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LAW ENFORCEMENT UNDERSTANDING THEIR IMPACT AND BUILDING A BETTER
RAPPORT WITH PEOPLE WITH DISABILITIES (PWD)

by

Tashara N. McCoy

B.S., Southern Illinois University, 2017

A Research Paper
Submitted in Partial Fulfillment of the Requirements for the
Master of Science

Department of Rehabilitation Counseling
in the Graduate School
Southern Illinois University Carbondale
May 2020

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RESEARCH PAPER APPROVAL

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A Research Paper Submitted in Partial

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for the Degree of

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in the field of Rehabilitation Counseling

Approved by:

Dr. Thomas Upton, Chair

Graduate School
Southern Illinois University Carbondale
December 2, 2019

AN ABSTRACT OF THE RESEARCH PAPER OF

Tashara N. McCoy, for the Master of Science degree in Rehabilitation Counseling, presented on December 2, 2019, at Southern Illinois University Carbondale.

TITLE: LAW ENFORCEMENT UNDERSTANDING THEIR IMPACT AND BUILDING A BETTER RAPPORT WITH PEOPLE WITH DISABILITIES (PWD)

MAJOR PROFESSOR: Dr. Thomas Upton

For years, law enforcement didn't have adequate training in knowing how to handle cases that involved people with disabilities (PWD). As an ending result, it left PWD either traumatized or dead. Officers negative impact have loved ones fearing and uncertain if calling officers would be the best decision for the situation. Several cases show where officers acted out in violence and excessive force due to lack of knowledge and training. Officers approach and interactional styles are poor and in need of improvement.

Appropriate training courses are now enforced upon certain states, cities, and counties due to too many incidents regarding PWD ending in poor results. Proper preparation, prevention, and intervention is a necessity not only to officers but family members, the community, and across nations. As a society norm, officers are supposed to protect and serve. Understanding that officers play a vital role and are a part of society. Being mindful that they're human beings as well.

There are programs intended to help and support PWD who endured such traumatizing events. To better understand, PWD are being included within the training. The goal is to bring awareness to officers and improve behaviors in hopes of building a better rapport with PWD; promoting a healthier and safer environment.

ACKNOWLEDGEMENTS

I'm forever grateful and thankful to those who supported and believed in me. Having faith in God showed me how resilient I am. Bringing that passion and drive out of me and exceeding expectations within my work. Giving me the strength to push through such a challenging yet rewarding journey.

DEDICATION

I dedicate this paper to my mother, grandparents, brother, and stepdad. For my grandparents, brother, and stepdad who are not here to physically witness one of the obstacles I made it over, I love you and thank you. May you continue to watch over me and walk with me in spirit. As for my mom, a phenomenal woman you are. You are there every step of the way. I aspire to be like you in many ways. I can't thank you enough beautiful.

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CHAPTER 1

DEFINITION OF TERMS

Barrier – According to Merriam Webster (1826), barrier is something material that blocks or is intended to block passage

De-escalate – According to Merriam Webster (1826), deescalate is to decrease in extent, volume, or scope

Disability – According to Merriam Webster (1826), disability is a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks or actions or participate in typical daily activities and interactions

Discrimination – According to Merriam Webster (1826), discrimination is a prejudiced or prejudicial outlook, action, or treatment

Force – According to Merriam Webster (1826), force is strength or energy exerted or brought to bear: cause of motion or change: active power

Law Enforcement – According to Merriam Webster (1826), law enforcement is the department of people who enforce laws, investigate crimes, and make arrests: the police

Minority – According to Merriam Webster (1826), minority is the period before attainment of majority

Population – According to Merriam Webster (1826), population is the whole number of people or inhabitants in a country or region

Training – According to Merriam Webster (1826), training is the act, process, or method of one that trains: the skill, knowledge, or experience acquired by one that trains

Trauma – According to Merriam Webster (1826), trauma is a disordered psychic or behavioral state resulting from severe mental or emotional stress or physical injury: emotional upset

