

**United States Department of Justice Guidance on gender-biased policing is here!
But some women are still missing!**

By Stephanie Ortoleva, Esq., President, [Women Enabled International](#)

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#DisabledWomenSay: Although there is much to commend in the United States Department of Justice (DOJ) Guidance on gender-biased policing¹ for women generally, once again, women with disabilities are missing and ignored! The sadly cursory treatment of the issues confronting women with disabilities in situations of domestic violence and other forms of gender-based violence and assault is very disheartening and devastating to the lives of the thousands of disabled women in the United States who may call on the police for assistance.

Our [Women Enabled International](#) team just did a word search on and quick review of the gender-biased policing document and here are the scant and cursory references we found concerning women with disabilities:

The word 'disabled' is not in it at all. The word 'disability' is in it only twice, once on page 20 and another time on page 25. The word 'disabilities' is found just once on page 25. Those few references are quoted below.

"This may be because one party does not speak or understand English proficiently, or because one party has a hearing or speech disability." (Page 20)

"As a result of VAWA 2013, VAWA grants now contain a condition that prohibits discrimination in any program or activity funded in whole or in part with funds made available under VAWA, or other funds administered by the Office on Violence Against Women, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation or disability." (Page 25)

"Under Section 14141, it is unlawful for law enforcement agencies, including prosecutorial offices, to violate the Constitution or any other federal statute, including, for example, the Civil Rights Act of 1964 and the Americans with Disabilities Act." (Page 25)

Thus, the gender-biased policing document is completely inadequate in terms of protecting the rights and safety of women and girls with disabilities. The document gives no guidance to police on several urgent issues relating to police interactions in situations of domestic violence or gender-based violence and assault involving disabled women, a few of which are listed below.

- No guidance to police as to how to address a situation where a woman with a disability only speaks sign language, including how to secure a sign language interpreter or other strategies for communicating with her;

¹ U.S. Dept. of Justice, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence* (Dec. 15, 2015), available at <http://www.justice.gov/ovw/identifying-and-preventing-gender-bias>.

- No instruction to law enforcement officials that it is totally inappropriate to use a family member or someone else on the scene who is not a police officer or other professional to interpret in a situation of domestic violence;
- No guidance on how to communicate with women who may have an intellectual or cognitive disability;
- No training on alternative methods of communication with such individuals;
- No direction on how to combat commonly held stereotypes about women with disabilities, such as that they are not competent as witnesses or that gender-based violence does not happen to them;
- No guidance that witnesses with disabilities can provide highly credible testimony, nor how to afford such witnesses a true opportunity to communicate the evidence they may have to provide;
- No instruction on how to deal with situations where a caregiver might be the abuser;
- No resources on how to identify accessible shelter programs and facilities;
- No training on the importance of service animals to the woman with a disability; and
- Many other issues too numerous to name here.

Women with disabilities make up approximately 19.8% of the U.S. population of women.² How can we continue to ignore almost one-fifth of the women in the United States?

According to the U.S. Bureau of Justice Statistics, in 2010, the age-adjusted rate of violent crime for women with disabilities was nearly twice that of women without disabilities (29 compared to 15 per 1,000).³ The Department of Health and Human Services (HHS) points out that women with disabilities are more likely to experience domestic violence and sexual assault than women without disabilities, and abuse can be both more severe and longer lasting.⁴ National studies estimate that almost 80% of people with disabilities are sexually assaulted more than one time, and half of those experience multiple incidences of abuse—more than 10 victimizations.⁵ Women with developmental disabilities and women with disabilities living in institutions and

² See, U.S. Census Bureau, *Americans with Disabilities: 2010*, 1, 4 (2012), available at www.census.gov/prod/2012pubs/p70-131.pdf; U.S. Census Bureau, *Age-Adjusted and Unadjusted Disability Rates by Gender, Race, Hispanic Origin: 2005 and 2010*, available at www.census.gov/people/disability/publications/disab10/table_2.pdf.

³ Erika Harrell, *Crime Against Persons with Disabilities, 2008-2010 - Statistical Tables*, 3 (2011), available at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2238>.

⁴ U.S. Dep't of Health and Hum. Serv., *Women with Disabilities: Screening and Counseling for Violence*, available at <http://www.hhs.gov/od/women-with-disabilites-violencecounseling/>.

