911 sent the police to his apartment. Panicked, Bah locked himself inside his room. When the police barged through his door, they found Bah startled with a knife in his hand. The officers shot two tasers and a rubber bullet at Bah. Bah reacted by lashing out with his knife at the police. The police then fired their firearms at Bah, killing him. A grand jury declined to indict the officers responsible for his murder.

It is likely that the rates of police violence against people with disabilities will rise. The National Law Center on Homelessness and Poverty has found that cities are increasingly criminalizing homelessness through passing laws that forbid loitering on public streets, panhandling etc.⁴ Given that close to 40% of the people who are homeless have a disability,⁵

⁴National Law Center on Homelessness and Poverty, *Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities*, Report. Washington DC (November 2011). 208 pp. available at www.nlchp.org

⁵U.S. Department of Housing and Urban Development, *The 2010 Annual Homeless Assessment Report to Congress*, Washington, D.C., June 14, 2011. *available at*

this trend towards criminalization further increases the likelihood that people with disabilities will have more contact with the police, and hence are more likely to be subject to police violence.

Lack of National Response

There have been no national efforts to document the prevalence of police violence against police brutality or develop policies that could address the problem. Bloc grants are available to local jurisdictions to help develop policies and practices, but relatively few have availed themselves of them. In addition, the Justice Department has entered into consent decrees in New Orleans, Seattle and Portland where the police have been found to engage routinely in excessive violence against peoples with disabilities. However, for the most part, there is relatively little done by police departments to prevent police violence. Rather, most interventions occur only after there is an incident of police brutality that receives public attention.⁶ Some cities, such as Los Angeles have set up teams to work specifically with individuals with psychiatric disabilities. However, disability rights organizations note that these teams are not actually used during police calls.

Recommendations:

1. National accounting of cases of police violence and police killings that include the disability status of victims.
2. National and state policies requiring the police to wear cameras that document their actions. In cities where police wear cameras, police violence sharply declines.
3. Increased training for police departments on working with people with disabilities.
4. Develop independent review boards to monitor police responses to peoples with disabilities, evaluate disability protocols and provide recommendations.
5. Develop changes in emergency responses protocols so that when families call an emergency number for mental health support, the police are not automatically called unless requested.

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2011/HUDNo.11-121

⁶Kelley Bouchard, "Across Nation, Unsettling Acceptance When Mentally Ill in Crisis are Killed," *Portland Press Herald* December 12, 2013 found in <http://www.pressherald.com/news/Shoot-Across-nation-a-grim-acceptance-when-mentally-ill-shot-down.html?pagenum=1>