CHAPTER 2

INTRODUCTION

Police brutality occurs within the context of officers possessing privilege while they are assumed to be justified in their actions since they are sworn to protect and serve the community; People with disabilities are up to 23 times more likely than the general population to be victims of crime; those with serious mental illness are up to 140 times more likely to be victims of crime and those who are homeless experience an 87% rate of victimization; incidents are worse for females with serious mental illness and for those with a history of child abuse and/or drug abuse; People with mental illness and psychiatric disabilities comprise 61% of those incarcerated in state prisons; People with disabilities comprise up to one-half of all people killed by law enforcement; police killed 1,307 Americans in 2015, or 1 every 7 hours; the homicide indictment rate for citizens is 90% while it is only 1% for police. Law enforcement and Mental health providers should strive to increase their awareness and understanding of and capacity for the dismantling of systemic oppression and discrimination, along with their working knowledge and advocacy with regard to the lived experience of violence faced by individuals with disabilities and other minority groups at the intersections of various personal identities and abusive power structures.

CHAPTER 3

IDENTIFYING DISABILITIES CATEGORICALLY

When exploring and speaking on PWD, being aware of the different types of disabilities are essential to one's knowledge. According to Disability Awareness Training (DAT), "in breaking down disabilities categorically, it's safe to identify them in the following: sensory disability; visually impaired/blind and hearing impaired/deaf; learning disability; challenges mainly with reading; emotional disability; to include mental health; developmental disabilities; 5 sub-categories that include intellectual disabilities (mental retardation), cerebral palsy, and autism spectrum disorders; and physical disability; disabilities such as spinal cord injury, muscular dystrophy, multiple sclerosis, and arthritis" (DAT, 2019). With awareness and understanding of these disabilities, law enforcement can differentiate in knowing how to handle cases involving PWD.

Sensory Disability

What is a sensory disability? According to Aruma, "a sensory disability is a disability of the senses (e.g. sight, hearing, smell, touch, taste)" (Aruma, 2019). In which, "95% of the information about the world around us comes from our sight and hearing, a sensory disability can affect how a person gathers information from the world around them" (Aruma, 2019). People with Autism Spectrum Disorder (ASD) are affected in a wide ranging of ways. Aruma stated, ASD effects can include "difficulties in social interaction and communication, restricted and repetitive interests and behaviours, and sensitivity to sensory experiences – noise, light, touch etc." (Aruma, 2019). In Christensen and Bezyak (2017) law enforcement rapid response report, it's suggested of them to utilize the acronym "AUTISM". It would be beneficial for law enforcement as well as the individuals involved in the community and people with ASD.

It will help in remembrance of the methodology they should be utilizing when dealing with people with ASD (Christensen & Bezyak, 2017). They should:

- Approach the person in a quiet, non-threatening manner.
- Understand that touching the autistic person may cause a protective "fight or flight" reaction.
- Talk to the person in a moderate and calm voice.
- Instructions should be simple and direct with no use of slang.
- Seek all indicators to evaluate the situation as it unfolds.
- Maintain a safe distance until any inappropriate behaviors lessen but remain alert to the possibility of outbursts or impulsive acts.

Although ASD can be very complex, this method can help improve law enforcement interactional styles when approaching people with ASD.

Learning Disability

What is a learning disability? According to Learning Disabilities Association (LDA), learning disabilities are “due to genetic and/or neurobiological factors that alter brain functioning in a manner which affects one or more cognitive processes related to learning. These processing problems can interfere with learning basic skills such as reading, writing and/or math. They can also interfere with higher level skills such as organization, time planning, abstract reasoning, long or short-term memory and attention” (LDA, 2020). Not only does a learning disability effect academics, it can go beyond that and interfere with how a child or an adult relationship with friends, family, or workplace. According to LDA (2020), Different types of learning disabilities include:

- Dyscalculia, specific learning disability that affects a person ability to

understand numbers and learn math facts.

