Hate Crimes and Disability in America


Article Summary

Individuals with disabilities are much more susceptible to victimization due to personal and situational factors which foster isolation, dependence, and vulnerability. Studies have shown that the chance of being physically or sexually assaulted can be 4 to 10 times greater for individuals with developmental disabilities. Although certain theories of ethnocentrism suggest that negative attitudes toward members of another group are diminished with familiarity, this fails to hold true for those with disabilities who are often victimized by paid caretakers and/or family members. In those situations where the crime is brought to the attention of authorities, the diminished mental capacity of the victim may make it difficult to prosecute the case.

Disability was added to the list of protected categories when Congress reauthorized the Hate Crime Statistics Act in 1994. The FBI's Uniform Crimes Reporting Section began keeping data that is based on crimes against persons, property, or society, or crimes that are a multiple offense. Crime types are then divided into subcategories. Disability status was delineated into physical and mental. The authors studied the first years of data 1997-2001 from the FBI's Hate Crime Statistics (HCS) reports in order to compare violence targeted against individuals with disabilities as compared to those in the other protected groups based on race, ethnicity, religion, and sexual orientation. They also wanted to determine if the frequency of crime differed depending on disability status, physical vs. mental.

The data indicated that the risk of an individual with a disability being the victim of a hate crime was relatively rare, but the risk of being the victim of simple assault was proportionately greater than that for any of the other protected groups. There appeared to be little difference in frequency of hate crimes against individuals with physical and mental disabilities.

Data analysis indicated that race-based hate crimes occurred 350 times more often than disability-based hate crimes. This relative infrequency could be related to the incidence of reporting crimes by victims with disabilities or simply the relative newness of disability as a protected group. The authors suggested several reasons why victims with disabilities would be less likely to report crimes against them including lack of access to the criminal justice system as well as a possible fear of retribution from caretakers with whom they are familiar. Individuals with disabilities may, in fact, be more often the victims of crime. However, the crimes are not necessarily considered hate crimes unless it can be proven that the crime was based on bias toward them as symbols of a group.

The authors summarized with an admonition to rehabilitation counselors to help insure basic safety as a basic human need for individuals with disabilities. They also suggested future research to answer remaining questions regarding crime against individuals with disabilities.