



March 1, 2020

The Honorable Ben Hueso
State Capitol
Sacramento

Re: SB 1108 (Hueso) – Senior and disability victimization – Support

Dear Senator Hueso:

I am writing this letter on behalf of the California Alliance for Retired Americans (CARA), to support SB 1108. CARA is California's largest grassroots senior advocacy organization, representing over 1,000,000 seniors and their families through our 270 affiliated organizations. We are proud to be a sponsor of your bill.

Voters statewide believe that “increase prevention of elder abuse – both physical and financial” is the highest-priority goal for the Master Plan for Aging, now being developed.¹ This political reality reflects the fact that senior and disability victimization, including but going beyond elder abuse, is already an urgent and appalling problem. It includes these crimes committed either older adults or people with disabilities: child abuse, sexual assault, domestic violence, human trafficking, hate crimes motivated by bias against people with disabilities including disabilities caused by aging, and homicide. The obstacles to justice include lack of reporting of these crimes to law enforcement agencies and the law enforcement agencies' frequently inadequate response to the reports they do receive.

A national study surveyed victims with disabilities, including disabilities caused by aging, and their families. Of the cases where victims reported the abuse to authorities, 52.9 percent said that nothing happened. According to the victims and family members surveyed, the number of alleged perpetrators arrested was 7.8 percent.²

¹ *California Statewide Voter Survey – Report on Results*, Wallin Opinion Research, July 17, 2019.

² *Abuse of People with Disabilities: Victims and Their Families Speak Out*, Spectrum Institute Disability and Abuse Project, 2013

These shocking numbers are consistent with California research. One university study³ stated the problem starkly:

“Across a variety of studies, the officially reported violence against persons with disabilities is simply alarming (Petersilia 2001). Moreover, the evidence suggests that officially reported violence against people with disabilities and criminal victimization of people with disabilities more generally is merely the tip of the iceberg as most violence against people with disabilities goes unreported. Lack of reporting occurs for a variety of reasons, including that the criminal justice system cannot--or will not--serve those with disabilities. Therefore, it is entirely appropriate to refer to people with disabilities who are victimized as ‘invisible victims’ (Sorenson 1997). As such, they have historically and in the present day been systematically denied access to justice via the criminal justice system (Petersilia 2003; Tysla 1998).”

The same California report found “numerous challenges” including:

- “Quite often there is a failure to pursue cases perceived to lack a credible victim (i.e., a victim with certain kinds of disabilities).”
- “Cases are dropped due to mistakes that occur during the investigation process.”
- “Cases are not investigated due to concerns over jurisdictional issues.”
- “Care facilities often deal with these types of crimes internally and may not create a safer environment for the victims who are often revictimized by other clients.”

Our experience over many years is that these problems persist and, with the exploding population of older adults, the problems are getting worse. We believe a culture change in California law enforcement is necessary to reverse this escalation and better protect our older adults and people with disabilities, and that strong legislative action such as your bill proposes is necessary to bring about that change.

SB 1108:

- Mandates that all local law enforcement agencies adopt senior and disability victimization policies as spelled out in your SB 338, which passed the Legislature unanimously last year. Key provisions of this existing law include full, mandatory investigations of all reports of these crimes and mandatory arrests based on probable cause (with limited, reasonable exceptions), mandatory training of all officers, advanced training of specialists in every agency, and outreach to the senior and disability communities to encourage crime reporting and cooperation with law enforcement.
- Mandates that every county develop a cooperative, interdisciplinary agreement among law enforcement agencies, adult and child protective service agencies, and other responsible agencies, such as San Diego County has done.

³ *Crime Victims with Disabilities Specialists Program: A Report Prepared for the California Department of Mental Health, University of California Irvine and University of Connecticut, November 2003*

- Provides for accountability by requiring law enforcement agency reporting to the Department of Justice, the California Commission on Aging, and the state protection and advocacy agency (Disability Rights California) and requiring the Department of Justice to report to the Legislature and the public.
- Provides collection of reliable data on the problem, now sorely lacking, to guide future decision-makers and the public.

CARA is proud to sponsor SB 1108, and we look forward to working with you on its passage.

Sincerely,

A handwritten signature in cursive script that reads "Hene Kelly". The signature is written in black ink and is positioned to the left of the typed name.

Hene Kelly
Legislative Director
415-533-5244