

March 18, 2019

Dear Speaker Bosma, Senate President Bray, Representative Steuerwald and Representative Cook:

As leaders in Indiana's disability community, we are writing to urge your support of an effective, enforceable and comprehensive hate crimes law that includes people with disabilities in an enumerated list.

Crimes against people with disabilities motivated by hate are largely unreported as such because they manifest differently than hate crimes committed against other marginalized/minority groups. They are often mislabeled or identified as "abuse" or "neglect." As a result, these crimes often are not recognized as hate crimes by law enforcement and go unreported as such.

Crimes against people with disabilities have been called "the invisible hate crime." Why? Historically, people with disabilities were locked away in institutions or kept out of mainstream society. This created an idea that people with disabilities are "less than." In turn, hate crimes against people with disabilities have been minimized and called pranks or bullying instead of referring to them as what they are, hate crimes.

In his book *Disability Hate Crimes: Does Anyone Really Hate Disabled People?* the author, Mark Sherry, documents terrible crimes committed against people with disabilities. He writes of people being tipped out of their wheelchairs, beaten with their own prosthetics, kicked in the head, slashed in the face, attacked with a tire iron, run over, stripped of their clothing, burned with cigarettes, urinated upon, smeared with feces, poisoned, drowned, stomped on, set on fire, and more.

As reported by the FBI's 2017 Hate Crimes Statistics, hate crimes committed on the basis of disability increased from 70 reported incidents to 116 reported incidents between 2016 and 2017, a 65 percent increase in just one year. However, it is important to keep in mind that factors ranging from reporting protocols which vary from state to state, victims hesitating to report a crime to the police, not knowing how to report, or being physically unable to report impact these numbers. Including people with disabilities in an Indiana hate crimes law is an important step in recognizing and recording hate crimes committed against people with disabilities.

In the "Tacony Dungeon Case," uncovered in 2011, people with intellectual disabilities were kidnapped and held captive in order to steal their Social Security checks. For 10 years, the perpetrators isolated, confined, tortured, starved, drugged, stabbed, burned and beat their victims. Some were forced into prostitution. Some died. According to news reports, victims were so terrified they begged not to be set free for fear of being punished. The ringleader pled guilty to 196 federal counts, including federal hate crimes, and was sentenced to life in prison plus 80 years.

In our own state, Indiana Disability Rights was notified by an emergency room physician that a patient arrived at the ER with bruises and burns on his body, including his entire genital area. The patient reported his staff had caused his injuries and had threatened to throw him in the river if he told anyone. The patient also reported that he was forced to remove his clothing and stand in front of the air conditioner vent while the staff person poured ice water down his body. IDR was able to substantiate the allegations of verbal and physical abuse. While the staff members were arrested and charged with battery resulting in bodily injury of a disabled person, a level five felony, a hate crimes law would have allowed the judge discretion in his sentencing.

During the American eugenics' movement, estimates indicate as many as 70,000 Americans deemed "defective" were forcibly sterilized between 1907 and 1963. Sadly, Indiana became the "leader" in this movement in 1907 when the world's first eugenics law was passed by the Indiana General Assembly. Incredible, that law stayed on the books until 1974. Passing a hate crimes law that includes people with disabilities would in part recognize the states own history in the targeted abuse of people based solely on their disability.

We believe that a hate crimes law without an enumerated list of characteristics is not a functional hate crimes law. We ask that you add the enumerated list characteristics that received nearly unanimous Senate committee support and pass a hate crimes law that would allow judicial discretion in sentencing a person who commits a crime that targets a person because of his or her disability.

Sincerely,

Kim Dodson



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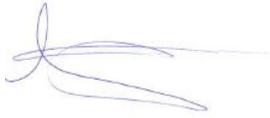
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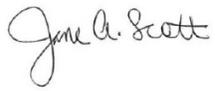
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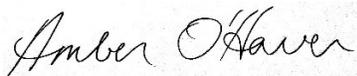
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