⁵ Maine Coalition Against Sexual Assault, *Sexual Violence Against Individuals with Disabilities*, available at <http://www.mecasa.org/index.php/special-projects/individuals-with-disabilities>.

nursing homes are particularly at risk⁶; as many as 83% of female adults with developmental disabilities are victims of sexual assault.⁷ Abuse lasts longer and is more intense than for women without disabilities.⁸ Sexual and gender-based violence contributes to the incidence of disability.⁹

Violence against women with disabilities occurs in various spheres including the home, community, and public and private institutions. The forms of violence to which women and girls with disabilities are subjected are varied, including physical, psychological, sexual, or financial violence, neglect, social isolation, entrapment, degradation, detention, denial of healthcare, forced sterilization, and forced psychiatric treatment, among others.¹⁰ Women with disabilities are less likely to report violence because of lack of access to information about assistance, or because their abuser may be the individual upon whom the woman relies for personal care or mobility.¹¹

The U.S. Department of Justice's (DOJ) Office on Violence Against Women (OVW) has numerous materials and guidance documents on strategies for addressing violence against women with disabilities, which could have been utilized to inform the Guidance on gender-biased policing.¹² Through the **Violence Against Women Reauthorization Act of 2013 (VAWA 2013)**,¹³ the OVW funds a limited number of programs, including programs specifically designed to address violence and abuse of women with disabilities,¹⁴ though very few programs receive this funding. Authorized funding for education, training, and services to combat violence against women with disabilities was reduced from \$10 million to \$9 million in VAWA 2013,¹⁵ and actual appropriations for such programs since 2013 have hovered only between \$5.3 Million

⁶ Margaret Nosek et al., *Vulnerabilities for Abuse Among Women with Disabilities*, 19 SEXUALITY & DISABILITY 177 (2001).

⁷ Sexual Violence Against Individuals with Disabilities, *supra* note 5.

⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Report on violence against women with disabilities, para. 31, U.N. Doc. A/67/227 (Aug. 3, 2012) [hereinafter SRVAW Report], available at <http://www.ohchr.org/Documents/Issues/Women/A.67.227.pdf>; Stephanie Ortoleva and Hope Lewis, *Forgotten Sisters - A Report on Violence Against Women with Disabilities: An Overview of its Nature, Scope, Causes and Consequences* 16 (Aug. 21, 2012), available at <http://womenenabled.org/pdfs/Ortoleva%20Stephanie%20Lewis%20Hope%20et%20al%20Forgotten%20Sisters%20-%20A%20Report%20on%20ViolenceAgainst%20Women%20%20Girls%20with%20Disabilities%20August%20202012.pdf>.

⁹ SRVAW Report, *supra* note 8, para. 9; *Forgotten Sisters*, *supra* note 8, at 16.

¹⁰ SRVAW Report, *supra* note 8, paras. 31-58; *Forgotten Sisters*, *supra* note 8, at 15-16.

¹¹ *Forgotten Sisters*, *supra* note 8, at 16; Margaret Nosek et al., *Vulnerabilities for Abuse Among Women with Disabilities*, 19 SEXUALITY & DISABILITY 177 (2001). Home assistants, family members, or others who provide assistance may inflict violence through purposeful neglect (e.g., leaving a woman who is in bed or who uses a wheelchair with no assistance for long periods to "punish" or manipulate her); confine a woman with disabilities to her home or institution or isolate her from other human contact; or withhold mobility aids, communication equipment, or medications, causing physical injury or mental and emotional suffering.

¹² U.S. Dept. of Justice, Office on Violence Against Women (OVW), *End Abuse of People with Disabilities*, available at <http://www.accessingsafety.org/>.

¹³ Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113:4, Overview (Mar. 7, 2013) (hereinafter VAWA).

¹⁴ U.S. Dept. of Justice, OVW, *Education, Training and Enhanced Services to End Violence Against and Abuse of Women with Disabilities*.

¹⁵ VAWA, *supra* note 13, Sec. 203(3).

for 2013 and \$6 million for 2016.¹⁶ In fiscal year 2013, there were only nine disability grant recipients in seven states and the total amount allocated through the Disability Grant Program was a devastatingly inadequate 1.02% of the total allocated by OVW.¹⁷

This important Guidance on gender-biased policing certainly could have been made inclusive; in addition to OVW, discussed above, the DOJ Civil Rights Division's Section on Disability Rights, also could have assisted with making this document inclusive of women with disabilities in situations of domestic violence and assault and their unique intersecting disability and gender concerns.¹⁸

[Women Enabled International](http://www.WomenEnabled.org) strongly encourages all U.S. Government agencies involved in preparing this Guidance to amend it to ensure that all women in the country are included. Clearly women with disabilities experience domestic violence and other forms of gender-based violence (often at rates higher than for other women) and deserve the assistance of law enforcement in such situations. For additional information, contact Women Enabled International's President at President@WomenEnabled.org and visit <http://www.WomenEnabled.org>.

¹⁶ National Network to End Domestic Violence, *VAWA and Related Programs Appropriations for Fiscal Years 13, 14, 15, and 16* (2015), available at http://nnedv.org/downloads/Policy/Approps2016_16Dec2015.pdf.

¹⁷ U.S. Dep't of Justice, Office on Violence Against Women (OVW), *FY 2013 OVW Grant Awards By Program* (reporting that the seven states that received funds were DC, IL, MO, WI, MN, NC, and SD, with IL and MN each receiving two grants). OVW disability-related grants totaled \$3,875,000, a mere 1.02% of the overall total allocated by OVW Grant Program of \$378,964,893.

¹⁸ U.S. Dept. of Justice, Section on Disability Right (CRT), available at: <http://www.justice.gov/crt/disability-rights-section>.