- **Dysgraphia**, A specific learning disability that affects a person's handwriting ability and fine motor skills.
- **Dyslexia**, A specific learning disability that affects reading and related language-based processing skills.
- **Oral / Written Language Disorder and Specific Reading Comprehension Deficit**, Learning disabilities that affect an individual's understanding of what they read or of spoken language. The ability to express one's self with oral language may also be impacted.
- **Non-Verbal Learning Disabilities**, A disorder which is usually characterized by a significant discrepancy between higher verbal skills and weaker motor, visual spatial and social skills.

A learning disability cannot be cured or fixed; it is a lifelong challenge. However, with appropriate support and intervention, people with learning disabilities can achieve success in school, at work, in relationships, and in the community (LDA, 2020).

Emotional Disability

What is an emotional disability? According to Ann Logsdon, "the Individuals with Disabilities Education Act (IDEA) is a federal law that specifies emotional disturbance as one of the 13 disability categories of eligibility for special education services. By the IDEA definition, "an emotional disturbance is a condition in which a child exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance" (2020). According to IDEA (2020), emotionally disturbed children have...

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- They may be unable to develop and keep appropriate, satisfactory social relationships with family, peers, and adults in the school system.
- They may tend to display inappropriate behavior or feelings in response to normal situations.
- They may have a pervasive mood of unhappiness or depression.
- They may be inclined to develop negative physical symptoms or fears related to personal or school problems.

Emotional disturbance is also known as serious emotional disturbance (SED) or emotional behavioral disability (EBD)” (Logsdon, 2020).

Developmental Disability

What is a developmental disability? According to University of Minnesota, “they are disorders that are usually present at birth and that negatively affect the trajectory of the individual’s physical, intellectual, and/or emotional development. Many of these conditions affect multiple body parts or systems” (University of Minnesota, 2020). Also, developmental disabilities currently put a lot of children at risk. According to the Centers for Disease and Control, “developmental disabilities occur among all racial, ethnic, and socioeconomic groups. Recent estimates in the United States show that about one in six, or about 17%, of children aged 3 through 17 years have one or more developmental disabilities” (CDC, 2019). Children will continue to learn but at their own pace. When a child doesn’t meet a milestone, it can be frustrating to that individual and the parents as well. Being supportive, consistent, and mindful through the process can possibly help put things at ease.

Physical Disability

What is a physical disability? According to Achieve Australia (AA), “A physical disability is a physical condition that affects a person’s mobility, physical capacity, stamina, or dexterity. This can include brain or spinal cord injuries, multiple sclerosis, cerebral palsy, respiratory disorders, epilepsy, hearing and visual impairments and more” (AA, 2019). A physical disability can occur in various of ways. But they fall in two categories (AA, 2019):

- Hereditary/Congenital – where a person has been born with a physical disability or developed one due to inherited genetic problems, has suffered an injury at birth or has issues with their muscles.
- Acquired – An acquired physical disability could be due to an accident, infection or disease, or as a side effect of a medical condition.

Achieve Australia supports people with a range of physical disabilities to live independent, meaningful and valued lives (AA, 2019). They support people such as people with TBI, Epilepsy, Cerebral Palsy, Cystic Fibrosis (CF), Multiple Sclerosis (MS), Spina Bifida (SB), and Prader-Willi Syndrome (PWS). Furthermore, in the next chapter, the author will get into barriers PWD face on a day-to-day basis.

