

FACT SHEET to Support HB 1178 Task Force to Study Creating an Abuse Caregiver Registry

Provided by Darla Stuart, The Arc of Aurora through The Arc PLAN, c/o AKL, Inc. - 1050 Cherokee Street, #412, Denver, CO 80204 - 303.573.0242

What is a developmental disability?

A developmental disability, as defined in Public Law 106-402 Developmental Disabilities Act, is a severe, chronic disability that:

- is attributable to a mental or physical impairment or a combination of those impairments;
- occurs before the individual reaches age 22;
- is likely to continue indefinitely;
- results in substantial functional limitations in three or more of the following areas of major life activity: (a) self care, (b) receptive and expressive language, (c) learning, (d) mobility, (e) self-direction, (f) capacity for independent living, and (g) economic self-sufficiency; and
- reflects the individual's need for a combination of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

How many people are estimated to have a developmental disability?

It is estimated, using the 1999 Developmental Disability Assistance and Bill of Rights Act, that between 1.2 - 1.65% of the population have a developmental disability. In Colorado that estimate equates to between 51,000 and 71,000 citizens.

Why are people with developmental disabilities more likely to be victimized?

The presence of a developmental disability often creates a dependence on others for a myriad of care, services, and supports that range from such help as personal hygiene assistance, finances support, and transportation assistance. Merely by their reliance on such support, people with developmental disabilities are often perceived powerless by caregivers or are in situations where they feel powerless. In respect to people with developmental disabilities it is important to recognize they are not inherently powerless and they do hold the same rights as other crime victims.

Nonetheless, it is a reality that people with developmental disabilities' reliance on other people for life supports exposes them to higher risks of abuse than those in the population who do not require such supports.

What types of crimes are perpetrated against people with developmental disabilities?

A survey of victims of crime administered (with appropriate modifications) by the Australian Bureau of Statistics (Wilson and Brewer, 1992) to a sample of adults with intellectual disabilities found that differences in victimization rates were most pronounced for the crimes of:

- assault (3 times higher than for people without disabilities),
- sexual assault (11 times higher), and
- robbery (13 times higher).

Only auto theft was lower for the group with disabilities, and that was probably due to the fact that few of them had cars to be stolen. Notably these crimes are all crimes against the person. This study also found extremely low rates of reporting to the police: 40 percent of the crimes against people with mild mental retardation went unreported, and 71 percent of those against people with severe mental retardation went unreported (Wilson & Brewer, 1992).

What are the estimated rates of violence against people with developmental disabilities?

The rate of violence against people with disabilities is staggering and much of this abuse is chronic or severe (Sobsey, 1994). According to several studies (Sobsey, Wells, Lucardie, & Mansell, 1995) (Young, et. al., 1997), people with developmental disabilities are four to ten times more likely to be victims of crime than other people. Further, the data on sexual violence and people with developmental disabilities show that as many as 83% of women with developmental disabilities have been sexually abused (Hard, 1986), and 49% of those women will experience 10 or more abusive incidents. (Valenti-Hein & Schwartz, 1995.) An estimated 5,000,000

crimes are committed against individuals with developmental disabilities annually. Over 70 percent of crimes committed against individuals with developmental disabilities are not reported (Crime Control and Prevention Act of 2007.)

Who perpetrates these crimes against people with developmental disabilities?

More than half of the abuse of people with disabilities is estimated to be perpetrated by disability professionals (i.e., paid or unpaid caregivers, doctors, nurses) and family members and peers with disabilities are generally believed responsible for the other half (Sobsey & Doe, 1991). These same researchers estimate that approximately 67% of perpetrators who abused individuals with severe cognitive disabilities accessed them through their work in disability services. Additional research suggests that 97 to 99 percent of abusers are known and trusted by the victim who has intellectual disabilities (Baladerian, 1991).

How does HB 1178 propose to address victimization of people with developmental disabilities?

HB 1178 recognizes through the formalized discussion of creating an abusive caregiver registry that people with developmental disabilities are often the least able to recognize danger, the least able to protect themselves, and the least able to obtain assistance within the criminal justice system (Petersilia, et. al., 2001), and because of that they are perceived as highly vulnerable to victimization. HB 1178 voluntary task force will focus on evaluating the barriers to while working toward creating an abusive caregiver registry specific to Colorado. Further, if created and enacted that abusive caregiver registry will ultimately remove abusive caregivers from the human services industry resulting in people with developmental disabilities being safer. In Massachusetts after enacting an abusive caregiver registry and investigation process there was substantial increase in reported and successfully prosecuted cases of abusive caregivers.

What does HB 1178 provide for that couldn't be done otherwise?

Colorado has discussed prioritizing and addressing this issue for years both at the legislative and

department level. However, it is an issue that seems to be easily lost in the shuffle of priorities. That failure to act concisely to address this issue is like the story of three frogs sitting on a Lilly pad. Two decide to jump off ... how many frogs are left? Three because deciding to do something isn't the same as actually doing it. HB 1178 takes Colorado from the deciding to do something and creates a legislated process to do something. The reality is that thousands of Coloradoans who live with developmental disabilities and are statistically more likely than those without those disabilities to be victims of crimes. HB 1178 codifies the legislature's intent to take the first step in reducing that statistical likelihood.

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