CHAPTER 4

BARRIERS PEOPLE WITH DISABILITY FACE

It's true that everyone faces difficult yet challenging hardships in their life. But for people with disabilities, barriers can be more frequent and have greater impact. According to The World Health Organization (WHO) describes barriers as being more than just physical obstacles (WHO, 2019). Here is the WHO definition of barriers: "Factors in a person's environment that, through their absence or presence, limit functioning and create disability" (WHO, 2019). These include aspects such as: a physical environment that is not accessible, lack of relevant assistive technology (assistive, adaptive, and rehabilitative devices) negative attitudes of people towards disability, and services, systems, and policies that are nonexistent or that hinder the involvement of all people with a health condition in all areas of life (WHO, 2019). There are many different barriers but the most that occur are attitudinal, communication, physical, policy, programmatic, social, and transportation. Each barrier plays a part of the milestones PWD endure in everyday life. An example of attitudinal would be prejudice, stereotyping, stigma, and discrimination. An example of communication would be videos with no captions, no braille or large print for someone with visual impairment. An example of physical would be an impairment to stand, stoops, steps, or curbs. An example of policy would be PWD who are denied of service, opportunities to participate or benefit from federally funded programs. An example of programmatic would be having little to no communication between patients and participants, providers attitude towards a situation, and inconvenient scheduling. An example of social would be PWD are more likely to have income of less than \$15,000 compared to people without disabilities (22.3% compare to 7.3%). An example of transportation would be the lack of accessible or convenient transportation for those with cognitive and visual impairment. Seeing

that there are many factors that come into play when analyzing the daily challenges of PWD. The author will take it a step further by presenting evidence on how misunderstanding can lead to violence, abuse, and excessive force upon PWD from law enforcement. In whom society holds to a certain standard where they feel law enforcement are to protect and serve.

CHAPTER 5

VIOLENCE, ABUSE, & EXCESSIVE FORCE LEADING TO TRAUMA OR DEATH

The Senate Judiciary Committee met up on April 29, 2014, to discuss law enforcement responses to PWD in America. Democratic Senator Dick Durbin, who chaired the committee was met against a backdrop of PWD who were killed by law enforcement. Those individuals where people with either psychiatric or intellectual disabilities. Due to so many deaths the senator and witnessed felt something needed to be done. If not, matters would worse from there on out. The senator and witnesses suggested solutions that included “increased funding and support for Crisis Intervention Teams (CIT) training and the Justice and Mental Health Collaboration Act, which would improve access to mental health services for people who come into contact with the criminal justice system and provide law enforcement officers tools to identify and respond to mental-health issues” (Perry & Carter-long, 2014). Traumatic events occurred that didn’t end too well and caused serious or fatal damage to PWD. The problems seem to escalate, and number of cases seem to rise. There were four cases included:

In 2008, Ernest Griglen was removed from his car by police who thought he was intoxicated. He was subsequently beaten. Griglen was, in fact, quite sober, but he is diabetic and was in insulin shock. Judging by media reports alone, people who are diabetic are often mistaken as threatening or drunk (Perry & Carter-long, 2014).

In 2009, Antonio Love felt sick and went into a Dollar General store to use the bathroom. Time passed and he didn’t come out, so the store manager called the police. The officers knocked on the bathroom door, ordered him to come out, but got no response. They sprayed pepper spray under the door, opened it with a tire iron, then tasered Love repeatedly. Love is

deaf. He couldn't hear the police. Again, if news reports are any indication, deaf people are too frequently treated as non-compliant and tasered or beaten by police (Perry & Carter-long, 2014). In 2010, Garry Palmer was driving home from visiting his wife's grave when a dog darted in front of his truck and was hit. Palmer reported the accident as he should have, but because he was slurring his words and shaking, he was arrested for drunk driving. Palmer has cerebral palsy. In January 2014, Robert Marzullo filed a lawsuit citing battery, excessive force, false imprisonment, unlawful seizure and supervisory liability against the town of Hamden, Connecticut and its police department. News reports reveal that Marzullo was tasered by two police officers while having an epileptic seizure in his car (Perry & Carter-long, 2014).

All those stories linked together even though the details in each case varied. Perry and Carter-long state that "law enforcement officials expect and demand compliance, but when they don't recognize a person's disability during an interaction, the consequences can be tragic. Misconceptions or assumptions can lead to overreactions that culminate in unnecessary arrest, use of pepper spray, or individuals being tasered" (2014). It's a major problem that needs improvement because the disabled community relies on law enforcement as the first line of defense and protection in countless situations of varying complexity. Strengthening this important relationship could be a step toward preventing the sort of misunderstandings that can result in tragedy (Perry & Carter-long, 2014). In the next chapter, the author will tell a story of an event that struck families and their loved ones. It made a great impact and justice for this individual who life ended all too soon.

CHAPTER 6

STORY TIME

Remembering a 26-year-old man by the name of Robert Ethan Saylor, who had Down Syndrome (DS). The horrifying and unforgettable event occurred at a movie theater in Frederick County. A deputy by the name of Richard Rochford responded to a call from a manager at the theater. Prior to the deputies being called, Saylor had just seen a movie called “Zero Dark Thirty” with his aide, Mary Crosby. Once the movie was over, Crosby left to go get the vehicle so they could leave. In that time frame, Saylor slipped back into the theater to see the movie again. In which, “A theater manager had told Rochford, who was working part-time as a security guard, that Saylor, of New Market, Md., had already seen the movie and hadn't bought a ticket for a second showing. Rochford said he decided to "try to reason" with Saylor to leave, but Saylor ignored him and cursed at him” (Vargas, 2017). At this point, Saylor was being approached by Rochford sitting in his seat and not disturbing anyone. Rochford then threatened to arrest him. "Look, you know it's time to go. If you refuse to leave, you can be, you know, arrested and charged with trespassing, you can be banned from the property," Rochford recalled saying in the deposition, which was filed as part of a lawsuit. "I'm explaining to him the ramifications for not leaving. Again, you know, he said, at some point in time, 'F--- you, I work for the CIA, you can leave now, I'm done, you know, I'm done talking to you' " (2017). Crosby, his aide, came back into the theater and realized what was happening. “Crosby, in statements to authorities, said she told the manager and Rochford that Saylor didn't like to be touched and would curse at them if they approached him. She asked them to wait him out” (2017). After Crosby explained Saylor’s situation, the deputy still proceeded to handle the situation carelessly. "Better get the boys. We're going to have some trouble tonight," Crosby, in her deposition,

recalled Rochford saying. Not long after, she said, she heard screaming coming from the theater and then, " 'Ouch. That hurts. Get off. Mom.' " Saylor was pulled from his seat by the deputies and stumbled on the ground. Jewell in his deposition said "that while Saylor was on the ground, he and the other deputies used three sets of handcuffs, daisy chained together, to restrain the man, who was 5-foot-6 and weighed nearly 300 pounds. The instant the handcuffs were on, he said, Saylor stopped struggling" (2017). After all that struggling, Saylor had turned to a "grayish color" and didn't have a pulse when deputies were checking him. At that moment, the deputies knew something went wrong and was shaken up about it. Rochford tried chest compressions while the ambulance was on their way but still no pulse from Saylor. In which resulted to the tragic death of Saylor.

Before Saylor's death, he was fascinated by law enforcement and enjoyed giving them a call just to ask them questions (2017). Patti Saylor, Ethan's mother, would take cookies to the sheriff's office as a nice gesture and appreciative of them making unnecessary visits to her home for Ethan. As a result of Saylor's death, "Maryland changed how it trains law enforcement officers. They are now taught in the academy how best to interact with people with intellectual and developmental disabilities, and a program created in Saylor's memory teaches people with disabilities to participate in law enforcement training" (2017). This goes to show that law enforcement lacks the training and knowledge in handling situations when it comes to PWD.

Later, a settlement was reached following the death of Ethan Saylor. Excessive force was used on Saylor. Saylor ended up on the floor, he suffered a fractured larynx and "his death was later ruled a homicide as a result of asphyxia" (Vargas, 2018). The \$1.9 million settlement still doesn't suffice for the grieving parents of Saylor. Saylor's mother said "There's a cliché that you can't assign a dollar amount to a human being's life, but that is our system, that's the only

remedy we have for justice in our system,” Saylor’s mother, Patti Saylor, said Tuesday. “We’re not comforted by the money as much as knowing we gave our son everything we could, that we stood up for him until we exhausted all avenues for standing up for him. Because his life mattered. What happened to him should not have happened” (2018). Saylor’s mother was relieved after fighting justice for her son for four years. Now, that the trial is over, Saylor’s parents get to “focus on healing”. In the next chapter, the author will explore the options in seeking therapy, treatment, and training to those with disabilities, families, law enforcement, or members of the community.

CHAPTER 7

THERAPY, TREATMENT, & TRAINING

Therapy and treatment are suggested to those who've endured tragic events involving law enforcement. According to Wilczynski et al (2015), treatment must begin with a thorough assessment, including a full history of police violence which may or may not be the primary presenting problem, along with full assessment of post trauma symptoms (e.g., PTSD). Therapist should attend to the potential for PTSD or depression and be mindful of possible dissociation which is often seen in survivors of complex trauma. Mental health practitioners must address abuse and violence history because considerable research demonstrates that a history of child abuse is related to adult psychopathology. Wilczynski et al (2015), recommended methods for asking about violence and abuse begin with general, indirect questions about childhood (e.g., tell me about, best part, worst part) and follow-up on reports of abuse through inquiry about any ongoing abuse.

Spirituality, creativity, and activism are critical strategies in the resistance of discrimination-motivated police brutality (Wilczynski et al, 2015). Traditional healing practices used in their community context or incorporated and modified within psychotherapy have proven effective. The use of group therapeutic formats been found effective in addressing police violence. The therapist may approach counseling survivors of police violence from the perspective of complex trauma, one of multiple traumas that clients with disabilities and other minority victims may have experienced – with this framework, counseling should focus on affect regulation skills, processing the trauma narrative, and building a positive therapeutic relationship. The shattering of silence and shame is an integral part of healing the trauma of ism-motivated police brutality (Wilczynski et al, 2015).

According to NCSL (2018), At least 27 states and the District of Columbia passed laws requiring officers to be trained on how best to respond when situations involve individuals with mental health, substance use or other behavioral health disorders. New laws seek to better prepare officers to recognize, de-escalate and respond to such circumstances. They also encourage the dissemination of information to first responders on how to prevent and minimize mental health crises. Prior to these changes, law enforcement training consisted of investigation and law, traffic enforcement, computer/internet skills, patrol procedure, detention and prosecution, special operations, and physical skills (firearms, first aid, emergency vehicle operations, subject control, Physical training). With law enforcement having adjustments being made to their training in how to respond to PWD. It gives a brighter outlook on how situations will be handled.

CHAPTER 8

CONCLUSION & DISCUSSION

Being that the author works with individuals with Traumatic Brain Injuries, this subject matter is important and should be discussed across the nation. No one should be uncomfortable on the account of someone else insensitive and misconception of them. There are cases that received attention from the media but not to the point where people are fully aware, and every state is on board with making improvements to their departments. I encourage everyone to be mindful, especially law enforcement when receiving calls from loved ones calling on behalf of the person they care for who has a disability. The question is how tedious is the training in that county, city, or state? Are departments able to incorporate PWD in their training to better understand? How quick are law enforcements able to recognize and respond if the person has a disability? What are the protocols if law enforcement refuses to follow through with proper protocol in handling a PWD? Law enforcement should be wanting to make progress in working towards building a better rapport with PWD. It would reduce less tension and uncertainty with PWD. Implementing those trainings where PWD and officers would feel safer.

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VITA

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Research Paper Title:

Law Enforcement Understanding Their Impact and Building A Better Rapport with
People with Disabilities (PWD)

Major Professor: Dr. Thomas Upton